

# Initial Study

## Gabelman General Plan Amendment, Rezone, and Tentative Parcel Map Project

Nevada County, California

To:

CEO – Alison Lehman	Principal Planner – Tyler Barrington
Assistant CEO – Patrick Eidman	CDA Director – Trisha Tillotson
COB – Jeff Thorsby	Assessor – Rolf Kleinhans
District 4 Supervisor – Sue Hoek	Economic Development – Kimberly Parker
Cannabis Compliance – Jessica Rist	Building Department – Nick McBurney
Environmental Health – Nicole Johnson	North San Juan Fire District
Ag Commissioner – Luci Wilson	Public Works – Kevin Nelson
Northern Sierra Air Quality Management District	Fire Planner – Dan Collins
CA Department of Fish and Wildlife	District 4 Planning Commissioner – John Foley
CALFIRE Forestry	Native American Heritage Commission
North Central Information Center	Nevada City Rancheria Nisenan Tribe
San Juan Ridge Taxpayers Association Board President	Shingle Springs Band of Miwok Indians
T’si Akim Maidu Tribal Council	United Auburn Indian Community
Bear Yuba Land Trust	California Native Plant Society - Redbud
Federation of Neighborhood Associations	General Plan Defense Fund
Nevada County Association of Realtors	OOTI Nature Preserve
Rural Defense League of North San Juan	Rural Quality Coalition
Sheriff’s Office – Sam Brown	Sierra Club
U.S. Department of Fish and Wildlife	
<i>*receives full report, others receive NOA only with report available online</i>	

**Date:** March 21, 2025

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**File Number:** PLN23-0151; GPA24-0002; RZN24-0002; TPM24-0003; MGT24-0019; MGT24-0020; PFX24-0009; EIS24-0006

**Assessor Parcel Number:** 060-150-063

**Existing Zoning District:** AG-20 (General Agricultural with a 20.00-acre minimum parcel size)

**Existing General Plan Designation:** RUR-20 (Rural with a 20.00-acre minimum parcel size)

**Proposed Zoning District:** AG-10 (General Agricultural with a 10.00-acre minimum parcel size)

**Proposed General Plan Designation:** RUR-10 (Rural with a 10.00-acre minimum parcel size)

**Project Location:** 12100 Scenic Drive, Nevada City, CA 95959, approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City in unincorporated western Nevada County.

## **Project Site & Surrounding Land Uses:**

The project parcel, 12100 Scenic Drive (APN: 060-150-063), is a 21.41-acre parcel located in an unincorporated area of Nevada City, CA, approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City. The project parcel is accessed via Scenic Drive from Tyler Foote Crossing Road, approximately 2.2 miles northeast of State Highway 49. The project parcel is zoned AG-20 (General Agricultural with a minimum parcel size of 20.00 acres) and has a RUR-20 (Rural with a minimum parcel size of 20.00 acres) General Plan designation. There is an existing single-family residence, a detached residential accessory structure located near the southeast corner of the property, and is served by a private well, on-site septic, and PG&E for electricity. In addition, the parcel has a second existing private well located on the southwest portion of the parcel. The project parcel farmland is designated as “Grazing Land” and is located in an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The site slopes up from approximately 2,100 feet elevation at the driveway entrance off Scenic Drive at the south end of the subject parcel to an elevation of approximately 2,500 feet at the northern end of the subject parcel. The project parcel is directly bordered by five (5) parcels zoned General Agricultural with a minimum parcel size of 20.00 acres (AG-20) to the north, east, and west, and three (3) parcels zoned General Agricultural with a minimum parcel size of 10.00 acres (AG-10) to the south. All eight (8) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures. Figure 1 on page 3 below shows the subject project parcel, surrounding properties, and the zoning of the area.

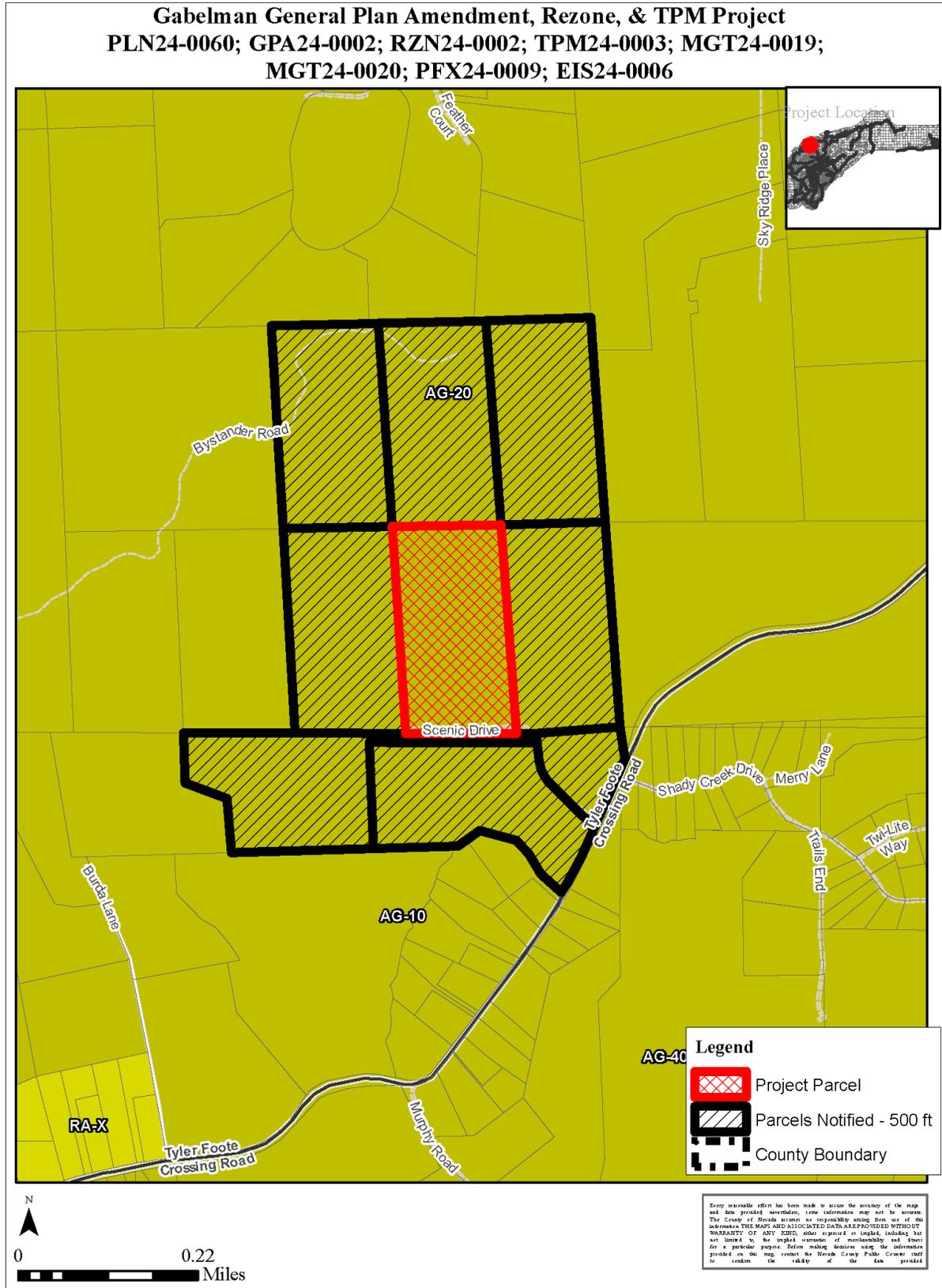


Figure 1 – Zoning, Noticed Parcels, and Vicinity Map

## Project Description:

A General Plan Amendment (GPA) and Zoning District Map Amendment (Rezone), Tentative Parcel Map (TPM), Management Plans for both Oak Resources and Watercourses (MGT), and Petition for Exceptions to Driveway Standards (PFX). The General Plan Amendment (GPA24-0002) proposes to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Parcel 1) and 10.05-acres (Parcel 2). Proposed Parcel 1 is partially developed with an existing well and an OSSE was recently completed by Dundas Geomatics, Inc. In order to achieve the clustering requirements pursuant to rural regions, proposed Parcel 1 includes two proposed building envelopes in the northern portion of the proposed parcel, one for a primary residence and one for either an accessory dwelling unit (ADU) or other accessory structures. Proposed Parcel 2 is currently developed with an existing residence, existing well, and existing PG&E connection, and an OSSE was completed by Dundas Geomatics, Inc. for this parcel as well. The existing driveway will be widened in the applicable areas to meet Nevada County private driveway construction standards.

The proposed improvements to the existing driveway passes through an existing seasonal drainage and landmark oak grove and therefore require the approval of a Watercourse Management Plan (MGT24-0019) and Oak Resources Management Plan (MGT24-0020). The proposed Watercourse Management Plan has been developed for the proposed project seeking approval to develop within the 50-foot non-disturbance buffer to the centerline of the drainages being crossed by the access road within the project area on the subject parcel, and the proposed Oak Resource Management Plan has been developed for the proposed total area of landmark grove canopy to be potentially removed by the upgrades to the proposed and existing access roads. A maximum of 0.3 acres of native oak and other hardwood trees pertaining to those mapped landmark groves will be removed as part of the proposed project.

Additionally, the project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. Scenic Drive is a private road with an existing 60' right-of-way connecting to Tyler Foote Crossing Road, and each parcel is located less than the 2,640 feet dead end road length. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas that currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. A Steep Slopes Management Plan (MGT20-0041) was previously approved in July of 2020 for the grading of an access road constructed on slopes exceeding 30% slope. The Planning Department recognizes this Steep Slopes Management Plan, and the mitigation measures associated with the approved Steep Slopes Management Plan, which will be carried forward as a part of this proposed project to protect and reduce the potential risk of erosive

impacts as a part of the project. Figure 2.1 and 2.2 on page 5 below shows the proposed Tentative Parcel Map and a close up proposed Tentative Parcel Map submitted for the proposed project, and Figure 3 on page 6 shows aerial imagery of the project parcel.

LEGEND	
[Symbol]	PROPERTY LINE
[Symbol]	BUILDING SETBACK LINE (B.S.L.)
[Symbol]	ADJACENT PROPERTY LINE
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING OVERHEAD UTILITIES
[Symbol]	EXISTING WELL
[Symbol]	EXISTING RIGHT OF WAY
[Symbol]	PROPOSED 30' ACCESS EASEMENT
[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED LOT LINES
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	30%+ SLOPES
[Symbol]	PERCOLATION TEST
[Symbol]	WETLAND
[Symbol]	PROPOSED BUILDING ENVELOPE
[Symbol]	MINIMUM USABLE DISPOSAL AREA (M.U.S.D.A.)
[Symbol]	PROTECTED OAK RESOURCE PER NO REPORT
[Symbol]	SPHERICAL DRAINAGE MANAGEMENT AREA
[Symbol]	SPHERICAL DRAINAGE

PROJECT INFORMATION	
<b>PROPERTY ADDRESS</b> 12535 SENECA NEVADA CITY, CA 95959	
<b>OWNER/APPLICANT</b> MAYE GABELMAN 829 MIDCOTE AVENUE MONROVIA, CA 91016 (626)343-2119	
<b>PLANNING/ENGINEERING</b> MULLEN PLANNING & ENGINEERING 471 SUTTON WAY, SUITE 210 GRAND VALLEY, CA 95645 530-448-8765 CONTACT PERSON: BOB WOOD, AICP	
<b>SURVEYING</b> SONNE SURVEYING, INC. 159 SOUTH AUBURN ST. GRAND VALLEY, CA 95645 (530)774-1858 CONTACT: ROBERT LANKES, P.E., P.L.S. #30360	
<b>SECTION, TOWNSHIP AND RANGE</b> N. 1/2 OF S. E. 1/4 SECTION 9, T.17 N., R. 8 E., M.D.M.	
<b>ASSESSOR'S PARCEL NUMBER</b> 060-150-063	
<b>ZONING</b> AG-20 (EXISTING) AG-10 (PROPOSED)	
<b>GENERAL PLAN</b> GSR-20 (EXISTING) GSR-10 (PROPOSED)	
<b>LOT AREA</b> 27.41 ACRES	
<b>WATER AND ELECTRICAL</b> WELL / PIGT	
<b>SEWAGE DISPOSAL</b> SEPTIC	
<b>FIRE PROTECTION</b> NORTH SAN JUAN FIRE PROTECTION DISTRICT	

