

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

HEARING DATE: February 28, 2019

FILE NOs: PLN18-0023; CUP18-0009; MGT18-0018; MGT18-0019; AAM18-0002; EIS18-0012

APPLICANT / PROPERTY OWNER: Mardalynne Caldwell

REPRESENTATIVE: Rob Wood, Millennium Planning & Engineering

PROJECT: A combined application for a Conditional Use Permit, a Seasonal and Ephemeral Stream Management Plan, an Oak Resources Management Plan, and an Amendment to an Approved Tentative Parcel Map. The Use Permit is to allow up to twenty (20) special events per year with up to 125 guests at a 15-acre parcel that is developed with a single-family residence and an accessory dwelling unit. All event activities would be outdoors only. The project proposes a 350-square-foot restroom facility for event use, and the installation of a new septic system. An Oak Resources Management Plan is proposed to allow the leach field for the new restroom facility to be installed near and within a landmark oak grove. A Seasonal and Ephemeral Stream Management Plan is proposed to allow disturbance within the setbacks of a seasonal stream, in order to widen the existing driveway. Other proposed improvements include the installation of a 10,000-gallon water tank for fire suppression, an ADA compliant pathway, a curtain drain, an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping. Two ADA compliant parking spaces are proposed near the accessory dwelling unit and would connect to the pathway. The Amendment to the Approved Tentative Parcel Map (PM16-002) is proposed to expand the area of the building envelope to include the proposed 59-space gravel parking area.

LOCATION: 17860 Cattle Drive in unincorporated Nevada County, California. Located in Penn Valley, just north of State Highway 20.

ASSESSOR'S PARCEL NO: 051-110-004

PROJECT PLANNER: Sadie Caldas, Associate Planner

General Plan:	RUR-5	Water:	Well
Region:	Rural	Sewage:	Septic
Zoning:	AG-5	Fire:	Penn Valley
Flood Map:	0608	Schools:	Penn Valley Union / NJUHS D-3
ZDM #:	16a	Recreation:	Western Gateway
Parcel Size:	15.05 acres	Sup. Dist.:	Hank Weston, District IV
Date Filed:	03/08/18	Date Submitted:	3/8/18
Prev. File #(s):	HO89-031; PA12-001; PM16-002; MGT16-015; MGT17-0001	Resubmitted:	10/11/18
Farmland:	Farmland of Local Importance / Grazing Land		

ATTACHMENTS:

1. Recommended Conditions of Approval & Mitigation Monitoring & Reporting Program
2. Initial Study/Mitigated Negative Declaration
3. Vicinity, Zoning & Public Notice Map
4. Project Site Plan
5. Amendment to the Approved Map – Building Envelope Exhibit
6. Landscape Plan
7. Oak Resources Management Plan
8. Seasonal and Ephemeral Stream Management Plan
9. Environmental Noise Assessment

RECOMMENDATION:

- I. Environmental Action: Adoption of Mitigated Negative Declaration EIS18-0012
- II. Project Action: Approval of the Oak Resources Management Plan (MGT18-0018)
- III. Project Action: Approval of the Seasonal and Ephemeral Stream Management Plan (MGT18-0019)
- IV. Project Action: Approval of the Amendment to the Tentative Parcel Map (AAM18-0002)
- V. Project Action: Approval of the Conditional Use Permit (CUP18-0009)

