

**NEVADA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**FILE NOS:** Z16-001, DP15-006, AM14-001, MGT15-020, MGT16-001, MI15-020, EIS15-019

**APPLICANT/OWNER:** Raymond W. Byers, Trustee

**PROJECT REPRESENTATIVE:** Rob Wood, AICP, SCO Planning & Engineering

**HEARING DATE:** July 28, 2016

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**PROJECT:** Combined applications for 1) a Zoning Map Amendment (Z16-001) to remove the SP zoning district overlay on the property and its requirements for floodplain setbacks and water supply; 2) a Development Permit (DP15-006) to construct an 8,750-square-foot warehouse, a fire protection water storage tank, parking overflow areas, lighting, and landscaping; 3) a Map Amendment (AM14-001) for Parcel 2 of PM3/222 to resolve inaccuracies regarding the location of an onsite pond and ditch, remove required setbacks from those features, and move supplemental information regarding environmentally sensitive resources to a supplemental data sheet; 4) a Biological Resources Management Plan (MGT15-020) to reduce impacts from disturbance of the 100-foot non-disturbance buffer to South Fork Wolf Creek; 5) a Floodplain Management Plan (MGT16-001) to reduce impacts from encroachment into the 100-foot setback to the floodplain; and 6) a Petition for Exception (MI15-020) to reduce the standards for right-of-way width from 50 to 20 feet and roadway width from 20 to 15 feet, and eliminate the fuel modification requirement on the west side of Slow Poke Lane.

**LOCATION:** 11773 Slow Poke Lane, Grass Valley, off East Bennett Road, adjoining Empire Mine State Historic Park to the south and west, and South Fork Wolf Creek to the north

**ASSESSOR'S PARCEL NO.:** 09-320-25

**PROJECT PLANNER:** Jessica Hankins, Senior Planner

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<b>General Plan:</b>	IND	<b>Water:</b>	Well
<b>Region/Center:</b>	GV	<b>Sewage:</b>	Septic
<b>Zoning:</b>	MI-SP	<b>Fire:</b>	Ophir Hill FPD
<b>FEMA Panel:</b>	#0633, Zone X	<b>Schools:</b>	Union Hill/NUHS
<b>ZDM No.:</b>	52b	<b>Recreation:</b>	GV Park & Rec
<b>Project Area:</b>	2.98 acres	<b>Sup. Dist.:</b>	III
<b>Date Filed:</b>	11/6/2015 <b>Refiled</b> 1/15/2016	<b>Farmland:</b>	Other, Urban & Built-up
<b>Prev. File Nos.:</b>	ZV77-61, SP82-004, MSP8-008, ZV87-018, 89-113, 93-125		

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## **ATTACHMENTS:**

1. ~~Recommended Conditions of Approval and Mitigation Measures~~ see Att 6 to BOS Appeal Staff Report
- 4a 2. Initial Study/Mitigated Negative Declaration
3. ~~Vicinity, Zoning & Public Notice Map~~ see Att 2 to BOS Appeal Staff Report
4. ~~Draft Ordinance Amending Zoning District Map 052b~~ see BOS Rezone Staff Report
5. ~~Ordinance 1101 adopted by the Board of Supervisors on August 6, 1982~~ see BOS Rezone Staff Report
- 4b 6. Existing Parcel Map with proposed changes
7. ~~Site Plan~~ see Att 3 to BOS Appeal Staff Report
8. ~~Landscaping and Lighting Plan~~ see Att 3 to BOS Appeal Staff Report
- 4c 9. Sample Depictions of Proposed Warehouse Building
- 4d 10. Biological Resources Management Plan
- 4e 11. Floodplain Management Plan

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## **RECOMMENDATIONS:**

### Environmental Action:

- I. Adopt the Mitigated Negative Declaration (EIS15-019)

### Legislative Action:

- II. Recommend approval of the Zoning Map Amendment to the Board of Supervisors (Z16-001)

### Project Actions:

- III. Approve the proposed Biological Resources Management Plan (MGT15-020)
- IV. Approve the proposed Floodplain Management Plan (MGT16-001)
- V. Approve the proposed Petition for Exceptions to Road Standards (MI15-020)
- VI. Approve the proposed Map Amendment to Parcel 2 of PM3/222 (AM14-001)
- VII. Approve the proposed Development Permit (DP15-006)

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## **BACKGROUND:**

In 1982 the Planning Commission approved the use of the current project site for a contractor's maintenance and equipment storage yard, including the construction of a 2,400-square-foot metal building and fenced contractor's yard (SP82-004); immediately thereafter the Board of Supervisors approved the rezoning of the site from Residential Agricultural (RA) to Open Space (OS) and Light Industrial and Manufacturing (M1) with a Site Performance (SP) combining district. The site was developed with the approved uses in 1984 under permit number MSP84-008 and was used by P&H Construction (1984-1987), Jim Wood Trucking (1987-1991), and Ray Byers (1991-present) over the years. The current extent of disturbance was not originally permitted, but it is unknown as to when the expanded areas were disturbed, so the project baseline has been evaluated relative to its current condition.

**SITE DESCRIPTION:**

The proposed project would be located on a parcel that is currently developed with an existing office/storage facility, customer and fleet parking areas, and outdoor storage areas for the Byers business. The existing office/warehouse structure is a two-story structure with a 2,400 square-foot footprint, associated compacted gravel parking area, and outdoor storage facilities including multiple, stacked storage containers and loose storage. The Byers business provides land clearing and wildfire prevention services, and sells and installs several home improvement products, including Leafguard® gutters, roofing, solar systems, Solatube® skylights, and water harvesting systems. The number of employees working at and from the site as a base of operations ranges from 15 to 25, depending on current demand and the number of installers. Installers typically drive to the site, leave their personal vehicle, and pick up a company vehicle for installation jobs. Persons working regularly on this site typically number about 8 to 10.

The southern and eastern portions of the parcel consist of native slopes of mixed conifer-oak woodland. South Fork Wolf Creek traverses the northern boundary of the site. The northern and western areas of the site are largely developed with the Byers business use, which includes a parking lot, office, and landscaping. To the north, east, and southeast are residential uses which are zoned in the M1 (Light Industrial) district. Empire Mine State Historic Park land is located immediately west and south of the project on Open Space (OS)-zoned lands. Figure 1 below shows the general location of the project site, and Attachment 3 provides the zoning of the site and surrounding areas.

**Figure 1. Project Location**



The Grass Valley City limit line is located approximately ½ mile to the west of the site. The Byers business takes access from East Bennett Road, a public roadway; to Lava Rock Avenue, a private road; to Slow Poke Lane, a 15-foot-wide private road, over which the applicant has a 20-foot easement. Slow Poke serves two residential homes and Byers, and has an existing gravel road base of compacted asphalt chips.

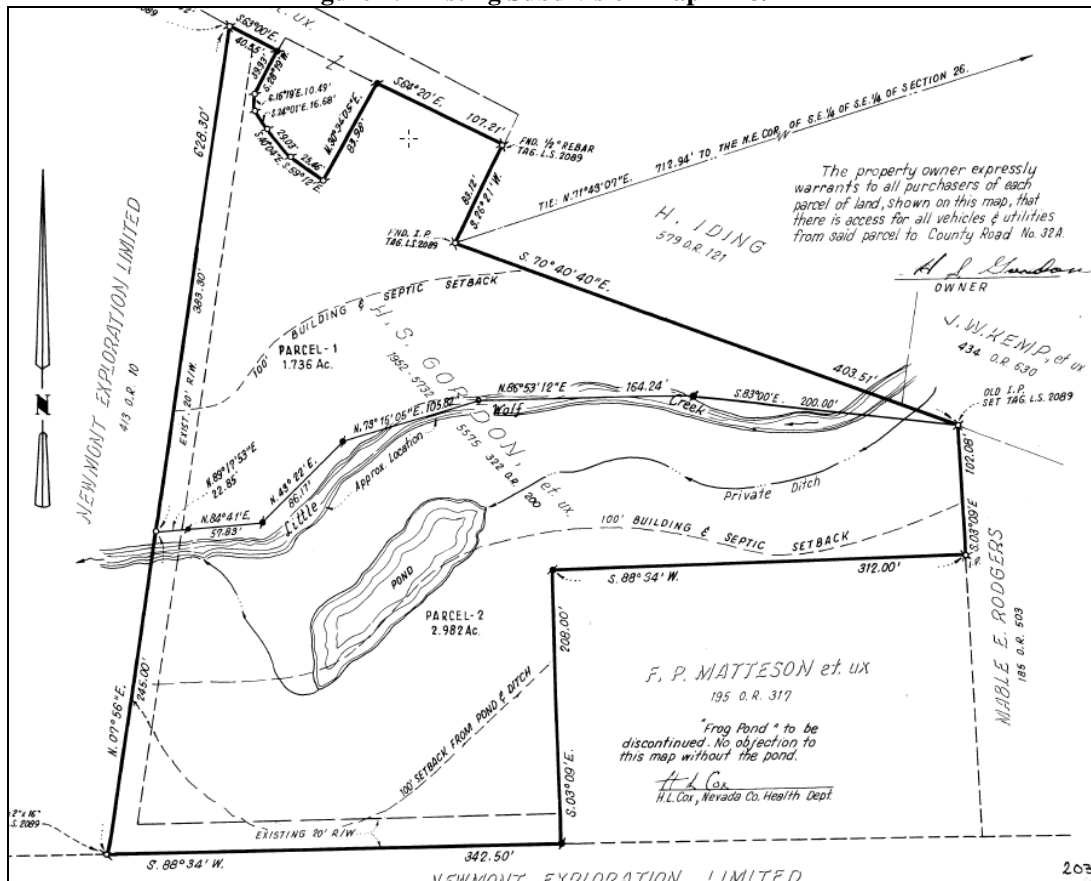
### **PROJECT DESCRIPTION:**

**Zoning Map Amendment (Z16-001):** A Zoning Map Amendment is proposed to remove the SP zoning district overlay on the property and its requirements for floodplain setbacks and public water supply (Attachment 4). Ordinance 1101 which implemented M1-SP and OS zoning for the subject property in 1982 established a 90-foot setback from the 100-year flood plain and the following notation: “There shall be no use that has water requirements in excess of what is identified in the present Site Plan without a public water supply which is adequate for domestic use and for fire flow purposes” (Attachment 5). During the zoning map updates implementing the 1995 General Plan update, the OS zoning was removed from the subject parcel and others along this section of South Fork Wolf Creek (Ordinance 1930). However, because the parcel still has the “SP” combining district, the SP note still applies. The proposed warehouse is within approximately 40 feet of the floodplain, and public water cannot feasibly be provided to the site. Before the proposed warehouse can be developed, the project therefore requires a Zoning Map Amendment to remove the SP district and attending notes on the property.

**Subdivision Map Amendment (AM14-001):** A Map Amendment is also proposed to resolve inaccuracies on the existing parcel map pertaining to the location of a pond and ditch, as well as to remove setbacks from those features and South Fork Wolf Creek on the map. As shown in Figure 2 below, the current parcel map that applies to the property, recorded as Book 03 Page 222, identifies a pond and private ditch on the property which are no longer in existence. The recorded map also shows setbacks that are no longer pertinent given the absence of the pond and ditch, and setbacks from South Fork Wolf Creek that are inappropriate for a recorded map as they are regulated and protected through the current Zoning Ordinance. The amended map would remove the features that no longer exist on the property and eliminate the setbacks from Parcel 2 on the recorded map given that Nevada County Land Use and Development Code, Sec. L-II 4.3.17 contains protections for aquatic features as well as provisions for development within the setbacks if avoidance is not possible. A new supplemental data sheet would be recorded with the amended map to show the environmentally sensitive areas on the property, consisting of the floodplain and creek and their setbacks (Attachment 6).



Figure 2: Existing Subdivision Map PM3/222



**Development Permit (DP15-006):** The primary permit driving the other applications associated with the overall project is a Development Permit to construct an 8,750 square-foot warehouse building, a water storage tank for fire protection purposes, parking overflow and outdoor storage areas for recycling and solid waste materials, lighting, and landscaping on the 3-acre Byers property. All of the construction and site improvements, with the exception of the 4,500 square-foot parking overflow and outdoor storage area, would be within existing graded areas. The purpose of the new warehouse building is to provide protected storage for materials that are currently being stored outside. Figure 3 shows the site plan for the project (also shown as Attachment 7).



Project construction includes 1,100 cubic yards of cut for the new parking overflow area east of the warehouse. With the exception of topsoil that would be stockpiled for reuse in slope revegetation, this material would be exported from the site.

**Biological Resources Management Plan (MGT15-020):** A management plan for aquatic resources is required to reduce impacts from the proposed building and parking lot improvements encroaching into the 100-foot non-disturbance buffer to Little Wolf Creek, pursuant to Land Use and Development Code (LUDC) Sec. L-II 4.3.17. The Drainage Analysis and Biological Resources Management Plan for the project both recommend the installation of an 18-inch-wide and 2-foot-deep gravel shoulder/infiltration trench at the northern boundary of the parking area. The trench is designed to accept and retain 0.5 inch of runoff, which is the “first flush” from the total impervious area. Condition B.8 requires the drainage analysis to be updated consistent with the current larger building proposal, to mitigate potential post-construction runoff and other drainage issues prior to project construction. The Biological Resources Management Plan recommends additional fencing along the creek to protect the creek from oil, grease, and debris conveyance during storm events, and this measure is required in Condition of Approval A.25.

**Floodplain Management Plan (MGT16-001):** The proposed warehouse, new fleet parking area, and other minor improvements to the parking lot are well outside the 100-year floodplain, but the warehouse is approximately 40 feet from the edge of the 100-year floodplain at its nearest point, within the 100-foot floodplain buffer. This encroachment requires a Floodplain Management Plan pursuant to LUDC Sec. L-II 4.3.10. The applicant has submitted a Floodplain Management Plan, stamped and certified by a licensed engineer, to reduce potential impacts to the floodplain and floodplain buffer. Condition of Approval B.9 requires implementation of the Floodplain Management Plan Measures which include routine maintenance of the infiltration trench to prevent sediment buildup and clogging.

**Petition for Exception (MI15-020):** A Petition for Exception is proposed to reduce right-of-way width standards (from 50 to 20 feet) and roadway width standards (from 20 to 15 feet), and to eliminate the fuel modification requirement on the west side of Slow Poke Lane.

### **PROJECT ANALYSIS:**

The following technical studies were submitted to the County for use in the preparation of the Mitigated Negative Declaration and as part of the project review. The documents are kept on file with the Planning Department and are available for review upon request.

- CalEEMod Version 2013.2.2. “Byers Warehouse Development Permit.” June 9, 2016.
- Glen Delisle. “Biological Report: Proposed Building on ‘Old Slow Poke Lake’ Near Little Wolf Creek, Grass Valley.” July 2014.
- Glen Delisle. “Management Plan: Byers Parcel and Setback from Little Wolf Creek, Grass Valley.” June 2015.
- SCO Planning & Engineering. “Management Plan [Floodplain] – Byers Leaf Guard.” December 16, 2015.

- SCO Planning & Engineering. “Drainage Analysis: Byers Leaf Guard.” December 16, 2015.

**Zoning Map Amendment (Z16-001):** Ordinance 1101 (shown in Attachment 5 to this staff report), which implemented M1-SP zoning for the subject property in 1982, established a 90-foot setback from the 100-year floodplain and the notation that the site could not be further developed without a public water supply. Public water cannot feasibly be extended to the site, nor is it reasonable to require such an extension of public water for the scope of the current project which is essentially a clean-up of the existing operations. Currently, however, there are Zoning Ordinance provisions in place to address encroachments into the 100-foot setback to the floodplain in LUDC Sec. L-II 4.3.10, as well as water supply requirements that are determined by statewide fire protection regulations and applied consistently to all projects.

To address the inconsistencies with existing County and State regulations in the SP notation, the Zoning Map Amendment would eliminate the SP district and revert the property to the basic M1 district. In place of the SP note, the project includes a Floodplain Management Plan to address the encroachment into the 100-foot floodplain setback. Management Plan measures shown in Conditions A.25 and B.8 and B.9 would ensure that there is no net increase in stormwater runoff from the site that could impact the floodplain, and measures are recommended to protect water quality within the floodplain such as the installation and maintenance of fencing and an infiltration trench along the northern boundary of the parking lot. To address fire protection water supply, the Fire Marshal’s Office recommends Condition of Approval D.1 to ensure that the project meets standards for storage of the appropriate amount of water on the site. With these mitigation measures and conditions in place, staff recommends that the Planning Commission recommend approval of the Zoning Map Amendment to the Board of Supervisors.

**Subdivision Map Amendment (AM14-001):** A Map Amendment to Parcel 2 of Book 03 at Page 222 is proposed to remove water features and setbacks that are no longer in existence. In addition, pursuant to current practice, the setback from South Fork Wolf Creek would also be removed from the map and shown instead on a simultaneously recorded supplemental data sheet, along with the floodplain and its setbacks. Nevada County Zoning Ordinance Sec. L-II 4.3.17 contains protections for aquatic features and floodplains as well as provisions for development within the setbacks if avoidance is not possible. The project applicant has therefore submitted Management Plans for aquatic resources and the 100-year floodplain, and measures from this Management Plan have been included in the attached conditions and mitigation measures. Condition of Approval A.22 requires an Erosion and Sedimentation Control Plan prior to construction. Condition of Approval A.23 would also help to reduce impacts associated with disturbance within the 100-foot non-disturbance buffer to Wolf Creek, including the permanent revegetation of all disturbed areas within 100 feet of South Fork Wolf Creek and maintaining the non-disturbance areas in a debris-free condition during project operation. Implementation of the Floodplain Management Plan is required in Condition of Approval B.8 which ensures the reduction of post-construction runoff to pre-project levels and Condition of Approval B.9 which includes routine maintenance of the infiltration trench to prevent sediment buildup and clogging. With these mitigation measures in place, staff recommends the approval of the Map Amendment.

**Development Permit:** The Development Permit for this project includes the construction of an 8,750 square-foot warehouse building, a water storage tank for fire protection purposes, parking overflow and outdoor storage areas for recycling and solid waste materials, lighting, and landscaping on a property currently in use as the Byers Leafguard and Solar warehouse and office site. All of the construction and site improvements, with the exception of the 4,500 square-foot parking overflow and outdoor storage area, would be within existing graded areas. The purpose of the new warehouse building is to store materials inside that are currently being stored outside.

Lighting: New wall-mounted lighting is proposed on the new warehouse building at 8 feet high. There is also an existing pole-mounted light on the property which is shielded and directed downward, and a building-mounted light that is not shielded or directed downward. All lighting, including existing and proposed lighting, would be required to meet County lighting standards to prevent off-site light trespass, including being shielded and downward-facing per LUDC Sec. L-II 4.2.8, as shown in Condition A.5. This condition will help maintain compatibility with surrounding residential uses.

Parking: Nevada County’s parking standards require a minimum of 30 parking spaces for the proposed project, as shown in the following breakdown:

**Table 1. Byers Parking Requirements**

Uses	Stall Requirements	Number Stalls Provided
8,750 sf warehouse	1 space/2,000 sf	5
2,400 sf general industrial (ex. lower level)	1 space/600 sf	4
2,400 sf office (ex. second level)	1 space/200 sf	12
9,000 sf outdoor use	1 space/1,000 sf	9
Total		30, plus 15 overflow stalls

The project applicant proposes 30 stalls, two of which are required to be ADA-accessible. Fifteen stalls are also proposed for fleet overflow parking. Based on County staff’s observations of the existing business operations on the site and the number of employees using the site as a base of operations, this overflow is needed to maintain adequate parking for the business on the site. Adequate parking is provided per the County’s parking standards, and the project is conditioned to provide this parking with Condition A.6.

Landscaping: The proposed project meets the landscaping standards of LUDC Sec. L-II 4.2.7, which require 45 square feet of landscaping for every parking stall (30 stalls x 45 square feet = 1,350 square feet). The project is proposing 1,846 square feet of parking lot landscaping and 1,900 square feet of street buffer landscaping. Exact amounts of street buffer landscaping, specific plant types, and irrigation requirements would be included in the Final Landscaping Plan, which included as Condition A.7. In addition, Condition of Approval A.23 would reduce impacts associated with re-contouring an existing slope by requiring the replanting of native vegetation rather than non-native annual grasses.

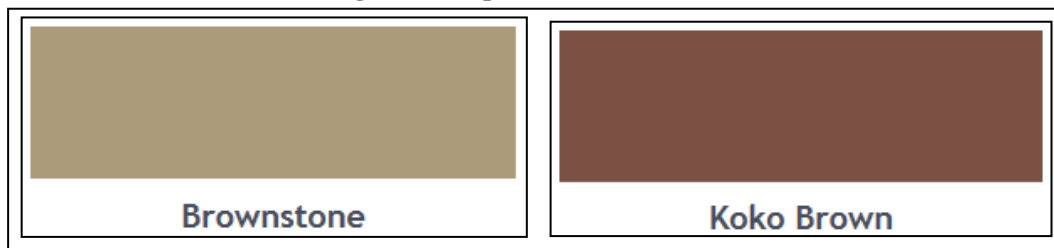
Open Space and Impervious Surface Coverage: The proposed project would result in approximately 44 percent of the site as open space and 3 percent of the site landscaped. The remaining 53 percent would be covered with impervious surfaces or effectively impervious

surfaces such as compacted gravel/asphalt chip parking lot surfacing and roof area. The project meets the open space standards in LUDC Sec. L-II 4.2.10, which requires 15 percent open space on Industrial-zoned parcels over one acre in size and allows up to 85 percent of the site as impervious surface. Therefore, this project meets the impervious surface coverage standard.

Outdoor Storage and Solid Waste and Recycling Areas: The nature of the Byers business results in the accumulation of used building materials such as roofing and gutters, much of which is recyclable and is recycled by Byers. Currently the business has solid waste and recycling bins that the company takes to the transfer station on a regular basis; however, some of the materials are also stored loosely on the site. Solid waste and recycling storage areas are required pursuant to LUDC Sec. 4.2.11 and 4.2.13 to be enclosed within a screened area from public view. Condition A.8 therefore requires for screening of solid waste and recycling storage areas from public view as well as protection of collected materials.

Warehouse Building Design: The warehouse building is proposed as a pre-fabricated, pre-painted metal structure with “brownstone” walls and “koko brown” trim and roof, as shown below.

**Figure 5: Proposed Warehouse Colors**



The Western Nevada County Design Guidelines encourage the integration of new buildings into the natural landscape and the existing built environment, and recommend the use of muted soft colors on large wall expanses. As the primary color on the warehouse building, “brownstone” is a soft, muted earth tone as recommended by the Design Guidelines. As shown in the photo below, the existing structure on the project site is a light beige. The “brownstone” base color for the proposed warehouse is a darker hue of the beige and is therefore generally consistent and harmonious with existing development on the site. The darker “koko brown” would be used for trim and roofing materials.



**Figure 6: Byers existing office and storage structure**



The manufacturer of the proposed building cannot provide elevations until the building is purchased. However, an example of the building type and style is shown below in Figure 7 (Attachment 9) as a symmetrical gable style building. Dimensions would be 22 feet high for the eave, 27 feet high for the roof peak, and 70 by 125 feet for the footprint, and the building would have three roll-up doors and three man doors. With the understanding that the building would not be visible from a public road but would be seen by neighboring properties, employees, and perhaps customers, some articulation of the warehouse is recommended. Articulation may include windows for natural light and awnings over entries to provide weather protection for employees, as well as any other features that would break up the massing of the proposed structure, as described in Condition A.10.

**Figure 7: Prototype of proposed warehouse building**



Other Site Development Standards: At its nearest point the proposed warehouse building would be 27 feet from the interior property lines. The interior yard setback for M1-zoned parcels is 0 feet. The proposed warehouse building height is 27 feet tall, while the height limitation is 45 feet.

The project therefore meets the development standards for building height and setbacks. No new signage is proposed.

Unpermitted Structures: It appears from a review of the original permit for the property (SP82-004) that a portion of the proposed warehouse footprint was permitted as a contractor's equipment yard; however, it does not appear that storage containers were included in that permit approval. It is unclear from records available to County staff whether the existing storage containers on the site, which now require building permits, needed permits at the time of installation. Staff therefore recommends Condition of Approval A.12 requiring evidence to the satisfaction of the Building Department that the storage containers are appropriately permitted or grandfathered.