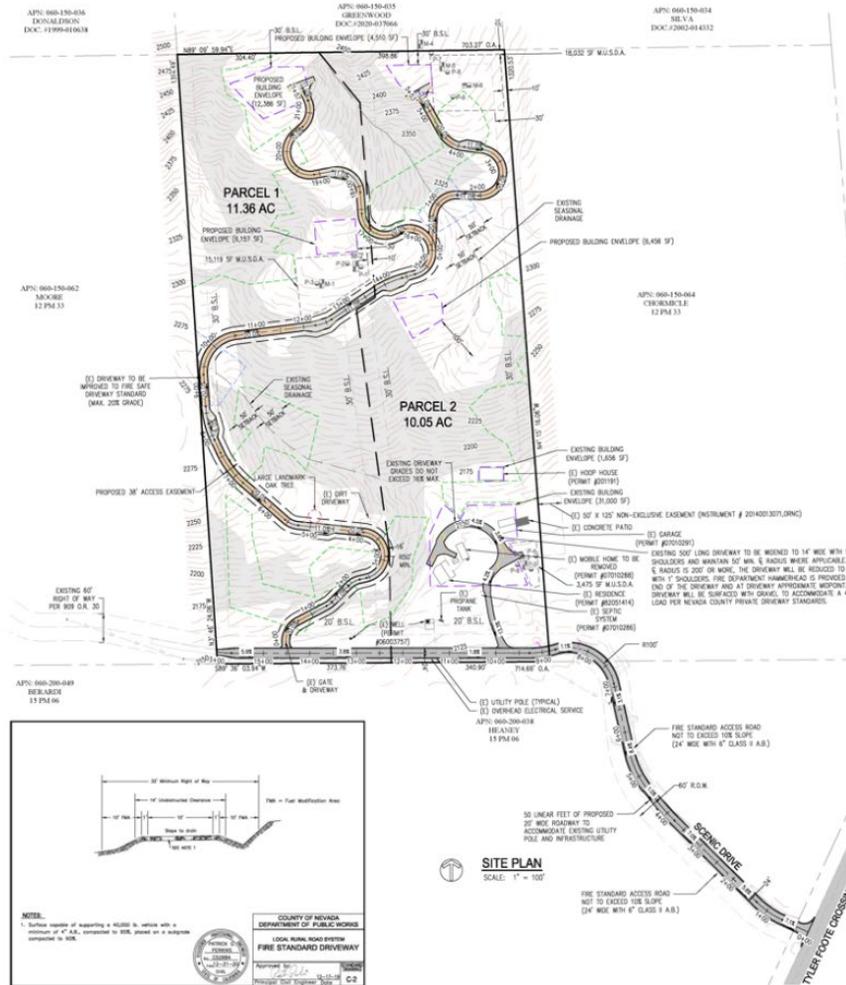


Figure 2.1 – Proposed Project Tentative Parcel Map

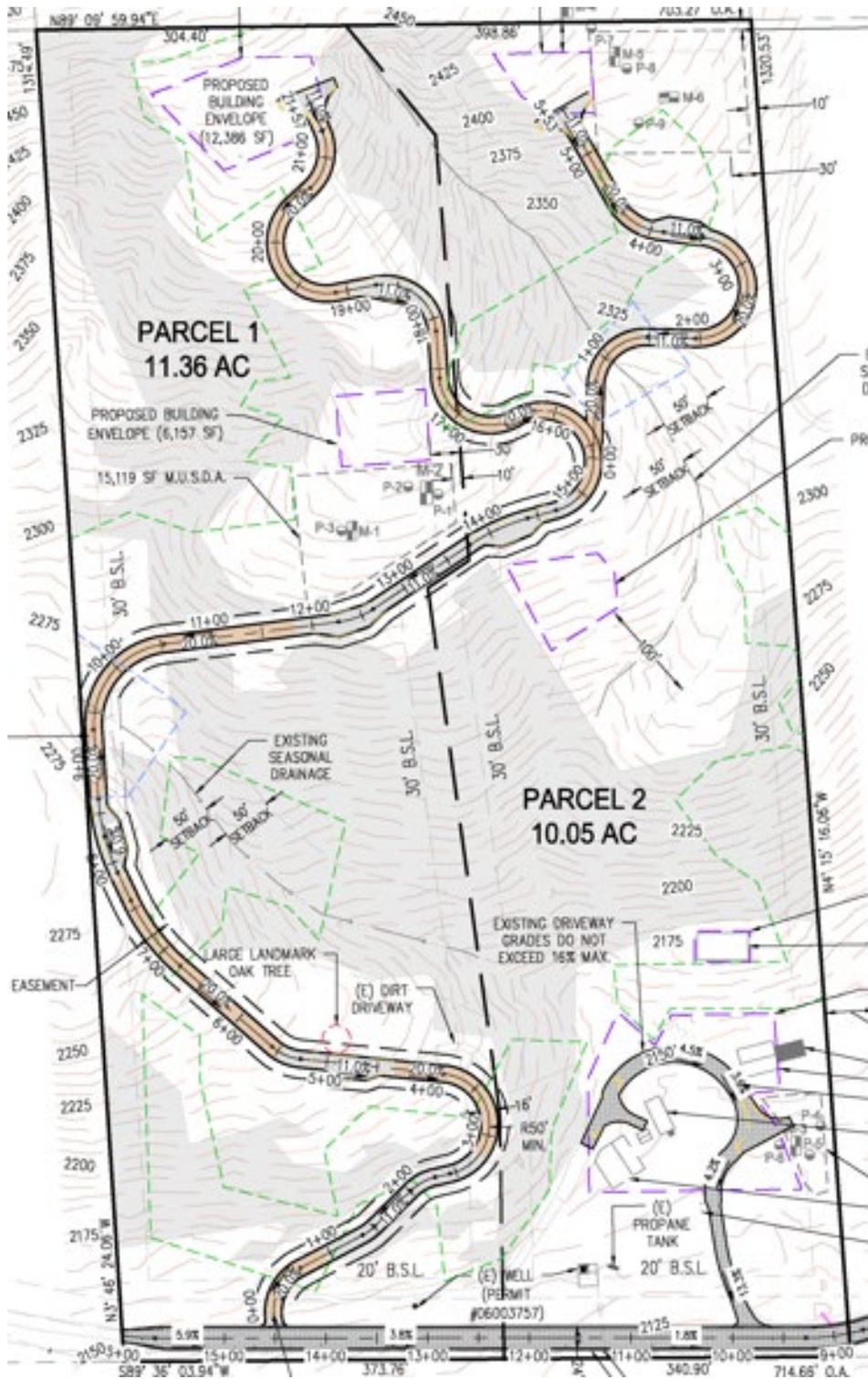


Figure 2.2 – Proposed Project Tentative Parcel Map



**Figure 3 – Project Site Aerial Imagery**

**Other Permits that May be Necessary:**

1. Building and Grading Permits– Nevada County Building Department
2. Encroachment Permits – Nevada County Public Works Department
3. Septic System Permits – Nevada County Environmental Health Department
4. Well Permits – Nevada County Environmental Health Department

**Relationship to Other Projects:**

None.

**Consultation with Native American Tribes:**

Pursuant to Assembly Bill 52, tribal consultation began April 23, 2023. Native American tribes traditionally and culturally affiliated with the project area were notified of the project and invited to consultation. No consultation was requested.

# Summary of Impacts and Proposed Mitigation Measures

## Environmental Factors Potentially Affected:

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

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

## Recommended Mitigation Measures:

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

### **3. AIR QUALITY:**

**Mitigation Measure 3A: Reduce Emissions During Construction.** The following are the minimum mitigation measures designed to help reduce project emissions related to construction. These measures shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits:

1. The mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 4 engines.
2. Construction equipment idling time shall be limited to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). All construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications. Clear signage shall be provided for construction workers at all access points.
3. In addition to these measures, all statewide air pollution control regulations shall be followed, including Airborne Toxic Control Measures (which may be accessed at <https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures>).

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department / NSAQMD

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

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department / NSAQMD

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

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

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department / NSAQMD

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

**Timing:** *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits*

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

**Responsible Agency:** *Planning Department / NSAQMD*

#### **4. BIOLOGICAL RESOURCES:**

**Mitigation Measure 4A: Avoid Impacts to Nesting Birds.**

The following note shall be added to all improvement/grading/construction plans: Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.

1. If construction is to take place during the nesting season (February 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
2. Tree removal and construction shall not take place during the breeding season (February 1 –August 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
3. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
4. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may

determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.

5. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

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

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Environmentally Sensitive Resources (ESA's).** Delineate building envelopes, in accordance with the approved tentative parcel map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the parcel map and on all future grading/improvement/building permit plans with a Note stating, "All habitable structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement or driveways." Agricultural structures may be allowed to be constructed outside the building envelopes so long as they do not encroach into any environmentally sensitive areas, unless a Management Plan is approved.

**Timing:** *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits*

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

**Responsible Agency:** *Planning Department*

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

**Timing:** *Prior to map recordation*

**Reporting:** *Approval of the Parcel Map for recordation*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA's).** Sensitive biological resources, as shown on the Tentative Parcel Map, shall be mapped, and identified as ESAs on the Supplemental Data Sheet(s) to be recorded concurrently with the Tentative Parcel Map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include two drainage channels, protected landmark oak groves, the landmark oak tree, and slopes in excess of

30%. The setback from the two drainage channels shall be delineated as 50-feet from the highwater mark. The following note shall be included: “No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

**Timing:** *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits*

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

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4E: Minimize Potential Impacts to the Drainages.** As detailed below, measures to minimize potential impacts to the drainages are recommended to limit impacts of the proposed Project on those sensitive resources. These measures are intended for inclusion into the proposed development within the non-disturbance buffers during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following during and following construction:

1. Limit construction to periods of extended dry weather and the dry summer season;
2. Limit any construction within the 50-foot non-disturbance buffers to the minimum feasible;
3. Establish the area around the active drainage channel as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
4. No fill or dredge material will enter or be removed from the drainage channels during construction;
5. Use appropriate machinery and equipment to limit disturbance in this area;
6. Placement of soil erosion control devices (such as wattles, hay bales, etc.) between drainages and the areas to be graded and developed to limit potential runoff and sedimentation into the drainage channels;
7. No dewatering of any drainages will occur as part of the proposed construction; and
8. Implement Best Management Practices during and following construction.

**Mitigation Measure 4F: Compensatory Mitigation for Protected Oak Resources Impacts.**

For compensatory mitigation for the removal of protected oak resources and compliance with the Nevada County Code for Trees, the project applicant will purchase in-lieu compensatory mitigation credits through the Bear Yuba Land Trust. The project applicant shall purchase a 0.3-acre credit from the Bear Yuba Land Trust as compensatory mitigation for the loss of 0.3 acres of landmark grove within the project area.

**Timing:** *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits*

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

**Responsible Agency:** *Planning Department*

## 5. CULTURAL RESOURCES:

**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 at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

*Timing:* Prior to the issuance of Building/Grading/Improvement permits and during construction

*Reporting:* Agency approval of permits or plans

*Responsible Agency:* Planning Department

## 7. GEOLOGY AND SOILS:

**7A: Limit the Amount of Earthwork to be Completed During the Wet Season.** As much as possible the earthwork portion of this project is to be completed during extended periods of dry weather. If earthwork is completed during the wet season (October 15th to April 15th) it will be necessary to take extra precautionary measures to protect subgrade soils. Wet season earthwork shall require additional mitigation measures, including diversion of surface runoff around exposed soils and draining of ponded water on the site. Once subgrades are established, exposed soils shall be protected from construction traffic.

*Timing:* Prior to issuance of Grading/Improvement/Building permits

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

*Responsible Agency:* Planning Department

**Mitigation Measure 7B: Implement all Erosion Control Measures.** To protect water quality and aquatic life in neighboring waterways and to ensure the integrity of the topographic changes, the following measures shall be implemented prior to, during, and after construction:

1. Erosion control measures shall be implemented at the site prior to grading activities in areas down-gradient of construction where said erosion control facilities will not get destroyed during grading activities. This shall include the implementation of silt fencing down-gradient of all proposed construction work along the upper slopes of all drainage ways, outside of the flow line. Silt fencing shall be maintained during all construction

- activities and repaired immediately upon failure. Silt fencing shall be inspected daily prior to the start of the days construction and repaired as necessary.
2. Erosion control measures shall be implemented at the site during and after grading activities in areas of exposed ground due to construction. The following erosion control measures shall be implemented following grading activities:
    - a. Straw waddles shall be placed on contour on all fill and cut slopes and along the grading pad. Waddles placed on fill or cut slopes shall be placed at spacing no greater than 10 feet. Waddles placed along the pad areas may have a placement no more than 20 feet.
    - b. Native seed mixture with straw cover shall be placed over the final graded pad and side slopes following disturbance of said area. Seeded areas shall be watered to initiate seed growth at a moderate rate as to not cause erosion or runoff from the area
  3. Along the northern access road, the following activities shall be implemented to stabilize steep slopes and protect the area from future erosion:
    - a. Placement of straw waddles at 15-foot spacing along steeper portions of the northern access. Placement of straw waddles at 20-foot spacing where slopes become less steep.
    - b. Seed and straw shall be applied to the northern access with native seed mixture. Allow seasonal rains to germinate the seed mixture.
    - c. Inspect the northern access monthly during the first rain of the season following erosion implementation and repair or add additional erosion control as necessary.

**Timing:** *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

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

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

**Mitigation Measure 7C: Conduct Monthly Field Inspections.** Monthly field inspections shall be performed to inspect grading and erosion control measures. Additionally, inspections shall occur before and after heavy rainstorms to determine the adequacy of the constructed improvements and erosion control.

**Timing:** *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

**Reporting:** *Approval of the Parcel Map for recordation*

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

**Mitigation Measure 7D: Limit Heavy Equipment from Accessing Step Slope Areas.** Limit or avoid heavy equipment from accessing steep slope portions of the property and disturbed areas. Do not drive vehicles or heavy equipment on steep slopes. Keep all personal vehicles on the access road, pad area, or offsite and walk onto the property. Maintain heavy equipment on the access road or pad area and use excavator arms to access and remove material from steep slopes. If areas of steep slopes must be accessed by equipment, mini-excavators or hand removal shall be used.

**Timing:** Throughout construction activities for all Grading/Improvement/Building permits

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

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

**Mitigation Measure 7E: Keyway for Grading on Slopes Exceeding 20%.** All grading performed on slopes steeper than 20% shall be provided with a keyway and benched.

**Timing:** Prior to, during, and after the issuance of Grading/Improvement/Building permits.

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

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

**Mitigation:** See Mitigation Measures 4D, 5A, and 18A.

## 9. HAZARDS AND HAZARDOUS MATERIALS:

**Mitigation:** See Mitigation Measure 17A.

## 10. HYDROLOGY AND WATER QUALITY:

**Mitigation:** See Mitigation Measures 4D and 4E.

## 13. NOISE:

**Mitigation Measure 13A. 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; no work is permitted on Sundays. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction. This shall be included as a Note on the Tentative Parcel Map and all future improvements plans.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

## 17. TRANSPORTATION:

**Mitigation Measure 17A. All Weather Surfacing Driveway Improvements:** Due to the proposed driveways exceeding 16% grade in certain areas, in order to provide the same practical effect of meeting Nevada County Fire Safe Driveway Standards, the areas where the proposed driveways exceed 16% grade shall be paved with all-weather surfacing with the appropriate base and surface per Nevada County Standards, as shown on the Tentative Parcel Map. Under no conditions will any slope over 20% be allowed. This shall be included as a Note on the Tentative Parcel Map and all future improvements plans.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

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

## 18. TRIBAL CULTURAL RESOURCES:

**Mitigation Measure 18A: Unanticipated Tribal Cultural Resources.** The following mitigation measures shall be required and shall be included as notes on all future site plans: If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

**Timing:** Prior to issuance of Grading/Improvement/Building permits and throughout construction

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

**Responsible Agency:** Planning Department & United Auburn Indian Community (UAIC)

**Mitigation:** See Mitigation Measures 5A

## 19. UTILITIES AND SERVICE SYSTEMS:

**Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste:** Industrial toxic waste (petroleum and other chemical products) is not 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 improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

**Timing:** Prior to issuance of Grading/Improvement/Building permits and during construction

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

**Responsible Agency:** Nevada County Planning Department

**20. WILDFIRE:**

**Mitigation:** See **Mitigation Measures 7A-7E and 17A**

**21. MANDATORY FINDINGS OF SIGNIFIGANCE**

See all Mitigation Measures listed above.

**Mitigation and Monitoring Matrix:**

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3B	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3C	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3D	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4D	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4E	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4F	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
5A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits

7A	Planning Department / Building Department	Prior to issuance of Grading/Improvement/Building permits
7B	Planning Department / Building Department	Prior to, during, and after the issuance of grading/improvement/building permits.
7C	Planning Department / Building Department	Prior to, during, and after the issuance of grading/improvement/building permits.
7D	Planning Department / Building Department	Throughout construction activities for all grading/improvement/building permits
7E	Planning Department / Building Department	Prior to, during, AND after the issuance of grading/improvement/building permits.
13A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
17A	Planning Department and Department of Public Works	Prior to map recordation & issuance of grading/improvement/building permits
18A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
19A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
20A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits

## Initial Study and Checklist

### Introduction:

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except “No Impact” responses that are adequately supported by noted information sources. Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows.

- **No Impact:** An impact that would result in no adverse changes to the environment.
- **Less than Significant Impact:** An impact that is potentially adverse but does not exceed the thresholds of significance as identified in the impact discussions. Less than significant impacts do not require mitigation.

- **Less than Significant with Mitigation:** An environmental effect that may cause a substantial adverse change in the environment without mitigation, but which is reduced to a level that is less than significant with mitigation identified in the Initial Study.
- **Potentially Significant Impact:** An environmental effect that may cause a substantial adverse change in the environment; either additional information is needed regarding the extent of the impact to make the significance determination, or the impact would or could cause a substantial adverse change in the environment. A finding of a potentially significant impact would result in the determination to prepare an EIR.