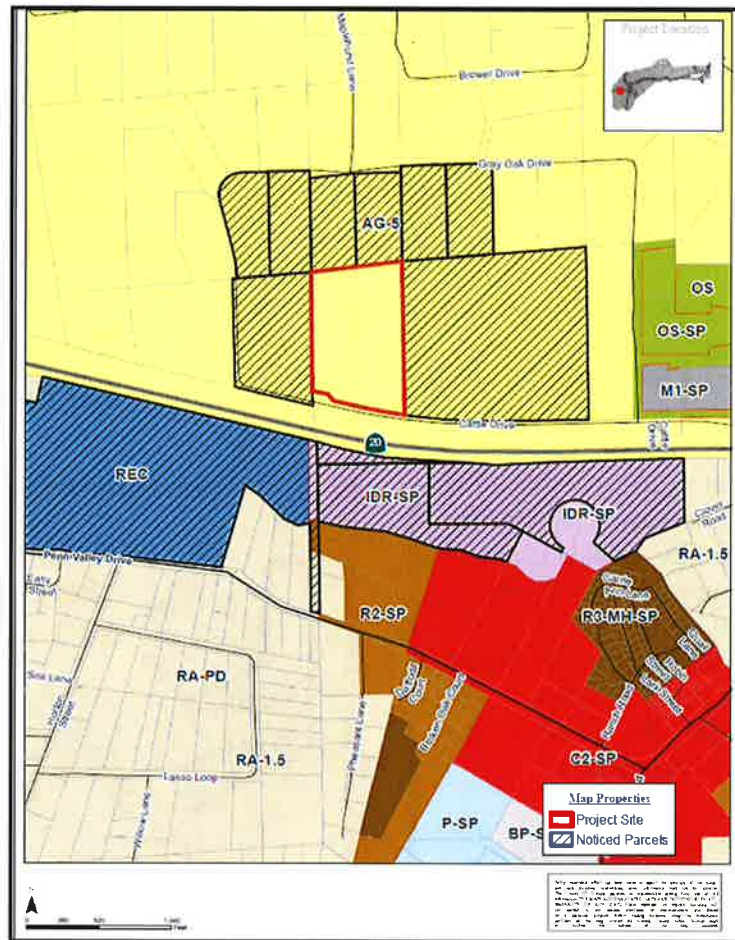
BACKGROUND, EXISTING AND SURROUNDING LAND USES:

The project site is located just north of State Highway 20 in Penn Valley. The parcel is accessed off Cattle Drive, which runs parallel with the right-of-way for State Highway 20. The project is approximately 0.4 driving miles from the State Highway 20 and the Cattle Drive intersection. The proposed Use Permit for outdoor events would be located on a 15.05-acre parcel that is developed with a single-family residence, an accessory dwelling unit, and accessory structures. The project site has AG-5 zoning and a RUR-5 General Plan designation. The parcel is fairly level with mostly gentle slopes, annual grasslands and landmark oak groves. An active vineyard is located at the front of the parcel, which is on the southwestern corner of the property. Although the parcel is currently 15.05 acres, there is an approved Tentative Parcel Map (PM16-002) to divide the property into two parcels of approximately 5.0 and 10.1 acres. The Parcel Map has not been recorded to finalize the land division. If/when the Parcel Map is recorded, the project site would be located on a 10.1-acre parcel (Parcel 1) of the approved Tentative Parcel Map. Please see Figure 2 (page 4) for the configuration of the parcels.

The project site has been used as a wedding venue for approximately the last three years or more, and there is an open Code Compliance case for having events without an approved Use Permit. The property owner applied for the Use Permit in March 2018, to work toward bringing the property into compliance and has been working on meeting the application requirements since that time. Simultaneously with the processing of the Use Permit, the property owner obtained a special events permit from the Nevada County Sheriff's Office (NCSO) to have up to four commercial events in a year, which will occur during the early part of 2019. The special events permit from the NCSO only allows four events per year and it was obtained by the property owner to allow events to be held while trying to obtain approval of the Use Permit.

The adjacent parcels on the northern, eastern and western sides have the same AG-5 zoning and RUR-5 General Plan designation. Adjacent parcels in this area have agricultural or rural residential uses, with parcel sizes that range from 5.01 to 34.52 acres. The closest residence to the proposed event area is 375 feet or more away, to the northwest. Approximately 300 feet to the south of the project parcel and across State Highway 20, is the Penn Valley Community Region. The parcels just south of State Highway 20 and the project parcel are zoned Interim Development Reserve with a Site Performance Combining District (IDR-SP), which are reserved for Open Space (OS) and Medium Density (R2) zoning. This area is also part of the Penn Valley Village Center Area Plan, with Community Commercial (C2) zoning approximately 1,000 feet southeast of the project site. Across State Highway 20 to the southwest, is the Western Gateway Park in Penn Valley. Figure 1 below shows the zoning, vicinity map, and parcels that were sent a public notice for the hearing.