Fire Protection: The construction of an additional 8,750-square-foot warehouse building will result in the need for additional water storage on the site, a new draft hydrant, two new turnouts on Slow Poke Lane, and a monitored smoke detection system in the new warehouse. These items and other requirements of the Fire Marshal's Office are included as Conditions of Approval D.1 through D.9.

Traffic: During project construction the project would result in the export of approximately 1,100 cubic yards of soil, which translates to approximately 110 truck trips. To reduce potential conflicts with existing traffic flow on East Bennett and surrounding roadways, and to minimize conflicts with residential users of Lava Rock Avenue and Slow Poke Lane, truck trips related soil export would be limited to non-peak traffic hours (9 a.m. to 4 p.m.), Monday through Friday.

The project is not anticipated to generate any substantial amount of additional operational traffic beyond current trips generated by the site due to the nature of the proposal, which is a warehouse building that would store materials indoors that are currently already being stored outdoors on the site. Because the project would not increase capacity for materials but would simply move materials already stored onsite into the proposed warehouse, the project would not degrade the Level of Service (LOS) of East Bennett Road, which is currently operating at LOS A with 1,917 average daily trips (ADT) (versus 5,700 ADT needed to reach LOS B). However, because the storage containers currently on the site may not have been permitted, traffic mitigation fees may be required for a portion of all of the area used by the containers, as shown in Condition of Approval B.3.

Airport Compatibility: The project is within Airport Land Use Compatibility Zone D, "Traffic Pattern Zone," with an Urban Overlay. There is no density limitation for non-residential uses in this compatibility zone. Prohibited uses in this zone include highly noise sensitive uses and hazards to flight, such as tall structures and visual and electronic forms of interference. The proposed structure would be approximately 2,500 feet in elevation, which is under the threshold of 3,207 feet elevation required for Nevada County Airport Land Use Commission review. An overflight notice is required to be recorded for projects in this zone, and this requirement is included as Condition of Approval A.11 to provide protections for the airport use and for people residing, working, or operating a business in Zone D.

**Biological Resources Management Plan:** A management plan for aquatic resources is required to reduce impacts from the proposed building and parking lot improvements encroaching into the 100-foot non-disturbance buffer to Little Wolf Creek pursuant to LUDC Sec. L-II 4.3.17. The Drainage Analysis and Biological Resources Management Plan for the project both recommend the installation of an 18-inch-wide and 2-foot-deep gravel shoulder/infiltration trench at the northern boundary of the parking area. The trench is designed to accept and retain 0.5 inch of runoff, which is the “first flush” from the total impervious area. The Biological Resources Management Plan recommends additional fencing along the creek to protect the creek from oil, grease, and debris conveyance during storm events, and this measure is required in Condition of Approval A.25. Condition of Approval B.8 requires the drainage analysis to be updated consistent with the current larger building proposal, to mitigate potential post-construction runoff and other drainage issues prior to project construction. Staff recommends approval of the Biological Resources Management Plan because measures have been taken into the overall project design to reduce these biological resource impacts to the furthest extent possible, and avoidance of the 100-foot setback is infeasible due to the configuration of the parcel with its long boundary running along the creek, as well as the topography which rises rapidly to the south.

**Floodplain Management Plan:** The proposed warehouse, new fleet parking area, and other minor improvements to the parking lot are well outside the 100-year floodplain. However, the warehouse is approximately 40 feet from the edge of the 100-year floodplain, well within the 100-foot floodplain buffer. The applicant has submitted a Floodplain Management Plan pursuant to LUDC Sec. L-II 4.3.10 for this encroachment, stamped and certified by a licensed engineer, to reduce any potential project impacts to the floodplain and floodplain buffer. Implementation of the Floodplain Management Plan is required in Condition of Approval B.8 which ensures the reduction of post-construction runoff to pre-project levels and Condition of Approval B.9 which includes routine maintenance of the infiltration trench to prevent sediment buildup and clogging. The project would not result in any fill or alteration of the floodplain, but the proposed development does have the potential to slightly increase the amount of storm water runoff into the creek. Findings can be made to support the approval of the Biological Management Plan in that avoidance of the floodplain is impractical due to the parcel configuration and topography, and because measures have been taken into the overall project design to reduce impacts to the floodplain to the furthest extent possible. These findings are consistent with the standards set forth in Section L-II 4.3.3.B of the LUDC.

**Petition for Exception:** A Petition for Exception (MI15-020) to the Road Standards set forth in LUDC Sec. L-XVII 3.4 is proposed to reduce right-of-way width standards from 50 to 20 feet, reduce roadway width standards from 20 to 15 feet, and eliminate the fuel modification requirement on the west side of Slow Poke Lane. The current easement on Slow Poke Lane is 20 feet wide and properties along Slow Poke are currently built out, so additional easement width is not feasible along this roadway.

The roadway width standard for a Fire Standard Access Road is 18 feet wide with 1-foot shoulders, a total of 20 feet wide. The existing roadway prism is approximately 15 to 16 feet, and cannot be extended further without breaching the easement to the east and the State property line

to the west. At the South Fork Wolf Creek crossing, widening the crossing would be infeasible for the same reasons and would result in additional environmental impacts.

The standard fuel modification requirement of 10 feet along both sides of the roadway is also infeasible due to the fact that the applicant does not control the properties along the offsite portions of the roadway. Fuels have already been cleared on the east side of Slow Poke, and the applicant does not have permission from the State to clear fuels on the west side of Slow Poke. The applicant is therefore requesting an exception for the clearing requirement on the west side of Slow Poke.

Slow Poke has been improved to the maximum extent possible within the limits of the easement. In addition, preservation of the access is necessary to maintain the substantial property rights of the Byers business which has operated at the current location for approximately 25 years. Given that the proposed warehouse structure will not add additional traffic to the roadways and for the other reasons cited above, Public Works and Fire Marshal's Office staff recommend approval of the Petition for Exceptions.

#### **GENERAL PLAN AND ZONING CONSISTENCY:**

The project site is designated Industrial (IND) on the General Plan Land Use Map and is within the M1-SP zoning district. The primary purpose of the Industrial land use designation and M1 zoning district is to allow for the production, repairing, distribution, and warehousing of goods and equipment. The project would also meet the site development standards as provided for in Table L-II 2.5.D of LUDC Section L-II 2.5, including for setbacks, building height, and impervious surface coverage. The Byers business has been located on the subject parcel for approximately 25 years, and the site has been in use as a light industrial site and contractor's equipment yard since approximately 1982. Thus, although surrounding properties are developed with residential uses, the Byers businesses has been operating in a compatible manner with surrounding land uses for many years.

The project furthers several of the goals and policies of the County's General Plan which are outlined below:

#### **Land Use Element Policies:**

- Policy 1.1.3, which encourages growth in Community Regions, in which the project is located, to provide compact areas of development that can be served most efficiently with urban services and facilities;
- Policy 1.4.2 and 1.5.2, which encourages development within Community Regions that is consistent with overall rural quality of life in the County and provision of open space, and protects environmentally sensitive land, all of which are accomplished through application of the Comprehensive Site Design Standards and Management Plan provisions to this project;
- Policy 1.5.4, which prohibits the approval of a discretionary project if it cannot be demonstrated that the project meets the intent of the performance criteria in the Comprehensive Site Development Standards. This project meets the performance criteria

with the implementation of the mitigation measures and conditions of approval required as part of the Biological Resources and Floodplain Management Plans;

- Policy 1.7.9, which prohibits commercially operated facilities for storage of goods, equipment, etc. in any area except those designated for commercial or industrial uses. This proposed warehouse project is within an Industrial land use designation and therefore complies with this policy; and
- Goal 1.8, which supports coordinating with the cities in land use planning and development within their spheres of influence. The proposed project is within the Grass Valley sphere of influence and the project was distributed to the City of Grass Valley for their review and comment. Their comments were minimal and related only to the fire protection and drainage, which are under the purview of the Nevada County Fire Marshal's Office and the Nevada County Department of Public Works, respectively. However, the intent of the comments received from these outside agencies was considered and generally incorporated into the project recommendations.

**Public Facilities and Services Element Policies:**

- Policy 3.19A, which requires that onsite stormwater runoff resulting from a proposed development project does not increase over pre-project levels following construction, which is a condition of approval for the project.

**Circulation Element Programs and Policies:**

- Policy LU-4.1.2, which establishes Level of Service (LOS) D as the acceptable LOS for community regions, with which this project is compliant;
- Program LU-4.1.4, which requires the payment of Traffic Mitigation fees, which this project is required to pay; and
- Goal EP-4.3, which requires encouragement to reduce greenhouse gas emissions to the extent feasible during the design phase of construction projects which has been achieved via conditions of approval and mitigation measures.

**Open Space Element Goals & Policies:**

- Policy 6.9, which requires Comprehensive Site Development Standards to be used in project review of all discretionary project permits to determine open space requirements for each project which was done as part of the project review.

**Safety Element Policies:**

- Policy FP-10.8.11, which includes development standards related to water supply to reduce hazards associated with the structural/wildland interface. This project complies with this policy because it would be conditioned to provide adequate water supply as well as an additional draft hydrant;
- Policies FP-10.11.1 and 2, which include additional defensible space specifications. This project is conditioned to comply with those standards and implement defensible space policies;
- Policy GH-10.2.1, which requires new construction to meet current structural and safety standards which will be required of the project during the building permit approval process;

- Policy GH-10.2.1.3, which requires California Building Code compliance, particularly with regard to seismic design which will be required of the project during building permit approval; and
- Policy FH-10.3.2, which directs the County to avoid potential increases in downstream flooding through project site plan review and the application of the County's Comprehensive Site Development standards. This project will adhere to this policy with the submittal of a drainage report that requires no-net increase in storm water runoff from the site.

**Water Element Policy:**

- Policy 11.6A, which requires that new development minimize the discharge of pollutants into surface water drainages. The project would be held to this standard through the application of the project-specific conditions of approval and mitigation measures, the County's Grading Ordinance and the design of the onsite drainage facilities.

**Soils Element Policy:**

- Objective 12.1, which seeks to minimize earth movement and disturbance which this project does through use of an existing graded area to the maximum extent possible as well as use of the existing parking lot; and
- Policy 12.4, which requires that discretionary projects implement erosion control measures. This would be accomplished through the application of the County's Grading Ordinance and by specific mitigation measures that have been applied to the project.

**Wildlife and Vegetation Element Objective and Policy:**

- Policy 13.1, which requires sensitive environmental features to be retained as non-disturbance areas through clustered development. This project is avoiding all sensitive resources where feasible; and
- Policy 13.2A, which requires a site-specific biological inventory for new discretionary development, and the results and recommendations of the study incorporated into project conditions, with which this project complies.

**Air Quality Element Policy:**

- Policy 14.1, which encourages the County to cooperate with the Air Quality Management District during the review of development proposals to address cumulative and long-term air quality impacts. This project is consistent with this policy as the County has consulted with the Northern Sierra Air Quality Management District (NSAQMD) and has incorporated specific mitigation into the project's environmental document based on the consultation comments provided to the County by NSAQMD.

With the adherence to proposed conditions of approval and mitigation measures, the project is compliant with both the County General Plan and Zoning Regulations.

**ENVIRONMENTAL REVIEW:** The Planning Department prepared a draft Initial Study and Mitigated Negative Declaration (IS/MND) (Attachment 2) for the proposed project which was circulated for public distribution for a period of 30 days through the State Clearinghouse, from



June 10 to July 11, 2016. Other than a standard form letter received on all projects from the Regional Water Quality Control Board which details the various permitting processes required by their agency, no comments have been received to date. The Initial Study identified typical construction-related impacts associated with this project to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, and utilities and service systems. Additional impacts related specifically to this project include impacts to South Fork Wolf Creek and the 100-year floodplain, as well as potential impacts from soil export. These measures would be mitigated by management plan measures that would address erosion and sedimentation into South Fork Wolf Creek during construction, revegetation of disturbed areas and maintenance of the project site during operations in a debris-free condition to prevent impacts to the creek, and installation of fencing and an infiltration trench along the northern boundary of the parking area to prevent impacts to South Fork Wolf Creek during project operation. The timing and duration of soil export would also be controlled and limited to non-peak traffic hours to reduce traffic impacts on East Bennett and surrounding roadways. With the incorporation of the recommended mitigation measures addressing all of the potentially significant impacts, the project can be processed using a Mitigated Negative Declaration.

**SUMMARY:**

The proposed project would result in the construction of an 8,750 square-foot warehouse building, a water storage tank for fire protection purposes, parking overflow and outdoor storage areas for recycling and solid waste materials, lighting, and landscaping on a 3-acre property currently in use as the Byers Leafguard and Solar warehouse and office site. All of the construction and site improvements, with the exception of the 4,500 square-foot parking overflow and outdoor storage area, would be within existing graded areas. The project would be served by a private well and existing onsite septic systems, and no secondary access is required. The proposed warehouse is intended only for the storage of building materials and would not include a restroom or result in additional capacity needed for sewage disposal. While the project would encroach into the 100-foot setback for the 100-year floodplain and South Fork Wolf Creek, the recommended conditions of approval and mitigation measures, which are based on the management plans prepared for the project, would reduce impacts to the greatest extent feasible. With the Subdivision Map Amendment and Zoning Map Amendment, the proposed project will conform to all of the applicable development standards set forth in the LUDC. The Petition for Exceptions is also supportable given the limited scope of the current project and the unique circumstances applying to the site's access. The project has been reviewed by multiple agencies and each of those commenting agencies supports the proposal with the attached Conditions of Approval. Staff therefore recommends approval of the project.

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**RECOMMENDATION:**

Staff recommends the Planning Commission take the following actions:

**Environmental Actions:**

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS15-019) with Mitigation Measures as shown in Attachment 1, adopt the proposed Mitigated

Negative Declaration, making Findings A through C pursuant to Section 15074 of the California Environmental Quality Act Guidelines:

- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;
- B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and
- C. 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.

**Legislative Actions:**

- II. Recommend the Nevada County Board of Supervisors amend Zoning District Map 052b (Z16-001), removing the “SP” combining district and repealing its associated notes as previously adopted under Ordinance No. 1101, which include a 90-foot setback from the high water mark of the 100-year flood plain of South Fork Wolf Creek and public water connection for domestic and fire flow water supply for any use requiring water in excess of the previously approved plan for the site (SP82-004). In doing so, the Commission recommends that the Board of Supervisors makes the findings found in the attached Ordinance Amending Zoning District Map 052b (Attachment 4).

**Entitlement Actions:**

- III. Approve the Biological Resources Management Plan (MGT15-020), subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, or as may be modified at hearing, making Findings A and B pursuant to Nevada County Land Use and Development Code Section L-II 4.3.3.B:
  - A. That issuance of the Management Plan is consistent with the provisions of Section 4.3. Resource Standards of the Nevada County Land Use and Development Code, in that encroachment into watercourse setbacks is necessary due to parcel configuration and site topography; and
  - B. That minimization has been attained through the incorporation of mitigation measures identified by Glenn Delisle in the Management Plan dated June 2015.
- IV. Approve the Floodplain Management Plan (MGT16-001) for encroachment into the 100-foot setback to the floodplain, subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, or as may be modified at hearing, making Findings A and B pursuant to Nevada County Land Use and Development Code Section L-II 4.3.3.B:

- A. That issuance of the Management Plan is consistent with the provisions of Section 4.3. Resource Standards of the Nevada County Land Use and Development Code, in that encroachment into watercourse setbacks is necessary due to parcel configuration and site topography; and
  - B. That minimization has been attained through the incorporation of mitigation measures identified by SCO Planning & Engineering in the Management Plan dated December 16, 2015.
- V. Approve the Petition for Exceptions (MI15-020) subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, or as may be modified at the public hearing, making findings A through D pursuant to Nevada County Land Use and Development Code Sections L-IV 2.4 and 2.6 and L-XVII 3.12, and California Government Code Sec. 66474:
- A. That there are special circumstances or conditions affecting said property; and
  - B. That the Petition for Exceptions to road standards is necessary for the preservation of a substantial property right of the petitioner; and
  - C. That the granting of the Petition for Exceptions to road standards will not be detrimental or injurious to other property in the territory in which said property is located; and
  - D. That the granting of the Petition for Exceptions to road standards will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.
- VI. Approve the Map Amendment (AM14-001) subject to the Recording of an Amended Map or Certificate of Correction for Parcel 2 of PM3/222, pursuant to the Conditions of Approval and Mitigation Measures shown in Attachment 1, or as may be modified at hearing, making Findings A through G pursuant to Land Use and Development Code Section L-IV 2.18.D:
- A. That the amended map is consistent with the Nevada County Land Use and Development Code Section L-II 4.3.10 which identifies setbacks applicable to water features;
  - B. That the requested change will have a cumulatively minor impact on the subdivision and its impacts in that provisions are currently in place for managing resources and mitigating any potential impacts to resources;
  - C. That the map, as amended, conforms to the provisions of Government Code Section 66474;

- D. That the requested change will not affect any of the other findings for approval required by the Nevada County Subdivision Ordinance;
  - E. That there are changes in the circumstances which make the conditions sought to be changed no longer appropriate or necessary as the pond and ditch previously identified in Book 3 of Subdivision Maps at Page 222 no longer exist;
  - F. That the modifications do not impose any additional burden on the present fee owner of the property; and
  - G. That the modifications do not alter any right, title, or interest in the real property reflected on the map recorded as Parcel 2 in Book 3 of Subdivision Maps at Page 222.
- VII. Approve the Development Permit application (DP15-006) to allow for the construction of an 8,750-square-foot warehouse, a fire protection water storage tank, parking overflow areas, lighting, and landscaping, subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, or as may be modified at the public hearing, making Findings A through L pursuant to Nevada County Land Use and Development Code Section L-II 5.6.G and 5.5.2.C:
- A. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Industrial General Plan land use map designation applicable to this project site;
  - B. The proposed use is allowed within and is consistent with the purpose of the M1 zoning district within which the project is located, which allows light industrial uses with an approved development permit;
  - C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources;
  - D. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards;
  - E. That East Bennett Road, a County-maintained road; Lava Rock Avenue, a private road; and Slow Poke Lane, a private road, are adequate in size, width, and pavement type to carry the quantity and kinds of traffic generated by this project in that the project, which involves the construction of a warehouse building to store materials already being stored onsite, would not generate additional traffic;

- F. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area;
- G. Adequate provisions exist for water and sanitation for the proposed use;
- H. Adequate provisions exist for emergency access to the site;
- I. That this development permit, proposing a warehouse building for an existing light industrial use, is consistent with the intent of the design goals, standards, and provisions of the Nevada County Zoning Ordinance;
- J. That based on the comments received and conditions applied from the Nevada County Departments of Building, Public Works, Planning, and Environmental Health; Northern Sierra Air Quality Management District; and the Nevada County Fire Marshal's Office, adequate public services exist in the immediate area to support the project, including adequate public roads, public utilities, and fire protection services;
- K. All feasible mitigation measures have been imposed upon the project to offset the impacts this project may have on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and circulation, and utilities and service systems; and
- L. That the conditions listed are the minimum necessary to protect the public's health, safety and general welfare.

Respectfully submitted,

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BRIAN FOSS  
Planning Director

**NEVADA COUNTY, CALIFORNIA**  
**INITIAL STUDY**

**To:**

<ul style="list-style-type: none"> <li>*Building Department</li> <li>*Department of Public Works</li> <li>*Native American Heritage Comm</li> <li>*CA Dept of Parks &amp; Recreation – Dan Lubin</li> <li>*City of Grass Valley</li> <li>*AT&amp;T</li> <li>*PG&amp;E</li> <li>*CNPS Redbud Chapter</li> <li>*Wolf Creek Community Alliance</li> <li>*Dan Miller, District III Supervisor</li> <li>*Principal Planner</li> <li>*United Auburn Indian Community</li> <li>*Washoe Tribe of Nevada and California</li> <li>* Note: NOA and site plan only with website link to Initial Study and technical studies</li> </ul>	<ul style="list-style-type: none"> <li>*Central Valley Regional Water Board</li> <li>*CA Fish &amp; Wildlife</li> <li>*Department of Water Resources</li> <li>*Environmental Health Department</li> <li>*Transit Services</li> <li>*Nevada County Trans Commission</li> <li>*Ophir Hill Fire District</li> <li>*Nevada County RCD</li> <li>*Northern Sierra Air Quality Mgmt District</li> <li>*Nevada County Fire Protection Planner</li> <li>State Clearinghouse</li> <li>County Counsel</li> </ul>
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**Date:** June 9, 2016

**Project Title:** Byers Warehouse Development Permit

**File Number(s):** Z16-001, DP15-006, MGT15-020, MGT16-001, AM14-001, MI15-020, EIS15-019

**Project Location:** 11773 Slow Poke Lane, Grass Valley, off East Bennett Road, adjoining Empire Mine State Historic Park to the south and west, and South Fork Wolf Creek to the north

**Assessor's Parcel Numbers:** 09-320-25

**Project Site Size:** 2.98 acres

**Prepared by:** Jessica Hankins, Senior Planner  
Nevada County Planning Department  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
(530) 265-1254  
Email: Jessica.Hankins@co.nevada.ca.us

**Applicant/Owner:** Raymond W. Byers, Trustee  
11773 Slow Poke Lane  
Grass Valley, 95945  
(530) 272-8272

**Representative:** Rob Wood, AICP  
SCO Planning & Engineering, Inc.  
140 Litton Drive, Suite 140  
Grass Valley, CA 95945

**Zoning District(s):** Light Industrial-Site Performance (M1-SP)

**General Plan Designation:** Industrial (IND)

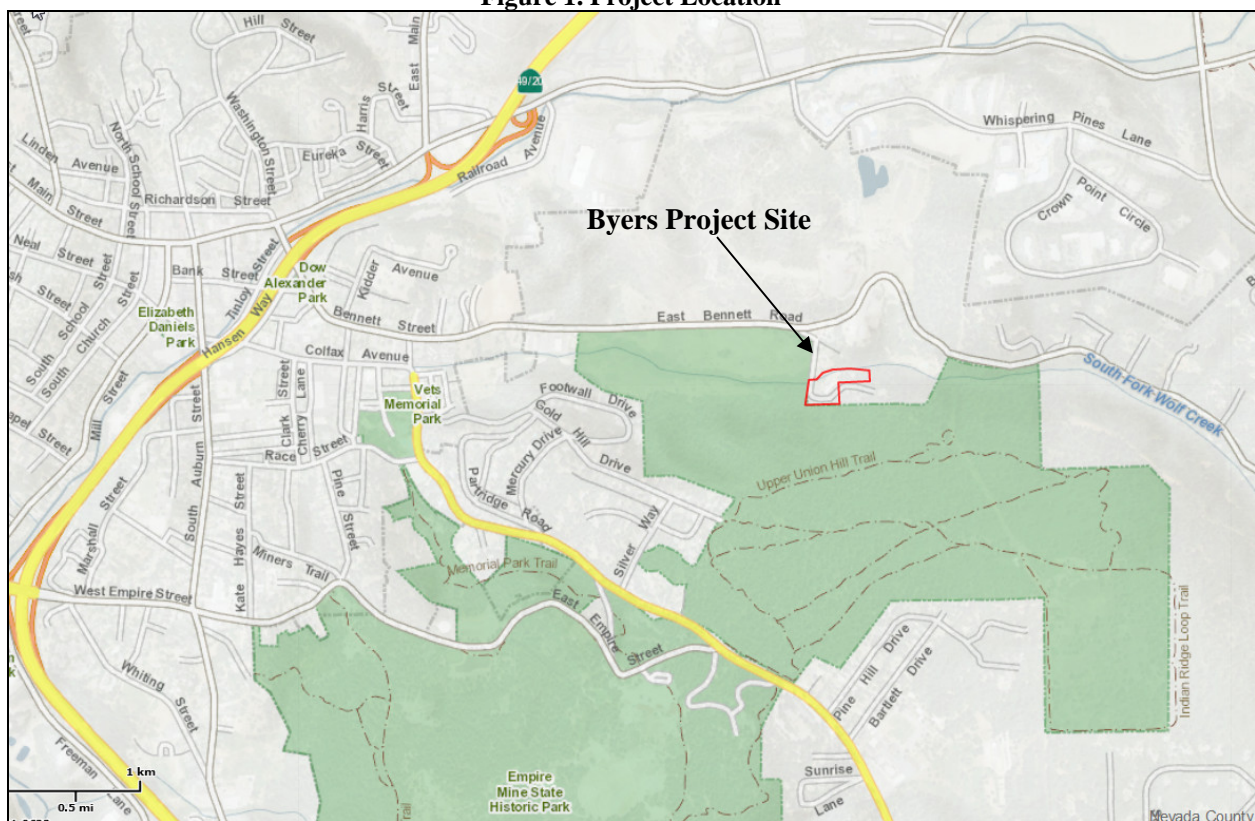
**Project Location and Surrounding Uses:** The proposed project would be located on a parcel that is currently developed with an existing office/storage facility, customer and fleet parking areas, and outdoor storage areas for the Byers business. The existing office/warehouse structure is a two-story structure with a 2,400 square-foot footprint, associated compacted gravel parking area, and outdoor storage facilities including multiple, stacked storage containers and loose storage. The Byers business provides land



clearing and wildfire prevention services, and sells and installs several home improvement products, including Leafguard® gutters, roofing, solar systems, Solatube® skylights, and water harvesting systems. The number of employees working at and from the site as a base of operations ranges from 15 to 25, depending on current demand and the number of installers. Installers typically drive to the site, leave their personal vehicle, and pick up a company vehicle for installation jobs. Persons working regularly on this site typically number about 8 to 10.