## 1. Aesthetics:

**Existing Setting:** The project parcel currently contains single-family residential and accessory uses and improvements which are served by an existing septic system and two (2) private wells. Average elevation in the project area is approximately 2,328 feet above mean sea level (MSL) with the highest elevation of approximately 2,500 feet above MSL within the northern border of the project area and the lowest elevation of approximately 2,100 feet above MSL within the southwestern section of the project area, at the driveway entrance of Scenic Drive. The project parcel is zoned General Agricultural with a minimum parcel size of 20-acres (AG-20) and the character of the surrounding area is best represented as rural residential, as the majority of all surrounding parcels are either developed with rural residential uses or are undeveloped. The project area is located in an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The majority of the Project area is dominated by woodland with some areas of oak woodlands, including areas mapped as landmark groves per the Nevada County Code for protected oak resources. The existing drainage areas would be considered ephemeral drainages given the topography of the site and would only contain water during and shortly thereafter precipitation events. With the location of the ephemeral drainage channel cutting from the northwest border of the central area of the project parcel through the central part of the project parcel to the east, the areas adjacent to the ephemeral drainage channel slope and drain down into the ephemeral drainage channel on the parcel.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?			✓		A, L
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, L, 27
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable			✓		A

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
zoning and other regulations governing scenic quality?					
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓		A, 18

**Impact Discussion:**

1a,c,d A scenic vista is typically considered to be a view that possesses visual and aesthetic qualities of high value to the public. Scenic vistas can provide views of natural features or significant structures and buildings. The proposed project is not anticipated to result in an adverse effect on a scenic vista, degrade the visual character of the site or its surroundings, or to create a new source of substantial light or glare. The proposed project will amend the current General Plan and Zoning designation of the project parcel from RUR-20/AG-20 to RUR-10/AG-10, and divide the approximate 21.41-acre parcel, resulting in two (2) legal parcels; one (1) 10.05 acre parcel and one (1) 11.36 acre parcel. The project site contains existing single-family residential, rural, and accessory improvements which are served by an existing septic system and two (2) permitted private wells. Existing improvements on the project parcel are slightly visible from the adjacent property to the south and slightly visible from Scenic Drive but are not visible from the surrounding parcels to the north, east, or west due to existing topographical elements and vegetation. The project proposes two (2) new building envelopes within each parcel to contain both existing and future improvements, one (1) M.U.S.D.A for undeveloped proposed Parcel 1, and two (2) total M.U.S.D.As for developed proposed Parcel 2 (also contains two (2) existing building envelopes). Future development within the proposed building envelopes would not be visible due to the topography and vegetation surrounding the proposed building envelopes and M.U.S.D.As, and views would be of similar rural residential type improvements to those found within other parcels in the area. The proposed land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a land division proposing relatively large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes to allow similar rural residential type improvements to those found within other parcels in the area, the project would result in **less than significant** impacts to public views, scenic vistas, and the general character of the area.

1b The proposed land division is not anticipated to result in significant damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County, the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This is northeasterly of Nevada City, not in the vicinity of the project parcel. State Highway 49 is considered an eligible state scenic highway by the California Department of Transportation (2011). State Highway 49 is approximately 2.2 direct miles (as the crow flies) from the project area; there is no visibility of the property from the highway due to existing topographic features blocking the view.

Therefore, the proposed project would have **no impact** on scenic resources within a state scenic highway.

**Mitigation Measures:** None required.

## 2. Agricultural and Forestry Resources:

**Existing Setting:** The project parcel is mapped entirely within an important farmland designation of “Grazing Land” and does not contain any Farmland of Statewide or Local Importance. Both the General Plan and Zoning designations for the project parcel is Rural with a minimum parcel size of 20.00 acres and General Agricultural with a minimum parcel size of 20.00 acres and the project parcel has historically been used for rural residential activities, and still is used for rural residential activities. The subject parcel is currently developed with a single-family residence, a detached residential accessory structure, with the existing improvements being clustered in a specific area designated as the building envelopes.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			✓		A, L, 7
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓		A, 18, 34
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓	A, L, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	L, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓		A, L, 7

### Impact Discussion:

2a,b The project parcel is located in an area that is entirely designated “Grazing Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed project will not propose a change in zoning that will conflict with or convert existing zoning for agricultural use, as the proposed

project would only amend the General Plan and Zoning designation from RUR-20/AG-20 to RUR-10/AG-10. The California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves and offer preferential taxation based on a property's agricultural use value rather than on its market value. Neither the subject parcel nor adjacent properties are under a Williamson Act contract. Should the subject property or a surrounding property seek a Williamson Act contract in the future, rural residential improvements within building envelopes on the resultant large parcels would not prevent or conflict with farming activities. Further, as mentioned above, the Nevada County Right-to-Farm Notice would be required to be part of all future sales of the properties as a disclosure to future buyers as a standard condition of approval. With no Williamson Act contracts on or near the property and building envelopes to contain rural residential development within the three proposed parcels, the proposed project is anticipated to have a **less than significant impact** on a Williamson Act contract(s).

2c,d,e The proposed project does not result in the loss or conversion of forest land to non-forest use. The property is not zoned Forest or Timber Production Zone, so potential impacts to forest uses are anticipated to have **no impact**.

**Mitigation Measures:** None required.

### 3. Air Quality:

**Existing Setting:** Nevada County is located in the Mountain Counties Air Basin (MCAB). The MCAB includes the central and northern Sierra Nevada Mountain range with elevations ranging from several hundred feet in the foothills to over 6,000 feet above mean sea level along the Sierra Crest. The MCAB generally experiences warm, dry summers and wet winters. Ambient air quality in the air basin is generally determined by climatological conditions, the topography of the air basin, and the type and amount of pollutants emitted.

The Northern Sierra Air Quality Management District has responsibility for controlling air pollution emissions including "criteria air pollutants" and "toxic air pollutants" from direct sources (such as factories) and indirect sources (such as land-use projects) to improve air quality within Nevada County. To do so, the District adopts rules, regulations, policies, and programs to manage the air pollutant emissions from various sources, and also must enforce certain statewide and federal rules, regulations and laws.

The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed "criteria" pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. A nonattainment area is an area where a criteria air pollutant's concentration is above either the federal and/or state ambient air quality standards. Depending on the level of severity, a classification will be

designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

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

For particulate matter, ambient air quality standards have been established for both PM<sub>10</sub> and PM<sub>2.5</sub>. California has standards for average PM<sub>10</sub> concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m<sup>3</sup>, respectively. (The notation “µg/m<sup>3</sup>” means micrograms of pollutant per cubic meter of ambient air.) For PM<sub>2.5</sub>, California only has a standard for average PM<sub>2.5</sub> concentrations over a year, set at 12 µg/m<sup>3</sup>, with no 24-hour-average standard. Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM<sub>10</sub> standards. Particulate-matter is identified by the maximum particle size in microns as either PM<sub>2.5</sub> or PM<sub>10</sub>. PM<sub>2.5</sub>, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

**Table 1:** Attainment Status by Northern Sierra Air Quality Management District of State and Federal Air Quality Standards. In addition, the entire district is either Attainment or Unclassified for all State and Federal NO<sub>2</sub>, SO<sub>2</sub>, Pb, H<sub>2</sub>S, visibility reducing particles, sulfates, and vinyl chloride standards.

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

PM2.5	Nevada County: Unclassified	2012 Annual Standard (12µg/m <sup>3</sup> ) Nevada County: Unclassifiable/Attainment
		2012 24-hour Standard (35µg/m <sup>3</sup> ) Unclassifiable/Attainment
CO	Nevada: Unclassified	Unclassifiable/Attainment

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County. The area of the project site is not mapped as an area that is likely to contain ultramafic rock (California Department of Conservation, 2000). Natural occurrences of asbestos are more likely to be encountered in, and immediately adjacent to areas of ultramafic rock.

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

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan?				✓	A, G
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		✓			A, G, 33
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A, G, L, 33
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✓	A, G

**Impact Discussion:**

3a Nevada County’s General Plan, Chapter 14 Air Quality Element, contains numerous policies to protect air quality in Nevada County. With the exception of General Plan Air Quality Element Policy 14.7A, which requires compliance with Northern Sierra Air Quality Management District Rule 226, the Nevada County General Plan Air Quality Element policies are intended to apply to development that generates new residents or new employees. By assessing air pollution and emissions associated with the proposed project and recommending mitigation measures based on Thresholds of Significance established by the Northern Sierra Air Quality Management District (NSAQMD), the project as proposed would comply with Northern Sierra Air Quality Management District regulations. The proposed project would not conflict with or obstruct the implementation of an applicable air quality plan; therefore, **no impact** is anticipated on the potential adoption or implementation of an air quality plan.

- 3b The project is not anticipated to result in a cumulatively considerable net increase of criteria pollutants. Western Nevada County is in non-attainment for the Federal 8-hour ozone standard, and the entirety of Nevada County is in non-attainment for the State 1- and 8-hour ozone standards and PM10 standards. While most of the ozone in the County is transported from urban areas to the southwest, PM10 sources primarily come from within the County. PM10 violations in winter are largely due to wood smoke from the use of woodstoves and fireplaces, while summer and fall violations often occur during forest fires or periods of open burning.

Regulation 226 of the Northern Sierra Air Quality Management District (NSAQMD) requires a dust control plan if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. The resultant parcels would contain residential and rural accessory improvements and would gain access via driveway alignments off Scenic Drive. Driveway improvements serving the proposed parcels are not anticipated to exceed one acre, thus not trigger the requirement for a Dust Control Plan. Therefore, a dust control plan is not required by the NSAQMD at this time. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval. Additionally, to ensure compliance with NSAQMD regulations, a Condition of Approval has been included that requires that if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, prior to issuance of grading and improvement permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District and gain their approval. The proposed project if the amount of grading exceeds the NSAQMD threshold of 1-acre. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval.

The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects. Estimated construction impacts were determined using the parameters specific to this proposed land division and conservative CalEEMod defaults. The Northern Sierra Air Quality Management District (NSAQMD) established thresholds of significance for assessing and mitigating air quality impacts of land use projects, as shown in the tables provided below. Level A requires the most basic mitigations, projects falling within the Level B range require more extensive mitigation and Level C requires the most extensive mitigations. Table 1, below, shows that estimated project construction related pollution levels would fall within NSAQMD Level A thresholds.

<b>Table 1. Project Construction Air Quality Impacts (Unmitigated)</b>		
<b>Pollutant</b>	<b>NSAQMD Threshold*</b>	<b>Project Impact</b>
<b>NOx</b>	< 24 lbs/day	4.16 lbs/day (0.76 tons/yr)
<b>ROG</b>	< 24 lbs/day	0.95 lbs/day (0.17 tons/yr)
<b>PM10</b>	< 79 lbs/day	0.37 lbs/day (0.07 tons/yr)
<b>CO</b>	N/A	5.16 lbs/day (0.94 tons/yr)

\*These thresholds are “Level A” in NSAQMD’s *Guidelines*. CalEEMod Version 2022.1.1.29

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

<b>Table 2. Project Operational Air Quality Impacts (Unmitigated)</b>		
<b>Pollutant</b>	<b>NSAQMD Threshold*</b>	<b>Project Impact</b>
<b>NOx</b>	< 24 lbs/day	0.21 lbs/day (0.04 tons/yr)
<b>ROG</b>	< 24 lbs/day	0.67 lbs/day (0.12 tons/yr)
<b>PM10</b>	< 79 lbs/day	0.25 lbs/day (0.05 tons/yr)
<b>CO</b>	N/A	1.71 lbs/day (0.31 tons/yr)
*These thresholds are “Level A” in NSAQMD’s <i>Guidelines</i> . CalEEMod Version 2022.1.1.29		

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

3c,d The proposed project would divide 21.41-acres into two (2) legal parcels. Proposed Parcel 1 is partially developed with an existing well and an OSSE was recently completed by Dundas Geomatics, Inc. Proposed Parcel 2 is currently developed with an existing residence, existing well, and existing PG&E connection, and an OSSE was completed by Dundas Geomatics, Inc. for this parcel as well. Each parcel has new proposed building envelopes and minimum usable sewage disposal areas (M.U.S.D.A) specifically delineated. Proposed Parcel 1 could be developed with a primary residential dwelling and an accessory dwelling unit (ADU), and a variety of additional accessory structures that serve residential or rural purposes could be added within the proposed building envelopes. Due to proposed Parcel 2 already having a permitted single family residential dwelling, the proposed parcel could be further developed to include an accessory dwelling unit (ADU) and a variety of additional accessory structures that serve residential or rural purposes within the proposed building envelopes as well. Rural residential uses are not anticipated to generate

substantial pollutant concentrations, nor are there sensitive receptors in the immediate area of the proposed parcels. The Mountain Valley Child and Family Services, Inc. appears to be the closest sensitive receptor, located approximately 2.0-miles to the southwest from the closest proposed building envelope site. The proposed project would result in parcels that either already contain rural residential improvements and uses similar to those currently found both on- and offsite, as well as the potential for further development on either resultant parcel. Therefore, **no impacts** related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and **no impacts** related to the generation of emissions that could affect a substantial amount of people are anticipated.

**Mitigation Measures:** To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included in the improvement plans for the project:

**Mitigation Measure 3A: Reduce Emissions During Construction.** The following are the minimum mitigation measures designed to help reduce project emissions related to construction. These measures shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits:

1. The mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 4 engines.
2. Construction equipment idling time shall be limited to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). All construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications. Clear signage shall be provided for construction workers at all access points.
3. In addition to these measures, all statewide air pollution control regulations shall be followed, including Airborne Toxic Control Measures (which may be accessed at <https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures>).

**Timing:** *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits and throughout construction*

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

**Responsible Agency:** *Planning Department / NSAQMD*

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

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits and throughout construction

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

**Responsible Agency:** Planning Department / NSAQMD

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

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

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

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

**Responsible Agency:** Planning Department / NSAQMD

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

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department / NSAQMD

## **4. Biological Resources:**

**Existing Setting:** The project area lies in the Sierra Nevada foothills and is surrounded by large rural parcels. The proposed project area is located in an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The majority of the proposed project area is dominated by woodland with some areas of oak woodlands, including areas mapped as landmark groves, per the Nevada County Code for protected oak resources. Open areas contain annual grassland species within the central, northern, and southern sections of the subject parcel. The subject parcel is approximately 21.41 acres and slopes up from approximately 2,100 feet elevation at the driveway entrance off Scenic Drive at the south end of the subject parcel to an elevation of approximately 2,500 feet at the northern end of the subject parcel. The results of the National Wetlands Inventory (NWI) and National Hydrography Dataset (NHD) dataset reviews for the project area identifies no aquatic resources within the subject parcel; however, several ponds and streams are located to the south of Scenic Drive and to the southeast of the subject parcel. Within the subject parcel, several natural

drainage areas occur within the southern and central sections of the subject parcel. The existing drainage areas would be considered ephemeral drainages given the topography of the site and would only contain water during and shortly thereafter precipitation events. There is a moderate potential for nesting raptors and other nesting migratory bird species protected under the MBTA and by CDFW to occur within and adjacent to the subject parcel. The subject parcel represents potential habitat for bird species protected under the MBTA and by CDFW, such as tree nesting species (raptors) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*).