Figure 1: Zoning, Vicinity, Noticed Parcels



PROJECT DESCRIPTION:

The project is a combined application to the Planning Commission for a Conditional Use Permit, an Oak Resources Management Plan, a Seasonal Stream Management Plan, and an Amendment to an Approved Tentative Parcel Map to allow outdoor special events. The site would be

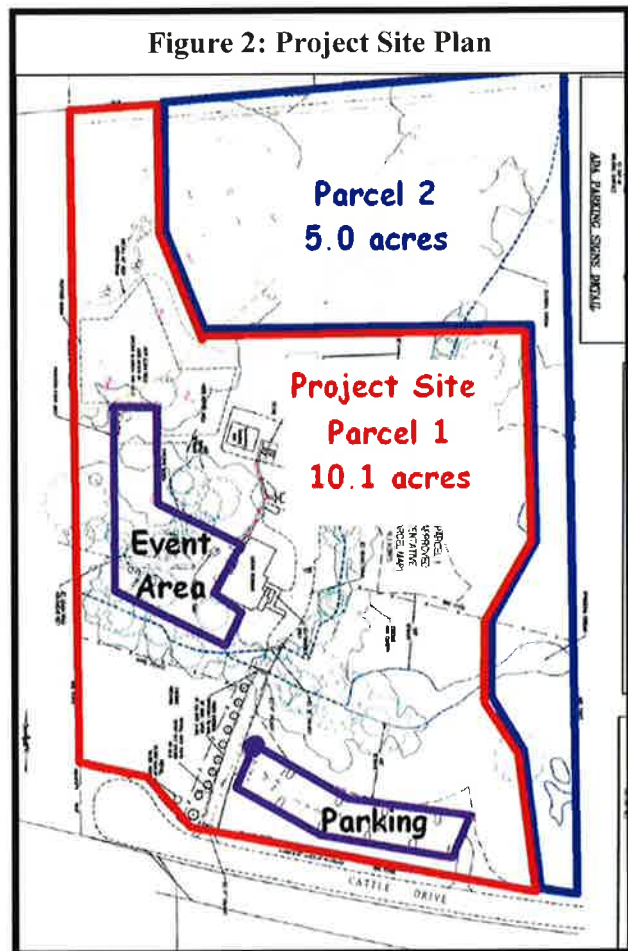
primarily used as an outdoor wedding event venue, but would also be used for similar special events and gatherings. Please see the descriptions below for each application proposed.

Conditional Use Permit: The Conditional Use Permit is for up to twenty (20) outdoor special events per year with a maximum of 125 guests, including event attendees, vendors and employees. All event activities would be outdoors only, with no indoor use or kitchen facilities. All food for special events would be catered to the event area and would not prepared at the site. Event activities would occur between 11:00 a.m. and 10:00 p.m. The project proposes to construct a new ADA (Americans with Disabilities Act) compliant restroom facility for event use, and the installation of a new septic system. The restroom facility would be approximately 350 square feet and include a storage area and an employee shower. Other proposed improvements include widening the existing driveway, the installation of a 10,000-gallon water tank for fire suppression, constructing two ADA compliant parking spaces and an ADA compliant pathway, installing a curtain drain just north of the new leach field, constructing an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping.

Oak Resources Management Plan: The first Management Plan is to allow the leach field and septic transport lines for the new restroom facility to be installed near and within a landmark oak grove. No trees would be removed for the installation of the leach field and septic transport line.

Seasonal and Ephemeral Stream Management Plan: The second Management Plan is for disturbance within the 50-foot setback of a seasonal stream and ephemeral stream to widen an existing driveway from 14 feet to 20 feet wide. The existing driveway crosses over the streams to access the primary residence and accessory dwelling unit. Approximately, the first 210 feet of driveway off Cattle Drive would be widened, up until where the driveway crosses the streams. The stream crossings and the rest of the driveway would not be expanded.

Amendment to an Approved Map: The Amendment to the Approved Tentative Parcel Map (PM16-002) is to expand the building envelope on Parcel 1 (10.1 acres) to include approximately 0.5 acres at the front of the parcel. The additional building envelope would include the area for improvements of the proposed 59-space parking area with landscaping.



STAFF COMMENT:

Several agencies and existing policy documents were consulted to determine the adequacy of this project on this site. The agency comments and the results of Staff's policy review are discussed below.

Access & Traffic: The project site is accessed off a County maintained road, Cattle Drive, which is located from State Highway 20. The project parcel is approximately 0.4 miles from the intersection of Cattle Drive and State Highway 20. There is already an existing driveway off Cattle Drive that would be widened from fourteen (14) feet to twenty (20) feet wide for the first section of driveway that would lead to the parking area. A second driveway off Cattle Drive into the parking area is proposed. The Nevada County Department of Public Works requires that an encroachment permit is obtained for the additional driveway (Condition D.2). As part of the permit process the applicant is required to prepare a before and after pavement analysis of the roadway to document any damage from the project's construction. If there is any damage, the applicant would be required to pay for repairs.