The southern and eastern portions of the parcel consist of native slopes of mixed conifer-oak woodland. South Fork Wolf Creek traverses the northern boundary of the site. The northern and western areas of the site are largely developed with the Byers business use, which includes a parking lot, office, and landscaping. To the north, east, and southeast are residential uses which are zoned in the M1 (Light Industrial) district. Empire Mine State Historic Park land is located immediately west and south of the project on Open Space (OS)-zoned lands. Figure 1 below shows the general location of the project site.

**Figure 1. Project Location**

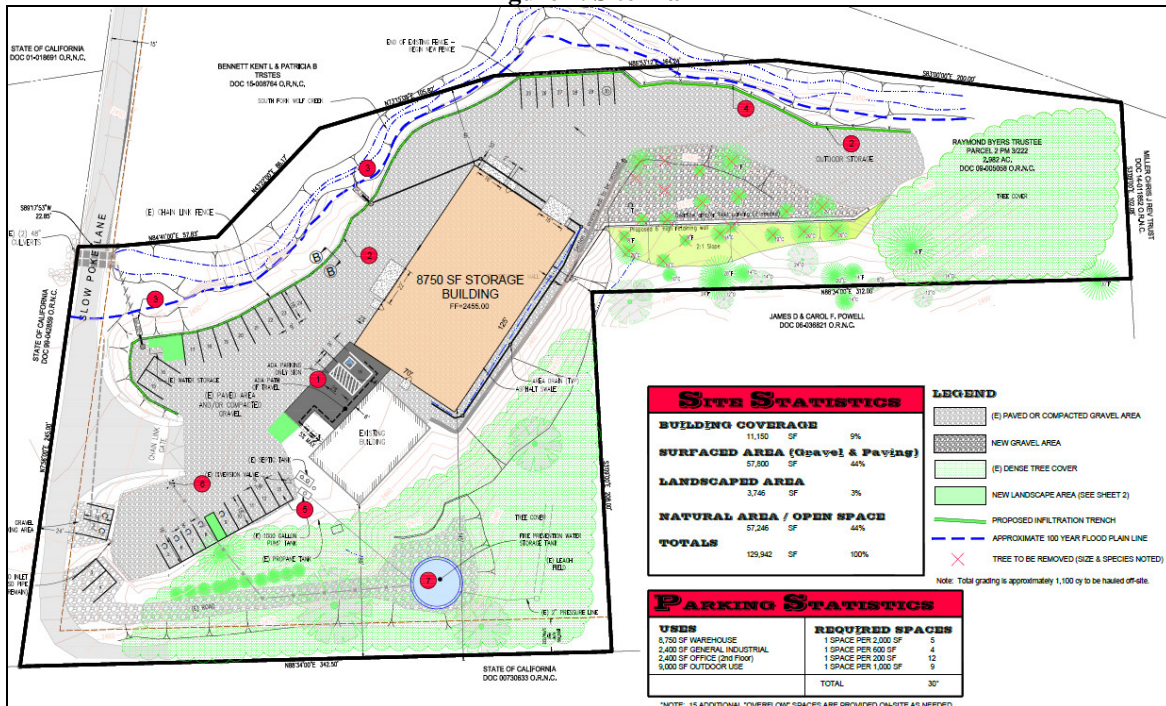


The Grass Valley City limit line is located approximately ½ mile to the west of the site. The Byers business takes access from East Bennett Road, a public roadway; to Lava Rock Avenue, a private road; to Slow Poke Lane, a 15-foot-wide private road, over which the applicant has an existing 20-foot easement. Slow Poke serves two residential homes and Byers, and has an existing gravel road base of compacted asphalt chips.

**Project Description:** The project includes several permits, with the primary permit being a Development Permit (DP15-006) to construct an 8,750 square-foot warehouse building, a water storage tank for fire protection purposes, parking overflow and outdoor storage areas for recycling and solid waste materials, lighting, and landscaping on a 3-acre property currently in use as the Byers Leafguard and Solar warehouse and office site. All of the construction and site improvements, with the exception of the 4,500 square-foot parking overflow and outdoor storage area, would be within existing graded areas. The

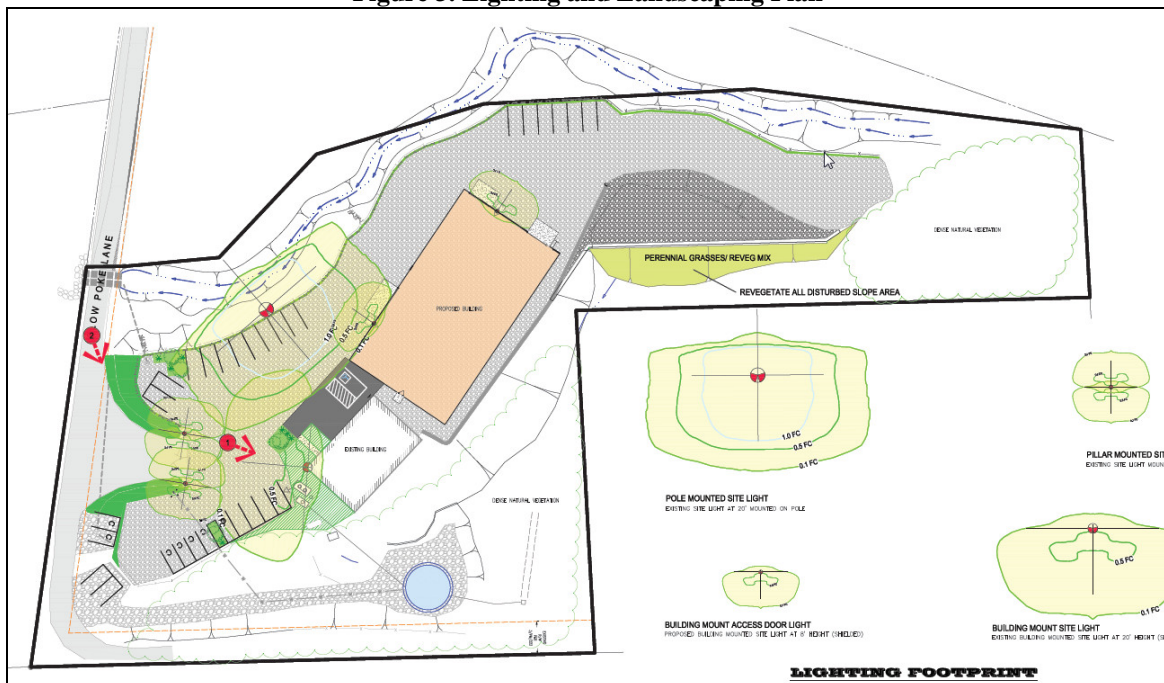
purpose of the new warehouse building is to store materials inside that are currently being stored outside. Figure 2 shows the site plan for the project (also shown enlarged at the end of this document).

**Figure 2. Site Plan**



Lighting is proposed on the new warehouse building, and a few small areas of additional parking lot landscaping are also proposed, as shown in Figure 3 below (also shown enlarged at the end of this document).

**Figure 3. Lighting and Landscaping Plan**



Project construction includes 1,100 cubic yards of cut for the new parking overflow area east of the warehouse. With the exception of topsoil that would be stockpiled for reuse in slope revegetation, this material would be off-hauled from the site. Also proposed are a Floodplain Management Plan (MGT16-001) to reduce impacts from the proposed building and parking lot improvements encroaching into the 100-foot setback to the floodplain; a Biological Resources Management Plan (MGT15-020) to reduce impacts from the proposed building and parking lot improvements encroaching into the 100-foot non-disturbance buffer to Little Wolf Creek; a Petition for Exception (MI15-020) to reduce right-of-way width standards (from 50 to 20 feet) and roadway width standards (from 20 to 15 feet), and to eliminate the fuel modification requirement on the east side of Slow Poke Lane; a Map Amendment (AM14-001) to resolve inaccuracies on the existing parcel map pertaining to the location of and setback from South Fork Wolf Creek and associated pond; and a Zoning Map Amendment (Z16-001) to remove the SP zoning district overlay on the property and its requirements for floodplain setbacks and public water supply.

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

1. Grading and building permits – Nevada County Building Dept.
2. County road encroachment permit – Nevada County Public Works Dept.
3. Operations permits - Northern Sierra Air Quality Management District

**Relationship to Other Projects:** There is no direct relationship to any other project currently proposed in this area or by this applicant.

### SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

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

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



### Impacts and Recommended Mitigation Measures:

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

**Mitigation Measure 3A: Implement dust control measures.** Prior to the approval of any grading and building permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the NSAQMD, 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 a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
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.
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 and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Measure 3B: Use alternative methods to open burning for vegetation disposal.**

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. This measure shall be included as a note on all grading and improvement plans and shall be included in project bidding documents.

**Timing:** *Prior to issuance of grading and improvement permits and during construction activities*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Measure 3C: Use grid power during construction.** Pursuant to NSAQMD mitigation for Level A projects, grid power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction. This mitigation shall be included as a note on all grading, improvement, and building permits.

**Timing:** *Prior to issuance of grading, improvement, and building permits*

**Reporting:** *Approval of grading, improvement, and building permits*

**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 NSAQMD 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 and improvement permits and during grading*

**Reporting:** *Approval of grading and improvement permits*

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

4. **BIOLOGICAL RESOURCES:** To offset the potential impacts to biological resources associated with the project construction, the following mitigation measures shall be required:

**Mitigation Measure 4A: Avoid impacts to nesting raptors and migratory birds.** The following measures shall be implemented to protect nesting birds and shall be noted on the grading and construction plans for this project:

1. Tree removal shall be avoided if feasible during the breeding season (February 1 – July 31). Alternatively, the developer shall initiate pre-construction surveys, conducted to verify that the construction zone area and those trees designated for removal do not support nesting migratory birds. In this alternative, the following measures shall be implemented to protect nesting birds and shall be shown on the proposed grading and construction plans for this project:
  - a. If tree removal must occur during the nesting season, surveys for nesting raptors and migratory birds are required prior to any construction-related activities or other site disturbances initiated during the breeding season (February 1 – July 31). For all construction activities between February 1 and July 31, including vegetation removal or mastication and site preparation activities, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist between dawn and 11 a.m. pursuant to California Department of Fish and Wildlife (CDFW) requirements. These surveys shall be accomplished within 7 days prior to commencement of any grading or vegetation removal. The survey extent shall include all areas within 300 feet of vegetation removal, ground disturbance, and equipment staging, or to the property line if neighboring properties are closer than 300 feet and will not allow access for survey work. The results of the survey work, including a list of species detected (by visual or auditory means) and mapping of the locations of any active nests or proximal nest-site related activity, shall be submitted to the Nevada County Planning Department within one week of survey work and prior to the delivery of construction equipment to the site and issuance of a grading permit. If no active nests are found, no further mitigation shall be required.
  - b. The County shall require an additional survey if periods of construction inactivity exceed a period of two weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.
  - c. Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest) and monitoring plan, if needed, shall be developed by a qualified biologist and reported to the California Department of Fish and Wildlife. Nest locations shall be mapped and submitted along with a report stating the survey results, to the Planning Department within one week of survey completion. A qualified wildlife biologist shall monitor the progression of reproductive states of any active nests until a determination is made that nestlings have fledged and that a sufficient time for fledging dispersal has elapsed; construction activities shall be prohibited within the buffer zone until such determination is made.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4B. Prepare and implement an Erosion and Sediment Control Plan to prevent erosion and sedimentation into South Fork Wolf Creek during construction:** To protect water quality in South Fork Wolf Creek, the contractor shall implement standard Best Management Practices (BMPs) prior to and during construction and grading on the site. These measures shall be incorporated into all final grading and construction plans and shall include but not be limited to the following:

1. BMPs for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. BMPs include but are not limited to installing silt-fencing, straw or coir logs or rolls, or other sediment barriers to keep erodible soils out of drainages. 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 from the wetlands for disposal.
2. Disruption of soils shall be minimized; disturbed areas shall be graded to minimize surface erosion and siltation to the drainages; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
3. Construction material storage areas containing hazardous or potentially toxic materials shall have an impermeable membrane between the ground and the hazardous material and be placed outside of the non-disturbance at 100 feet or greater.
4. Good housekeeping practices, use of safer alternative products, such as biodegradable hydraulic fluids, shall be utilized where feasible.
5. The contractor shall exercise every reasonable precaution to protect drainages at the project site 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 drainages and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to drainages.
6. Disruption of soils and native vegetation shall be minimized to limit potential erosion and downstream sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. If straw is used for mulch or for erosion control, use only certified weed-free straw or rice straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle and goat grass.
7. No fill shall be placed within the designated 100-year floodplain.
8. At no time shall heavy equipment operate in flowing water.
9. Equipment or vehicle maintenance or refueling shall occur as far from the pond and overflow channel as possible. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or cat litter. For other hazardous materials, follow cleanup instructions on the package.
10. Topsoil shall be stockpiled for later reuse as applicable.

**Timing:** *Prior to issuance of grading, improvement, and building permits*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4C: Revegetate disturbed areas and clean up work areas within 100 feet of South Fork Wolf Creek.** To protect water quality in South Fork Wolf Creek, the applicant shall revegetate all disturbed areas and clean up all work areas immediately following completion of grading activities, and shall maintain the site in a debris-free condition for the duration of project operations. These measures shall be incorporated into all final grading and construction plans and shall include:

1. Stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. The primary objectives of the soil amendments and



- revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are aesthetically similar to the surrounding native forest ecosystem.
2. Exposed bare soil within 100 feet of South Fork Wolf Creek shall be protected against loss from erosion by the seeding of an erosion-control mixture and restored with a combination of native grasses, rice straw wattles, a mulch of native straw or certified weed-free straw, and a planting of native riparian species or another option approved by CDFW or RWQCB. Geofabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization. The restoration grass species chosen, which shall be a native erosion seed mix, shall include the criteria of tolerance to drought and nutrient-poor soils. Seeded banks shall be covered with mulch to accelerate plant growth. Non-native species that are known to invade wildlands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats shall not be used as these species displace native species.
  3. All debris, litter, and construction materials shall be removed from the work site immediately upon completion. The project site shall be maintained in a debris-free condition for the duration of project operations.
  4. The applicant shall schedule an inspection with the Planning Department within three weeks following completion of grading activities for a compliance check with this mitigation measure.

*Timing: Prior to issuance of grading, improvement, and building permits, and during project operation*

*Reporting: Approval of grading, improvement and building permits*

*Responsible Agency: Planning Department*

5. **CULTURAL RESOURCES:** To offset potentially adverse cultural or historical resources impacts associated with the proposed activities on site, the following mitigation measure shall be required:

**Mitigation Measure 5A: 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 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 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 issuance of grading and improvement permits*

*Reporting: Approval of grading and improvement permits*

*Responsible Agency: Planning Department*

6. **GEOLOGY/SOILS:** To offset the potential for adverse soils or erosion impacts to result from project grading and construction activities, the following mitigation measures shall be required:

**Mitigation Measure 6A: Prepare and implement an Erosion and Sediment Control Plan.** Prior to issuance of grading permits or improvement plans for all project-related grading including road construction and drainage improvements, said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

1. During construction, Best Management Practices (BMPs) for temporary erosion control shall be implemented 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. If applicable, topsoil shall be removed and stockpiled for later reuse prior to excavation activities. Topsoil shall be identified by the soil-revegetation specialist who will identify both extent and depth of the topsoil to be removed.
  3. Upon completion of grading, stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. Revegetation shall consist of native seed mixes only. The primary objectives of the soil amendments and revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are aesthetically similar to the surrounding native forest ecosystem.
  4. Geo-fabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation 6B: Prepare a geotechnical report for project grading and structural work.** Prior to issuance of grading permits and improvement plans, an updated/current soils or geotechnical report shall be prepared a licensed engineer and submitted to the Nevada County Planning Department, and recommendations therein followed for all subsequent grading and structural work.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Measure 6C: Limit the grading season.** Grading plans shall include the time of year for construction activities. No grading shall occur after October 15 or before May 1 unless the Chief Building Inspector or his/her authorized agent determines project soil conditions to be adequate to accommodate construction activities.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

7. **GREENHOUSE GAS EMISSIONS:** To reduce impacts associated with increases in CO2 emissions, the following mitigation measures shall be required:

**Mitigation 7A: Comply with energy efficiency standards.** Prior to issuance of grading and building permits, the design of the project shall comply with the following standards:

1. Energy-efficient lighting (controls) and process systems beyond Title 24 requirements shall be used where practicable (e.g., water heating, furnaces, boiler units).
2. Water heating featuring low-NOx water heating burners shall be used if electric water heating is not used.
3. Energy-efficient, automated controls for air conditioning beyond Title 24 requirements shall be used where practicable.
4. Any wood burning heating devices shall be EPA Phase II certified.

**Timing:** *Prior to issuance of grading and building permits*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Building Department*

9. **HYDROLOGY/WATER QUALITY:** To offset the potential for impacts related to amount and quality of storm water runoff from project development, the following mitigation measures shall be required:

**Mitigation Measure 9A: Implement the recommendations of a drainage report for the project.** Prior to issuance of grading or improvement permits for the project, the applicant shall submit for the review and approval of the Public Works Department an updated drainage report that documents the net increase in impervious surface, ensures that the project is adequately accounting for increased stormwater runoff, and ensures that net runoff is equal to or less than pre-project conditions. The drainage report shall include the infiltration trench as shown in the preliminary drainage report, updated to meet the drainage needs of the approved project. All recommendations of the drainage report as approved by the Public Works Department shall be installed with improvement plans.

*Timing:* Prior to issuance of grading and improvement plans

*Reporting:* Approval of grading and improvement permits

*Responsible Agency:* Nevada County Public Works and Building Departments

**Mitigation Measure 9B: Install fencing along the northern boundary of the parking area.** Prior to issuance of grading or improvement permits for the project, the applicant shall install fencing along the entire extent of the northern boundary of the parking area, consistent with the existing fencing onsite (chain link with wooden slats), which shall be repaired as necessary. All fencing shall be maintained for the life of the project.

*Timing:* Prior to issuance of grading and improvement plans

*Reporting:* Approval of grading and improvement permits

*Responsible Agency:* Nevada County Planning Department

**Mitigation Measure 9C: Install and maintain infiltration trench along the northern boundary of the parking area.** Prior to issuance of grading or improvement permits for the project, the applicant shall construct an infiltration trench designed to the specifications outlined in the updated drainage report. The infiltration trench shall be constructed as a linear narrow rock-filled trench with no outlet, which allows storm water to be stored and seep through the rock-lined bottom, and removes a portion of the fine sediment and associated storm water pollutants. These specifications shall be shown on project site plans. Additionally, the applicant shall also maintain the infiltration trench by performing the following routine maintenance activities:

1. On a monthly basis or as needed after storm events, remove obstruction, debris, and trash from infiltration trench and dispose of properly.
2. On a monthly basis during the wet season or as needed after storm events, inspect the trench to ensure that it drains between storms and within 96 hours (4 days) after rainfall to prevent mosquito breeding.
3. Annually inspect the filter fabric for sediment deposits by removing a small section of the top layer of rock lining.
4. As needed, trim and/or remove vegetation around the trench to maintain a neat and orderly appearance.
5. As needed, remove any trash and other debris from the trench perimeter and dispose of properly.

*Timing:* Prior to issuance of grading and improvement permits

*Reporting:* Approval of grading and improvement permits

*Responsible Agency:* Nevada County Public Works and Building Departments

12. **NOISE**: To offset the potential for noise impacts on the nearest residence, the following mitigation measures shall be required:

**Mitigation Measure 12A: Limit construction work hours to 7:00 AM to 7:00 PM.** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect these hours of construction.

16. **TRANSPORTATION/CIRCULATION**: To offset the potential for traffic conflicts with the surrounding neighborhood, the following mitigation measures shall be required:

**Mitigation Measure 16A: Limit timing and duration of soil export.** To minimize potential conflicts with existing traffic flow on East Bennett and surrounding roadways, and to minimize conflicts with residential users of Lava Rock Avenue and Slow Poke Lane, soil exporting activities are limited to non-peak traffic hours (9 a.m. to 4 p.m.), Monday through Friday. Soil exporting activities must be completed within 21 days of issuance of the grading permits, unless justifiable unforeseen circumstances occur (i.e. long periods of inclement weather or equipment failure) where an extension to this time frame may be allowed by the Building Department. Grading plans shall include a Note that reflects the restricted duration, hours and days for soil export activities.

**Timing:** *Prior to grading permit issuance/during and after soil exporting activities*

**Reporting:** *Grading permit issuance*

**Responsible Agency:** *Planning and Building Departments*

17. **UTILITIES/SERVICE SYSTEMS**: To offset potentially adverse impacts related to construction waste, the following mitigation measure is recommended:

**Mitigation Measure 17A: Appropriately dispose of vegetative and toxic waste during project construction.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all grading and improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Monitoring Matrix:**

<b>MEASURE #</b>	<b>MONITORING AUTHORITY</b>	<b>IMPLEMENTATION TIMING</b>
3A	Planning Department and Northern Sierra Air Quality Management District	Prior to issuance of grading and improvement permits
3B	Northern Sierra Air Quality Management District	Prior to issuance of grading and improvement permits and during construction activities
3C	Planning Department and Northern Sierra Air Quality Management District	Prior to issuance of grading, improvement, and building permits
3D	Planning Department	Prior to issuance of grading and improvement permits and during grading
4A-C	Planning Department	Prior to approval of grading and improvement permits
5A	Planning Department	Prior to issuance of grading and improvement permits
6A	Planning Department and Public Works Department	Prior to issuance of grading and improvement permits
6B	Planning Department and Public Works Department	Prior to issuance of grading and improvement permits
6C	Planning Department and Public Works Department	Prior to issuance of grading and improvement permits
7A	Building Department	Prior to building and improvement permit issuance
9A	Building Department and Public Works Department	Prior to issuance of grading and improvement permits
9B	Planning Department	Prior to issuance of grading and improvement permits
9C	Building Department and Public Works Department	Prior to issuance of grading and improvement permits
12A	Planning Department	Prior to building, grading, and improvement permit issuance
16A	Planning Department and Building Department	Prior to grading permit issuance/during and after soil exporting activities
17A	Planning Department	Prior to issuance of grading and improvement permits

**INITIAL STUDY AND CHECKLIST**

**Introduction**

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

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

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

## IMPACT DISCUSSION

### 1. AESTHETICS

**Existing Setting:** The project site is located on a parcel developed with the existing Byers business, which sells and installs home improvement products. The existing office/warehouse structure is a two-story structure with a 2,400 square-foot footprint, associated compacted gravel parking area, and outdoor storage facilities including multiple, stacked storage containers and loose storage. South Fork Wolf Creek traverses the northern boundary of the site and has associated riparian vegetation along its length (Delisle, 2014). Existing native riparian and mixed conifer-oak woodland vegetation is also present in the southern and southeastern areas of the site. The project site is thus currently in a partially disturbed and partially forested condition. Surrounding properties to the north, east, and southeast are developed with residential uses, and lands to the south and west are undeveloped and in a natural condition as part of the open space area of Empire State Historic Park.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in demonstrable, negative, aesthetic effects on scenic vistas or views open to the public?		✓			A, 11, 12
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		✓			A, 11, 12
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		✓			A, 11, 12
e. Create a visually incompatible structure within a designated historic district?				✓	13

*Impact Discussion 1a, c-d:* There are no views of the project from the nearest public road, East Bennett Road. The project site can be viewed from the neighboring property to the north (11273 Lava Rock Avenue), and a filtered view is available from the adjoining residential property to the southeast (11855

Slow Poke Lane). It does not appear from physical visits to the site that there are views of the property to the east (11889 Slow Poke Lane), and conversely, there should not be views from that property of the site.