The project biologist, Greg Matuzak, describes the project site as an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The tree canopy is generally open and comprised of foothill pine, with canyon live oak (*Quercus chrysolepis*), interior live oak (*Quercus wislizeni*), black oak (*Quercus kelloggii*), buckeye (*Aesculus californica*), Pacific madrone (*Arbutus menziesii*), and occasional ponderosa pine (*Pinus ponderosa*). Shrubs and groundcover include Scotch broom (*Cytisus scoparius*), whiteleaf manzanita (*Arctostaphylos viscida*), buckbrush (*Ceanothus cuneatus*), toyon (*Heteromeles arbutifolia*), rabbitbrush (*Ericameria* sp.), poison oak (*Toxicodendron diversifolium*), Pacific sanicle (*Sanicula crassicaulis*), soaproot (*Chlorogalum pomeridianum*), cleavers (*Galium aparine*), and yerba santa (*Eriodictyon californicum*). Non-native annual grassland species, including slender wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), and softchess (*Bromus hordeaceus*) were identified within the open areas within the subject parcel as well as within the understory of the woodlands within the subject parcel. There is one landmark oak tree on the parcel that is located outside of the project area footprint. Additional grassland related species include hedgehog dogtail grass (*Cynosurus Echinatus*), orchard grass (*Dactylis glomerata*), blue wild rye (*Elymus glaucus*), California brome (*Bromus carinatus* var. *carinatus*), deer grass (*Muhlenbergia rigens*), American deerweed (*Acemispon americanus* var. *americanus*), and common hedge parsley (*Torilis arvensis*). Non-native grasslands are known to out-compete native grasses and forbs throughout the valley and foothill regions of California.

### **Special Status Species:**

A current review of the California Natural Diversity Data Base and database information provided by the United States Fish and Wildlife Service were used for special status species consideration, as part of the Biological Resources Inventory. The database searches did reveal two (2) special-status wildlife species, including western pond turtle and the foothill yellow-legged frog previously recorded within 3 miles of the Project area. Additionally, the CNDDDB database search revealed four (4) special-status plant species, including Brandegee's clarkia, Butte County fritillary, Cantelow's lewisia, and elongate copper moss that have been previously identified within 3 miles of the subject parcel. None of these species were observed during field surveys. A total of six (6) special status species have been identified within three-miles of the project area, and these species are discussed in detail within this Updated Biological Resources Assessment below. In addition, there is no Designated Critical Habitat (DCH) mapped by the United States Fish & Wildlife Service (USFWS) within 3 miles of the Project area; however, given the presence of DCH within Nevada County for the California red-legged frog, the species is also discussed below:

- Brandegee's Clarkia (*Clarkia biloba* ssp. *brandegeae*)
- Cantelow's Lewisia (*Lewisia cantelovii*)
- Elongate Copper Moss (*Mielichhoferia elongata*)

- Butte County Fritillary (*Fritillaria eastwoodiae*)
- Foothill Yellow-legged Frog (*Rana boylei*)
- Western Pond Turtle (*Emys marmorata*)
- California Red-Legged Frog (*Rana aurora draytonii*)

Brandegee's Clarkia (*Clarkia biloba* ssp. *brandegeae*):

This plant inhabits chaparral, cismontane woodland, and lower montane coniferous/mixed conifer forest habitats. It is most often found in road cuts between 75 and 915 meters above MSL and its blooming period is typically May through July. The species has been documented within 3 miles of the Project area. Additionally, the species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. Given that this species is most likely found on or near road cuts on north facing slopes, the likelihood of this species occurring within the subject parcel is considered low given the road cuts within the subject parcel are located on south facing slopes.

Cantelow's Lewisia (*Lewisia cantelovii*):

Cantelow's lewisia inhabits mesic rock outcrops and wet cliffs. This species has been identified within 3 miles of the Project area. The species was not identified during field surveys and the species required microhabitat was not identified within the Project area. Additionally, the species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. Therefore, the species is not present within the subject parcel and would not be impacted by any development within the subject parcel.

Elongate Copper Moss (*Mielichhoferia elongata*):

Elongate copper moss inhabits metamorphic rock, usually acidic, usually vernal mesic, often roadsides, sometimes carbonate. It associates mostly with the following habitat types: broad leaved upland forest, chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, and subalpine coniferous forest. The species has been documented within 3 miles of the Project area; however, the location and timing of the documentation of this species is unknown per the CNDDB (CDFW 2023). Additionally, the species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. CDFW (2023) states that they believe the species was documented along Shady Creek between Nevada City and North San Juan (their "best guess"). Therefore, in theory the species could occur along Shady Creek, which is located to the south of Scenic Drive and south of the subject parcel. There is a very low potential for this species to occur within the Project area.

Butte County Fritillary (*Fritillaria eastwoodiae*):

Butte County fritillary inhabits openings in chaparral, cismontane woodland, and lower montane coniferous forest, sometimes serpentinite, from 160-4,920 feet. The species blooming period is between March and June. The species has been documented within 3 miles to the south/southeast of the subject parcel. During field surveys this species was not identified within

the subject parcel. Additionally, the species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. Therefore, given the subject parcel contains only marginal suitable habitat for the species and it was not identified during current or previous field surveys within the subject parcel, there is a very low potential for this species to occur within the subject parcel.

Foothill Yellow-legged Frog (*Rana boylei*):

Foothill yellow-legged frogs inhabit partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. The species requires at least some cobble sized substrate for egg laying. The species requires at least 15 weeks to attain metamorphosis. This species has been previously identified within 3 miles of the subject parcel, including within the floodplain of Shady Creek located to the south of the subject parcel. However, the existing drainage features within the subject parcel do not contain seasonal or perennial aquatic habitat as they appear to be ephemeral in nature. Additionally, the species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. Therefore, the proposed Project would have no impact on this species given suitable habitat for the species does not occur within the subject parcel.

Western Pond Turtle (*Emys marmorata*):

Western pond turtles associate with permanent ponds, lakes, streams, irrigation ditches, and permanent pools along intermittent streams. They are most commonly associated with permanent or nearly permanent water in a wide variety of habitats. This species requires basking sites such as partial submerged logs, rocks, mats of floating vegetation, or open mud banks. During the spring or early summer, females move overland for up to 100 m (325 ft) to find suitable sites for egg laying. This species has been identified within 3 miles of the Project area. The species was not identified in 2019 within the Project area (Corinne Munger 2019) or in September 2023 (Greg Matuzak Environmental Consulting LLC 2023). Another reconnaissance level biological resources survey was conducted by Greg Matuzak on May 23, 2024, and the species was not identified within the project area. The existing drainage features within the Project area do not contain seasonal or perennial aquatic habitat as they appear to be ephemeral in nature. The drainage areas within the Project area; therefore, they do not provide the required suitable habitat for the species. This species would not be impacted by the proposed Project.

California Red-Legged Frog (*Rana aurora draytonii*)

The California red-legged frog (CRLF) is known in Nevada County in the North Bloomfield USFS Quadrangle within the Rock Creek watershed. CRLF has not been identified within 3 miles of the subject parcel and Designated Critical Habitat (DCH) for the species has not been mapped by the USFWS within the subject parcel or within 3 miles of the subject parcel. The species was not identified during previous or current field surveys and given the species has not been previously identified within the Nevada City USGS Quad or within the Shady Creek watershed, the species is considered absent from the subject parcel.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	A, K, 19, 38
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A, K, L, 19, 38
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A, K, L, 10, 19
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			A, L, 19, 35
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A, 19, 38
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A, 18, 19

**Impact Discussion:**

4a,d The proposed project includes a General Plan Amendment and Rezone to amend the existing General Plan Land Use Designation from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10), and the zoning from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10), and then subdivide the 21.41-acre parcel (APN: 060-150-063) into two (2) legal parcels. The project is not anticipated to result in any 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. Similarly, the project is not anticipated to substantially

interfere with the movement of any native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

A project specific biological report was prepared for the project parcel back in 2019 for a commercial cannabis cultivation by Corinne Munger, and after the commercial cannabis cultivation application was withdrawn, a new, updated biological report was prepared for the proposed project by Greg Matuzak, based on peer review of the previously completed biological report as well as a field review of the property on May 23, 2024, a review of the California Natural Diversity Data Base (CNDDB), and database information provided by the United States Fish and Wildlife Service for the project area. The database searches did reveal two (2) special status wildlife species, including western pond turtle and the foothill yellow-legged frog previously recorded within 3 miles of the project area. Additionally, the CNDDB database search revealed four (4) special-status plant species, including Brandegees clarkia, Butte County fritillary, Cantelow's lewisia, and elongate copper moss that have been previously identified within 3 miles of the subject parcel. None of these species were observed during field surveys. In addition, there is no Designated Critical Habitat (DCH) for any plant or wildlife species protected by USFWS within 3 miles of the project area. Known occurrences of special-status plants have been documented within 3 miles of the project area and though the project area does contain marginal suitable habitat for special-status plant species, no special-status plant species were documented within the project area during site surveys conducted on May 23, 2024. The project area is within the range of a number of special-status animal species that are of concern to the United States Fish and Wildlife Service and California Department of Fish and Wildlife, however, none of these species have been recorded within or near the project area. Loss of limited numbers of common species of plants or animals, as could occur due to further development of the property, is not a significant impact under current CEQA guidelines pertaining to biological resources. However, the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §3513 prohibit take of migratory birds, which is defined to include destruction of active nests (presumed to contain eggs or nestlings). Compliance with the MBTA requires that no grading, brush clearing (mechanized or otherwise), or tree removal occur during the nesting season without a nesting bird survey that confirms that no occupied nests are present. Further, the MBTA requires contingent mitigation actions if nests are present, so Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds.

Per the Migratory Deer Ranges Nevada County General Plan map, the project area is located in an area identified as containing Deer Winter Range. The field survey did not record any observations of deer. The project area does not contain any known major deer migration corridor, known deer holding area, nor any known critical deer fawning area. Mitigation Measure 4B would require clustered development through the prescribed building envelopes to minimize the potential impacts to all environmentally sensitive resources (ESA), including the landmark oak tree, the areas mapped as landmark oak grove, the two drainage areas, and resident and migratory deer population in the surrounding area. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas and animal enclosures to continue to allow free movement of deer through the area. With implementation of these mitigation measures, the proposed project is anticipated to have **no impact** on the loss of any special-status plant or animal species in this area, and

impacts related to wildlife movement and disturbance of local wildlife would be ***less than significant with mitigation***.

4b,c The field survey conducted by the project biologist identified that there are aquatic resources within the project area, including natural drainage areas within the southern and central sections of the subject parcel. The existing drainage areas would be considered ephemeral drainages given the topography of the site and would only contain water during and shortly thereafter precipitation events. However, given the ephemeral drainages do contain a defined bed and bank and signs of flow, they are subject to the 50-foot non-disturbance requirements of the Nevada County Code for disturbance related to protected aquatic resources. Without the approval of the proposed project, there would be no impacts to the existing drainage areas. Therefore, a Watercourse Management Plan has been prepared to allow ground disturbance activities along the access roads within the proposed project areas that cross the ephemeral drainages that contain a 50-foot non-disturbance buffer. This Aquatic Resources Management Plan recommends mitigation measures for the encroachment into the non-disturbance buffers associated with the 50-foot setback from the centerline of the small ephemeral drainages that cross the access roads within the proposed project area. Upgrades to existing culverts will be required and the existing access roads will need to be widened as part of the proposed project. As detailed below, measures to minimize potential impacts to the drainages are recommended to limit impacts of the proposed Project on those sensitive resources. These measures are intended for inclusion into the proposed development within the non-disturbance buffers during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following, Mitigation Measure 4E, during and following construction:

- Limit construction to periods of extended dry weather and the dry summer season;
- Limit any construction within the 50-foot non-disturbance buffers to the minimum feasible;
- Establish the area around the active drainage channel as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
- No fill or dredge material will enter or be removed from the drainage channels during construction;
- Use appropriate machinery and equipment to limit disturbance in this area;
- Placement of soil erosion control devices (such as wattles, hay bales, etc.) between drainages and the areas to be graded and developed to limit potential runoff and sedimentation into the drainage channels;
- No dewatering of any drainages will occur as part of the proposed construction; and
- Implement Best Management Practices during and following construction.

Therefore, the proposed Project is in compliance with Title 12, Chapter 4, Section 12.04.217 the Nevada County Code (Ordinance Number 2033), which requires a Management Plan be prepared for projects proposed within non-disturbance buffers, including areas that are

within 50 feet from the high water mark of intermittent watercourses, which both drainage channels would be defined under. Further, Mitigation Measure 4D is proposed, requiring aquatic resources, landmark oak groves, the landmark oak tree, and slopes in excess of 30% to be delineated as Environmentally Sensitive Areas with non-disturbance buffers (50 feet from the drainage channels) on the supplemental data sheets that will record with the parcel map, and Mitigation Measure 4E is proposed to minimize all direct and indirect impacts to water quality during and following construction. With the implementation of standard conditions of approval in combination with Mitigation Measures 4D and 4E, project impacts to riparian habitat, wetlands, timber resources (landmark oak groves and landmark oak tree) or other sensitive natural communities are anticipated to be **less than significant with mitigation**. There are no wetlands identified on the project parcel; therefore, the project will have **no impact** through direct removal, filling, or hydrological interruption of these resources.

- 4e The project area is located in an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The tree canopy is generally open and comprised of foothill pine, with canyon live oak (*Quercus chrysolepis*), interior live oak (*Quercus wislizeni*), black oak (*Quercus kelloggii*), buckeye (*Aesculus californica*), Pacific madrone (*Arbutus menziesii*), and occasional ponderosa pine (*Pinus ponderosa*). Without the approval of the proposed project, there would be no impact to any timber resources that would occur.

The subject parcel includes protected oak resources and impacts to such protected resources could include removal of or encroachment into the dripline of protected oak resources. Therefore, an Oak Resources Management Plan has been developed and clearly outlines the proposed compensatory mitigation to fully mitigate for impacts to such protected oak resources. A total of 6.8 acres of landmark grove occur within the project area and a total area of landmark grove canopy to be potentially removed by the upgrades to access roads would be a maximum of 0.3 acres of native oak and other hardwood trees pertaining to those mapped landmark groves will be removed as part of the proposed project, as shown on the Tentative Parcel Map. No additional oak trees pertaining to a landmark grove will be removed or have any oaks been removed as part of the Tentative Parcel Map for the proposed project. The single landmark oak tree will be avoided and as outlined here and within the previous reporting covering the project area, the higher grade where the landmark oak tree is located and the widening of the access in that area away from the landmark oak tree trunk is sufficient to minimize any potential impact to the landmark oak tree. Previous biological resources review of the tree confirmed that the landmark oak tree is healthy, and the tree is upslope of the existing access road and therefore, any widening of the road away from the tree would have no impact on the landmark oak tree. The project area does not contain suitable areas for the onsite planting of oak saplings or acorns given the steep slopes and shading within the greater part of the project area; therefore, the Oak Resources Management Plan below recommends that a 0.3-acre compensatory mitigation credit be purchased through the Bear Yuba Land Trust program for the removal of landmark grove canopy. Given none of the trees to be removed within a mapped landmark grove have been removed or will be removed prior to the approval of a permit for the Project, the compensatory mitigation would be on a 2:1 mitigation ratio. Additionally, all proposed building envelopes and M.U.S.D.A's ensure

proposed development areas associated with each of the newly created two parcels within the subject parcel will be located outside of environmentally sensitive areas.