The Nevada County Land Use and Development Code does not have a specific driveway standard to apply to commercial events; however, the Penn Valley Fire Protection District reviewed the project and completed a site inspection to determine if the site has adequate access. The California Fire Code requires a driveway that is twenty (20) feet wide for commercial facilities. The existing driveway crosses two streams and has culverts that are eighteen (18) feet wide. After an evaluation of the conditions on site, the Fire Protection District determined that a 20-foot wide driveway at the front of the parcel would be acceptable. To prevent access from being blocked in the area where the driveway tapers down to approximately fourteen (14) feet wide, "Fire Lane-No Parking" signs are required to be installed (Condition F.1).

In order to analyze traffic impacts, the project application included a Traffic Impact Analysis prepared by KD Anderson & Associates, Inc. The traffic impact analysis reported that rural wedding venues typically have an estimated 2.44 persons per vehicle. For an event with 125 guests, this would create fifty-two (52) vehicle trips to the project site for one event. A worst-case assessment was reported to be 2.25 persons per vehicle, which would create fifty-five (55) vehicle trips in the hour before an event with 125 attendees. Condition of Approval D.1 requires the applicant to pay traffic mitigation fees for the additional traffic trips generated by the project.

The traffic analysis acknowledges that during times that it is likely for events to be held, particularly weekends, traffic volumes are expected to be substantially lower than traffic volumes during the weekday peak hour. The main impacts to traffic in the area caused by the events would be the intersection at Cattle Drive and State Highway 20. If events with 125 guests generated traffic during the weekday PM peak hour, the level of service for traffic at the intersection getting onto State Highway 20 from Cattle Drive would decrease to an unfavorable condition, where traffic flow would be unstable. Because events are not proposed to start during the weekday AM peak hour (7:00 a.m. to 9:00 a.m.), the traffic analysis did not include traffic data during this time period. As recommended by the traffic analysis, mitigation (MM16A) has been required to prevent special events from generating traffic during the weekday AM or PM peak hour, by not allowing events to start or end during peak traffic times on the weekdays.

With this mitigation, the existing roads could adequately handle traffic created by the special events.

Parking: A new gravel parking area on the project site is proposed to support event parking. The parking area is for fifty-nine (59) parking spaces. An additional two ADA compliant parking spaces are proposed near the existing accessory dwelling unit and restroom facility. There is a total of sixty-one (61) parking spaces that would be available for the special events. A calculation from the Traffic Impact Analysis estimated that with a worst-case scenario (2.25 persons per vehicle), fifty-six (56) parking spaces would be required for 125 guests. The proposed project includes a parking area that is adequate for event parking.

Visual Impacts: The project parcel can be seen from State Highway 20. Event activities would be approximately 460 to 700 feet away from the Highway. The outdoor event areas, commonly for wedding ceremonies and receptions, would be beyond a vineyard, fencing and oak trees from State Highway 20 and Cattle Drive. Due to the existing trees, the event area would not be in direct public view, but guests from the events may be seen at a distance and through vegetation. The project includes a fifty-nine (59) space parking area at the front of the property. Because of the many environmental resources at the site (discussed on page 9), the parking area was designed in this location to avoid negative impacts to protected resources. The parking area would be surfaced with gravel and includes landscaping along the front of the property. A landscape plan is proposed that meets the Nevada County Landscaping requirements in the Land Use and Development Code (LUDC), Section L-II 4.2.7. The landscape plan includes twenty-four (24) trees and ninety-seven (97) shrubs that would be planted. There is also an existing split rail wood fence along the front of the property that would be between the parking area and the public roads. In Figure 3 below, the event area would be located on the left side of the image, beyond the vineyard and some of the oak trees. The parking area would be located on the right side of the image, adjacent to the existing driveway. The visual impacts from the proposed project would be reduced by the existing vegetation and landscaping, and are not anticipated to be substantial.