General Plan policy calls for promoting and providing for aesthetic design in new development that reflects existing character. The project would provide a more orderly and organized appearance to the site, which is currently occupied largely by materials stored in miscellaneous storage containers and piled loosely about the site (see Figures 4 and 5).

**Figures 4 and 5. Storage containers and loose materials stored onsite**



In transferring the outdoor materials to a large warehouse building, the project would thus provide a visually beneficial impact compared to the existing condition. The project would also improve parking lot landscaping, providing a more pleasing appearance to customers and employees at the site.

A forested area of the site encompassing approximately 4,500 square feet, east of the proposed warehouse, would be removed to provide for overflow and fleet parking. Approximately 1,100 cubic yards of soil cut and off-haul would be needed to develop this area. Although this would result in the removal of native slope and vegetation, the remaining hillside would be re-contoured at a 2:1 slope, covered with stockpiled native soil, and revegetated with a native grass mix per Mitigation Measure 4C. Ultimately this slope is expected to naturally revegetate with native tree and shrub species with the incorporation of native soil into the topsoil layer.

The site is also subject to County lighting, landscaping, and signage standards. The landscaping standards would be met through a standard condition of approval requiring compliance. The existing pole-mounted light on the property is shielded and directed downward, while the existing building-mounted light is not shielded or directed downward. New wall-mounted lighting is proposed on the new warehouse building at 8 feet high. All lighting, including existing and proposed lighting, would be required to meet County lighting standards to prevent off-site light trespass, including being shielded and downward-facing per Land Use and Development Code (LUDC) Sec. L-II 4.2.8. Additionally, trash enclosure screening is also required per LUDC Sec. L-II 4.2.11 and would be required as a condition of approval (Nevada County, 2015). No new signs are proposed.

Any adverse aesthetic impacts from development would be reduced by the implementation of County standards and by the relocation of loose building materials into a warehouse building. Aesthetic impacts would therefore be *less than significant with mitigation*.

*Impact Discussion 1b:* The project site is not located on a state scenic highway and does not contain unique scenic resources. Therefore, there would be **no impact** related to damaging scenic resources on a state scenic highway.

*Impact Discussion 1e:* There is no special historic zoning designation in place at or near this project site. The proposed project would result in **no impact** on any designated historic areas.

**2. AGRICULTURAL/FORESTRY RESOURCES**

**Existing Setting:** The project area is designated as “Urban and Built-up Land” and “Other Land” by the Farmland Mapping and Monitoring Program (California Department of Conservation, 2010). The site does not contain any Important Farmlands, nor is it adjacent to any Important Farmlands. Agricultural uses do not exist in the project area, and the project area contains neither Williamson Act contracts nor land zoned for agriculture. The site is partially developed and partially forested with mixed conifer forest and riparian vegetation.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?				✓	A, M, 4
b. Conflict with existing zoning for agricultural use or conflict with 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 zoned Timberland Production Zone (per Section L-II 2.3.C of the Nevada County Land Use and Development Code)?				✓	A, 13
d. Result in the loss of forest land or conversion of forest land to non-forest use?			✓		N
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, M

*Impact Discussion 2a:* The project site does not contain any Important Farmlands as identified by the Farmland Mapping and Monitoring Program, nor are surrounding properties zoned for agricultural use. Therefore, there would be **no impact** to farmlands from the proposed project.

*Impact Discussion 2c:* The project site does not have a recent history of agricultural use, is not currently used for agricultural purposes, and is located in an industrial area of the county. The project area and adjacent lands are not zoned or designated as Farmland, nor are within any lands with Williamson Act contracts; therefore, there would be **no impact** to farmlands from the proposed project.



*Impact Discussion 2c:* The project site is not within a Timberland Production Zone. Therefore, there would be ***no impact***.

*Impact Discussion 2d:* The project site and developed parcels in the project vicinity are partially forested and partially developed with industrial and residential uses, but all developed parcels are within an urbanizing area zoned for industrial uses. Open space lands to the west and south are not suitable for timber production because they are part of Empire Mine State Historic Park, which is zoned Open Space and is essentially conservation land. Therefore, there would be a ***less than significant*** impact on significant timber resources.

*Impact Discussion 2e:* Project implementation would neither directly nor indirectly result in the conversion of farmland to nonagricultural uses as noted above in Discussion 2a. There would be ***no impact*** to farmlands from this proposed project.

### **3. AIR QUALITY**

**Existing Setting:** Nevada County is located in the Mountain Counties Air Basin. The overall air quality in Nevada County has improved over the past decade, largely due to vehicles becoming cleaner. State and Federal air quality standards have been established for specific “criteria” air pollutants including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. In addition, there are State standards for visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. State standards are called California Ambient Air Quality Standards (CAAQS) and federal standards are called National Ambient Air Quality Standards (NAAQS). NAAQS are composed of health-based primary standards and welfare-based secondary standards.

Western Nevada County is Marginal Nonattainment for the 1997 ozone NAAQS, with a “Finding of Attainment” based on three years of “clean” data. The area is also Marginal Nonattainment for the 2008 ozone NAAQS and is Nonattainment for the ozone CAAQS. Most of western Nevada County’s ozone is transported to the area by wind from the Sacramento area and, to a lesser extent, the San Francisco Bay Area. 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. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, especially in the late afternoon and evening hours.

Nevada County is also Nonattainment for the PM10 CAAQS, but Unclassified for the PM10 NAAQS due to lack of available recent data. The number after “PM” refers to maximum particle size in microns. PM10 is a mixture of dust, combustion particles (smoke) and aerosols, whereas PM2.5 is mostly smoke and aerosol particles. PM2.5 sources include woodstoves and fireplaces, vehicle engines, wildfires and open burning. PM10 sources include the PM2.5 plus dust, such as from surface disturbances, road sand, vehicle tires, and leaf blowers. Some pollen and mold spores are also included in PM10, but most are larger than 10 microns. All of Nevada County is Unclassifiable/Attainment for the PM2.5 NAAQS and Unclassified for the PM2.5 CAAQS.

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine exist in several locations in Nevada County, mainly in the western half, but these geologic types are not located in the project area (California Department of Conservation, 2016).

An evaluation of project impacts related to greenhouse gas emissions is provided in Section 7 of this Initial Study.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial air pollutant emissions or deterioration of ambient air quality?		✓			A
b. Violate any air quality standard or contribute to an existing or projected air quality violation?		✓			A
c. Expose sensitive receptors to substantial pollutant concentrations?		✓			A
d. Create objectionable smoke, ash, or odors?		✓			A
e. Generate dust?		✓			A
f. Exceed any potentially significant thresholds adopted in County Plans and Goals?			✓		A
g. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			✓		A

*Impact Discussion 3a-e:* No grading is proposed for the construction of the warehouse building, but 1,100 cubic yards of earth removal would occur over approximately 4,500 square feet of ground surface for the construction of the new overflow parking and outdoor storage area.

The California Emissions Estimation Model (CalEEMod) was used to estimate potential emissions associated with both construction and operation of the proposed project. Basic project information was entered into the model to obtain the results, including the export of 1,100 cubic yards of soil during construction. The CalEEMod report identified minor increases in the pollutants of concern during various stages of the construction phase of the project (CalEEMod Version 2013.2.2 2016). Construction was assumed to occur over a one-year period.

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

Pollutant	NSAQMD Level A Thresholds	Project Impact
<b>NOx</b>	<24 lbs/day	3.807 lbs/day (0.6948 tons/yr)
<b>ROG</b>	<24 lbs/day	0.392 lbs/day (0.0716 tons/yr)
<b>PM10</b>	<79 lbs/day	0.273 lbs/day (0.0499 tons/yr)
<b>CO</b>	N/A	2.599 lbs/day (0.4743 tons/yr)

As shown in Table 1, pollutant levels during construction would increase only incrementally, with all pollutants at Threshold Level A as designated by NSAQMD. Projects at Level A must provide only the most basic of mitigations, including no open burning of materials and the use of grid power during construction rather than diesel generators. Although PM10 emissions would be minor, generation of dust from the excavation of 1,100 cubic yards of earth materials could impact the immediate local ambient air quality and the nearest residences which are in close proximity to the project site. Because no Dust Control Permit would be required by NSAQMD (the project would result in less than one acre of disturbance), Mitigation Measure 3A requires the use of appropriate dust control methods during construction to reduce minor, short-term construction impacts. Mitigation Measure 3B also prohibits the use of open burning per Level A Threshold required mitigation, and Mitigation Measure 3C requires the Level A Threshold mitigation of utilizing grid power rather than diesel generators during construction.

As shown in Table 2, the new warehouse building would not generate any emissions in excess of Level A thresholds.

**Table 2. Project Operation Air Quality Impacts**

<b>Pollutant</b>	<b>NSAQMD Level A Thresholds</b>	<b>Project Impact</b>
<b>NOx</b>	24-136 lbs/day	9.348 lbs/day (1.7061 tons/yr)
<b>ROG</b>	24-136 lbs/day	3.312 lbs/day (0.6046 tons/yr)
<b>PM10</b>	79-136 lbs/day	2.850 lbs/day (0.5202 tons/yr)
<b>CO</b>	N/A	34.242 lbs/day (6.2491 tons/yr)

Although unlikely, the project site has the potential to contain ultramafic rock. As noted above, 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 proposed structure is an all-metal building that will not require an architectural coating during project construction. During project operation, Byers uses coatings only at job sites, not at the project site. Additionally, no new employees would be generated by the project, and customer visits are generally limited to Byers's showroom on Idaho-Maryland Road in Grass Valley. The project is therefore not anticipated to result in additional operational emissions beyond those currently generated. The mitigation measures recommended above would minimize the potential adverse impacts associated with emissions to a level that is *less than significant with mitigation* by requiring dust control measures, prohibiting open burning, using grid power during construction, and requiring compliance with asbestos regulations during construction.

*Impact Discussion 3f:* Nevada County's 1995 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 NSAQMD Rule 226, Nevada County General Plan Air Quality Element policies are intended to apply to development that generates new residents or new employees. Mitigation Measure 3A requires compliance with Rule 226, which is related to the control of dust emissions during construction. The Air Quality Element of the General Plan does not otherwise provide policies that apply to site-specific development projects. The proposed development of the project site would therefore have a *less than significant* impact with regard to Nevada County goals and policies.

*Impact Discussion 3g:* The proposed project would result in a temporary but incrementally small net increase in pollutants due to construction vehicle and equipment emissions. However, Mitigation Measure 3B, as well as compliance with the County's grading ordinance, would reduce impacts to the extent that the project would not contribute to a cumulatively considerable net increase for ozone and PM10, for which the County is in non-attainment. Therefore, this impact is *less than significant*.

**Mitigation Measures:** To offset the potential air quality impacts associated with the project construction activities, the following mitigation measures shall be required:

**Mitigation Measure 3A: Implement dust control measures.** Prior to the approval of any grading and building permits, to reduce short-term construction impacts, all future development

permits shall comply with the following standards to the satisfaction of the NSAQMD, 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 a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
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.
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 and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Measure 3B: Use alternative methods to open burning for vegetation disposal.**

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. This measure shall be included as a note on all grading and improvement plans and shall be included in project bidding documents.

**Timing:** *Prior to issuance of grading and improvement permits and during construction activities*

**Reporting:** *Approval of grading and improvement permits*

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

**Mitigation Measure 3C: Use grid power during construction.** Pursuant to NSAQMD mitigation for Level A projects, grid power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction. This mitigation shall be included as a note on all grading, improvement, and building permits.

**Timing:** *Prior to issuance of grading, improvement, and building permits*

**Reporting:** *Approval of grading, improvement, and building permits*

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

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

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

**Reporting:** *Approval of grading and improvement permits*

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

**4. BIOLOGICAL RESOURCES**

**Existing Setting:** The 3-acre project site is partially developed in the northern and western areas, and partially forested with riparian woodland in the eastern area and upland vegetation consisting of mixed conifer-oak woodland in the southern areas. The developed portion of the site is level, with steeper slopes rising from the developed area toward the south and a north-facing slope above the developed area of the site. South Fork Wolf Creek is located contiguous to the northern boundary of the site.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓			L, 6, 7
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?		✓			6, 7
c. Result in a substantial reduction in the extent, diversity, or quality of native vegetation, including brush removal for fire prevention and flood control improvements?			✓		6, 7
d. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓			L, 6, 7
e. 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?			✓		L, 6, 7, 10
f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓		A
g. Introduce any factors (light, fencing, noise, human presence and/or domestic animals), which could hinder the normal activities of wildlife?			✓		A

*Impact Discussion 4a:* According to the Biological Inventory prepared by biologist Glenn Delisle, no special-status species or other protected resources were observed during the biological survey in the summer of 2014, and none identified in the California Natural Diversity Database that have the potential to occur onsite (Delisle, 2014). However, mature oaks and conifers located on the site could be used by federally protected nesting raptors and migratory birds during the nesting season. Construction activities should accordingly be scheduled for the non-breeding season or alternative steps taken to protect any nesting birds. Mitigation Measure 4A requires a nesting survey prior to any disturbance to either offset or

avoid impacts to potentially nesting raptors and migratory birds. Potential impacts on nesting raptors and migratory birds will be *less than significant with mitigation*.

*Impact Discussion 4b,d:* Biologist Glenn Delisle prepared a Management Plan for the potential impacts from construction within 100 feet of South Fork Wolf Creek. Both the new warehouse on existing graded area and the proposed fleet parking area to be graded east of the proposed warehouse are approximately 38 feet from the creek. A small area of landscaping would be approximately 20 feet from the creek. Approximately 21 trees of 8 inches diameter at breast height or larger would be removed for the fleet parking area, including 15 cedars, 3 oaks, and 3 firs. No heritage oaks or riparian vegetation occur in this location. However, grading within the 100-foot creek buffer could result in potential erosion impacts that could affect the creek. Mitigation Measure 4B, which requires an Erosion and Sedimentation Control Plan prior to construction, would reduce impacts related erosion and sedimentation into South Fork Wolf Creek to a level that is *less than significant with mitigation*.

*Impact Discussion 4c:* Approximately 4,500 square feet of native vegetation and 1,100 cubic yards of native soil would be removed to construct the proposed overflow parking and outdoor storage area on the site. Open space areas would still comprise approximately 44 percent of the site, and landscaped areas would comprise an additional 3 percent (3,746 square feet). The project meets the open space standards in LUDC Sec. L-II 4.2.10, which requires 15 percent open space on parcels over one acre in size. It also meets the landscaping standards of LUDC Sec. L-II 4.2.7, which require 45 square feet of landscaping for every parking stall (30 stalls x 45 square feet = 1,350 square feet). The project is proposing 1,846 square feet of parking lot landscaping and 1,900 square feet of street buffer landscaping. Exact amounts of street buffer landscaping, specific plant types, and irrigation requirements would be included in the Final Landscaping Plan, which is a standard condition of development permits. In addition, Mitigation Measure 4C would reduce impacts associated with re-contouring an existing slope by requiring the replanting of native vegetation rather than non-native annual grasses. Therefore, the project would have *less than significant* impacts related to the removal and reduction in the extent of native vegetation.

*Impact Discussion 4e-f:* A number of local policies and ordinances that protect biological resources exist, including policies protecting deer habitat; rare, threatened, and endangered species and their habitats; timber resources; landmark and heritage trees and groves; and watercourses, wetlands, and riparian areas. The project site does not contain any protected trees such as heritage or landmark oaks. Special-status species are discussed in Impact Discussion 4a above. The site is mapped within a deer migration corridor and within the Deer Winter Range on the Master Environmental Inventory; however, nothing in the site plans would inhibit deer movement through the site. Therefore, the proposed would not conflict with any local policies or ordinances protecting biological resources, and this impact is *less than significant*.

*Impact Discussion 4g:* The proposed project could temporarily result in light sources, noise, and human activity, but these activities would occur in areas already currently subject to light, noise, and moderate levels of human activity. Additionally, construction activities generally occur during daylight hours and are limited by Mitigation Measure 12A. Daytime noise impacts on wildlife from construction activities are not anticipated to be substantial because most activities would occur near existing structures where noise and activity already commonly occurs during the day. Therefore, this impact would be *less than significant*.

**Mitigation Measures:** To offset the potential impacts to biological resources associated with the project construction, the following mitigation measures shall be required:

**Mitigation Measure 4A: Avoid impacts to nesting raptors and migratory birds.** The following measures shall be implemented to protect nesting birds and shall be noted on the grading and construction plans for this project:

1. Tree removal shall be avoided if feasible during the breeding season (February 1 – July 31). Alternatively, the developer shall initiate pre-construction surveys, conducted to verify that the construction zone area and those trees designated for removal do not support nesting migratory birds. In this alternative, the following measures shall be implemented to protect nesting birds and shall be shown on the proposed grading and construction plans for this project:
  - a. If tree removal must occur during the nesting season, surveys for nesting raptors and migratory birds are required prior to any construction-related activities or other site disturbances initiated during the breeding season (February 1 – July 31). For all construction activities between February 1 and July 31, including vegetation removal or mastication and site preparation activities, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist between dawn and 11 a.m. pursuant to California Department of Fish and Wildlife (CDFW) requirements. These surveys shall be accomplished within 7 days prior to commencement of any grading or vegetation removal. The survey extent shall include all areas within 300 feet of vegetation removal, ground disturbance, and equipment staging, or to the property line if neighboring properties are closer than 300 feet and will not allow access for survey work. The results of the survey work, including a list of species detected (by visual or auditory means) and mapping of the locations of any active nests or proximal nest-site related activity, shall be submitted to the Nevada County Planning Department within one week of survey work and prior to the delivery of construction equipment to the site and issuance of a grading permit. If no active nests are found, no further mitigation shall be required.
  - b. The County shall require an additional survey if periods of construction inactivity exceed a period of two weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.
  - c. Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest) and monitoring plan, if needed, shall be developed by a qualified biologist and reported to the California Department of Fish and Wildlife. Nest locations shall be mapped and submitted along with a report stating the survey results, to the Planning Department within one week of survey completion. A qualified wildlife biologist shall monitor the progression of reproductive states of any active nests until a determination is made that nestlings have fledged and that a sufficient time for fledging dispersal has elapsed; construction activities shall be prohibited within the buffer zone until such determination is made.

*Timing:* Prior to issuance of grading and improvement permits

*Reporting:* Approval of grading and improvement permits

*Responsible Agency:* Planning Department

**Mitigation Measure 4B. Prepare and implement an Erosion and Sediment Control Plan to prevent erosion and sedimentation into South Fork Wolf Creek during construction:** To protect water quality in South Fork Wolf Creek, the contractor shall implement standard Best Management Practices (BMPs) prior to and during construction and grading on the site. These measures shall be incorporated into all final grading and construction plans and shall include but not be limited to the following:

1. BMPs for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. BMPs include but are not limited to installing silt-fencing, straw or coir logs or rolls, or other sediment barriers to keep erodible soils out of drainages. 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 from the wetlands for disposal.
2. Disruption of soils shall be minimized; disturbed areas shall be graded to minimize surface erosion and siltation to the drainages; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
  3. Construction material storage areas containing hazardous or potentially toxic materials shall have an impermeable membrane between the ground and the hazardous material and be placed outside of the non-disturbance at 100 feet or greater.
  4. Good housekeeping practices, use of safer alternative products, such as biodegradable hydraulic fluids, shall be utilized where feasible.
  5. The contractor shall exercise every reasonable precaution to protect drainages at the project site 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 drainages and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to drainages.
  6. Disruption of soils and native vegetation shall be minimized to limit potential erosion and downstream sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. If straw is used for mulch or for erosion control, use only certified weed-free straw or rice straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle and goat grass.
  7. No fill shall be placed within the designated 100-year floodplain.
  8. At no time shall heavy equipment operate in flowing water.
  9. Equipment or vehicle maintenance or refueling shall occur as far from the pond and overflow channel as possible. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or cat litter. For other hazardous materials, follow cleanup instructions on the package.
  10. Topsoil shall be stockpiled for later reuse as applicable.

*Timing: Prior to issuance of grading, improvement, and building permits*

*Reporting: Approval of grading and improvement permits*

*Responsible Agency: Planning Department*

**Mitigation Measure 4C: Revegetate disturbed areas and clean up work areas within 100 feet of South Fork Wolf Creek.** To protect water quality in South Fork Wolf Creek, the applicant shall revegetate all disturbed areas and clean up all work areas immediately following completion of grading activities, and shall maintain the site in a debris-free condition for the duration of project operations. These measures shall be incorporated into all final grading and construction plans and shall include:

1. Stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. The primary objectives of the soil amendments and revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are aesthetically similar to the surrounding native forest ecosystem.
2. Exposed bare soil within 100 feet of South Fork Wolf Creek shall be protected against loss from erosion by the seeding of an erosion-control mixture and restored with a combination of native grasses, rice straw wattles, a mulch of native straw or certified weed-free straw, and a planting of native riparian species or another option approved by CDFW or RWQCB. Geofabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization. The restoration grass species chosen, which shall be a native erosion seed mix, shall include the criteria of tolerance to drought and nutrient-poor soils. Seeded banks shall be covered with mulch to accelerate plant growth. Non-native species that are known to invade wildlands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats shall not be used as these species displace native species.



3. All debris, litter, and construction materials shall be removed from the work site immediately upon completion. The project site shall be maintained in a debris-free condition for the duration of project operations. All materials stored outdoors shall be placed on pallets or in a 3 or 4-sided container or bin. Any materials that may leach hazardous or toxic materials into the soil and nearby Waters of the U.S. must be placed within a leak-proof container.
4. The applicant shall schedule an inspection with the Planning Department within three weeks following completion of grading activities for a compliance check with this mitigation measure.

**Timing:** *Prior to issuance of grading, improvement, and building permits, and during project operation*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Planning Department*

## 5. CULTURAL RESOURCES

**Existing Setting:** The project vicinity was home to the Nisenan or Southern Maidu Native American people. The Nisenan had permanent settlements along major rivers in the Sacramento Valley and foothills, and would travel yearly into higher elevations to hunt or gather seasonal plant resources. In the project vicinity, prehistoric-period habitation sites are primarily found adjacent to streams or on ridges or knolls, especially those with a southern exposure. The project site is situated in an area with historically broad meadows, but receives a northern exposure and is now partially developed. In the historic era, the area was likely disturbed for mineral exploration or related activities given its proximity to Empire Mine.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?		✓			A
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?		✓			A
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
d. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A

**Impact Discussion 5a-d:** The project area is situated in an area consistent with Nisenan activity, as it formerly contained meadows and is along a creek corridor. The proposed site of disturbance is relatively small at approximately 4,500 square feet. Nonetheless, given the potential for cultural resources in the project area, this impact would be *less than significant with mitigation* as identified in Mitigation Measures 5A, which requires construction work to stop and appropriate steps taken if cultural resources are discovered.