Nevada County has a number of local policies and ordinances that protect sensitive resources, including deer habitat; rare, threatened, and endangered species and their habitats; timber resources; and watercourses, wetlands, and riparian areas and steep slopes. In addition to landmark oak grove being present on the project parcel, several other of these protected resources are present in the project area: migratory birds would be protected through proposed Mitigation Measure 4A as discussed above (4a,d); Mitigation Measures 4B and 4C as discussed above (4a,d) are proposed to protect all Environmentally Sensitive Areas, including the resident deer herd; and watercourses, wetlands, riparian areas and steep slopes would be protected through proposed Mitigation Measures 4D and 4E, as discussed above (4b,c).

Therefore, with the implementation of the recommended Conditions of Approval and Mitigation Measure 4B, 4D, 4E and 4F, conflicts with local policies and ordinances protecting biological resources are expected to be **less than significant with mitigation**.

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

**Mitigation Measure 4A: Avoid Impacts to Nesting Birds.**

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

Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.

1. If construction is to take place during the nesting season (February 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
2. Tree removal and construction shall not take place during the breeding season (February 1 –August 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
3. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
4. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting

agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.

5. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

**Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Environmentally Sensitive Areas (ESAs).** Delineate building envelopes, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the parcel map and on all future grading/improvement/building permit plans with a Note stating, "All habitable structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement or driveways." Agricultural structures may be allowed to be constructed outside the building envelopes so long as they do not encroach into any environmentally sensitive areas, unless a Management Plan is approved.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

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

**Timing:** Prior to map recordation

**Reporting:** Approval of the Parcel Map for recordation

**Responsible Agency:** Planning Department

**Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA's).** Sensitive biological resources, as shown on the Tentative Parcel Map, shall be mapped, and identified as ESAs on the Supplemental Data Sheet(s) to be recorded concurrently with the Tentative Parcel Map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include two drainage channels, protected landmark oak groves, the landmark oak tree, and slopes in excess of 30%. The setback from the two drainage channels shall be delineated as 50-feet from the highwater mark. The following note shall be included: "No

disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

**Mitigation Measure 4E: Minimize Potential Impacts to the Drainages.** As detailed below, measures to minimize potential impacts to the drainages shall be implemented to limit impacts of the proposed project on those sensitive resources. These measures are intended for inclusion into the proposed development within the non-disturbance buffers during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following during and following construction:

1. Limit construction to periods of extended dry weather and the dry summer season;
2. Limit any construction within the 50-foot non-disturbance buffers to the minimum feasible;
3. Establish the area around the active drainage channel as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
4. No fill or dredge material will enter or be removed from the drainage channels during construction;
5. Use appropriate machinery and equipment to limit disturbance in this area;
6. Placement of soil erosion control devices (such as wattles, hay bales, etc.) between drainages and the areas to be graded and developed to limit potential runoff and sedimentation into the drainage channels;
7. No dewatering of any drainages will occur as part of the proposed construction; and
8. Implement Best Management Practices during and following construction.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

**Mitigation Measure 4F: Compensatory Mitigation for Protected Oak Resources Impacts.** For compensatory mitigation for the removal of protected oak resources and compliance with the Nevada County Code for Trees, the project applicant will purchase in-lieu compensatory mitigation credits through the Bear Yuba Land Trust. The project applicant shall purchase a 0.3-acre credit from the Bear Yuba Land Trust as compensatory mitigation for the loss of 0.3 acres of landmark grove within the Project area.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

## **5. Cultural Resources:**

**Existing Setting:** A complete records search was conducted by the North Central Information Center (NCIC) of the California Historical Resources Information System on March 6, 2019 for cultural resource site records and survey reports in Nevada County, within a 1/4-mile radius of the proposed project area. Review of this information indicates that the proposed project area contains zero (0) prehistoric-period resource(s) and zero (0) historic-period cultural resource(s). Additionally, zero (0) cultural resources study reports on file at this office cover a portion of the proposed project area. Outside the proposed project area, but within the 1/4-mile radius, the broader search area contains zero (0) prehistoric-period resource(s) and one (1) historic-period cultural resource(s): historic era ditch. Additionally, one (1) cultural resources study report on file at this office covers a portion of the broad search area.

Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with particular emphasis given to stream confluences and to ecotones created at the interface of foothill/valley lands, elements of which are located within and/or near the present study area. Generally, environmental conditions within the region have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these may have influenced prehistoric patterns of land use and settlement.

In this part of Nevada County, archaeologists locate prehistoric-period habitation sites “along streams or on ridges or knolls, especially those with southern exposure.” (Moratto 1984:290) This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations (Wilson and Towne 1978:387-389). The proposed project search area is situated in the Sierra Nevada foothills about one (1) mile west of Blind Shady Creek. Given extent of known cultural resources and the environmental setting, there is low potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area.

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

**Impact Discussion:**

5a-c At the request of the project authorized representative, the North Central Information Center (NCIC) conducted a records search of the California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in Nevada County within a ¼-mile radius of the proposed project area. The NCIC letter dated March 6, 2019, identifies no recorded resources within the proposed project area and no known

reports within the proposed project area. Outside of the proposed project area, but within the 1/4 -mile radius, the broader search area does not contain any evidence of indigenous-period/ethnographic-period cultural resources or historic-period cultural resources. Given the extent of known cultural resources and the environmental setting, there is low potential for locating indigenous-period/ethnographic-period cultural resources within the proposed project area. This conclusion is based on the extent of known cultural resources and patterns of local history for the area.

Given the extent of known cultural routes and patterns of local history, there is low potential for locating historic-period cultural resources within the proposed project area; however, discovery is still possible. Given that there is some amount of ground disturbance required for this project, there is a potential for unanticipated discovery of cultural resources, including historic, prehistoric, and paleontological resources, during project construction. Consistent with Title 12, Chapter 4, Section 12.04.206 of the Nevada County Code, the Tentative Parcel Map is required to include the following:

*Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.*

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

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

**Mitigation Measure 5A. Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction.** All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the Nevada County

Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

**Timing:** Prior to the issuance of Building/Grading/Improvement permits and during construction

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

**Responsible Agency:** Planning Department

## 6. Energy

**Existing Setting:** On February 12, 2019, the Nevada County Board of Supervisors approved the Energy Action Plan (EAP) as the County’s unincorporated area’s roadmap for expanding energy-efficiency, water-efficiency, and renewable-energy, and the cost-savings that accompany these efforts. The EAP is focused on operations of structures, infrastructure that generates energy, and efficient use of water. Proposed Parcel 1 is partially developed with an existing well and an OSSE that was recently completed by Dundas Geomatics, Inc. In order to achieve the clustering requirements pursuant to rural regions, proposed Parcel 1 includes two proposed building envelopes in the northern portion of the proposed parcel, one for a primary residence and one for either an accessory dwelling unit (ADU) or other accessory structures. Proposed Parcel 2 is currently developed with an existing residence, existing well, and existing PG&E connection, and an OSSE was completed by Dundas Geomatics, Inc. for this parcel as well.

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

### Impact Discussion:

6a The proposed project is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. The proposed parcels are intended to

be developed with single-family dwellings and both rural and residential accessory structures. Electricity is currently available to the property via an existing utility pole and overhead electric service to provide for future connection to electricity (PG&E). Operationally, energy needs for two (2) General Agricultural parcels are low. Future improvements, if any, would be required to meet energy standards in place at the time of their construction. The scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a **less than significant impact**.

- 6b The proposed project would not conflict with any state or local plans for renewable energy or energy efficiency. Permits would be required in order to construct the future improvements on the proposed project parcels. As part of the building permit review, all equipment and structures would be required to meet energy standards identified in the California Building Code. Likewise, the project would not obstruct or prevent plans for renewable energy or efficiency. Therefore, the project would have **no impact** to state or local plans for renewable energy or energy efficiency.

**Mitigation:** None required.

## **7. Geology and Soils:**

**Existing Setting:** The soils of the project site are mapped as mainly Chaix-Rock Outcrop Complex, 30%-75% slopes and Alluvial Land, Loamy, with a small area of Hoda Sandy Loam, 15% to 50% slopes. The average elevation in the project area is approximately 2,328 feet above mean sea level (MSL) with the highest elevation of approximately 2,500 feet above MSL within the northern border of the project area and the lowest elevation of approximately 2,100 feet above MSL within the southwestern section of the project area, at the driveway entrance of Scenic Drive. With the location of the ephemeral drainage channel cutting from the northwest border of the central area of the project parcel through the central part of the project parcel to the east, the areas adjacent to the ephemeral drainage channel slope and drain down into the ephemeral drainage channel on the parcel. The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone and there are no known faults that cross through the project site. The project parcel has been determined to not be within any Earthquake Fault Zone. Generally, western Nevada County is located in the low intensity zone for earthquake severity. The project site is located within Seismic Zone I—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion (Nevada County, 1991).

A Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provides best management practices and mitigation measures for construction activities within slopes in excess of 30%. The Planning Department recognizes this Steep Slopes Management Plan, and the mitigation measures associated with the approved Steep Slopes Management Plan,

which will be carried forward as a part of this proposed project to protect and reduce the potential risk of erosive impacts as a part of the project.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure including liquefaction?</li> <li>iv. Landslides?</li> </ul>			✓		A, L, 5, 6, 12, 16, 29, 30, 31
b. Result in substantial soil erosion or the loss of topsoil?		✓			A, D, 25, 32, 38
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		✓			A, D, 12, 25, 30, 31, 32, 38
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		A, D, 25, 30, 31, 32
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A, C, 11
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A, L

**Impact Discussion:**

7a,c,d The proposed project is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The project site is not within an Alquist-Priolo Earthquake Fault Zone and there are no known faults that cross through the project site; however, the project site is located approximately 2.5-miles southeast, approximately 2.2-miles directly east, and approximately 2.4-miles northeast of Pre-Quaternary faults, which are older than 1.6 million years. The project site is located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, meaning the site has a low risk for strong ground motion and thus the project is not anticipated to result in earthquake related impacts. Both Chaix-Rock Outcrop Complex, 30%-75% slopes, which underlies the majority of the project site,

and Hoda Sandy Loam, 15% to 50% slopes, which make up a small portion of the project site, are not described by the USDA Soil Conservation Service as being unstable or expansive and are classified as well drained. Additionally, Alluvial Land, Loamy exists on the project site towards the southern portion of the parcel. While these soils are described as very deep, somewhat poorly drained soils, the proposed building envelopes and M.U.S.D.A areas are not anywhere near any areas of this soil type, and the only construction activities that would potentially occur within these soil areas is a Fire Safe Standard Driveway. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Title 14, Chapter 12, Section 14.12.060 of the Nevada County Code. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Code requirements to ensure protection during seismic events. Therefore, impacts to standard permit requirements are expected to be **less than significant**. Additionally, due to the proposed project recognizing the previously approved Steep Slopes Management Plan (MGT20-0041) in order to mitigate the potential impacts to slopes in excess of 30%, Mitigation Measures 7A-7E will ensure that the potential impacts to project soils and potential impacts with unstable earth conditions will reduce the impact to be **less than significant with mitigation**.

- 7b The proposed project consists of a General Plan Amendment (GPA24-0002) which proposes to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Parcel 1) and 10.05-acres (Parcel 2). Additionally, the project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. A Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provides best management practices and mitigation measures for construction activities within slopes in excess of 30%, which will be carried forward as Mitigation Measures 7A-7E for the proposed project to ensure that substantial erosion of the loss of topsoil will be mitigated accordingly. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas there currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. The Department of Public Works has included a condition of approval that clearly states that a minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and

Department of Public Works of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Community Development and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved. Additionally, all proposed building envelopes and work areas are located outside of steep slopes, and Mitigation Measure 4D requires that all Environmentally Sensitive Areas (ESA) shall be delineated on the Supplemental Data Sheets and recorded concurrently with the Tentative Parcel Map to avoid impacts to all Environmentally Sensitive Areas, including but not limited to slopes in excess of 30%, which will be implemented as a part of the proposed project. Further, any future non-habitable structures will require building permits and will not be able to be constructed on slopes steeper than 30% without an updated Steep Slopes Management Plan. Additionally, due to the proposed project recognizing the previously approved Steep Slopes Management Plan (MGT20-0041) in order to mitigate the potential impacts to slopes in excess of 30%, Mitigation Measures 7A-7E will ensure that the potential impacts to soils erosion, or to disturbance within steep slopes resulting from the proposed two-way land division to separate existing improvements are anticipated to be **less than significant with mitigation**.

- 7e The project site does not have soils incapable of adequately supporting septic systems. The existing residence on the subject property utilizes an individual septic system, and potential future residential construction activities would require an individual septic system for the undeveloped Proposed Parcel 1. Additionally, recent soils testing for each proposed parcel has confirmed onsite soils are capable of adequate sewage disposal. A typical condition of approval requires Minimum Useable Sewage Disposal Areas to be delineated around existing leach-fields sized with adequate room for a 100 percent repair area should the initial system ever fail. Based on use of existing systems along with recent soils testing confirmation, the project would have **no impact** relative to a lack of soils for sewage disposal.
- 7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because ground disturbance is anticipated to bring the proposed driveways up to required standards, or that associated with potential future development within building envelopes, Mitigation Measures 5A and 18A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be **less than significant with mitigation**.

**Mitigation Measures:** To protect water quality and aquatic life in neighboring waterways and to ensure the integrity of the topographic changes, the following Mitigation Measures shall be implemented during and after construction. The required mitigation measures include, but are not limited to:

**7A: Limit the Amount of Earthwork to be Completed During the Wet Season.** As much as possible the earthwork portion of this project is to be completed during extended periods of dry weather. If earthwork is completed during the wet season (October 15th to April 15th) it will be necessary to take extra precautionary measures to protect subgrade soils. Wet season earthwork shall require

additional mitigation measures, including diversion of surface runoff around exposed soils and draining of ponded water on the site. Once subgrades are established, exposed soils shall be protected from construction traffic.

**Timing:** *Prior to issuance of Grading/Improvement/Building permits*

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

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

**Mitigation Measure 7B: Implement all Erosion Control Measures.** To protect water quality and aquatic life in neighboring waterways and to ensure the integrity of the topographic changes, the following measures shall be implemented prior to, during, and after construction:

1. Erosion control measures shall be implemented at the site prior to grading activities in areas down-gradient of construction where said erosion control facilities will not get destroyed during grading activities. This shall include the implementation of silt fencing down-gradient of all proposed construction work along the upper slopes of all drainage ways, outside of the flow line. Silt fencing shall be maintained during all construction activities and repaired immediately upon failure. Silt fencing shall be inspected daily prior to the start of the days construction and repaired as necessary.
2. Erosion control measures shall be implemented at the site during and after grading activities in areas of exposed ground due to construction. The following erosion control measures shall be implemented following grading activities:
  - a. Straw waddles shall be placed on contour on all fill and cut slopes and along the grading pad. Waddles placed on fill or cut slopes shall be placed at spacing no greater than 10 feet. Waddles placed along the pad areas may have a placement no more than 20 feet.
  - b. Native seed mixture with straw cover shall be placed over the final graded pad and side slopes following disturbance of said area. Seeded areas shall be watered to initiate seed growth at a moderate rate as to not cause erosion or runoff from the area
3. Along the northern access road, the following activities shall be implemented to stabilize steep slopes and protect the area from future erosion:
  - a. Placement of straw waddles at 15-foot spacing along steeper portions of the northern access. Placement of straw waddles at 20-foot spacing where slopes become less steep.
  - b. Seed and straw shall be applied to the northern access with native seed mixture. Allow seasonal rains to germinate the seed mixture.
  - c. Inspect the northern access monthly during the first rain of the season following erosion implementation and repair or add additional erosion control as necessary.