Figure 3: View of the Project Site from State Highway 20



Noise: The project is for outdoor special events with up to 125 guests, including event attendees, vendors and employees. All event activities would be held outdoors, with no indoor use or kitchen facilities. It is expected that the Use Permit would primarily be for wedding and receptions, but it would also allow other social events, such as meetings, family gatherings, celebrations, etc. An Environmental Noise & Vibration Assessment, prepared by Paul Bollard with Bollard Acoustical Consultants, Inc., was submitted with the Use Permit application. As part of the noise study, a continuous 24-hour noise level measurement was conducted at the project site on May 15, 2018, in order to determine the ambient noise level at the site without a special event being held. The measurements were taken from the area where the existing gazebo is on the property. This is the primary location on the property for wedding ceremonies to be held, which is also the closest event area to the property line. The average noise levels ranged from 40 to 54 dB Leq, while the maximum noise levels ranged from 55 to 80 dB Lmax. Due to the project parcel being adjacent to Cattle Drive and State Highway 20, the measured ambient noise level already exceeds the Nevada County Noise Standards in LUDC Section L-II 4.1.7 for nighttime noise limits between 10:00 p.m. and 7:00 a.m. For the Rural zoning district standards, maximum noise levels are listed below:

- Daytime (7 a.m. to 7 p.m.) – 55 dB Leq and 75 dB Lmax
- Evening (7 p.m. to 10 p.m.) – 50 dB Leq and 65 dB Lmax
- Nighttime (10 p.m. to 7 a.m.) – 40 dB Leq and 55 dB Lmax

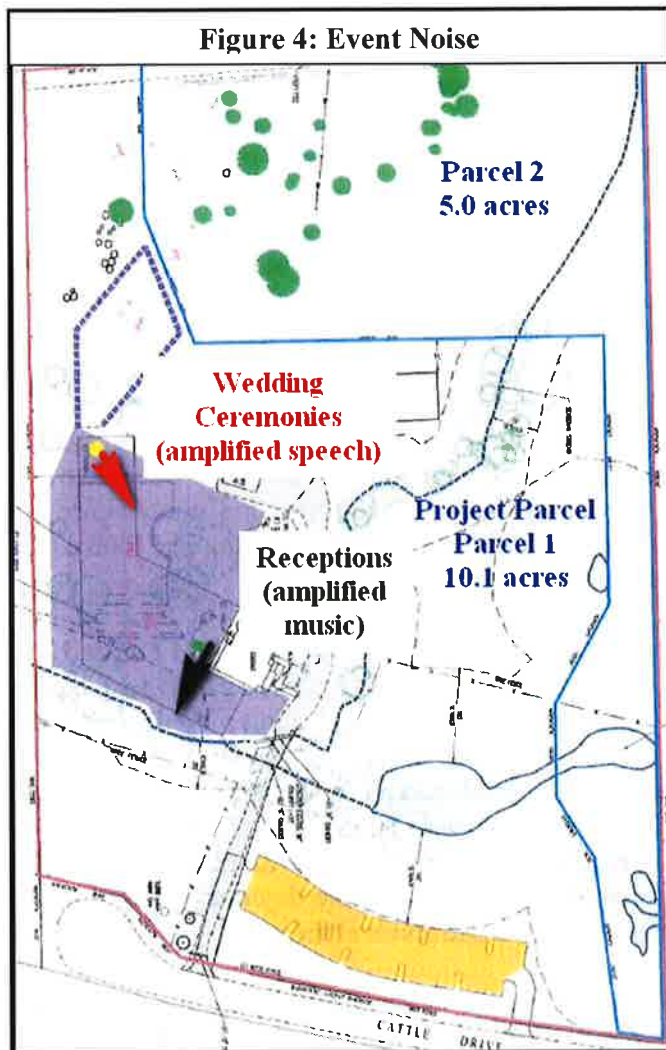
The noise study predicted noise levels for amplified music, amplified speech, event crowd noise for 125 people, and parking area noise. The event crowd noise prediction, which was based on fifty percent (50%) of the crowd (125 people) conversing simultaneously, and the parking area noise predictions were under the daytime and evening noise standards, and they are within the range of existing noise levels at the site.

The loudest noise producers caused by special events would be from amplified speech—from the use of a microphone, and amplified music. Noise levels for amplified speech was predicted near the gazebo, along the western property line, and the amplified music was predicted in the event area closer to the residence, which are the proposed locations for wedding ceremonies and receptions. Based on the orientation of the speakers and typical sound levels of music being played at events, the noise study predicted noise levels at the property lines. Figure 4 on the following page shows the event locations and the direction that the speakers would face for amplified speech and music.

Amplified speech would consist of the use of microphones during wedding ceremonies, and would be located in the event area closest to the western property line. At the property line, the amplified speech would produce 47 dB Leq and 57 dB Lmax. The amplified speech in this location would meet daytime and evening noise standards, which is when wedding ceremonies would be held.