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

**Mitigation Measure 5A: 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 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 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 issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Planning Department*

## 6. GEOLOGY / SOILS

**Existing Setting:** The Natural Resources Conservation Service (NRCS) classifies the site soils as “Sierra Sandy Loam, 15-30 percent slopes” in the southern and eastern areas and “Alluvial Land, Clayey” in the northern area. Sierra Sandy Loam consists of well-drained soils underlain by weathered granodiorite, with medium to rapid runoff and a high chance of erosion hazard. “Alluvial Land, Clayey” consists of well to poorly drained alluvial material deposited along small stream channels in slopes of 0 to 15 percent. Permeability is moderately slow to very slow in this soil type, and runoff is slow. This land is sometimes flooded during the rainy season (USDA Soil Conservation Service, 1993). The County’s Master Environmental Inventory shows the project site as being in an area without potential for landslide activity and does not map the site as being near a known earthquake fault (Nevada County, 1991). The project site slopes from the northwest to the southeast, with drainage flowing in this direction as well. Existing storm drainage is provided by sheet flow across the parking area to Wolf Creek, and a 3-foot-wide storm drain is maintained by the applicant at the South Fork Wolf Creek crossing of Slow Poke Lane.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?		✓			A, M, 10, 17
b. Result in disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading?		✓			A, M
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓		A, M, 10, 17
d. 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, M
e. Result in any increase in wind or water erosion of soils, on or off the site?		✓			D, 15

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Changes in siltation, deposition or erosion, which may modify the channel of a river, or stream, or the bed any bay, inlet or lake?		✓			D, 5, 6
g. Result in excessive grading on slopes of over 30 percent?				✓	A, M

*Impact Discussion 6a:* The majority of the project site is on Sierra Sandy Loam, 15-30 percent slopes, while the remaining area in the northern portion of the site is on gentle slopes of Alluvial Land, Clayey. A relatively large portion of the Sierra Sandy Loam soils has already been graded to create a level work area at some point in the past, and the applicant is requesting that additional sloped areas of Sierra Sandy Loam be removed and re-contoured for additional parking and storage area, with a 6-foot retaining wall. Export of approximately 1,100 cubic yards is anticipated. The maximum depth of excavation for the overflow/outdoor storage area is expected to be 15 feet, while the maximum slope is anticipated at a 2:1 ratio, consistent with building standards. Because Sierra Sandy Loam is listed as having high erosion potential and because a SWPPP will likely not be required for this project as it would disturb under one acre, best management practices to prevent soil erosion and sedimentation in South Fork Wolf Creek during construction are recommended in Mitigation Measure 4B. Erosion control plans are also required as a matter of standard procedure at the time of building/grading permit submittal by the Building Department.

According to the applicant, landscaped areas would comprise 3 percent of the total area of the site, open space areas 44 percent of the site, and the remaining 53 percent would be covered with impervious surfaces or effectively impervious surfaces such as compacted gravel/asphalt chip parking lot surfacing and roof area. However, the project as proposed meets the County standards for impervious surfaces and open space requirements, as discussed in more detail in Impact Discussion 4c.

The Nevada County Building Department has indicated that a wet stamped/signed, complete geotechnical report is required prior to grading/building permit issuance to reduce any potential impacts with unstable soils and structural stability. This requirement is shown in Mitigation Measure 6A. With the implementation of Mitigation Measures 4B, 4C, and 6A which would require erosion control, revegetation, and an engineer-certified geotechnical report, respectively, impacts related to unstable slope conditions would be *less than significant with mitigation*.

*Impact Discussion 6c:* The project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known faults that cross through the project site (California Department of Conservation, 2010). Generally, western Nevada County is located in the low-intensity zone for earthquake severity (Nevada County, 1991). Due to the absence of any active faults onsite, the probability of damage due to surface rupture is low, and this impact is considered *less than significant*.

*Impact Discussion 6d:* An existing sewage disposal system is on the project site and is functioning, but there is a back-up leach field on the property that may need to be disconnected from the diversion valve at the existing septic tank. The Environmental Health Department would condition the project to clarify the disposition of the diversion valve connection to the old disposal leachfield (Karim, 2015), but this is unrelated to the current proposed project because the new warehouse building would not increase the use of the sewage disposal field. Therefore, the project would have *less than significant* impacts related to unstable soils or inadequate soils for septic systems.

*Impact Discussion 6e-f:* The various construction activities associated with the project would necessitate soil cut and off-haul of approximately 1,100 cubic yards to accommodate the construction of the new

overflow parking and outdoor storage area. Minor disturbance would also be required for small areas of landscaping improvements in the existing parking lot. Because construction activities during the wet weather season can result in adverse erosion impact, Mitigation Measure 6B is recommended to limit any grading activities during the wet weather periods. Mitigation Measure 4B is recommended to ensure the disturbed areas are stabilized during construction, and Mitigation Measure 4C would ensure that graded slopes are revegetated to stabilize soils post-construction. With the implementation of these mitigation measures, adverse impacts related to erosion will be *less than significant with mitigation*.

*Impact Discussion 6g:* Slopes on the site range are gentle to steep, with slopes in the northern area relatively shallow and developed as level graded areas, and slopes at the southern side of the site ranging from 12 to 26 percent. Cut into these slopes would be re-graded to 2:1 and would be revegetated per Mitigation Measure 4C. There would be *no impact* to steep slopes over 30 percent.

**Mitigation Measures:** To offset the potential for adverse soils or erosion impacts to result from project grading and construction activities, the following mitigation measures shall be required:

**Mitigation 6A: Prepare a geotechnical report for project grading and structural work.** Prior to issuance of grading permits and improvement plans, an updated/current soils or geotechnical report shall be prepared a licensed engineer and submitted to the Nevada County Planning Department, and recommendations therein followed for all subsequent grading and structural work.

*Timing:* Prior to issuance of grading and improvement permits

*Reporting:* Approval of grading and improvement permits

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

**Mitigation Measure 6B: Limit the grading season.** Grading plans shall include the time of year for construction activities. No grading shall occur after October 15 or before May 1 unless the Chief Building Inspector or his/her authorized agent determines project soil conditions to be adequate to accommodate construction activities.

*Timing:* Prior to issuance of grading and improvement permits

*Reporting:* Approval of grading and improvement permits

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

## 7. GREENHOUSE GAS EMISSIONS

**Existing Setting:** 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. 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>). CO<sub>2</sub> emissions are largely from fossil fuel combustion. In California, approximately 43 percent of the CO<sub>2</sub> emissions come from cars and trucks. 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 CO<sub>2</sub>. The adverse impacts of global warming include impacts to air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and an increase in health related problems.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction would be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. 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 (California Attorney General's Office, 2010). *CEQA Guidelines Amendments for GHG Emissions* were adopted by OPR on December 30, 2009. The NSAQMD has also prepared a guidance document that includes mitigations for general air quality impacts that can be used to mitigate GHG emissions, *Guidelines for Assessing Air Quality Impacts of Land Use Projects* (Northern Sierra Air Quality Management District, 2009).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		✓			A, G, 2
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?		✓			A, G, 2

*Impact Discussion 7a-b:* Carbon dioxide (CO<sub>2</sub>) is the main component of greenhouse gases, and vehicles are a primary generator of CO<sub>2</sub>. It is anticipated that the proposed project would result in the addition of 785 metric tons per year of CO<sub>2</sub>e related to the consumption of energy to run and maintain the building (CalEEMod Version 2013.2.2, 2016). The Attorney General's document titled "Addressing Climate Change at the Project Level" includes recommendations for energy efficient buildings, appliances, heating and cooling systems, passive solar, energy efficient lighting, water conservation and landscaping, and many other design and operational measures that can reduce GHG emissions. As such, staff is recommending the use of mitigation to incorporate the use of these energy-efficient features into this project to mitigate the long-term operational impacts of a new 8,750 square-foot building (California Attorney General's Office, 2010). Mitigation Measure 7A, which requires compliance with energy efficiency standards, is recommended to reduce the overall GHG impact to a level that is *less than significant with mitigation*.

**Mitigation Measures:** To reduce impacts associated with increases in CO<sub>2</sub>e emissions, the following mitigation measures shall be required:

**Mitigation 7A: Comply with energy efficiency standards.** Prior to issuance of grading and building permits, the design of the project shall comply with the following standards:

1. Energy-efficient lighting (controls) and process systems beyond Title 24 requirements shall be used where practicable (e.g., water heating, furnaces, boiler units).
2. Water heating featuring low-NO<sub>x</sub> water heating burners shall be used if electric water heating is not used.
3. Energy-efficient, automated controls for air conditioning beyond Title 24 requirements shall be used where practicable.
4. Any wood burning heating devices shall be EPA Phase II certified.

**Timing:** *Prior to issuance of grading and building permits*

**Reporting:** *Approval of grading and improvement permits*

**Responsible Agency:** *Building Department*

## 8. HAZARDS / HAZARDOUS MATERIALS

**Existing Setting:** The property is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5, and is not located on an abandoned solid waste disposal site known to the County. The project area is designated as a Very High Fire Hazard Area for wildland fire.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓		C, 9
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, 9
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	A, M, 9, 13
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?				✓	A, C, 8
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, 13
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓		A, 13
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓		C, I
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓		I, N, 13

*Impact Discussion 8a,b:* Small quantities of hazardous materials would be stored, used, and handled during construction. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazards through release of emissions or risk of upset. During operation, hazardous materials stored at the site may include sealants or other coatings used in the installation process for roofing and gutters. Materials storage must comply with the California Health and Safety Code Chapter 6.95, and if threshold quantities are triggered, the applicant would be required to file a chemical business plan and inventory with the Environmental Health Department within 30 days. This measure would be included as a condition of project approval. Therefore, with the requirement for compliance with California Health and Safety Code Chapter 6.95 in place as discussed above, there would be a *less than significant* impact associated with the use of hazardous materials during project operation.

*Impact Discussion 8c:* The project area is not within one-quarter mile of an existing or proposed school. Therefore, there would be **no impact** related to hazardous emissions or substances near a school.

*Impact Discussion 8d:* The property is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control, 2016). Therefore, there would be **no impact** in terms of a significant hazard to the public from placement of the project on a hazardous waste site.

*Impact Discussion 8e-f:* The project is within Airport Land Compatibility Zone D, “Traffic Pattern Zone,” with an Urban Overlay. There is no density limitation for non-residential uses in this compatibility zone. Prohibited uses in this zone include highly noise sensitive uses and hazards to flight, such as tall structures and visual and electronic forms of interference, while discouraged uses include high vulnerability uses such as schools, hospitals, and nursing homes. Nevada County Airport Land Use Commission review is required for structures over 3,207 feet elevation. The proposed structure would be approximately 2,500 feet in elevation and therefore does not require Airport Land Use Commission review. However, an overflight notice is required to be recorded for projects in this zone, and this requirement would be included as a condition of approval on the project to provide protections for the airport use and for people residing, working, or operating a business in Zone D. Therefore, there would be **less than significant** impacts related to safety of the public in the project area.

*Impact Discussion 8g:* The proposed project would not alter any allowable residential density in the nearby area, change any of the existing road networks, or alter any existing emergency evacuation plans. Additionally, the Fire Marshal’s Office has reviewed the project proposal and did not comment on any adverse impacts to emergency response or evacuation plans. The proposed project would not impair or physically interfere with the adopted emergency response and evacuation plans, and any potential adverse impacts would be **less than significant**.

*Impact Discussion 8h:* The project site is within a Very High Fire Hazard Severity Zone as mapped by CalFire, a zone which requires the preparation of a Fire Protection Plan per LUDC Sec. L-II 4.3.18.C.4. Fire District approval of the Fire Protection Plan is therefore a required condition of approval for the project. The Fire Marshal’s Office has indicated that two turnouts would be required for this project, and would condition the project to meet the defensible space requirements of PRC 4291, hydrant and fire protection water supply requirements. The Fire District must also review all improvement plans prior to issuance. These requirements would be conditions of project approval for the project. Therefore, the project would not adversely expose unexpected volumes of people or structures to possible wildland fires, and there would be **less than significant** impacts.

## **9. HYDROLOGY / WATER QUALITY**

**Existing Setting:** The project area is located in the Wolf Creek Drainage Basin, and South Fork Wolf Creek flows along the northern boundary of the site in an east to west direction. Existing drainage sheet-flows in a northwesterly direction and discharges directly into the creek consistent with the topography of the site. Although floodplain mapping stops just west of the project site (where South Fork Wolf Creek is shown within a 100-year floodplain on the Empire Mine State Historic Park property immediately adjoining the subject parcel to the west), the previous Use Permit for the project site (SP82-004) included floodplain mapping conducted by a licensed engineer. This 100-year floodplain information was used for the current project and is shown on site plans as occurring within Wolf Creek and generally coinciding with the edge of the creek bank, ranging from 6 feet to 24 feet from the center of the flowline.



Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements?		✓			A, J, 6, 7
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?				✓	A, C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?				✓	A, M, 6, 7
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				✓	A, M, 6, 7
e. Create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		✓			A, D
f. Otherwise substantially degrade water quality?		✓			A, C, E
g. 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?				✓	13
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?			✓		13
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓		13
j. Create inundation by mudflow?			✓		A, B, D

*Impact Discussion 9a, e, f:* Earthwork for the fleet parking area as well as warehouse construction would occur within approximately 38 feet of the of the floodplain and within approximately 45 feet of South Fork Wolf Creek. The following mitigation already identified in this Initial Study would reduce potential impacts to the quality of Wolf Creek: Mitigation Measure 4B, which requires the implementation of best management practices to prevent erosion impacts within 100 feet of South Fork Wolf Creek during construction; Mitigation Measure 4C, which requires revegetation of the disturbed slope with native species; and Mitigation Measure 6B, which limits grading to the dry season.

With the addition of impervious surface, the project may cause impacts to storm water as a result of oil, grease, and debris being conveyed into South Fork Wolf Creek during storm events, as well as by increasing the amount of post-construction runoff. The Drainage Analysis and Biological Resources Management Plan (MGT15-020) for the project both recommend the installation of an 18-inch-wide and

2-foot-deep gravel shoulder/infiltration trench at the northern boundary of the parking area (SCO Planning & Engineering, 2015) (Delisle G. , 2015). The trench is designed to accept and retain 0.5 inch of runoff, which is the “first flush” from the total impervious area. However, the original drainage analysis was provided with a smaller building footprint. Therefore, Mitigation Measure 9A requires the drainage analysis to be updated per County requirements consistent with the current larger building proposal, to mitigate potential post-construction runoff and other drainage issues prior to project construction. The Biological Resources Management Plan recommends additional fencing along the creek to protect the creek from oil, grease, and debris conveyance during storm events, and this measure is required in Mitigation Measure 9B. In addition, the Floodplain Management Plan (MGT16-001) for this project requires routine maintenance for the infiltration trench to be conducted by the project applicant to prevent sediment buildup and clogging which reduces the efficiency of the trench and may lead to trench failure (SCO Planning, Engineering & Surveying, Inc., 2015). This mitigation is shown in Mitigation Measure 9C. With implementation of these measures, impacts to water quality and drainage would be ***less than significant with mitigation***.

*Impact Discussion 9b:* The proposed project would not directly or indirectly result in the construction of uses that would utilize groundwater supplies because the site is currently served by public NID water. Therefore, there would be ***no impact*** related to depletion of groundwater supplies or interference with groundwater recharge.

*Impact Discussion 9c-d:* The project would not alter the course or flow of South Fork Wolf Creek. There would therefore be ***no impact*** related to alteration of a drainage feature associated with this project.

*Impact Discussion 9g:* Although there is a mapped floodplain on the subject property, the project would not place housing with the mapped floodplain area. There would therefore be ***no impact*** in this regard.

*Impact Discussion 9h-i:* South Fork Wolf Creek is mapped with a 100-year floodplain immediately west of the project site within Empire Mine State Historic Park, but stops just west of the site. It can be safely assumed given area topography that the floodplain does not simply cease at the property line, but that the official mapping process was not conducted for those lands east of Empire Mine State Historic Park land. Due to the known potential floodplain hazard on the project site, the project engineer for the subject parcel’s previous Use Permit (SP82-004) generated flood calculations that were used to determine buildable areas on the project site. This 100-year floodplain information was used for the current project and is shown on site plans as occurring within Wolf Creek and generally coinciding with the edge of the creek bank, ranging from 6 feet to 24 feet from the center of the flowline. The proposed warehouse, new fleet parking area, and other minor improvements to the parking lot are well outside the 100-year floodplain, but do occur within 100 feet of the 100-year floodplain. Their location within the 100-foot floodplain buffer requires a Floodplain Management Plan pursuant to LUDC Sec. L-II 4.3.10. The applicant has submitted a Floodplain Management Plan, stamped and certified by a licensed engineer, to reduce any potential project impacts to the floodplain and floodplain buffer. According to the Floodplain Management Plan, the project would not result in any fill or alteration of the floodplain. However, the existing development and proposed warehouse do have the potential to slightly increase the amount of storm water runoff into the creek. Mitigation Measure 9A requires that the project drainage analysis accurately portray the larger building proposal and reduce post-construction runoff to pre-project levels. Mitigation Measure 9C, identified in the Floodplain Management Plan, requires routine maintenance for the infiltration trench to prevent sediment buildup and clogging, which reduces the efficiency of the trench and may lead to trench failure. With implementation of these mitigation measures to reduce stormwater flows to South Fork Wolf Creek, this impact would be ***less than significant***.

**Mitigation Measures:** To offset the potential for impacts related to amount and quality of storm water runoff from project development, the following mitigation measures shall be required:

**Mitigation Measure 9A: Implement the recommendations of a drainage report for the project.** Prior to issuance of grading or improvement permits for the project, the applicant shall submit for the review and approval of the Public Works Department an updated drainage report that documents the net increase in impervious surface, ensures that the project is adequately accounting for increased stormwater runoff, and ensures that net runoff is equal to or less than pre-project conditions. The drainage report shall include the infiltration trench as shown in the preliminary drainage report, updated to meet the drainage needs of the approved project. All recommendations of the drainage report as approved by the Public Works Department shall be installed with improvement plans.

*Timing: Prior to issuance of grading and improvement permits*

*Reporting: Approval of grading and improvement permits*

*Responsible Agency: Nevada County Public Works and Building Departments*

**Mitigation Measure 9B: Install fencing along the northern boundary of the parking area.** Prior to issuance of grading or improvement permits for the project, the applicant shall install fencing along the entire extent of the northern boundary of the parking area, consistent with the existing fencing onsite (chain link with wooden slats), which shall be repaired as necessary. All fencing shall be maintained for the life of the project.

*Timing: Prior to issuance of grading and improvement permits*

*Reporting: Approval of grading and improvement permits*

*Responsible Agency: Nevada County Planning Department*

**Mitigation Measure 9C: Install and maintain infiltration trench along the northern boundary of the parking area.** Prior to issuance of grading or improvement plans for the project, the applicant shall construct an infiltration trench designed to the specifications outlined in the updated drainage report. The infiltration trench shall be constructed as a linear narrow rock-filled trench with no outlet, which allows storm water to be stored and seep through the rock-lined bottom, and removes a portion of the fine sediment and associated storm water pollutants. These specifications shall be shown on project site plans. Additionally, the applicant shall also maintain the infiltration trench by performing the following routine maintenance activities:

1. On a monthly basis or as needed after storm events, remove obstruction, debris, and trash from infiltration trench and dispose of properly.
2. On a monthly basis during the wet season or as needed after storm events, inspect the trench to ensure that it drains between storms and within 96 hours (4 days) after rainfall to prevent mosquito breeding.
3. Annually inspect the filter fabric for sediment deposits by removing a small section of the top layer of rock lining.
4. As needed, trim and/or remove vegetation around the trench to maintain a neat and orderly appearance.
5. As needed, remove any trash and other debris from the trench perimeter and dispose of properly.

*Timing: Prior to issuance of grading and improvement permits*

*Reporting: Approval of grading and improvement permits*

*Responsible Agency: Nevada County Public Works and Building Departments*

## 10. LAND USE / PLANNING

**Existing Setting:** The proposed project would be located on a parcel that is currently developed with an existing office/storage facility, customer and fleet parking areas, and outdoor storage areas for the Byers home improvement business (primarily gutters, roofing, and solar systems). The site is designated as Industrial in the General Plan and has a zoning district of Light Industrial with a Site Performance Combining District (M1-SP). The southern and eastern areas of the parcel contain native slopes vegetated with mixed conifer-oak woodland, and South Fork Wolf Creek runs along the northern boundary of the site. To the north, east, and southeast are residential uses which are zoned in the M1 district. Empire Mine State Historic Park land is located immediately west and south of the project on OS (Open Space)-zoned lands. The Grass Valley City limit line is located approximately ½ mile to the west of the site, and the project is within the City of Grass Valley Sphere of Influence Near-Term.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in structures and/or land uses incompatible with existing land uses?		✓			A
b. The induction of growth or concentration of population?				✓	A
c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				✓	A, B
d. Result in the loss of open space?			✓		A, 13
e. Substantially alter the present or planned land use of an area, or conflict with a general plan designation or zoning district?		✓			A
f. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓		A, 12, 13
g. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community?				✓	A

*Impact Discussion 10a & e:* The proposed project consists of the construction of an 8,750-square-foot industrial building intended for warehousing products used as part of the existing roofing, gutter, and solar installation business. This proposed use is compatible with the existing onsite use, and is consistent with the M1 district on the site. This proposal would not result in additional impacts to surrounding residences beyond what already occurs at the site through an entitled use (SP82-004). Although there are no other adjoining industrial uses at the present, and surrounding lands to the north, southeast, and east are developed with residential uses, the site and surrounding lands are zoned M1. During construction, short-term incompatibilities could arise between the project and surrounding residences to the north, east, and southeast, such as short-term air quality and noise impacts. These impacts are evaluated in this Initial Study and mitigated in Mitigation Measures 3A-C and 12A. As such, the project’s incompatibility with existing surrounding residential uses would be *less than significant with mitigation*.

*Impact Discussion 10b-c:* The proposed project would not result in growth-inducing impacts because it would not construct any infrastructure or other physical development that could serve additional development. Therefore, the project will have *no impact* related to future development potential offsite.

*Impact Discussion 10d:* The project site is not designated as open space and would have no adverse impacts on adjoining open space, which is currently part of Empire Mine State Historic Park. With 44

percent open space, the project also meets the open space standard of 15 percent for the site required under LUDC Sec. L-II 4.2.10. Therefore, the project would have a *less than significant* impact on open space.

*Impact Discussion 10f:* The project site is located within the Sphere of Influence Near-Term of the City of Grass Valley. The City has indicated that they do not seek annexation of the site at this time, though they have provided comments on the project. The Grass Valley Development Review Committee (DRC) has requested that the applicant provide a drainage report for the property and adhere to fire safe standards. The project would be required to provide an updated drainage report demonstrating no net increase in storm water flows from the site with Mitigation Measure 9A, and the County Fire Marshal's conditions of approval include adherence to all applicable fire safe standards. The project would therefore be consistent with the City's recommendations.

Ordinance 1101, adopted on August 16, 1982, implemented a Site Plan combining district (zoned M1-SP) for the subject property which established a 90-foot setback from the 100-year flood plain and the following notation: "There shall be no use that has water requirements in excess of what is identified in the present Site Plan without a public water supply which is adequate for domestic use and for fire flow purposes." The proposed warehouse is within approximately 40 feet of the floodplain, and public water cannot feasibly be provided to the site. Currently, however, there are Zoning Ordinance provisions in place to address encroachments into the 100-foot setback to the floodplain, as well as water supply requirements that are determined by statewide fire protection regulations. To address the zoning inconsistency with the SP notation, the project includes a Zoning Map Amendment that would eliminate the SP district and revert the property to the basic M1 district. To address floodplain setback issues, the project includes a Floodplain Management Plan and its applicable provisions for work within the floodplain setback (see Mitigation Measures 9A-9C). To address fire protection water supply, the project would be conditioned by the Fire Marshal's Office to meet all minimum fire-safe standards, including the storage of the appropriate amount of water on the site.

The project would also be required in the conditions of approval to comply with all of the County's comprehensive site development standards, including parking, lighting, landscaping, signage, setbacks, building height, screening for outdoor storage and solid waste, impervious surface coverage and open space minimum requirements, as well as compliance with standards regarding development within floodplain and watercourse setbacks. With implementation of standard conditions of approval regarding site development and mitigation measures regarding development within floodplain and watercourse setbacks, the proposed project would be compatible with adopted land use plans and impacts would be *less than significant*.