**Timing:** *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

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

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

**Mitigation Measure 7C: Conduct Monthly Field Inspections.** Monthly field inspections shall be performed to inspect grading and erosion control measures. Additionally, inspections shall occur before and after heavy rainstorms to determine the adequacy of the constructed improvements and erosion control.

*Timing:* Prior to, during, and after the issuance of Grading/Improvement/Building permits.

*Reporting:* Approval of the Parcel Map for recordation

*Responsible Agency:* Planning Department and Building Department

**Mitigation Measure 7D: Limit Heavy Equipment from Accessing Steep Slope Areas.** Limit or avoid heavy equipment from accessing steep slope portions of the property and disturbed areas. Do not drive vehicles or heavy equipment on steep slopes. Keep all personal vehicles on the access road, pad area, or offsite and walk onto the property. Maintain heavy equipment on the access road or pad area and use excavator arms to access and remove material from steep slopes. If areas of steep slopes must be accessed by equipment, mini-excavators or hand removal shall be used.

*Timing:* Throughout construction activities for all Grading/Improvement/Building permits

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

*Responsible Agency:* Planning Department and Building Department

**Mitigation Measure 7E: Keyway for Grading on Slopes Exceeding 20%.** All grading performed on slopes steeper than 20% shall be provided with a keyway and benched.

*Timing:* Prior to, during, and after the issuance of Grading/Improvement/Building permits.

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

*Responsible Agency:* Planning Department and Building Department

See **Mitigation Measures 4D, 5A, and 18A.**

## **8. Greenhouse Gas Emissions:**

**Existing Setting:** Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation, and storms. Global warming, a related concept, is the observed increase in the average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>) and nitrous oxide (NO<sub>2</sub>). Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from industrial, commercial, transportation, domestic, forestry, and agriculture activities. CO<sub>2</sub> emissions are largely from fossil fuel combustion and electricity generation. Agriculture is a major source of both methane and NO<sub>2</sub>, with additional methane coming primarily

from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO<sub>2</sub>. Global warming adversely impacts air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and causes an increase in health-related problems.

To reduce emissions of greenhouse gases, the California Legislature enacted AB 32 (Núñez and Pavley), which is referred to as the California Global Warming Solutions Act of 2006 (September 27, 2006). AB 32 provided initial direction on creating a comprehensive, multiyear program to limit California’s GHG emissions at 1990 levels by 2020, and initiate the transformations required to achieve the state’s long-range climate objectives. In April 2015, the California Air Resources Board issued Executive Order B-30-15 to set an interim target goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80 percent below 1990 levels by 2050 as set forth in EO S-3-05. SB 32, enacted in 2016, codified the 2030 the emissions reduction goal of CARB Executive Order B-30-15.

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

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

**Impact Discussion:**

8a,b The proposed project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. Carbon dioxide (CO<sub>2</sub>) is the main component of greenhouse gases, and vehicles are a primary generator of CO<sub>2</sub>. The proposed project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in the

Sierra Nevada Foothills, within a rural area surrounded by low-density general agricultural properties, and overall GHG outputs are expected to be minimal. California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. Nevada County and Placer County are both within the Mountain Counties Air Basin. Nevada County is within the jurisdiction of the Northern Sierra Air Quality Management District (NSAQMD), but the NSAQMD has not adopted thresholds of significance for greenhouse gases. However, Placer County Air Pollution District (APCD) has adopted thresholds of significance for greenhouse gases. Due to greenhouse gas emissions being not only a regional, but also a global concern, with the similarities between neighboring air districts, it was determined that the Placer APCD thresholds are a relevant standard for the determination of significance. The thresholds adopted by Placer County APCD include a bright-line threshold of 10,000 metric tons of Carbon dioxide equivalent per year and a De Minimis level of 1,100 metric tons of carbon dioxide per year (MT CO<sub>2</sub>e/yr). A De Minimis Level for the operational phases of 1,100 MT CO<sub>2</sub>e/yr represents an emissions level which can be considered as less than cumulatively considerable and be excluded from the further GHG impact analysis.

The overall GHG impact is expected to remain at a level that is ***less than significant***, due to several factors including but not limited to: the proposed project and potential future residential improvements will apply standard building permit requirements ensuring any new structures meet energy efficiency standards; adherence to mitigation measure 3B which requires 50% of equipment to utilize Tier 1 engines or clear, and equipment idle times to be less than five (5) minutes; and because the proposed development is a low density residential use which will result in the potential for two residential properties that are consistent with existing General Plan and zoning densities in this area.

**Mitigation Measures:** None required.

## **9. Hazards and Hazardous Materials:**

**Existing Setting:** The project site is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The project parcel in its current delineation contains a single-family residence, and both single-family residential and agricultural accessory uses and improvements, which are served by an existing septic system and two (2) existing private wells for water. The project area is in a very high fire hazard severity zone as designated by Cal Fire. The project is not located within ¼ mile of an existing or proposed school, and the closest residence is approximately 440-feet from the Eastern property boundary line.

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

**Impact Discussion:**

9a,b The proposed project does not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could be stored, used, and handled 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. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Therefore, project related hazard impacts relative to routine transport, use,

disposal, or emission of hazardous substances to the public or environment would be **less than significant**.

- 9c The proposed project site is not located adjacent to, or within a quarter mile of, any schools. Therefore, the project would have **no impact** relative to the handling or emitting of hazardous materials in close proximity to a school.
- 9d The proposed project area is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be **no impact**.
- 9e There are no airports or private airstrips within 2 miles of the project parcel, and the project parcel is not located within the boundaries of any Airport Land Use Compatibility Plan. The nearest airports to the project parcel includes the Nevada County Airport, located approximately 9 miles southeast of the proposed project site; the Limberlost Ranch Airport, a private airstrip located southwest of Lake Wildwood, approximately 11 miles southwest of the proposed project site, and is restricted to use by the property owner; and the Alta Sierra Airport, approximately 16 miles south of the proposed project site. Therefore, due to the proximity of the proposed project site to a private airstrip or airport, the proposed project would not result in a safety hazard to people working or residing in the area; and **no impact** would occur.
- 9f The proposed project is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The subject property is served by the North San Juan Fire Protection District, in an area designated by CalFire as a Very High Fire Severity Zone area. The Nevada County Office of the Fire Marshal has reviewed the project proposal and did not comment on any adverse impacts to emergency response or evacuation plans. The County Office of Emergency Services does not publish emergency evacuation plans; however, the Nevada County Sheriff's Department has verified that there are no emergency response plans or emergency evacuation plans for the project area. The proposed project would not impair or physically interfere with emergency response and evacuation plans, resulting in **no impact**.
- 9g The proposed project, upon approval, could allow for a single family residence, two (2) accessory dwelling units (ADU's), and rural accessory structures on Proposed Parcel 1. Proposed Parcel 2 has an existing single family residence and a residential accessory structure and therefore could potentially include two (2) new ADU's and rural accessory structures. All future improvements would require Building Permits and conformance with Chapter 5 of the Nevada County Land Use and Development Code for building and grading standards. As a condition in the project Conditions of Approval, the applicant would be required to provide defensible space around all structures consistent with California Public Resources Code 4291, which requires up to 100 feet of fuels treatment or to the property line, whichever is closer. Additionally, as another Condition of Approval, due to the High Fire Severity Zone designation, a Fire Protection Plan from the Nevada County Fire Marshal would be required. The project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. A Steep Slopes Management Plan (MGT20-

0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provides best management practices and mitigation measures for construction activities within slopes in excess of 30%, which will be carried forward as Mitigation Measures, 7A-7E, for the proposed project to ensure that substantial erosion or the loss of topsoil will be mitigated accordingly. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas that currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. Proposed Parcel 1 will be accessed directly off of Scenic Drive from an existing driveway that is proposed to be improved to Nevada County driveway Standards (including a Petition for Exception to exceed 16% grade in various locations due to the natural topography and existing driveway grade), and Proposed Parcel 2 is currently accessed via an existing driveway that will be improved to meet Nevada County Fire Safe Driveway standards. Therefore, Mitigation Measure 17A will be required, which requires that due to the proposed driveways exceeding 16% grade in certain areas, the areas of driveways that exceed 16% grade shall be paved with all-weather surfacing. With the implementation of all applicable Conditions of Approval and Mitigation Measure 17A, the proposed project would have a ***less than significant impact with mitigation*** in regard to exposing people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

**Mitigation Measures:** See **Mitigation Measure 17A.**

## **10. Hydrology and Water Quality:**

**Existing Setting:** The average elevation in the project area is approximately 2,328 feet above mean sea level (MSL) with the highest elevation of approximately 2,500 feet above MSL within the northern border of the project area and the lowest elevation of approximately 2,100 feet above MSL within the southwestern section of the project area, at the driveway entrance of Scenic Drive. The results of the NWI and NHD dataset reviews for the proposed project area identifies no delineated aquatic resources within the subject parcel; however, several ponds and streams are located to the south of Scenic Drive and to the southeast of the subject parcel. Within the subject parcel, natural drainage areas occur within the southern and central sections of the subject parcel. The existing drainage areas would be considered ephemeral drainages given the topography of the site and would only contain water during and shortly thereafter precipitation events. With the location of the ephemeral drainage channel cutting from the northwest border of the central area of the project parcel through the central part of the project parcel to the east, the areas adjacent to the ephemeral drainage channel slope and drain down into the ephemeral drainage channel on the parcel.

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

the 500-year flood or protected by levee from 100-year floods. The project is not in a tsunami or seiche zones.

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

Sustainable management of groundwater basins is overseen by the Department of Water Resources (DWR) and State Water Resources Control Board (SWRCB) via the Sustainable Groundwater Management Act (SGMA). This project is not located within any groundwater basins or priority basins identified by the DWR Bulletin 118, or the SGMA Basin Prioritization Dashboard. The nearest DWR Bulletin 118 basins are the North and South Yuba Subbasins of the Sacramento Valley Basin (5-21.60 and 5-021.61, respectively). No Groundwater Sustainability Agency, no Groundwater Sustainability Plan, and no sustainability criteria or goals have been established for the underlying aquifer of this project.

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Reference Source (Appendix A)</b>
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓		A, C, D, I
b. Substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓		A, C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows?		✓			A, D, 9, 19
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	A, L, 9, 13

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓	A, D
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	A, L, 9, 13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	A, L, 13

**Impact Discussion:**

10a,c The proposed project is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity; however, due to the grading required for the proposed access roads, there is potential for impacts to the existing drainage patterns. The land division is intended to divide one existing parcel with an existing single-family residence and agricultural accessory structures into two (2) legal standalone parcels. The proposed parcels will both be accessed directly off of Scenic Drive, a private road that directly connects to Tyler Foote Crossing Road, a county maintained road, approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City in unincorporated western Nevada County. Any work conducted within the right of way will require an encroachment permit from the Nevada County Department of Public Works. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features. There are aquatic resources within the project area, including natural drainage areas within the southern and central sections of the subject parcel. The existing drainage areas would be considered ephemeral drainages given the topography of the site and would only contain water during and shortly thereafter precipitation events. Additionally, the USGS Map indicates the waterway as ephemeral waterways. However, given the ephemeral drainages do contain a defined bed and bank and signs of flow, they are subject to the 50-foot non-disturbance requirements of the Nevada County Code for disturbance related to protected aquatic resources. Therefore, a Watercourse Management Plan has been prepared to allow ground disturbance activities along the access roads within the proposed project areas that cross the ephemeral drainages that contain a 50-foot non-disturbance buffer. Upgrades to existing culverts will be required and the existing access roads will need to be widened as part of the proposed project. As detailed below, measures to minimize potential impacts to the drainages are recommended to limit impacts of the proposed project on those sensitive resources. These measures are intended for inclusion into the proposed development within the non-disturbance buffers during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following during and following construction:

- Limit construction to periods of extended dry weather and the dry summer season;
- Limit any construction within the 50-foot non-disturbance buffers to the minimum feasible;
- Establish the area around the active drainage channel as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
- No fill or dredge material will enter or be removed from the drainage channels during construction;
- Use appropriate machinery and equipment to limit disturbance in this area;
- Placement of soil erosion control devices (such as wattles, hay bales, etc.) between drainages and the areas to be graded and developed to limit potential runoff and sedimentation into the drainage channels;
- No dewatering of any drainages will occur as part of the proposed construction; and
- Implement Best Management Practices during and following construction.

The proposed building envelopes for each proposed parcel on the proposed parcel map are designed to keep the construction of structures outside of the non-disturbance buffers of these drainage channels, and the proposed M.U.S.D.As are designed to keep the applicable septic system components outside of the non-disturbance buffers of these drainage channels as well. Additionally, development of the relatively small building envelopes on the relatively large parcels would not result in a substantial increase in surface runoff that could result in flooding. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features.

Additionally, Based on the above discussion, and with the implementation of conditions of approval and Mitigation Measures 4D and 4E, project related impacts to water quality standards or waste discharge requirements, including contributing amounts that could exceed drainage system capacity or alter existing drainage patterns would be ***less than significant with mitigation***.

- 10b The proposed project would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. Existing improvements will continue to rely on the existing private wells for water service, and potential future improvements will rely on the existing private wells as well. The proposed land division is not anticipated to substantially decrease groundwater supplies or interfere with groundwater recharge. Therefore, the proposed project is anticipated to have a ***less than significant*** impact on groundwater supplies and recharge.
- 10d-g There is no flood hazard or designated flood zone on the project parcels. Furthermore, the proposed project is not within a tsunami or seiche zone, and it does not conflict with or obstruct the implementation of a water quality control plan. The proposed project does not expose people or structures to a significant risk of loss or injury, or death involving flooding,

including flooding as a result of the failure of a levee or dam. Therefore, there would be **no impact** associated with flooding, tsunamis or seiches, water quality control plans, or a sustainable groundwater management plan.

**Mitigation Measures:** To mitigate the potential impacts to the existing drainage patterns of the site or area, please see **Mitigation Measures 4D and 4E**.

## 11. Land Use and Planning:

**Existing Setting:** The project parcel, 12100 Scenic Drive, (APN: 060-150-063) is located in an unincorporated area of Nevada City, CA, approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City. The proposed parcels will both be accessed directly off of Scenic Drive, a private road that directly connects to Tyler Foote Crossing Road, a county maintained road, approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City in unincorporated western Nevada County. The project biologist describes the land as an area best characterized as blue oak – foothill pine woodland within a greater area dominated by mid elevation montane coniferous woodland plant communities. The majority of the Project area is dominated by woodland with some areas of oak woodlands, including areas mapped as landmark groves per the Nevada County Code for protected oak resources.

The project parcel in its current delineation contains a single-family residence, and both single-family residential and agricultural accessory uses and improvements, which are served by an existing septic system and two (2) existing private wells for water. The average elevation in the project area is approximately 2,328 feet above mean sea level (MSL) with the highest elevation of approximately 2,500 feet above MSL within the northern border of the project area and the lowest elevation of approximately 2,100 feet above MSL within the southwestern section of the project area, at the driveway entrance of Scenic Drive. With the location of the ephemeral drainage channel cutting from the northwest border of the central area of the project parcel through the central part of the project parcel to the east, the areas adjacent to the ephemeral drainage channel slope and drain down into the ephemeral drainage channel on the parcel.