The highest noise producer for the special events would be from amplified music. The properties that would be the most impacted would be the parcel on the west of the project parcel and Parcel 2 of the Tentative Parcel Map if/when the map records. At the western property line, the music noise level would be 54 Leq and 59 Lmax. At the property line for Parcel 2 to the northeast of

the event area, the music noise level would be 50 Leq and 55 Lmax. According to Nevada County Noise Standards, this noise level is within the limits for daytime hours (55 Leq and 75 Lmax) from 7:00 a.m. to 7:00 p.m., but it exceeds the evening and nighttime standards. To prevent a conflict with the noise standards, the noise study recommended mitigation to decrease the volume of the amplified music in the evening from 7:00 p.m. to 10:00 p.m. The decibel level would decrease by 5 dB in the evening, which would produce a noise level that is in compliance with County standards. As part of the mitigation, the property owner would be responsible for obtaining a sound level meter and ensuring the music is at this decibel level or lower. The property owner has advised staff that a sound level meter has already been obtained and tested to ensure appropriate noise levels. The recommended mitigation also prohibits any event activities from occurring during the nighttime hours, from 10:00 p.m. to 7:00 a.m. If other types of events are held, they would also be restricted to the proposed locations for amplified speech and music, the restricted noise levels, and the prohibited event hours.



Land Use & Agriculture: The project site and the area immediately surrounding the site have AG-5 zoning. There are some existing agricultural uses on the project parcel and on adjacent parcels, which would/could continue to occur with the Use Permit for special events. The project parcel has a vineyard in the front of the parcel that would still operate as a vineyard. The adjoining 11.11-acre parcel to the west has agricultural crops located approximately 200 feet from the event area, and the adjoining 34.52-acre parcel to the east has livestock approximately 480 feet from the event area. The Use Permit for special events would not physically prevent any of the existing land uses from continuing to occur and it would not prevent future agricultural activities on or offsite, but there could be a disruption to agricultural activities if agricultural operations decided to discontinue activities to avoid a hindrance to special events while they are being held. In addition, the Agricultural Advisory Commission provided comments on the project and recommended that the project should be denied because of incompatible land uses with existing agricultural operations. The Penn Valley Area Municipal Advisory Council (MAC) recommended that if the Use Permit is considered for approval, that it

should include language from the Right to Farm Act, for the understanding of the Use Permit holder and the protection for the farming community. In order to prevent agricultural operations from altering or temporarily ceasing activities due to special events, the project's recommended Conditions of Approval (A.12) includes a Mitigation Measure for the Right to Farm Notice (LUDC Section L-XIV 1.4) to be included in all contracts for special events at the site. The Right to Farm Notice would provide disclosure to special event applicants that Nevada County supports the right to farm agricultural lands and that agricultural operations have inconveniences or discomforts that shall not be considered a nuisance. Although the project would not physically prevent agricultural activities, this mitigation would inform event applicants of agricultural activities in the area. This disclosure has been recommended to avoid a disruption of agricultural activities while events are being held.

The project is in compliance with the allowed uses in AG zoning (LUDC Table L-II 2.3.D), which allows community meetings and social event facilities in AG zoning with a Use Permit. The project also meets the standards for Churches, Community Meetings and Social Event Facilities in LUDC Section L-II 3.7, which allows social events in Rural Districts, as long as certain standards regarding access and impervious surface coverage are met. This code section includes a requirement for a 50-foot buffer, when the social event facility would be located where the zoning of adjacent properties provides for residential development as the primary use. The zoning on this parcel and the adjacent parcels is AG-5 with agriculture being designated as the primary use, but the adjacent parcel to the west of the project parcel is developed with a residence. Due to the rural residential uses in the area, the 50-foot buffer requirement has been applied to this project.