*Impact Discussion 10g:* The proposed project is already developed and used as an industrial site, and would therefore not disrupt or divide the physical arrangement of any established community. Therefore, *no impact* related to the disruption of an existing community would occur.

## 11. MINERAL RESOURCES

**Existing Setting:** The project area is not mapped within a Mineral Resource Zone (MRZ), or area of known valuable mineral deposits, though MRZ-2 areas located nearby, to the north and south (Nevada County, 2016).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓	A, 10, 13
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, 10, 13

*Impact Discussion 11 a-b:* Because the proposed project is not mapped within a known mineral resource area or MRZ and would not change existing land uses on the project site, there would be **no impact** to mineral resources.

## 12. NOISE

**Existing Setting:** Existing noise in the project area includes the commercial and industrial activities associated with the Byers business, motor vehicle noise from East Bennett Road, as well as industrial uses off East Bennett Road to the north, such as Agate Sales and Palmer Enterprise Truck Repair. The nearest sensitive noise receptors in the project area include residential uses approximately 190 feet northeast, 250 feet north-northwest and 250 feet southeast of the new warehouse building. These residences are all within the M1 zoning district. The General Plan and LUDC have established daytime noise levels for M1 zoning of 80 dB Leq and 90 dB Lmax at any time of the day or night.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose persons to or generate noise levels in excess of the County’s adopted standards established in the General Plan and Land Use and Development Code?		✓			A, 12
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels (e.g., blasting)?				✓	A
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		✓			A, 12
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓			A, 12
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 expose people residing or working in the project area to excessive noise levels?			✓		A, 13
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓	A, 13

*Impact Discussion 12a,c,d:* The nearest sensitive receptors to the project site are currently low-density residential uses north, east, and southeast of the project area, with the nearest back yards approximately 30 feet away. Sound generators in the area include traffic on East Bennett Road and industrial uses such as Agate Sales approximately 350 feet north of the site.

Construction would result in temporary, low-level noise impacts at the nearest residences. Exposure of persons to noise levels in excess of the County's adopted standards would be mitigated with the limitation of construction work to 7 AM to 7 PM, Monday through Saturday, as shown in Mitigation Measure 12A. In addition, soil excavation activities for fleet parking would result in additional truck trips through the immediate and surrounding neighborhoods to the drop-off location approximately 4 miles each way (anticipated at Rare Earth Landscape Materials at 11750 La Barr Meadows, Grass Valley). To reduce the noise impacts associated with this construction activity, Mitigation Measure 16A in the *Transportation/Circulation* section of this Initial Study is recommended to limit the time and duration of soil export activities to non-peak traffic hours.

Operational noise from the proposed project is not anticipated to be substantially adverse given that the baseline against which impacts are measured is the existing condition of business operations. The proposed warehouse would not result in additional operational noise impacts but could serve to reduce noise by placing much of the material inside that is now located outside; the warehouse is expected to attenuate at least some noise from material pick-up and delivery. Given that construction noise would be mitigated by Mitigation Measure 12A which limits construction hours, project noise impacts would therefore be *less than significant with mitigation*.

*Impact Discussion 12b:* The proposed project would not result in blasting or other activities that could cause substantial vibration impacts. Therefore, there would be *no impact* related to groundborne vibration.

*Impact Discussion 12e:* Although in the Traffic Pattern Zone for the Nevada County Airport, the project site is not within an airport noise contour area. Therefore, there would be a *less than significant* impact associated with this issue.

*Impact Discussion 12f:* The project is not within the vicinity of a private airport; therefore, *no impact* would arise from the exposure of people residing or working within the project area to excessive noise levels from a private airport.

**Mitigation Measures:** To offset the potential for noise impacts on the nearest residence, the following mitigation measures shall be required:

**Mitigation Measure 12A: Limit construction work hours to 7:00 AM to 7:00 PM.** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect these hours of construction.

**Timing:** *Prior to issuance of grading and building permits*

**Reporting:** *Approval of grading and improvement permits*

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

### 13. POPULATION / HOUSING

**Existing Setting:** The project site is currently used for an existing industrial use: the Byers solar, roofing, and gutter business. Surrounding developed areas to the north, east, and southeast are developed

with residences but have M1 zoning. Lands to the west and south are open space lands within Empire Mine State Historic Park.

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

*Impact Discussion 13a-c:* The proposed project would result in the development of an additional industrial use on a site currently used and zoned for industrial purposes. The project would not result in population growth or displacement of housing or people. Therefore, the proposed project would have ***no impact*** related to these issues.

#### 14. PUBLIC SERVICES

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

Fire: The Ophir Hill Fire District provides fire protection services to this site.

Police: The Nevada County Sheriff provides law enforcement services.

Water: The site is served by an existing well.

Transit: There is no transit route serving the project site or environs.

Sewer: There is no public sewerage service to the site. Sewage treatment occurs via a septic system.

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

*Impact Discussion 14a.1-5:* The proposed project consists of the construction of an 8,750 square-foot warehouse on an existing developed parcel. The proposed development would not result in a new substantial need for additional schools, parks, and police protection because it would not result in



increased population. The project would be conditioned by the Nevada County Fire Marshal’s Office to provide mitigation for structural fire prevention needs, such as a smoke detection system and fire protection water supply requirements. Therefore, the proposed project would have a *less than significant* impact related to public services.

**15. RECREATION**

**Existing Setting:** The project site is located within the Grass Valley Recreation Benefit Zone. The trail system for the Empire Mine State Historic Park is located approximately 850 feet south of the project.

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

**Impact Discussion 15a-c:** As an industrial project, the project would not result in development that would affect recreational uses or increase demand for recreational uses. Nor would the project impact existing trail users within Empire Mine State Historic Park given that the project proposes a warehouse that would house many of the materials currently stored outside, and would not result in additional air quality, noise, hazards, or other incompatibility issues that could impact recreational users. Therefore, the proposed project would have *no impact* related to these issues.

**16. TRANSPORTATION / CIRCULATION**

**Existing Setting:** The project is located on Slow Poke Lane, which takes access from the private Lava Rock Avenue off of County-maintained East Bennett Road. Slow Poke Lane is an existing private road that is currently 15 to 16 feet wide within a 20-foot easement, with a compacted asphalt chip surface. East Bennett Road is a Minor Collector currently functioning at Level of Service (LOS) A with 1,917 average daily trips (ADT), according to the latest traffic count in 2014. The site is not served by public transit, the Nevada County-operated Gold Country Stage.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			✓		B

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Result in a need for private or public road maintenance, or new roads?			✓		B
c. Result in effects on existing parking facilities, or demand for new parking?		✓			A
d. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		B
e. Result in a substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?			✓		B
f. Result in an alteration of waterborne, rail, or air traffic patterns or levels?			✓		A, B
g. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		B
h. Result in inadequate: Sight distance? Ingress/egress? General road capacity? Emergency access (4290 Standard)?			✓		B, I, N
i. Result in inconsistency with adopted policies supporting the provision of transit alternatives to automobile transportation on an equitable basis with roadway improvements, e.g. clustered development, commuter-oriented transit, bus turnouts, sidewalks, paths, and bicycle racks?			✓		A, B

*Impact Discussion 16a,b,d,g:* There is very little traffic anticipated to be generated by the project due to the nature of the proposal, which is a warehouse building that would store materials indoors that are currently already being stored outdoors on the site. Existing traffic levels on East Bennett Road are at approximately 1,917 ADT, and they would have to reach 5,700 ADT to degrade to LOS B. The proposed project is within a Community Region, and General Plan Policy LU-4.1.2 states that the minimum acceptable LOS for Community Regions is LOS D. Because the project would not increase capacity for materials but would simply move materials already stored onsite into the proposed warehouse, the project would not degrade the LOS nor result in LOS D. It should be noted that traffic mitigation fees are required by Code for those portions of the new warehouse building that were not previously permitted for storage containers (which the warehouse would be replacing), and collected prior to issuance of any building permits. Because the project would not result in a substantial increase in traffic, this impact would be *less than significant*.

*Impact Discussion 16c:* Nevada County’s parking standards require a minimum of 30 parking spaces for the proposed project. The project applicant proposes 30 stalls, two of which are required to be ADA-accessible. Fifteen stalls are also proposed for fleet overflow parking. Based on County staff’s observations of the existing business operations on the site, this overflow is needed to maintain adequate parking for the business on the site. Adequate parking is provided per the County’s parking standards.

The proposed area of fleet parking would result in the removal and off-haul of approximately 1,100 cubic yards of soil. It is estimated that with an average of 10 cubic yards per truck, soil removal would result in

approximately 110 round-trip truck trips (or 220 trip ends) through the private roads of Slow Poke Lane and Lava Rock Avenue, as well as on East Bennett, La Barr Meadows, and other local surrounding roads leading to the drop-off location approximately 4 miles away at Rare Earth Landscape Materials at 11750 La Barr Meadows, Grass Valley. Potential traffic and neighborhood conflicts would be mitigated with the implementation of Mitigation Measure 16A, which limits the time and duration of soil export activities to non-peak traffic hours. Physical impacts associated with removal of this portion of the hillside would be mitigated with Mitigation Measures 3A-3C, 4A-4C, 5A, 6A-6B, 9A-9C, 12, 16a, and 17A identified in this Initial Study. Impacts from the construction of new parking would therefore be *less than significant with mitigation*.

*Impact Discussion 16e,i:* Neither project construction nor operation would interfere with the service of the nearest bus line, along Colfax Avenue approximately one mile west of the project site. The project would not conflict with rideshare programs or other policies supporting alternative transportation, and two temporary bike racks would be required on building plans pursuant to California Green Building Code standards. Therefore, there would be a *less than significant* impact to existing transit systems.

*Impact Discussion 16f:* The proposed project would not impact airport operations or other travel patterns. As discussed in the Hazards section of this Initial Study, however, the project is within the Traffic Pattern Zone of the Airport Land Use Compatibility Plan, with an Urban Overlay. The project is not subject to any requirements of the Nevada County Airport Land Use Commission with the exception of the recordation of an overflight notice. This requirement would be included as a condition of approval on the project to provide protections for the airport use and for people residing, working, or operating a business in Zone D. Therefore, there would be *less than significant* impacts related to airport operations and traffic patterns.

*Impact Discussion 16h:* The applicant has applied for a Petition for Exception to Road Standards (MI15-020) to reduce Fire Safe Road right-of-way width from 50 to 20 feet and roadway width from 20 to 15 feet, and to eliminate the fuel modification requirement on the west side of Slow Poke Lane. The existing roadway has been in use by the applicant for nearly 40 years and has already been widened to the maximum extent possible. The roadway cannot be widened without encroaching outside of the easement or onto other property. The west side of Slow Poke Lane has already been cleared to the extent possible within the subject property, and fuel clearing cannot be conducted on Empire Mine State Historic Park property without State Parks consent. The Fire Marshal's Office has concluded that the Petition is supportable with the addition of two turnouts on Slow Poke Lane, and the Department of Public Works has indicated that they do not have any objections to the Petition. Because the regulatory agencies involved in fire safety and roads support the Petition and there are mitigating conditions such as already-cleared vegetation and the addition of turnouts, this impact would be *less than significant* and no mitigation is required.

**Mitigation Measures:** To offset the potential for traffic conflicts with the surrounding neighborhood, the following mitigation measures shall be required:

**Mitigation Measure 16A: Limit timing and duration of soil export.** To minimize potential conflicts with existing traffic flow on East Bennett and surrounding roadways, and to minimize conflicts with residential users of Lava Rock Avenue and Slow Poke Lane, soil exporting activities are limited to non-peak traffic hours (9 a.m. to 4 p.m.), Monday through Friday. Soil exporting activities must be completed within 21 days of issuance of the grading permits, unless justifiable unforeseen circumstances occur (i.e. long periods of inclement weather or equipment failure) where an extension to this time frame may be allowed by the Building Department. Grading plans shall include a Note that reflects the restricted duration, hours and days for soil export activities.

**Timing:** *Prior to grading permit issuance/during and after soil exporting activities*

**Reporting:** Grading permit issuance

**Responsible Agency:** Planning and Building Departments

**17. UTILITIES / SERVICE SYSTEMS**

**Existing Setting:** Electrical service is provided to this area by Pacific Gas & Electric and is currently available and used on the site. The Byers business currently uses propane for its gas service as natural gas is not available. Water is provided by an onsite private well. Solid waste disposal in the project area occurs at the McCourtney Road Transfer Site, which is maintained by the County of Nevada and a private solid waste disposal contractor who hauls material to a permitted sanitary landfill. There are a number of wireless telephone services available in southwestern Nevada County but with variable coverage depending upon the carrier. AT&T provides land line phone service to this area. Sewage treatment and disposal are provided via an onsite system.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in a need for the extension of electrical power or natural gas?				✓	A
b. Require the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓	C
c. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓	C
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓	A, C
e. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓	B
f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		✓			B
g. Comply with federal, state, and local statutes and regulations related to solid waste?		✓			A
h. Require a need for the extension of communication systems?				✓	A

*Impact Discussion 17a-e,h:* The proposed project would not result in development that would create a need for the extension of electrical power, storm drainage facilities, or water or wastewater treatment facilities. The project site is currently developed and in use as the base of operations for the Byers solar, roofing, and gutter business. Services are already provided to or adjacent to the site. The project involves the construction of a warehouse building that would house materials that are currently stored outside, and would not generate the need for any additional utility extensions to the site. Therefore, the project would have **no impact** related to these issues.

*Impact Discussion 17f,g:* The operational phase of the project would likely generate sealant product waste or other waste associated with coatings used in the installation process for roofing and gutters. This waste

would then be stored onsite in a trash enclosure within the new overflow parking/outdoor storage area and disposed of at the McCourtney Road Transfer Station. The site does not have Waste Management pick-up. All refuse and recycling materials are taken to the transfer station (typically twice a month) by Byers, and all materials are subject to State standards for safe disposal, which are implemented at the Transfer Station. Solid waste generated during the development of the site or after occupancy is processed at the McCourtney Road Transfer Site, which is maintained by a solid waste disposal company contracted by Nevada County to haul material to a permitted sanitary landfill.

Construction activities typically produce solid waste in the form of tree stumps, vegetative material, and construction materials. Construction of the proposed project could thus result in potentially adverse landfill and solid waste disposal impacts if materials are disposed of improperly. Impacts would be *less than significant with mitigation* as identified in Mitigation Measure 17A below.

**Mitigation Measures:** To offset potentially adverse impacts related to construction waste, the following mitigation measure is recommended:

**Mitigation Measure 17A: Appropriately dispose of vegetative and toxic waste during project construction.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all grading and improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

**Timing:** *Prior to issuance of grading and improvement permits*

**Reporting:** *Approval of grading and improvement permits*

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

**18. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to 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, 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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?			✓		A

*Impact Discussion 18a:* Development of the proposed project would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation, mostly during construction, would result in potentially adverse impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology, noise, transportation/circulation, and utilities/service systems. Each of those impacts is mitigated to levels that are ***less than significant levels with mitigation*** as outlined in each section. No additional mitigation is required.

*Impact Discussion 18b:* A project’s cumulative impacts are considered significant when the incremental effects of the project are “cumulatively considerable,” meaning that the project’s incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Over time in Nevada County, development activities have continued to break up formerly large portions of forested lands into progressively smaller pieces, diminishing their nature resource values. The project site and much of the surrounding area has been impacted for over 160 years from mining and industrial activities as well as suburban development. The proposed project would result in the loss of 4,500 square feet of forested land on the perimeter of an already developed area. However, due to the abundance of the mixed conifer woodland habitat type regionally, no significant cumulative impacts to these resources are occurring as a result of the proposed project. Therefore the proposed project will not result in a cumulatively considerable contribution to cumulative impacts on surrounding biological resources.

As discussed in the Air Quality, Noise, and Transportation/Circulation sections of this initial study, the proposed project would result in a minor, short-term increase of traffic from construction activities. Construction activities are considered short-term, and mitigation is required to reduce the emissions, noise, and potential traffic conflicts associated with construction traffic below thresholds of significance. For these reasons, this project as mitigated would not result in a considerable contribution to cumulative impacts on regional air quality, noise, or traffic.

Reasonably foreseeable projects that could have similar impacts to the proposed project include other future projects within the project vicinity that could be constructed or operated within the same timeframe as the project. However, because most of the project impacts would be short-term construction impacts that are not substantially adverse with mitigation, the proposed project would only incrementally contribute to cumulative impacts. The proposed project would result in various potential environmental impacts, but each of those can be mitigated to a less than significant level by the recommended mitigation from this document. Where the project would have no impact, it would not contribute to cumulative impacts. In addition, issues specific to site conditions, such as site geology and soils, do not have cumulative effects. While the project would contribute to population growth in the County, that impact has been evaluated in the General Plan EIR and findings of overriding consideration adopted by the Board of Supervisors for those impacts. Therefore, the proposed project would have ***less than significant*** environmental effects that are individually limited but cumulatively considerable.

*Impact Discussion 18c:* Project construction and grading could result in temporary impacts to human beings through dust, release of asbestos-laden soils or rock, noise, and improper disposal of construction waste. However, implementation of the mitigation measures in this Initial Study, in addition to

compliance with existing federal, state, and local regulations, would reduce any adverse direct or indirect effects on human beings to a level that is *less than significant with mitigation*.

*Impact Discussion 18d:* The basic objective of the project is to construct a storage structure suitable for to house industrial materials on an existing project site. The project could accomplish this objective by relocating to a different site, but this would involve moving the entire base of operations which is already established on the project site. Depending on the alternative site, situating the project elsewhere could result in greater environmental impacts. Therefore, this impact is considered *less than significant*.

### **Mitigation Measures**

To offset potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, public services, and utilities/service systems, see Mitigation Measures 3A-3C, 4A-4C, 5A, 6A-6B, 7A, 9A-9C, 12A, 16A, and 17A.

### 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.

\_\_\_\_\_  
Jessica Hankins, Senior Planner

\_\_\_\_\_  
Date



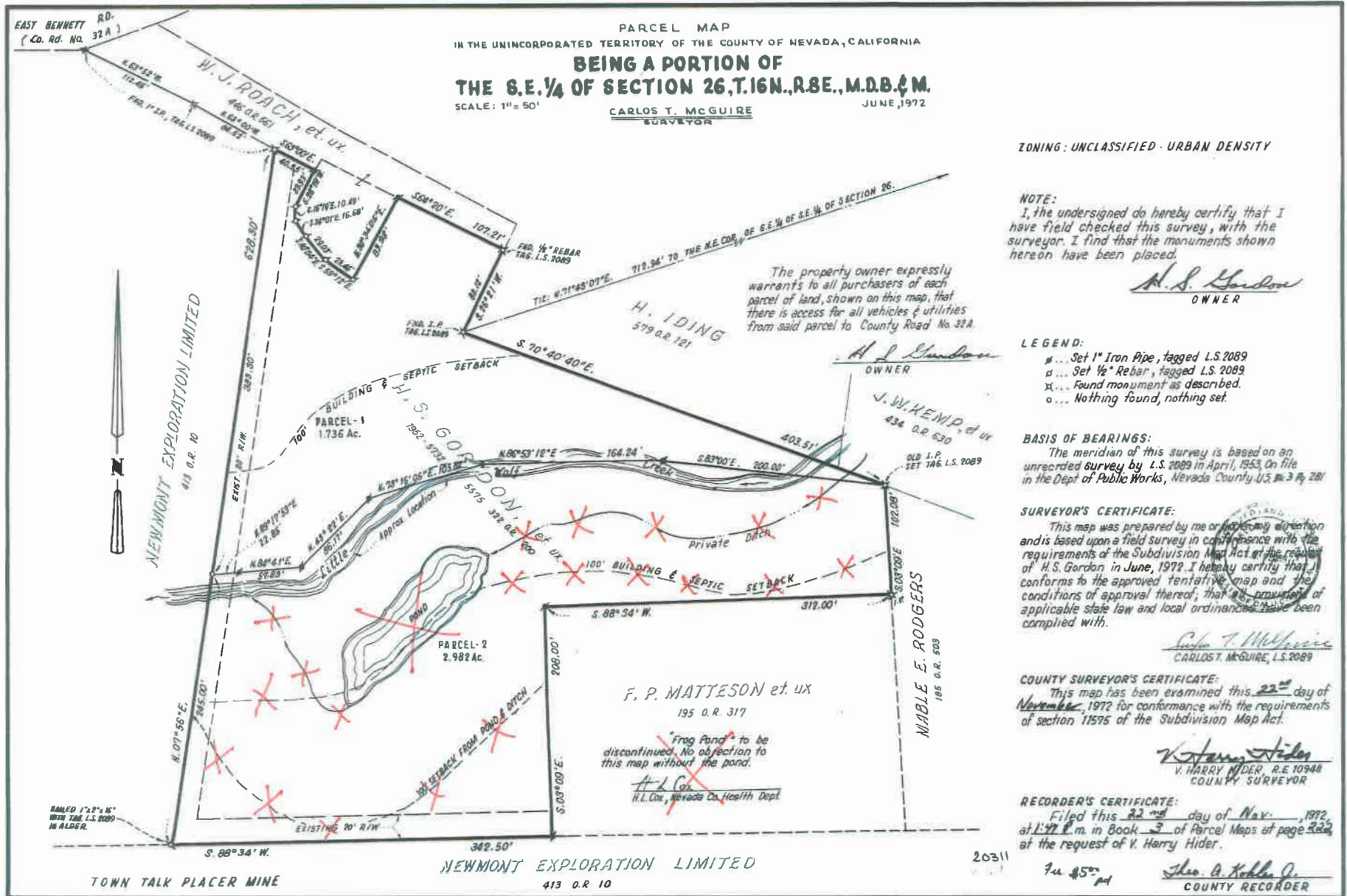
## REFERENCES

- A. Planning Department
- B. Department of Public Works
- C. Environmental Health Department
- D. Building Department
- E. Nevada Irrigation District
- F. Natural Resource Conservation Service/Resource Conservation District
- G. Northern Sierra Air Quality Management District
- H. Caltrans
- I. Nevada County Consolidated Fire District
- J. Regional Water Quality Control Board (*Central Valley Region*)
- K. North Central Information Service, Anthropology Department, California State University, Sacramento
- L. California Department of Fish & Wildlife
- M. Nevada County Geographic Information Systems
- N. California Department of Forestry and Fire Protection (Cal Fire)
- O. Nevada County Transportation Commission/Nevada County Airport Land Use Commission
- P. Nevada County Agricultural Advisory Commission
- Q. Nevada Joint Union School District

## Bibliography

1. CalEEMod Version 2013.2.2. (2016, June 9). Byers Warehouse Development Permit.
2. California Attorney General's Office. (2010, January 6). Addressing Climate Change at the Project Level.
3. California Department of Conservation. (2010). *Fault Activity Map of California* . Retrieved April 26, 2016, from <http://maps.conservation.ca.gov/cgs/fam/#skip-to-content>
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5. California Department of Conservation. (2016). *Geologic Map of the Chico Quadrangle*. Retrieved April 21, 2016, from State of California Department of Conservation: v
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14. Northern Sierra Air Quality Management District. (2009, August 18). Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

15. SCO Planning & Engineering. (2015, December 16). Drainage Analysis, Byers Leaf Guard. Grass Valley, CA.
16. SCO Planning, Engineering & Surveying, Inc. (2015, December). Floodplain Management Plan: Byers Leafguard.
17. USDA Soil Conservation Service. (1993, August). Soil Survey of Nevada County, California.



ZONING: UNCLASSIFIED - URBAN DENSITY

NOTE:  
 I, the undersigned do hereby certify that I have field checked this survey, with the surveyor. I find that the monuments shown hereon have been placed.

*A. S. Gordon*  
 OWNER

LEGEND:  
 # ... Set 1" Iron Pipe, tagged L.S.2089  
 o ... Set 1/2" Rebar, tagged L.S. 2089  
 x ... Found monument as described.  
 o ... Nothing found, nothing set.

BASIS OF BEARINGS:  
 The meridian of this survey is based on an unrecorded survey by L.S. 2089 in April, 1953, on file in the Dept of Public Works, Nevada County U.S. 315 281

SURVEYOR'S CERTIFICATE:  
 This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act of the request of H.S. Gordon in June, 1972. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof; that all provisions of applicable state law and local ordinance have been complied with.