The project parcel is currently zoned General Agricultural, allowing density at one unit per 20.00-acres (AG-20) and has a Rural General Plan designation, also allowing density at one unit per 20.00-acres (RUR-20). The project parcel is directly bordered by five (5) parcels zoned General Agricultural with a minimum parcel size of 20.00 acres (AG-20) to the north, east, and west, and three (3) parcels zoned General Agricultural with a minimum parcel size of 10.00 acres (AG-10) to the south. All eight (8) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				✓	A, L, 17, 18

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	A, B, 18, 19
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**Impact Discussion:**

11a The proposed project would not physically divide an established community. The subject property is located in a rural area off Scenic Drive, which directly connect to Tyler Foote Crossing Road. Additionally, there are no known established communities in close proximity to the proposed project site. The proposed project consists of a General Plan Amendment (GPA24-0002) proposing to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2), which would then be in conformance with the General Agriculture with a minimum parcel size of 10.00 acres (AG-10) and the land use designation for the project parcel of Rural with a minimum parcel size of 10.00 acres (RUR-10). Therefore, the proposed project would not physically divide an established community, and thus **no impact** is anticipated.

11b The purpose of the General Agricultural zoning designation is to provide areas for farming, ranching, agricultural support facilities and services, low intensity uses, and open space. It is consistent with all agricultural-oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses are secondary. Additionally, Rural (RUR) General Plan designations are intended to provide for development of compatible uses within a rural setting. Such uses may include rural residential at maximum densities ranging from 5 to 160 acres per dwelling (depending upon the specific development pattern and character of an area; availability of public facilities and services; and environmental constraints), agricultural operations and supporting agricultural production, natural resource production and management, and low-intensity recreation. These uses require and support lower levels of service and through low density and intensity of use provide mutual benefits for the maintenance of a rural character and preservation of natural resources.

The proposed project includes a General Plan Amendment (GPA24-0002) proposing to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10) in order to accommodate the proposed Tentative Parcel Map (TPM24-0003). The Tentative Parcel Map proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-

acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2) in size. The proposed project site is currently zoned AG-20, which established with its current General Plan designation of RUR-20, and Zoning designation of AG-20, would not allow for the 21.41 acre parcel to be divided due to the minimum parcel size being 20.00 acres. The proposed General Plan Amendment to RUR-10 and Rezone to AG-10 would allow for the project parcel to be divided into a maximum of two (2) parcels and be compliant with the minimum design standards and requirements of the Nevada County Code, which is what the proposed project aims to achieve. Additionally, the proposed project parcel is contiguous to other parcels currently zoned AG-10 with a General Plan designation of RUR-10 to the south; however, all surrounding parcels to the east, west, and north are all zoned AG-20 with a RUR-20 General Plan designation and therefore may have the potential to change the character of the existing area. A change of the Zoning designation, the General Plan designation, and a Tentative Parcel Map to allow two (2) 10 acre parcels may result in parcels that are inconsistent with the surrounding parcels, and has the potential to set a precedence for the surrounding parcels to the east, west, and north to have their Zoning and General Plan designations changed as well, which has the potential to alter the existing character of the neighborhood if those surrounding parcels were to apply to achieve the same result as the proposed parcel.

With the approval of a General Plan Amendment and Rezone to AG-10/RUR-10, the proposed project would be consistent with both the new General Plan designation, as well as the new Zoning designation, and would not significantly change allowable density. Due to the reasons listed above, including that the proposed General Plan Amendment and Rezone are compatible with the minimum design standards and requirements set forth in the Nevada County Code, environmental impacts related to land use policy inconsistency and land use incompatibility are considered *less than significant*.

**Mitigation Measures:** None required.

## 12. Mineral Resources:

**Existing Setting:** Mineral resources, particularly gold, have played a major role in the history of Nevada County. Since 1849, when gold was first discovered in the area, to the years preceding World War II, most of the County's population was economically supported, directly or indirectly, by the local gold mining industry. Other metals produced in the County since 1880 include silver, copper, lead, zinc, chromite, and small amounts of tungsten and manganese. Industrial minerals include barite, quartz for silicon production, and small amounts of limestone, asbestos, clay, and mineral paint. Also, significant deposits of sand, gravel, and rock types suitable for construction aggregate are exposed throughout the County. (Mineral Land Classification of Nevada County, State Division of Mines and Geology, 1990).

In order to promote the conservation of the state's mineral resources, and ensure adequate reclamation of mined lands, the Surface Mining and Reclamation Act of 1975 (SMARA) was enacted. SMARA requires that the State Geologist classify land in California for its mineral resource potential. Local governments are required to incorporate the mineral and classification

reports and maps into their general plans and consider the information when making land use decisions.

Areas subject to mineral land classification studies are divided into various Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral potential. Mineral deposits of all types which are designated MRZ-2a or MRZ-2b, are used for areas underlain by mineral deposits where geologic data indicate that significant measured or indicated (MRZ-2a) or inferred (MRZ-2b) resources are present. The project area is not mapped within a Mineral Resource Zone (MRZ), or area of known valuable mineral deposits.

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

**Impact Discussion:**

12a-b The proposed project is not mapped within a known mineral resource area or MRZ and would not change existing land uses on the project site. None of the project parcels contain known or designated mineral resources. Therefore, the proposed project would have **no impact** on mineral resources.

**Mitigation Measures:** None required.

### 13. Noise:

**Existing Setting:** The project parcel currently contains single-family residential and accessory uses and improvements which are served by an existing septic system and two (2) private wells. The project parcel is located in an unincorporated area of Nevada City, CA, and is approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City. The project parcel is accessed via Scenic Drive from Tyler Foote Crossing Road, approximately 2.2 miles northeast of State Highway 49. Adjacent parcel sizes vary from 5.29-acres up to approximately 36.56-acres. Single-family residential and both rural and residential accessory improvements and uses are found on the majority of the surrounding parcels. Ambient noise levels in the area are generally those generated by the traffic on Scenic Drive and Tyler Foote Crossing Road and those noises that commonly accompany rural and residential uses. The nearest airports to the project parcel includes the Nevada County Airport, located approximately 9 miles southeast of the proposed project site; the Limberlost Ranch Airport, a private airstrip located southwest of Lake Wildwood, approximately 11 miles southwest of the proposed project site, and is restricted to use by the property owner; and the Alta Sierra Airport, approximately 16 miles south of the proposed project site.

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

**Impact Discussion:**

13a,b The proposed project would allow for future construction and uses consistent with those allowed within the General Agricultural (AG) zoning district. Generally, these land uses are compatible with other residential land uses and are not expected to generate significant noise impacts thereto.

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

13c As previously mentioned, there are no airports or private airstrips within 2 miles of the project parcel, and the project parcel is not located within the boundaries of any Airport Land Use Compatibility Plan. The nearest airports to the project parcel includes the Nevada County Airport, located approximately 9 miles southeast of the proposed project site; the Limberlost Ranch Airport, a private airstrip located southwest of Lake Wildwood,

approximately 11 miles southwest of the proposed project site, and is restricted to use by the property owner; and the Alta Sierra Airport, approximately 16 miles south of the proposed project site. The private Alta Sierra Airport is restricted to use by the property owners only. Additionally, any new units constructed would not be impacted by airport noise due to there being no airport or airstrip within close proximity of the project parcel. Given the restricted use of both the Limberlost Ranch Airport and Alta Sierra Airport, and the distance to the Nevada County Airport, the project would result in **no impacts** related to airport noise and would not expose people residing or working in the project area to excessive noise levels.

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

**Mitigation Measure 13A. 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; no work is permitted on Sundays. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction. This shall be included as a Note on the Tentative Parcel Map and all future improvements plans.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

## 14. Population and Housing:

**Existing Setting:** The project parcel is directly bordered by five (5) parcels zoned General Agricultural with a minimum parcel size of 20.00 acres (AG-20) to the north, east, and west, and three (3) parcels zoned General Agricultural with a minimum parcel size of 10.00 acres (AG-10) to the south. All eight (8) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures. The proposed building envelopes and M.U.S.D.A's have been designed to avoid sensitive resources.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓		A, 17, 18
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A, 17, 18

### Impact Discussion:

14a-b The proposed project consists of a General Plan Amendment (GPA24-0002) proposing to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2). Pursuant to the proposed General Plan Amendment, Rezone, and Tentative Parcel Map for the proposed parcel, upon approval, the amended property could support two (2) parcels and be consistent with the adopted Nevada County General Plan and Zoning Ordinance, and due to the proposed project proposing two (2) total proposed parcels, the proposed project, upon approval of the General Plan Amendment and Rezone, would have a **less than significant impact** related to these potential issues, as the potential increase in population would be considered minor in nature. There would be no displacement of existing people or housing due to the fact the proposed Tentative Parcel Map would split the existing parcel into two (2) independent parcels, and both the existing residence and existing detached residential accessory structure would remain on proposed Parcel 2. Therefore, the proposed project would have **no impact** related to these issues.

**Mitigation Measures:** None required.

## 15. Public Services:

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

Fire: The North San Juan Fire Protection District provides fire protection services to the project parcel.

Police: The Nevada County Sheriff Department provides law enforcement services.

Schools: The project site is within the Twin Ridges Elementary School District and Nevada Joint Union High School District 1.

Parks: The project is within the Oak Tree Community Park Recreation District.

Water: The project site is served by individual private wells.

Sewer: Sewage disposal is by individual private septic systems.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
i) Fire protection?			✓		H, M
ii) Police protection?			✓		A
iii) Schools?			✓		A, L, P
iv) Parks?			✓		A, L
v) Other public services or facilities?			✓		A, B, L

**Impact Discussion:**

15a The proposed project is not anticipated to have significant impacts on fire protection or law enforcement services because of the low-density nature of this project, which is anticipated with the zoning and General Plan designations. Additionally, while the proposed project will increase the density, the density could only be increase by one (1), which is minor in nature. Therefore, this impact is considered **less than significant**. The proposed project would not impact schools, or public recreational facilities because the project would not result in a substantial increase in population that would require schools, parks, and other public services and facilities. School, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. These impact fees were collected for existing residences during the permitting process. School and fire mitigation impact fees would also be applied to dwelling units on all parcels if future owners choose to develop them. Recreation impact fees would apply to new homes proposed on any parcel and would also be applicable to additions to an existing residence, based on square footage of the addition.

The proposed parcels are intended for single-family residential and rural improvements and will be served by individual private wells for water. Proposed Parcel 2 is currently developed with an existing single-family residence, a detached residential accessory structure located near the southeast corner of the property, and is served by a private well, on-site septic, and PG&E for electricity. In addition, Proposed Parcel 1 has an existing private well located on the southwest portion of the parcel, and the newly created Proposed Parcel 1 will be required to provide an individual private septic system. The project would not impact sewer services because the project does not require these services, as new parcels will be served by private on-site septic systems. Therefore, there would be a **less than significant impact** as a result of the project approval of the proposed project.

**Mitigation Measures:** None required.

## 16. Recreation:

**Existing Setting:** The project parcels are located within the Oak Tree Community Park Recreation District. The District provides a variety of recreation programs and cooperative management of several recreation facilities in the Northwestern Nevada County region. No recreational facilities exist on the subject parcels. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

**Impact Discussion:**

16a-c The proposed project is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. The minimal potential increase in population resulting from the proposed project would not result in negative impacts to existing recreational facilities, nor trigger the need for new facilities. The proposed project includes a General Plan Amendment and Rezone to amend the existing General Plan Land Use Designation from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10), and the zoning from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10), and then subdivide the 21.41-acre parcel (APN: 060-150-063) into two (2) legal parcels. Consequentially, the residential density established by the General Plan Amendment and Rezone for the area would allow for only the two (2) proposed parcels, which would be consistent with the amended Nevada County General Plan and Zoning Ordinance upon approval of the proposed project. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a above. Additionally, recreation mitigation fees associated with residential construction activities would be required as well. There are no existing recreational facilities on the subject parcel, and there will be no impact to existing local biking, equestrian, or hiking trails caused by the project. Due to the minimal potential increase to population, the lack of existing facilities onsite or in close proximity, and no trigger of needing new facilities or conflicting with established facilities, the proposed project would have a **less than significant impact** related to recreational facilities and established recreational uses of the area.

**Mitigation Measures:** None required.

## 17. Transportation:

**Existing Setting:** The project parcel is accessed directly off of Scenic Drive, a private road that directly connects to Tyler Foote Crossing Road, a county maintained road, from a proposed Fire Safe Standard Access Road, not to exceed 10% slope. Tyler Foote Crossing Road is classified as a Major Collector Road, and Scenic Drive is classified as a Local Road. Proposed Parcel 2 is currently developed with an existing single-family residence, a detached residential accessory structure located near the southeast corner of the property, and is served by a private well, on-site septic, and PG&E for electricity. Proposed Parcel 1 is mostly undeveloped, with only a permitted private well. The proposed access roads, building envelopes and MUSDA delineations are designed to avoid sensitive resources to the greatest extent possible. Figure 2 shows the property and the proposed new property lines.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?				✓	A, B
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				✓	A, B, 37
c. Substantially increase hazards due to a geometric design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?		✓			A, H, M, 38
d. Result in inadequate emergency access?		✓			H, M, 38
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A, H, M

### Impact Discussion

17a,b The proposed project consists of a General Plan Amendment (GPA24-0002) proposing to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2). The proposed project would not conflict with any program plan, ordinance, or policies regarding transit, roadway, bicycle, or pedestrian facilities. Both proposed parcels will be accessed directly off of Scenic Drive, a private road that directly connects to Tyler Foote Crossing Road, a county maintained road, from a proposed Fire Safe Standard Access Road. Transit services are not currently available in this area and would not be affected by the proposed project. The potential

increase in traffic resulting from the proposed project would be insignificant in nature and therefore there would be **no impacts** relating to conflicts with traffic review.

The proposed project area is outside of the Community Areas and Proposed Trail Corridor Study Areas identified in the Western Nevada County Non-Motorized Recreational Trails Master Plan, and there are no trails that currently pass through the project area, so bicycle and pedestrian movement will not be affected. Transit services are not currently available in this area and would not be affected by the project. Therefore, the project would have a **less than significant impact** with any policies regarding transit, roadway, bicycle, or pedestrian facilities.