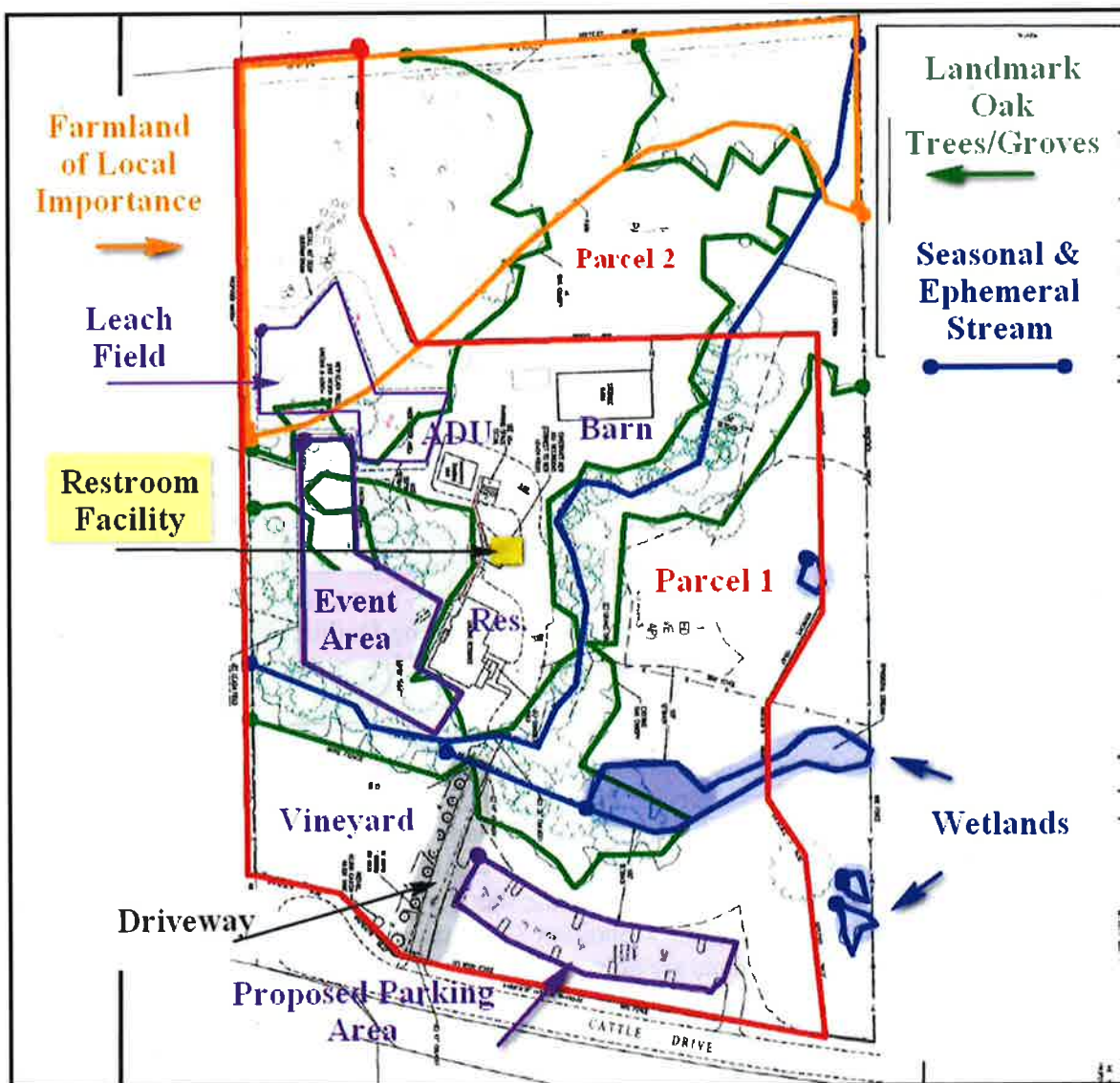
Services: The project does not include any indoor facilities. The project has been used as a wedding venue for the past three years or more, and there has been an open Code Compliance case for operating without a Use Permit. Staff believes that the primary residence has been previously used for events. In order to use the residence for commercial events, the residence (built in 1989) would have to be brought to current building standards. The property owner has advised that building alterations would not be feasible for the project and that outdoor events are commonly desired by clients. The property owner advises that there would be no indoor facilities used for events. All food would be catered to the site, by a caterer with an active permit from the Department of Environmental Health, and the existing facilities would not be used for food plating or preparation (COA C.3). In addition, all drinking water provided to the public shall be commercially packaged (COA C.2).

Currently, the project parcel has one septic system and restrooms inside the primary residence and the accessory dwelling unit. To service the events, a new restroom facility of approximately 350 square feet would be constructed, which would include two ADA compliant restrooms and an employee shower. A new sewage disposal system would be installed to serve the restroom facility. Soil testing and a preliminary review of the septic system design has been reviewed by the Environmental Health Department. Condition C.4 requires that the final approval of the septic system is obtained before events are held.