*Carlos T. McGuire*  
 CARLOS T. MCGUIRE, L.S. 2089

COUNTY SURVEYOR'S CERTIFICATE:  
 This map has been examined this 22<sup>nd</sup> day of November, 1972 for conformance with the requirements of section 11595 of the Subdivision Map Act.

*V. Harry Hider*  
 V. HARRY HIDER, R.E. 10948  
 COUNTY SURVEYOR

RECORDER'S CERTIFICATE:  
 Filed this 22<sup>nd</sup> day of Nov., 1972, at 1:27 p.m. in Book 3 of Parcel Maps at page 222 at the request of V. Harry Hider.

*Leo A. Kohler Jr.*  
 COUNTY RECORDER  
 By: J. Burr, Deputy

20311

7-11-85

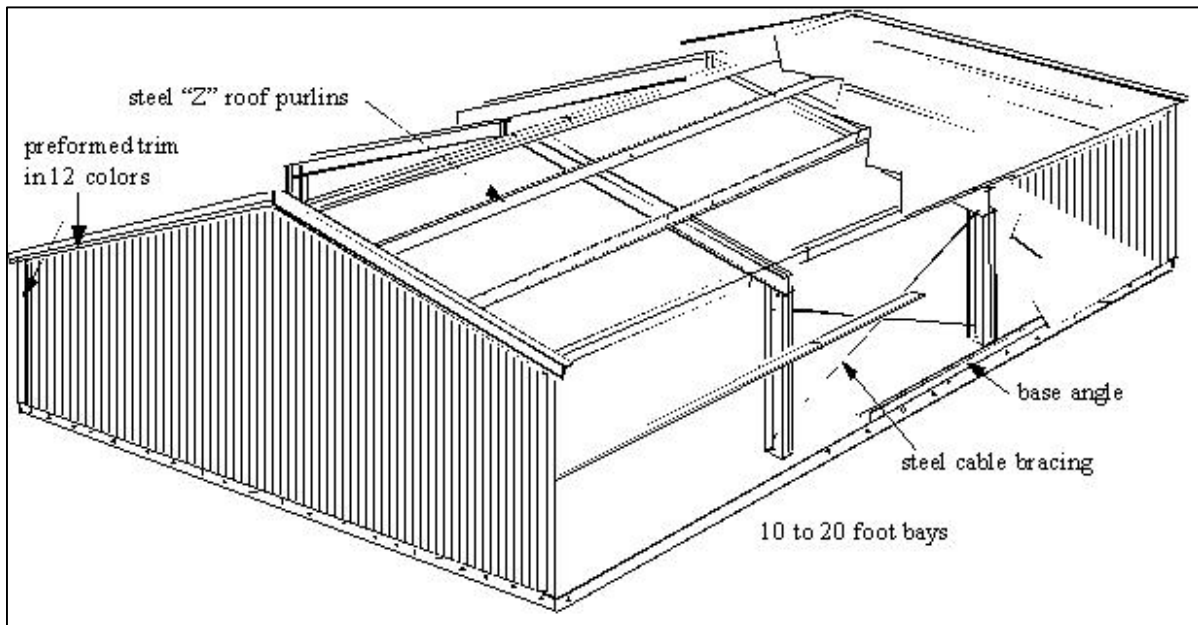
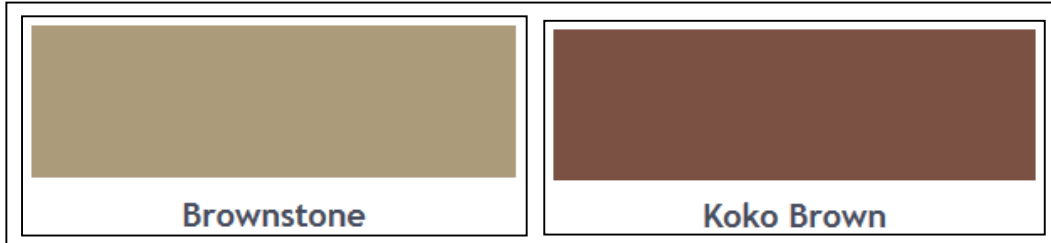
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**Sample Depictions of Proposed Byers Warehouse Building (DP15-006)**

Area = 8,750 sf  
Eave height = 22 feet  
Peak = 27 feet

3 roll-up doors and 3 man doors  
Wall and roofing materials = metal

Colors = Walls – brownstone; Trim/roof – koko brown



60x120x16 with ash grey walls, charcoal roof, charcoal sliding doors with 2' wallights.

Examples only.

ATTACHMENT 4D

*CONSULTANT REPORT FOR PLANNING DEPARTMENT,  
NEVADA COUNTY, CALIFORNIA*

**MANAGEMENT PLAN: BYER'S PARCEL AND SETBACK  
FROM LITTLE WOLF CREEK, GRASS VALLEY**

JUNE 2015

By  
*Glenn Delisle, Fish and Wildlife Biologist*

**MANAGEMENT PLAN: BYER'S PARCEL AND SETBACK  
FROM LITTLE WOLF CREEK, GRASS VALLEY**

June 2015

By

*Glenn Delisle, Fish & Wildlife Biologist*

**I. Introduction**

This management plan is submitted pursuant to Sec. L-II 4.3.3.C of County Zoning Regulations, required for development projects that will result in disturbance of sensitive resources. The project address is 11773 Slow Poke Lane, Grass Valley, CA 95945 and is APN 09-320-25. The site is one mile east of Hwy 49 on E. Bennet Road and is shown on U.S.G.S. 7.5 minute quadrangle "Grass Valley, CA. 1998 Edition" (*Figure 1*). The biological inventory prepared for the project (*July 2014*) identified three-acres of developed area that border 580 feet of a perennial stream, Little Wolf Creek, and its riparian area that may be disturbed (*Figure 2*). Owner / applicant is Mr. Ray Byers, Sr.; President of Byers Leaf Guard Gutter Systems (530.272.5323); www.byers leafguard.com.

**II. Summary of Management Plan Conclusions and Recommendations**

Conclusions of the management plan for Little Wolf Creek are that the stream is a clear, clean-flowing perennial creek that supports aquatic life ranging from a variety of insect larvae to a small native fish population. The riparian environment also supports a number of desirable terrestrial wildlife and native vegetation. This ecosystem is a unique area existing close to Grass Valley urban living. Remedies for problems described should help perpetuate this small ecosystem.

Recommendations for three issues are: **(1.)** The large parking area (*most of the three-acres*) is a potential source of pollution in Little Wolf Creek from oil, gas and other waste during water / storm runoff. To protect the stream during heavy storm water runoff, surface runoff from the parking area should be directed to a retention basin OR infiltration trench to be treated prior to returning to the stream.

**(2.)** Accidental introduction of foreign material into the creek is easily possible along 580-feet of stream on the north property boundary. The existing chain-link fence along 120-feet, with plastic lattice, (or any durable, lasting fencing) should be extended to the end of the property and fitted on both sides with soil stabilizers to encourage vegetation overgrowth. Such fencing will greatly help to halt foreign materials from entering the creek.

**(3.)** The existing access road (Slow Poke Lane) was widened by approximately 1'-4' by removing overgrown vegetation (for fuels management) and a roadside ditch along the existing western shoulder was cleaned out. Hay bales were placed along the flow line in two locations to prevent sediment from running into Little Wolf Creek. This is acceptable mitigation measure to protect the creek and they shall remain in place until the roadway is properly surfaced.

### III. Property Description

The property is approximately three-acres and the north boundary fronts 580 feet of Little Wolf Creek. Elevation is 2,500 feet. A 1972 parcel map shows a “frog pond” 50-foot X 100-foot in the center of the parcel (*Figure 3*). A note on that map states “Frog Pond to be discontinued. No objection to this map without the pond” – signed by **H.L.Cox, Nevada County Health Dept.** Our 2014 study found that “frog pond” nonexistent and doubtless paved over 25 or more years ago – with approval by Nevada County. The 2014 parcel map properly depicts the property (*Figure 4*). The 1972 parcel map also names the creek “Little Wolf Creek.” The 1998 U.S.G.S. “Grass Valley, CA Edition 1998” quadrangle names that creek “South Fork Wolf Creek” (*herein we use the earlier creek name*). The owner (*Byers*) bought the property in 1990 from a “Woods Trucking Co.” Thus, 25 to 30 years ago, Woods Trucking Co. (*or an earlier owner?*) installed the existing asphalt / dirt parking area and buildings that together cover most of the parcel. Paving occurs to an average of two- to five-feet from the top of the ravine in which the creek flows. Also, circa 1982 >1985, Nevada County approved sediment improvement plans on the parcel with a large parking lot within two- to five-feet from the creek, and no setback from the creek.

In July 2014 at mid-point of the creek on *Byers*’ parcel the creek averaged three-feet wide, four-to five-inches deep and flowing about one-foot-per-second; i.e. a stream flow of approximately 1.25 cubic-feet-per-second (cfs) (*Figure 5*). Water was clear without algae or sediment. Air was 85F, water was 63F. Adult trout could survive here, but trout spawning gravel areas are virtually nonexistent. Swarms of honey bees and yellow jackets were actively drinking. We found abundant mayfly (*Ephemeroptera*) and *Diptera* (fly) larvae by turning over several wet rocks in the creek-bed (*Figure 6*). Large, unusual, tiger-striped green dragon flies (*Odonata, sp.*) were actively flying the creek area. A 7- to 8-inch fish was prodded from an undercut bank in a pool 6-feet long and 1-foot deep. It had a darkly mottled back and likely was a native sucker. Two small fish, one-to two-inches long were seen but not captured; again, likely native suckers (*Figure 7*).

The ravine through which the creek flows averages five to 10-feet deep and is heavily cloaked with plants; common blackberry, alder, willow and oak. As a result, birds and terrestrial wildlife -- raccoon, grey squirrel, scrub jay, woodpecker and blacktail deer, to name a few – are abundant.

### IV. Project Description

*Byers Leaf Guard* proposes a 60-foot X 100-foot warehouse building on its property. The warehouse will store equipment and materials currently stored outdoors on site. The rear of the building abuts a steep earthen hill that prevents expansion rearward, and the 100-foot wide front of the building extends 15-feet into a 100-foot setback from Little Wolf Creek (*i.e. the building is 85-feet from the creek*). It will, however, be located on an existing paved area, directly adjacent to an existing office building. The building will attach to an existing leach field and use an existing well. No plants or wildlife habitat exist on the proposed site (*Figure 8*). The site is located within the M1-SP zoning district and is designated Industrial within the county’s General Plan. The following applications are required for the proposed



project:

1. Development Permit to construct a 6,000 square-foot warehouse building;
2. Management Plan to mitigate partly reducing the 100-foot setback from Little Wolf Creek (*i.e. this specific document*);
3. Amended Parcel Map to remove the building setback (and pond) from the recorded Parcel Map.

## **V. Analysis of Potential Impacts**

Two potential detrimental impacts to Little Wolf Creek are: (1.) Parking lot runoff into the creek; Parking lot (*three-acres*) runoff must be captured to separate water from foreign material; and, (2.) Accidental introduction of unwanted material (*e.g. wood / metal scraps, rock / earth, building materials, etc.*). Accidental disposal of unwanted material must be prevented with durable fencing along the edge of the ravine.

## **VI. Recommended Mitigations and Conditions**

The proposed building extends into the county's 100-foot setback from the creek. The warehouse will house materials stored outside and thus will reduce potential pollution of the creek, but it abuts a high earthen hill that prevents further rearward extension. To mitigate intrusion to the setback, two conditions are recommended:

1. Parking lot water / storm runoff through culverts into the creek must not be allowed unless treated (*Figure 9*); This will protect the creek from flowing / moveable pollution (*pesticides, oil, gasoline, asphalt, chemicals, sediment, etc.*); and,
2. Durable, effective fencing with soil stabilizers on each side to encourage and support vegetation coverage should be established for the 580-feet along the entire edge of the ravine to the end of the parcel (*Figures 10, 11*). This will halt accidental introduction to the creek of disposable, unwanted foreign material(s) (*Figures 12, 13, 14, 15*).

Both of the above recommended conditions should be completed concurrently with completion of the proposed building.

3. Road maintenance along Slow Poke Lane was conducted and consisted of fuels reduction and cleanup of the shoulder. Hay bales were placed along the flow line in two locations to prevent sediment from running into Little Wolf Creek. This is acceptable mitigation measure to protect the creek and they shall remain in place until the roadway is properly surfaced.

## **VII. Justification to Support Management Plan**

First, the justification to support this Management Plan is that Little Wolf Creek is a perennial stream that supports aquatic life ranging from a variety of insect larvae to a small native fish population. The riparian habitat supports a variety of desirable terrestrial wildlife and native vegetation. This is a rare, small ecosystem flourishing within a mile of downtown Grass Valley. We believe, however, no rare, endangered or threatened federal or state species, or state DFW "species of concern" exist on or near the project site or Little Wolf Creek.

Second, further justification to support this Management Plan is that over 25 years ago,



Nevada County approved the existing paved parking area covering virtually all three-acres of the Byers' property without a 100-foot setback from Little Wolf Creek. The existing paved three-acres were an approved concept, a "*fait accompli*," decades before the county began requiring setbacks from streams.

Due to use patterns with vehicles on the parcel and lack of adequate physical area to construct the proposed building, no feasible alternative project designs were offered.

## VIII. References

### Printed References:

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4. Holland, Robert F., 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California*. State of California, The Resources Agency, Department of Fish and Game (now Wildlife). 156 Pages.
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6. U.S. Department of Agriculture, 1975. *Soil Survey of Nevada County Area, California*. Soil Conservation Service and Forest Service with Univ. of Calif. Agricultural Experiment Station. Approximately 110 pages plus maps.
7. California, State of, 2014. *Fish and Wildlife Code*.

### Personal Communications:

Individuals contacted in person or by telephone in the process of preparing this report are:

1. Mr. Ryan Byers, Sr.; President of "Byers Leaf Gutter Systems" (530.272.5323)
2. Mr. Paul Geddings, "Geddings Engineering" (530.265.2878; cell 277.4807).
3. Ms. Jamie Geddings, "Geddings Engineering"
4. Ms. Kristine Spencer, information services coordinator, DFW -- Biogeographical Data Branch (916.324.3812)
5. Mr. Rob Wood, Senior Planner, SCO Planning, Engineering and Surveying (530.272.5841).

## IX. Statement of Qualifications

**Glenn Delisle** (530)268-8624. 23364 Green Court, Auburn CA 95602.

Education: University of California at Berkeley, B.A. Wildlife Conservation, 1954.

Graduate studies in zoology and fisheries, 1957.

Experience: California Department of Fish and Game, 1956-1994. Thirty-eight years as Senior Fishery Biologist, Regional Manager / Division Chief on numerous fishery and wildlife projects involving resident and anadromous fishes, water quality control programs, and water associated wildlife. Several projects required training for CEQA application. Documents similar to this

biological report / management plan were prepared routinely for in-house use by DFG. Testified as an expert witness in quasi-judicial hearings before the State Water Commission and State Water Resources Control Board on effects of development proposals on fish and wildlife resources. Since retired, several biological inventories conducted for property owners in Nevada County.

Professional affiliations: Past president California-Nevada Chapter American Fisheries Society; past member Pacific Fishery Biologists; past member American Fisheries Society; past member American Institute of Fishery Research Biologists.

**--END --**

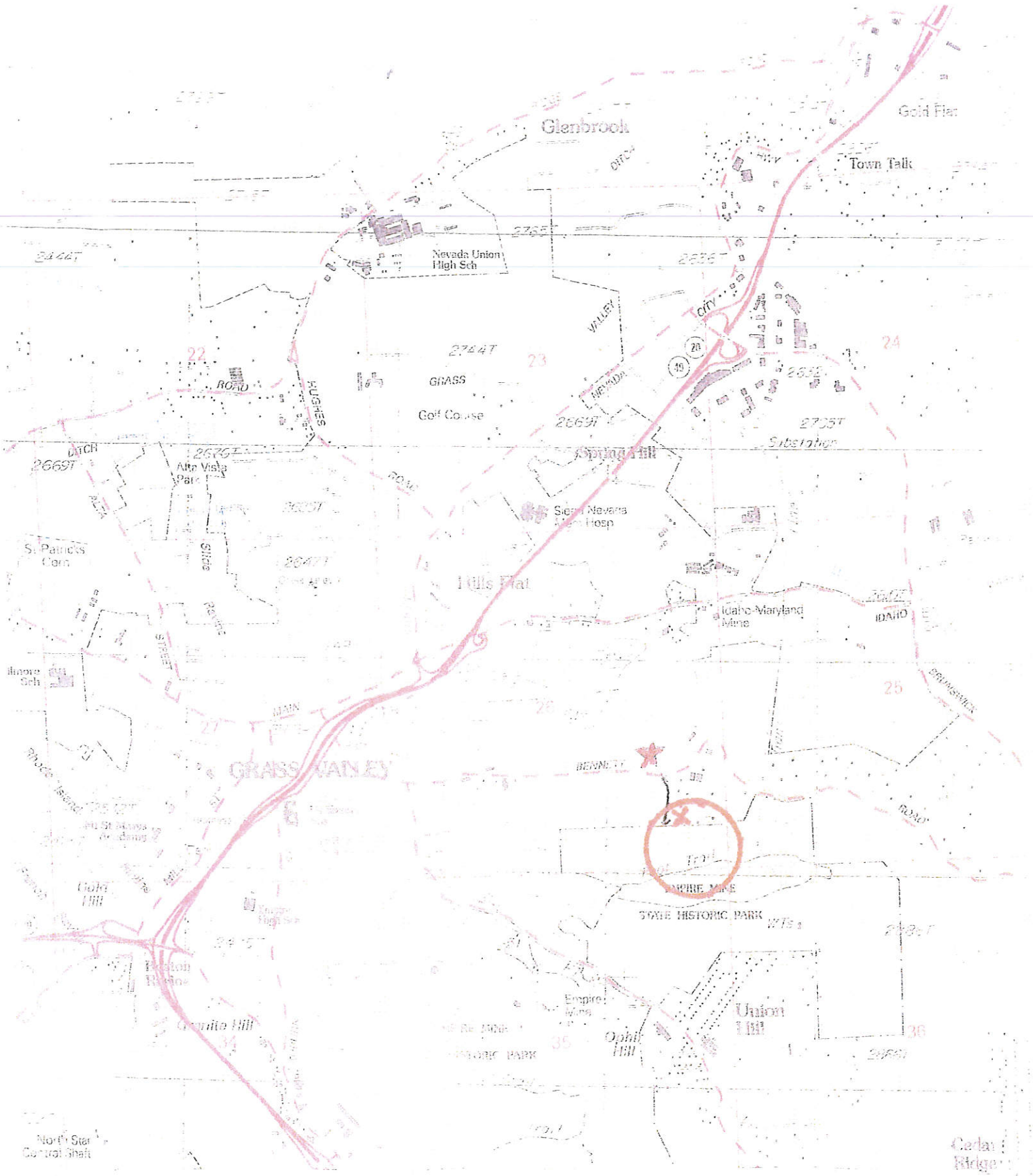


Figure 1. Project Site on Old Slow Poke Lane. U.S.G.S. 7.5 Minute Quadrangle. "Grass Valley, CA; Provisional Edition 1998."



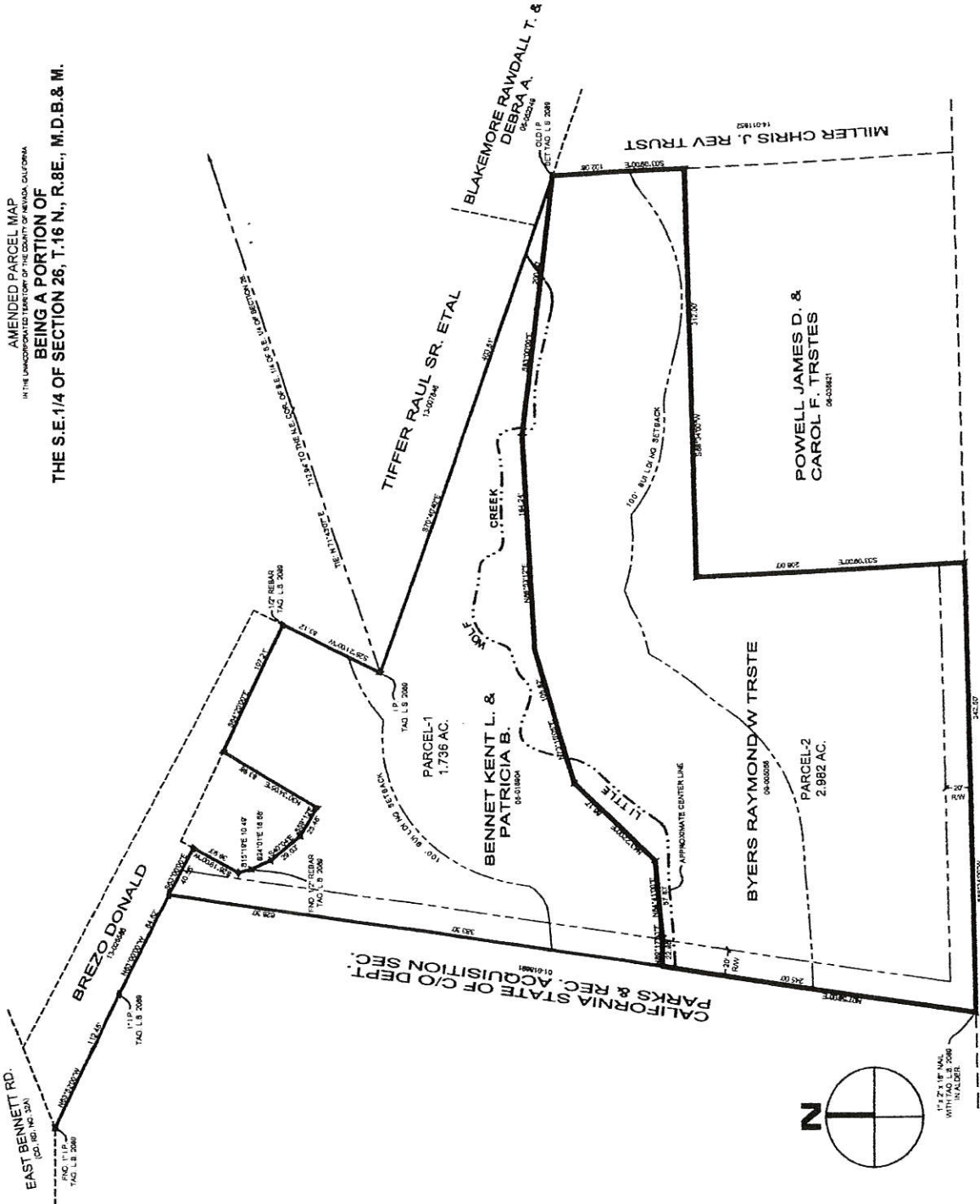


Figure 2. Aerial Photo of Project Site. Three Acres, Developed With Major Parking Area on Most of Property (Developed by Prior Owner, 25 Years Earlier).





AMENDED PARCEL MAP  
 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF NEVADA, CALIFORNIA  
**BEING A PORTION OF**  
**THE S.E.1/4 OF SECTION 26, T.16 N., R.8E., M.D.B.& M.**



NOTE: THE PURPOSE OF THIS MAP IS TO AMEND THE BUILDING SETBACK WITH RESPECT TO "LITTLE WOLF CREEK" AND THE REMOVAL OF THE BUILDING SETBACK ASSOCIATED WITH A CURRENTLY NON EXISTANT POND.

LEGEND:

- 1" IRON PIPE, TAGGED L.S. 2086
- (RECORD INFORMATION PER P. M. 3-22)
- 1/2" REBAR, TAGGED L.S. 2088
- (RECORD INFORMATION PER P. M. 3-22)
- FOUND MONUMENT AS DESCRIBED
- (RECORD INFORMATION PER P. M. 3-22)
- NOTHING FOUND, NOTHING SET.