- 17c,e The proposed project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. The project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. A Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provides best management practices and mitigation measures for construction activities within slopes in excess of 30%, which will be carried forward as Mitigation Measures, 7A-7E, for the proposed project to ensure that substantial erosion or the loss of topsoil will be mitigated accordingly. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas there currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. Proposed Parcel 1 will be accessed directly off of Scenic Drive from an existing driveway that is proposed to be improved to Nevada County driveway Standards (including a Petition for Exception to exceed 16% grade in various locations due to the natural topography and existing driveway grade), and Proposed Parcel 2 is currently accessed via an existing driveway will be improved to meet Nevada County Fire Safe Driveway standards. As a condition of approval, the Department of Public Works will require an encroachment permit for sight distance improvements, if required for the new encroachment. Encroachment permits include review of Traffic Control Plans and/or other safety measures to ensure the work does not result in hazards during construction, and the Traffic Control Plan shall be approved by the County prior to commencement of work. The Department of Public Works included a condition of approval requiring that Scenic Drive shall be improved to Minimum Fire Standard Access Road standards pursuant to County Standard Drawing C-1, and that all driveways shall meet or exceed County standards for Fire Standard Driveways, with the exception of proposed driveway slopes in some areas that will exceed 16%, pursuant to the Petition for Exceptions to Driveway standards. As a Condition of Approval, the Petition for Exception to Driveway Standards for the proposed grades that will be greater than 16% shall be approved by the Public Works Director up to a maximum grade of 20%. Additionally, a condition of approval regarding the traffic mitigation fees will be required to be complied with, as well as creating and establishing the authority for imposing and charging a Road Improvement Fee with the unincorporated territory of Nevada County, will be levied at the issuance of building permits for each parcel created by the map. Lastly, the Department of Public Works included a condition of approval that the applicant shall provide a road agreement or annex to a maintenance entity for Turquoise Place in accordance with Article

3, Section L-IV, 3.10, Street Standards, and Section L-XVII, 3.11 of the Nevada County Subdivision Ordinance to provide ongoing maintenance for the roads that serve this project. Therefore, with the application of these standard Conditions of Approval, as well as the implementation of Mitigation Measure 17A, project impacts due to geometric design and traffic hazards for both short-term construction and long-term operational traffic would be a ***less than significant impact with mitigation***.

- 17d The proposed project, upon approval, could allow for a single family residence, two (2) accessory dwelling units (ADU's), and rural accessory structures on Proposed Parcel 1. Proposed Parcel 2 has an existing single family residence and a residential accessory structure and therefore could potentially include two (2) new ADU's and rural accessory structures, which would be considered minor in nature. As previously mentioned, the proposed project includes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas there currently have a grade in excess of 16%. Therefore, Mitigation Measure 17A will be required, which requires that due to the proposed driveways exceeding 16% grade in certain areas, the areas of driveways that exceed 16% grade shall be paved with all-weather surfacing. Proposed Parcel 1 will be accessed directly off of Scenic Drive from an existing driveway that is proposed to be improved to Nevada County driveway Standards (including a Petition for Exception to exceed 16% grade in various locations due to the natural topography and existing driveway grade), and Proposed Parcel 2 is currently accessed via an existing driveway will be improved to meet Nevada County Fire Safe Driveway standards. A Condition of Approval for the proposed private access driveways would require improvements to including turnouts and hammerhead turnarounds. Additionally, another Condition of Approval that requires the proposed project create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the proposed driveways, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire. These improvements would provide better access for emergency personnel such that there would be adequate facilities for emergency personnel to arrive and for occupants to exit. Additionally, as a Condition of Approval, due to the High Fire Severity Zone designation, a Fire Protection Plan from the Nevada County Fire Marshal would be required. With the implementation of all applicable Conditions of Approval and Mitigation Measure 17A, the project would have a ***less than significant impact with mitigation*** relative to resulting in inadequate emergency access.

**Mitigation Measures:** To provide improvements to the same practical effect of meeting Nevada County Fire Safe Driveway Standards, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

**Mitigation Measure 17A. All Weather Surfacing Driveway Improvements:** Due to the proposed driveways exceeding 16% grade in certain areas, in order to provide the same practical effect of meeting Nevada County Fire Safe Driveway Standards, the areas where the proposed driveways exceed 16% grade shall be paved with all-weather surfacing with the appropriate base and surface per Nevada County Standards, as shown on the Tentative Parcel Map. Under no conditions will any

slope over 20% be allowed. This shall be included as a Note on the Tentative Parcel Map and all future improvements plans.

**Timing:** Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

**Responsible Agency:** Planning Department

## 18. Tribal Cultural Resources:

**Existing Setting:** Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Tribal Cultural Resources include sites, features, and places with cultural or sacred value to California Native American Tribes. See Section 5 for additional information regarding tribal resources.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> <li>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</li> <li>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</li> </ul>		✓			J, 22

### Impact Discussion:

18a The proposed project proposes to amend the current General Plan and Zoning designation and then divide the existing 21.41 acre parcel into a total of two (2) parcels, an act that could be followed by grading and land recontouring, construction of new residences,

installation of utilities, and general landscaping. Existing records at the North Central Information Center (NCIC) document that none of the present project area had been subjected to previous archaeological investigation, and that no prehistoric or historic-era sites had been documented within the project area. The project parcel was determined to fall within the areas identified by the United Auburn Indian Community (UAIC), Tsi' Akim Maidu, Nevada City Rancheria Nisenan Tribe, and Shingle Springs Band of Miwok Indians as ancestral lands. An initial distribution of the project application was sent to all organizations and the Native American Heritage Commission on April 23, 2023. According to the Records Search Results for the project parcel from the North Central Information Center (NCIC), the proposed project search area is situated in the Sierra Nevada foothills about one (1) mile west of Blind Shady Creek. Given extent of known cultural resources and the environmental setting, there is low potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area. Additionally, given the extent of known cultural resources and patterns of local history, there is low potential for locating historic-period cultural resources in the immediate vicinity of the proposed project area.

As discussed in Section 5, a records search from the North Central Information Center identified no known cultural resources on the project site. Similar to the discussion in Section 5, there is still the potential for onsite grading could uncover cultural resources of importance to the California Native American Tribes identified above. Due to the chance that onsite grading could uncover cultural resources of importance to California Native American Tribes, Mitigation Measure 18A has been included, which requires work to halt if cultural resources are discovered and for local tribes to be notified.

The inadvertent discovery of archaeological resources during project implementation could be a potentially significant impact. While cultural resource discovery has been determined to be unlikely, Mitigation Measure 5A is proposed that would require construction to be halted and local tribes to be notified in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. Additionally, Mitigation Measure 18A is proposed which would require that a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with the geographic area be immediately notified if any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. With these protections in place, impacts to Tribal Cultural Resources would be ***less than significant with mitigation***.

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

**Mitigation Measure 18A: Unanticipated Tribal Cultural Resources.** The following mitigation measures shall be required and shall be included as notes on all future site plans: If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal

Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

**Timing:** *Prior to issuance of Grading/Improvement/Building permits and throughout construction*

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

**Responsible Agency:** *Planning Department*

**Mitigation:** See **Mitigation Measures 5A.**

## **19. Utilities and Service Systems:**

**Existing Setting:** The project parcel is currently developed with a single-family residence and both rural and residential accessory structures. Electricity is currently available to the project parcel via an existing electrical service with PG&E and the project parcel is served by two existing private wells for water service. Current improvements rely on an existing septic system and the proposed parcels have MUSDA areas specifically designated on both proposed parcels for future improvements.

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

**Impact Discussion:**

19a-c The proposed project is anticipated to have a minimal impact relative to extension of utilities to serve the project. Currently the existing improvements rely on two existing private wells for water service and has an existing septic system. The proposed parcels are intended for single-family residential, rural, and both residential and rural accessory improvements, and will each be served by an existing private well for water service as well as private septic systems. An OSSE was completed for Proposed Parcel 1, and while proposed Parcel 1 has an existing private well, a new private septic system will be required for future potential residential improvements. Electrical service currently serves the project parcel, and therefore the electrical service for both proposed Parcels 1 and 2 will be provided by PG&E. No extension of natural gas, wastewater treatment facilities, or the expansion of existing facilities are proposed or required for the proposed project. Any additional storm drainage runoff generated by the project would be required to be kept on site and would not affect any off-site drainage facilities. Therefore, the proposed project is anticipated to have a **less than significant** impact related to utility/service extension.

19d,e The proposed project would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. Construction is required to provide private driveway access in substantial conformance with Fire Safe Driveway Standards to both proposed Parcels 1 and 2, with a

slight deviation from standards due to a Petition for Exception to Driveway standards requested to exceed 16% maximum driveway grade due to the natural topography and existing driveway grade. These construction activities could result in solid waste in the form of construction materials or vegetative debris. Nevada County provides solid waste collection through a franchise for collection and disposal of waste and recyclables for both residential and non-residential areas. Waste Management is the current holder of this contract; refuse and recyclables in this area of the County are typically hauled to the McCourtney Road Transfer Station, located at 14741 Wolf Mountain Road. All solid waste refuse is later hauled to out-of-County landfills, most of which are in the State of Nevada under contract with Waste Management Systems, Inc. There are no known capacity issues with any Waste Management facilities. Any waste generated would be required to comply with federal, state, and local statutes, and regulations related to solid waste. Although the Project could increase the total waste generation in the area, the incremental contribution of the Project could be reasonably accommodated by the landfill. Mitigation Measure 19A requires solid waste debris generated during construction activities including vegetation and industrial waste such as glues, paint, and petroleum products to be appropriately disposed of to avoid potentially adverse landfill and solid waste disposal impacts. Therefore, impacts related to disposal of construction debris would be ***less than significant with mitigation***.

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

**Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste:** Industrial toxic waste (petroleum and other chemical products) is not 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 improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

**Timing:** *Prior to issuance of Building/Grading/Improvement permits and during construction*

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

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

## 20. Wildfire:

**Existing Setting:** The project parcel is within the North San Juan Fire Protection District and falls within a Very High Fire Hazard Severity Zone as designated by CalFire. A Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provides best management practices and mitigation measures for construction activities within slopes in excess of 30%. The proposed parcels will be accessed directly off of Scenic Drive, a private road that directly connects to Tyler Foote Crossing Road, a county maintained road, from a proposed Fire Safe Standard Access Road, not to exceed 10% slope. The project area is also located approximately 1.1 driving miles southwest of the existing North San Juan Fire District fire station 3, which is located at 13200 Tyler Foote Crossing Road in Nevada City, CA. The Safety Element of

the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Additionally, there is a Community Wildfire Protection Plan for Nevada County that was updated in April 2016.

The Nevada County Office of Emergency Services published a Wildfire Evacuation Preparedness Action Plan in 2020. The plan highlights five initiatives to reduce wildfire risk in Nevada County:

1. Create safer evacuation routes countywide to save lives.
2. Improve early warning systems and emergency communications to reach everyone.
3. Establish defensible space around our homes and neighborhoods by reducing hazardous vegetation and encouraging voluntary compliance with defensible space standards.
4. Provide a coordinated approach to wildfire response preparedness through planning, community engagement, and project implementation.
5. Enhance critical infrastructure needed to respond to wildfires such as evacuation route improvements, water storage, fire hydrants, communication systems, and green waste facilities.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓		A, H, M, 23
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?		✓			A, B, H, M, 18, 19, 38
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?		✓			A, H, M, 38
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			✓		A, H, M, 9, 31

**Impact Discussion**

20a,c The proposed project is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Safety Element of the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of

development is to maintain private roads, including the roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Objective 3.6 of the LHMP is to improve communities' capabilities to prevent/mitigate hazards by increasing the use of technologies. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. A condition of approval from the Nevada County Deputy Fire Marshal will require vegetation clearance around structures that meets the minimum requirements of Public Resources Code Section 4291. Additionally, as another Condition of Approval, due to the High Fire Severity Zone designation, a Fire Protection Plan from the Nevada County Fire Marshal would be required. Proposed Parcel 2 has an existing gravel driveway for access that will be mostly improved to meet Fire Safe Driveway standards, with the exception of the proposed improved driveway exceeding 16% slope, and therefore a Petition for Exceptions to Driveway standards has been submitted as an active component of the project. The topography of the project site is steep in nature with slopes ranging from up to 50%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. Additionally, the proposed driveway will meet all requirements pursuant to Nevada County Code for driveway slopes exceeding 16% and will be paved, providing greater fire safety than the existing conditions. In order to ensure that no slope will exceed 20%, a Mitigation Measure is included that states, "for all surfaces proposed over 16%, all weather surfaces will need to be indicated on the site plan, with the appropriate base and surface per Nevada County Standards. Under no conditions will any slope over 20% be allowed." Another Condition of Approval provided by the Nevada County Fire Marshal to reduce the fire risk is that the applicant shall be required to create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire. Therefore, with the implementation of the recommended Conditions of Approval and Mitigation Measures 7A-7E and 17A, the project impacts relative to compliance with emergency plans, impacts relative to increased fire risk, and impacts to the environment through the minimal work along these existing routes would be a ***less than significant impact with mitigation***.

- 20b,d The proposed project consists of a General Plan Amendment (GPA24-0002) proposing to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2). Additionally, as previously mentioned, a Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%, which provided best management practices and mitigation measures for construction activities within slopes in excess of 30% that will be carried forward and will apply to all future improvements or permitting. While the proposed design and driveway

layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees, therefore triggering the requirement for the submittal and approval of a Petition for Exceptions to Driveway standards. Additionally, the proposed driveway will meet all requirements pursuant to Nevada County Code for driveway slopes exceeding 16% and will be paved, providing greater fire safety than the existing conditions. In order to ensure that no slope will exceed 20%, a Mitigation Measure is included that states, “for all surfaces proposed over 16%, all weather surfaces will need to be indicated on the site plan, with the appropriate base and surface per Nevada County Standards. Under no conditions will any slope over 20% be allowed.” Therefore, the proposed project would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. All proposed building envelopes and M.U.S.D.A’s, which would contain existing and any applicable future improvements, avoid areas mapped as steep slopes. Additionally, all future improvements would require building permits and conformance with requirements including but not limited to maximum impervious surface coverage on each of the parcels, the prohibition of increasing stormflow onto offsite parcels, and adequate erosion control measures. Therefore, with the implementation of the recommended Conditions of Approval mentioned above and the implementation of Mitigation Measures 7A-7E and 17A, the proposed project that would result in two large parcels to contain existing and proposed improvements is anticipated to have **a less than significant with mitigation** relative to the spread of wildfire and fire risks.

**Mitigation Measures:** See **Mitigation Measures 7A-7E and 17A.**

## 21. Mandatory Findings of Significance:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?		✓			

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix 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.)			✓		
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			

**Impact Discussion:**

21a,c This draft Initial Study/Mitigated Negative Declaration evaluates the potential impact the proposed project could have on the environment. Compliance with existing federal, state, and local regulations and mitigation measures identified in this Initial Study will reduce all potential impacts of the proposed project to a less than significant level. As discussed in Sections 1 through 20 above, the proposed land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, utilities/service systems, and wildfire. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit construction to daytime hours on Monday through Saturday and mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are **less than significant levels with mitigation**, as outlined in each section.

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

**Mitigation Measures:** To offset potentially adverse impacts to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, utilities/service systems, and wildfire, see Mitigation Measures 3A-3D, 4A-4F, 5A, 7A-7E, 13A, 17A, 18A and 19A.

# Recommendation of the Project Planner

On the basis of this initial evaluation:

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

  
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Zachary Ruybal, Associate Planner

3/21/2025  
\_\_\_\_\_  
Date

# Appendix A – Reference Sources

- A. Planning Department
  - B. Department of Public Works
  - C. Environmental Health Department
  - D. Building Department
  - E. Nevada Irrigation District
  - F. Natural Resource Conservation Service/Resource Conservation District
  - G. Northern Sierra Air Quality Management District
  - H. North San Juan Fire Protection District
  - I. Regional Water Quality Control Board (Central Valley Region)
  - J. North Central Information Service, Anthropology Department, CSU Sacramento
  - K. California Department of Fish & Wildlife
  - L. Nevada County Geographic Information Systems
  - M. California Department of Forestry and Fire Protection (Cal Fire)
  - N. Nevada County Transportation Commission
  - O. Nevada County Agricultural Advisory Commission
  - P. Grass Valley School District/Nevada Joint Union School District (D-1)
  - Q. Nevada County Connects
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