BASIS OF BEARINGS:  
 THE MERIDIAN OF THIS SURVEY IS BASED ON AN UNRECORDED SURVEY BY L.S. 2089 IN APRIL, 1983, ON FILE IN THE DEPT OF PUBLIC WORKS, NEVADA COUNTY, U.S. BK. 3 PG. 281

SURVEYOR'S CERTIFICATE:  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF RAY BYERS IN JULY, 2014. I HEREBY CERTIFY THAT CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF. THAT ALL PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

R.G. HILLMAN, RCE 29285

COUNTY SURVEYOR'S CERTIFICATE:  
 THIS MAP HAS BEEN EXAMINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 FOR CONFORMANCE WITH THE REQUIREMENTS OF SECTION 11.075 OF THE SUBDIVISION MAP ACT.

KEVIN J. NELSON, PLS #423  
 COUNTY SURVEYOR

RECORDER'S CERTIFICATE:  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014,  
 AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF PARCEL MAPS AT PAGE \_\_\_\_\_  
 AT THE REQUEST OF KEVIN NELSON

COUNTY RECORDER

CALIFORNIA STATE OF C/O DEPT.  
 PARKS & REC. ACQUISITION SEC.

Figure 4. 2014 Parcel Map Properly Depicts Property.







Figure 5. Little Wolf Creek Flowing 1.25 CFS on July 12, 2014.





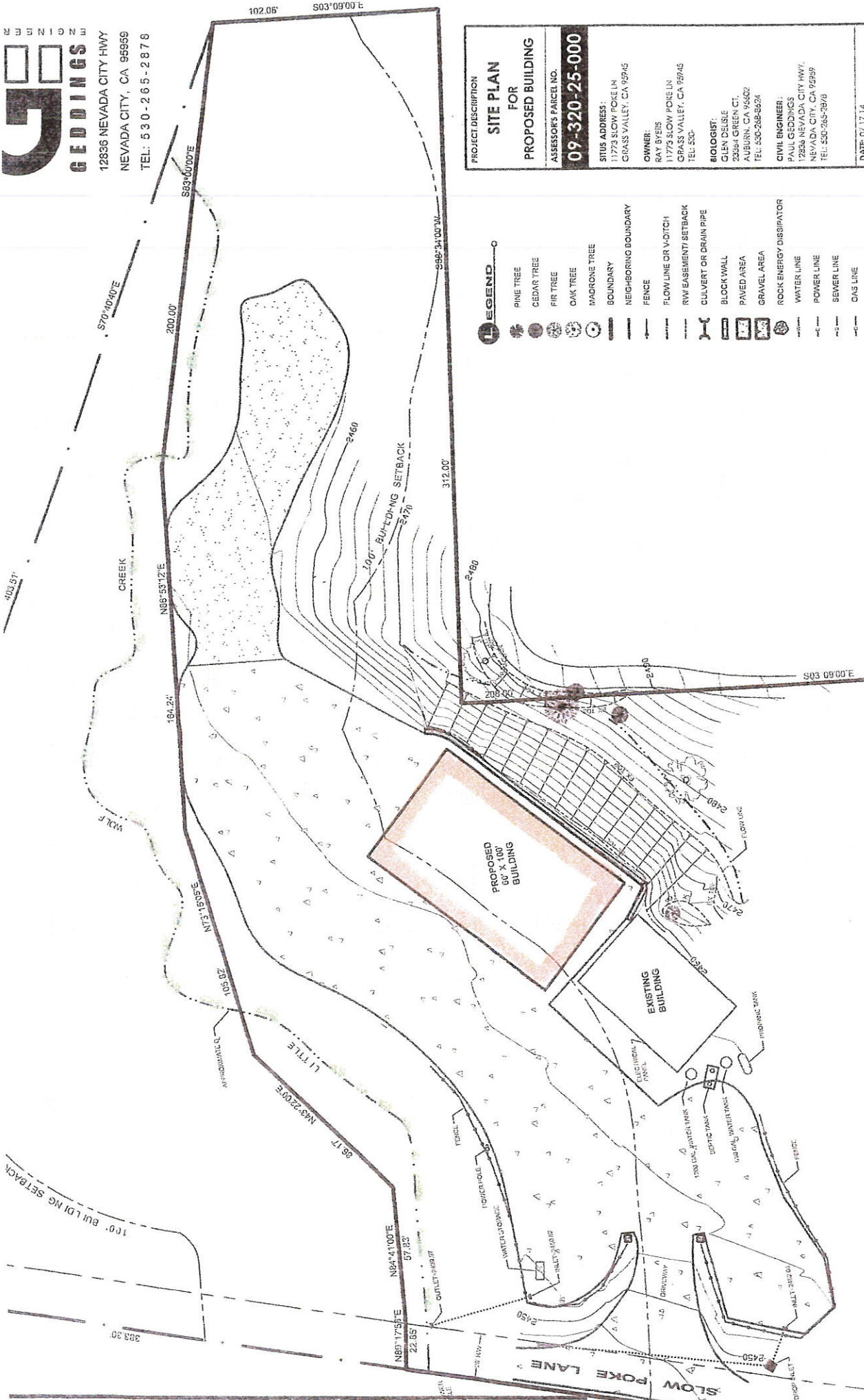
Figure 6. Wet Rocks Producing Mayfly and *Diptera* Larvae.





Figure 7. Pool Containing Small Unidentified Fish.

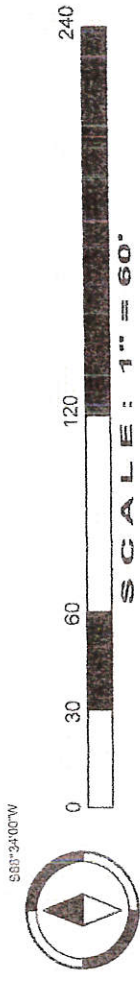




<b>PROJECT DESCRIPTION</b>	<b>SITE PLAN FOR PROPOSED BUILDING</b>
<b>ASSESSOR'S PARCEL NO.</b>	<b>09-320-25-000</b>
<b>SITUS ADDRESS:</b> 11723 SLOW POKE LN GRASS VALLEY, CA 95945	<b>OWNER:</b> RAY PEYERS 11723 SLOW POKE LN GRASS VALLEY, CA 95945 TEL: 530-
<b>BIOLOGIST:</b> CLEN DESILE 2054 GREEN CT AUBURN, CA 95602 TEL: 530-288-8624	<b>CIVIL ENGINEER:</b> PAUL GEDDINGS 12836 NEVADA CITY HWY NEVADA CITY, CA 95959 TEL: 530-265-2878
<b>DATE:</b> 07/17/14	<b>REV. DATE:</b>
<b>DRN. BY:</b> J.G. / V.G. <b>CONTOUR:</b> 2.0 INTERVAL <b>SH. DESC:</b> SITE PLAN	
<b>SHEET</b> <b>S 1</b> 1 OF 1	

- LEGEND**
- PINE TREE
  - CEDAR TREE
  - FIR TREE
  - DAK TREE
  - MADRONE TREE
  - BOUNDARY
  - NEIGHBORING BOUNDARY
  - FENCE
  - FLOW LINE OR V-DITCH
  - R/W EASEMENT/BETBACK
  - CULVERT OR DRAIN PIPE
  - BLOCK WALL
  - PAVED AREA
  - GRAVEL AREA
  - ROCK ENERGY DISSIPATOR
  - WATER LINE
  - POWER LINE
  - SEWER LINE
  - GAS LINE
  - DROP INLET
  - PIER
  - POWER POLE
  - PROPANE TANK
  - EX. TOP
  - EX. TOE
  - (N) TOP
  - (N) TOE

Figure 8. Parcel Map With Site of Proposed Building and Little Wolf Creek.



342.50'

800'±24.00'W

NOTE: THIS MAP IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. ONLY THE ORIGINAL FILED COPY IS VALID. ANY CHANGES TO THIS MAP MUST BE MADE TO THE ORIGINAL FILED COPY.

EMILIE.GEDDINGS@JGGEDDINGS.COM

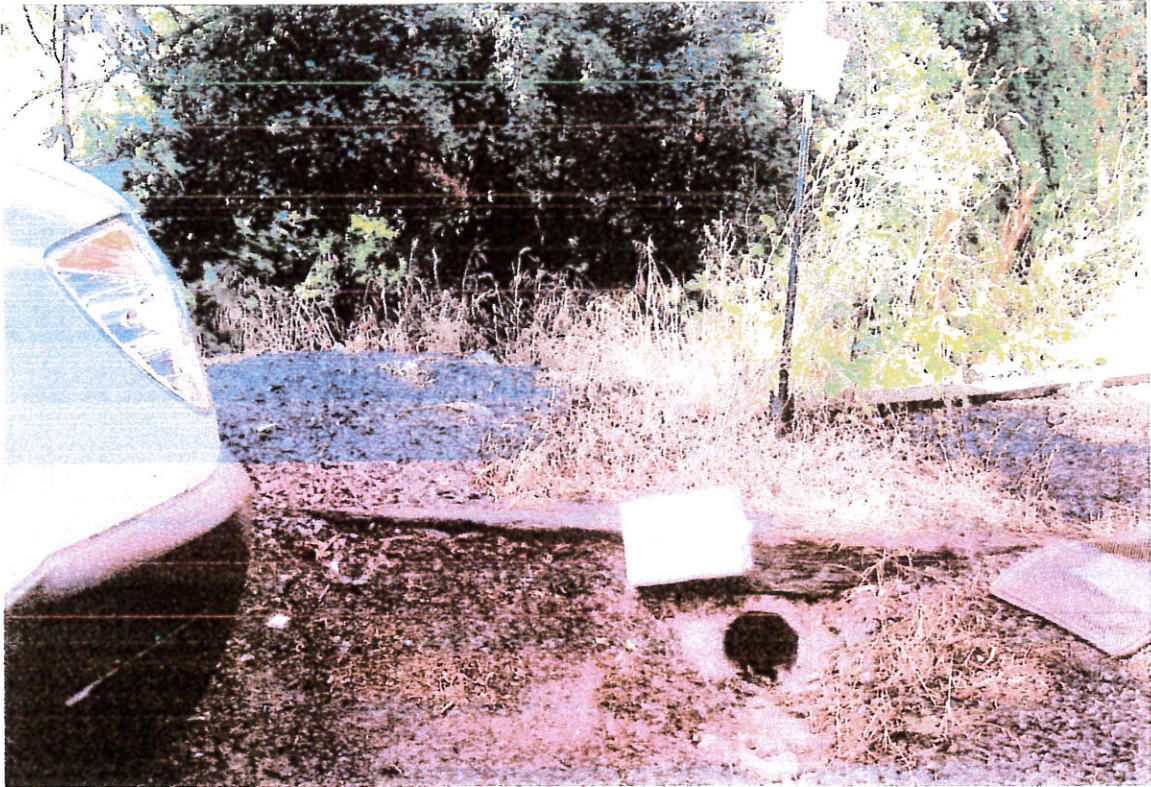


Figure 9. Parking Lot Culverts Funnel Storm Runoff Into Creek.



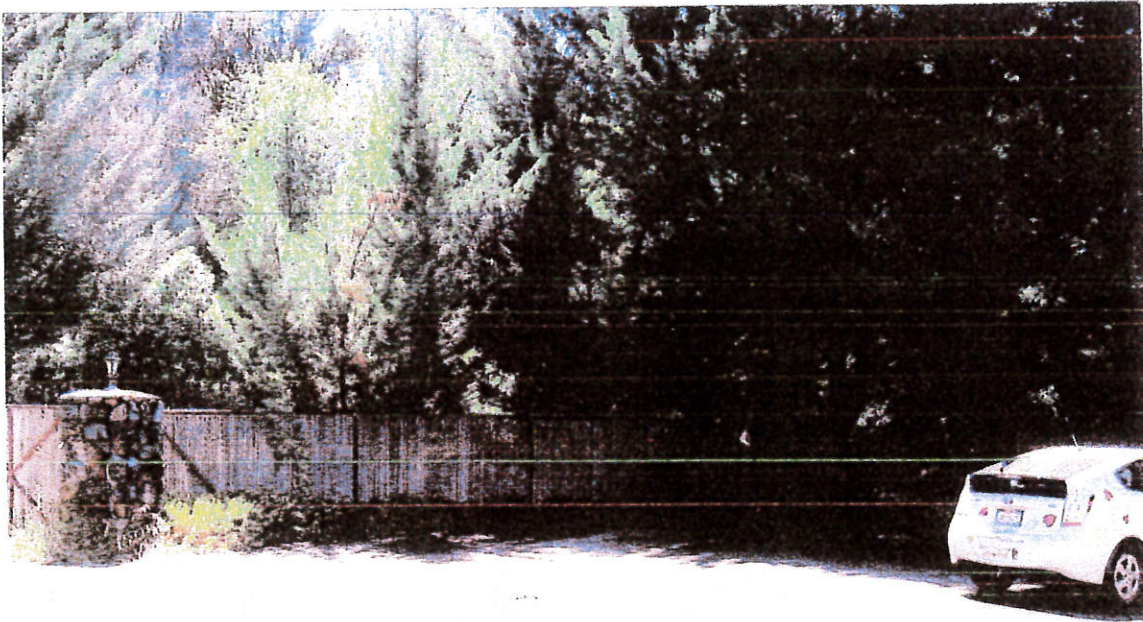


Figure 10. Tall Fencing That Helps Stop Foreign Material From Entering Creek.

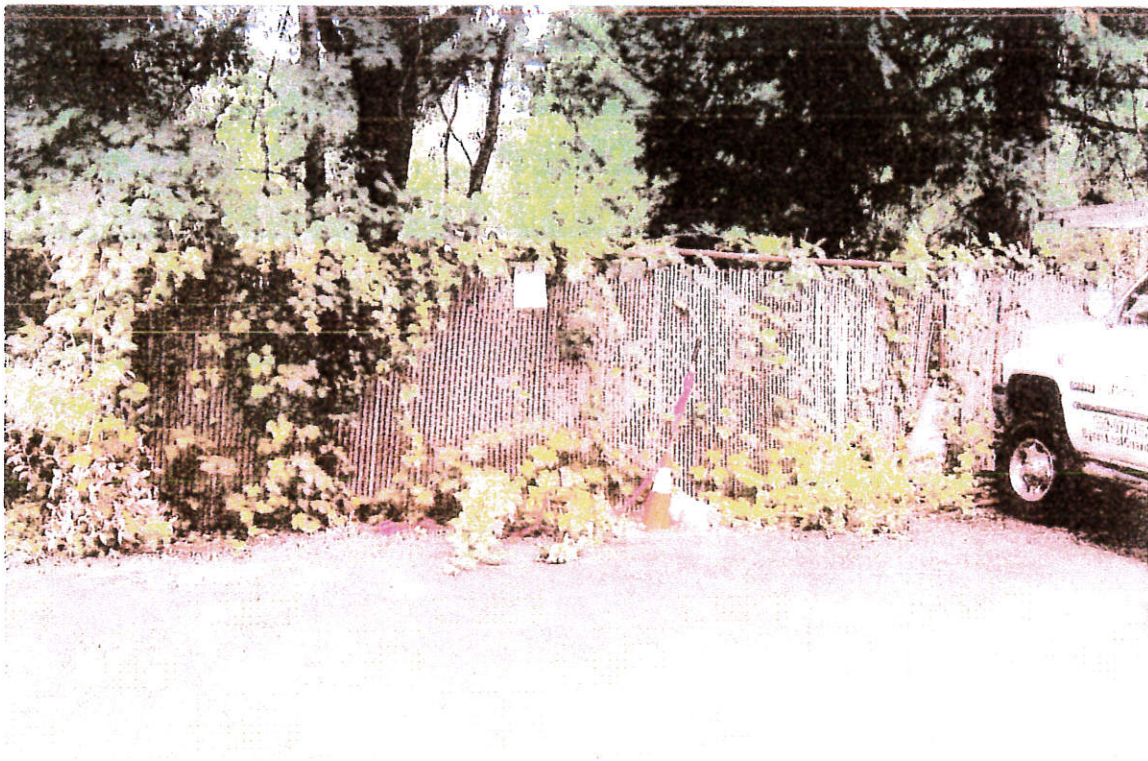


Figure 11. Fencing and Vegetation Halts Foreign Material From Entering Creek.





Figure 12. Material / Items Too Close to Edge of Ravine Above Creek.



Figure 13. Material / Items Too Close to Edge of Ravine Above Creek.





Figure 14. Material / Items Too Close to Edge of Ravine Above Creek.



Figure 15. Material / Items Too Close to Edge of Ravine Above Creek.



*Glenn Delisle, Fish & Wildlife Biologist*

**Biological Report & Management Plan Addendum:**  
**Additional Information and Modification for Byers Development Permit,**  
**Nevada County, California**

May 2016

As requested by Nevada County, the following information is provided to determine potential impacts of the proposed project and is to be considered an addendum to the July 2014 Biological Report for Old Slow Poke Lane and the June 2015 Management Plan for Byers Parcel, both prepared by Glenn Delisle.

Since preparation of the Biological Report and Management Plan, the project description has been modified and scope of work has been expanded. The expanded scope of work is the subject of the present addendum report.

**A. Project Description - Revised**

Byers Leaf Guard is proposing to construct a 125' X 70' (8750 square feet) warehouse building on it's property located at 11773 Slow Poke Lane (APN 09-320-25). The warehouse will be utilized for storage of equipment and materials which are currently stored outdoors on the site. The building will encroach into a 100' building setback from Little Wolf Creek, however it will be located within an existing paved/gravel area, directly adjacent to the existing office building.

Additionally, an area of approximately 4500 square feet east of the proposed warehouse will be graded to create additional fleet parking and a turnaround for large trucks. This area is also within the 100' setback from Little Wolf Creek and will require the removal of approximately 1100 cubic yards of soil which will be hauled off-site. A retaining wall of 6 feet or less is proposed with a maximum slope of 2:1 above the wall. Approximately 21 trees (8" dbh or larger) will be removed including 15 cedars, 3 oaks, and 3 firs. No heritage oaks exist on the site.

The site is approximately 3 acres and is mostly developed with a large parking & storage area and an existing office building. The site is located within the M1-SP zoning district and is designated Industrial within the County's General Plan.

The following applications are required for the proposed project:

1. Development Permit to construct a 8,750 square foot warehouse building;
2. Management Plan to mitigate reducing the 100-foot building setback from Little Wolf Creek, grading within 100 feet from Little Wolf Creek, and allow for continued annual maintenance of its access road, Slow Poke Lane;

3. Petition for Exception to waive road standards (overall road width) for the existing access road, Slow Poke Lane;
4. Certificate of Correction to remove the pond and 100' setback (from the pond and Little Wolf Creek) as shown on the recorded Parcel Map (PM 3-222).

## **B. Recommendations**

Based on the revised Project Description, the previous recommendations are still valid and listed below. Additional recommendations and/or modifications are underlined:

1. To protect the stream during heavy storm water runoff, surface runoff from the parking area and outdoor storage area should be directed to a retention basin OR infiltration trench to be treated prior to returning to the stream.
2. Accidental introduction of foreign material into the creek is easily possible along 580-feet of stream on the north property boundary. The existing chain-link fence along 120-feet, with plastic lattice, *(or any durable, lasting fencing)* should be extended to the end of the outdoor storage area and fitted on both sides with soil stabilizers to encourage vegetation overgrowth. Such fencing will greatly help to halt foreign materials from entering the creek.
3. The existing access road (Slow Poke Lane) was widened by approximately 1'-4' by removing overgrown vegetation (for fuels management) and a roadside ditch along the existing western shoulder was cleaned out. Hay bales were placed along the flow line in two locations to prevent sediment from running into Little Wolf Creek. This is an acceptable mitigation measure to protect the creek and they shall remain in place until the roadway is properly surfaced.
4. The proposed project will require removal of a number of native trees. Tree removal activities must comply with all applicable County ordinances.
5. Although no raptors or migratory birds were observed during 4 field visits nor identified as "occurring or likely occurring" in DFW's Natural Diversity Data Base, the riparian habitat along Little Wolf Creek and mixed hardwood/conifer habitat could be suitable habitat for MBTA birds and raptors. As such, a pre-construction survey for raptors and migratory birds should be conducted if tree removal occurs during the nesting season (March 1 – August 31).
6. The limits of grading associated with the proposed retaining wall should be minimized to the smallest area feasible. No fill shall be placed within the designated 100-year floodplain.



7. Implement standard best management practices (BMP's) to prevent erosion and runoff from construction activities from entering potential Waters of the United States and undisturbed portions of the site.

Prepared by,

A handwritten signature in cursive script that reads "G. E. Delisle". The signature is written in black ink and is positioned below the text "Prepared by,".

Glenn Delisle, Fish & Wildlife Biologist



## **Management Plan – Byers Leaf Guard**

December 16, 2015

Prepared for:

**Ray Byers**  
11773 Slow Poke Lane  
Grass Valley, CA 95945

Prepared by:

**SCO PLANNING & ENGINEERING, INC.**  
140 Litton Drive, Suite 240  
Grass Valley, CA 95945

### ***Nevada County Zoning Regulations Sec. L-II 4.3.10***

Pursuant to the above-referenced Zoning Regulations, development within a floodplain and/or within 100 feet of the 100-year floodplain requires the approval of a Management Plan. A *Management Plan* was also prepared by Glenn Delisle dated June, 2015, pursuant to Sec. L-II 4.3.3.C. due to the proximity of the proposed project to South Fork Wolf Creek and associated riparian environment.

The purpose of this Management Plan is to provide recommendations for minimizing impacts to the 100-year floodplain. This project will not result in any fill or alteration of the floodplain and there are no temporary or permanent structures proposed within the floodplain. However the existing development and proposed storage building are located within 100 feet of the floodplain and without proper mitigation, has the potential to slightly increase the amount of storm water runoff into the creek.

### ***Establishment of 100-year Floodplain***

The floodplain associated with South Fork Wolf Creek was established by Reginald King and approved by the County in July, 1982 per AP82-4 and Z82-3. In September and December of 2015, SCO conducted a field topographical survey and located the flow line of South Fork Wolf Creek, top of bank, and existing features on the site. Based on the cross sections prepared by Reginald King, the floodplain across the site (south side of the creek) was determined to range between 6' to 24' from the center of the flowline. The elevation of the floodplain was determined to range from 3.5' to 4.5' above the flowline. Using current topography as well as cross-sections and elevations established in the King analysis, the 100-year floodplain has been

plotted and shown on the revised Overall Site Plan dated December, 2015. Conservatively, an elevation of approximately 5' above the edge of the creek was used to plot the floodplain limits.

***Existing Conditions & Mitigation Measures***

The existing topography of the site slopes in a northwesterly direction and South Fork Wolf Creek lies directly adjacent to the existing gravel parking area. Storm water runoff currently sheet flows towards the northwest and discharges directly into the creek. To mitigate additional storm water runoff, the project proposes construction of an infiltration trench along the downhill edge (northerly property boundary) of the existing parking/storage area to retain and treat storm drainage. The infiltration trench will allow stored water to infiltrate through the bottom and sides of the trench into adjacent soil matrix resulting in a “no net increase” of storm water into the creek and also removes pollutants from the storm water as it infiltrates into the ground. By retaining storm water from new impervious area, including new asphalt, concrete, and roof area, the project will have no impact on the 100-year floodplain (see attached Drainage Analysis prepared by SCO dated December 16, 2015).

In addition to construction of an infiltration trench, routine maintenance outlined below will be implemented to prevent sediment buildup and clogging which reduces efficiency of the trench and may lead to trench failure:

<b>Routine Maintenance Activities for Infiltration Trench (To be conducted or coordinated by Byers Leaf Guard)</b>		
<b>No.</b>	<b>Maintenance Task</b>	<b>Frequency of Task</b>
1	Remove obstructions, debris and trash from infiltration trench and dispose of properly.	Monthly, or as needed after storm events
2	Inspect trench to ensure that it drains between storms, and within 5 days after rainfall.	Monthly during wet season, or as needed after storm events
3	Inspect filter fabric for sediment deposits by removing a small section of the top layer of rock lining.	Annually
4	Trim and/or remove vegetation around the trench to maintain a neat and orderly appearance.	As needed
5	Remove any trash and other debris from the trench perimeter and dispose of properly.	As needed

SCO PLANNING & ENGINEERING, INC.



Michelle Layshot, P.E.