Environmental Resources: The project parcel has multiple environmental resources on the site, including wetlands, an ephemeral stream, a seasonal stream, landmark oak trees, landmark oak groves, and farmland of local importance. In addition, the site is already developed with a

single-family residence, an accessory dwelling unit, a well, septic system, an agricultural storage barn, sheds and a gazebo. There is also a vineyard near the front of the parcel and landscaping along the driveway and in the area around the residences. Although this parcel is 10.1 acres (15 acres if the Tentative Parcel Map is not recorded), there is very limited space on the property that could be used without being within the setbacks of an environmental resource or the property lines. The site plan below (Figure 5) shows environmental resources, the main improvements on the property, and the proposed event areas. The proposed parking area is completely outside of the setbacks for all environmental resources, which was why it was designed in the front of the property. Other improvements, including widening the existing driveway and the installation of the leach field for the septic system, would encroach into the setback of the seasonal and ephemeral stream, and into the landmark oak grove and farmland of local importance.

Figure 5: Site Plan with Resources



Seasonal & Ephemeral Streams: A Seasonal & Ephemeral Stream Management Plan, prepared by biologist Tina Costella in 2016, was submitted with the project. The Management Plan was originally prepared and approved with the Tentative Parcel Map (PM16-002) to avoid and minimize impacts caused by future construction of a driveway across the seasonal and ephemeral streams to access Parcel 2. In order to meet access requirements by the Penn Valley Fire District, this project proposes to widen the first 210 feet of the existing driveway from fourteen (14) feet wide to twenty (20) feet wide, up to the point where the driveway crosses the seasonal and ephemeral streams. Because the Management Plan addresses impacts and recommends mitigation measures for the same waterways on the property, it was resubmitted with the Use Permit application. Apart from the Management Plan being for the same waterways, the Use Permit for this project only includes improvements to an existing driveway up until the point where the driveway crosses the streams, where the Management Plan was developed to address substantially more possible impacts to waterways from constructing a new driveway that crosses the streams. Figure 6 below shows the existing 14-foot driveway that would be widened to 20 feet for this project.

Figure 6: Existing Driveway



Staff reviewed the Management Plan and found that it adequately addresses protection of the waterways during construction to widen the existing driveway. Mitigation has been recommended to protect the streams and water quality during construction. This includes the installation of construction fencing with silt fencing along the waterways, the installation of sediment and erosion control measures, revegetation, staging areas would be outside of the setbacks, and other best management practices. These mitigation measures are included in Conditions of Approval A.18 and A.19.

Oak Resources: A second Management Plan for Oak Resources was prepared by biologist Greg Matuzak in October 2018, to address impacts to oak trees in the landmark oak grove from the proposed leach field. The total area for the leach field and a designated repair area is approximately 18,000 square feet. Half of this area (0.22 acres) would initially be disturbed to install the leach field, and the repair area would be reserved in the event that the system fails and needs additional leach field. There would also be a 2-inch septic transport line that would enter landmark oak grove as it reaches the leach field area. Given that the transport line is small in diameter and minimal trenching would be required, the biologist identified this line as having no impact to any oak tree within the landmark oak grove. Although the mapping of the canopy from the landmark oak grove shows the area north of the gazebo as being part of the landmark oak grove, a survey of this specific area was conducted by the biologist, and a majority of the proposed leach field and repair area would be within open areas and/or previously disturbed areas at the site. The figures below are from the Oak Resources Management Plan. They show the proposed locations for the new leach field and the designated repair area.

Figure 7: New Leach Field Area



Figure 8: Designated Repair Area



The biologist advises that modern septic systems and leach fields are designed to avoid the water holding capacity of soil types, and should not have an adverse or negative impact to oak resources. Poorly designed systems—usually older systems—have the potential to waterlog the root system, which can damage the oak trees. Because some of the leach lines and the transport line would be constructed within the landmark oak grove, to ensure that these resources are protected, the biologist made recommendations to avoid and minimize any direct impacts to the oak trees. The mitigation requires that a biologist from the County’s Pre-Qualified Biological Consultants List shall review the septic system plans to ensure that location and design is consistent with the system evaluated by the biologist in the Oak Resources Management Plan, and a letter shall be submitted by the biologist after the work is complete, verifying that it was completed within the proper guidelines. The mitigation measures also include the use of best management practices during construction and an annual monitoring plan of the oak grove, for a minimum of five (5) years. If any damage is caused to oak trees in the landmark oak grove because of the leach field, the trees shall be replaced at a 2:1 ratio.

Farmland of Local Importance: The new leach field would also encroach into the area identified as Farmland of Local Importance. This area is not currently being used for agricultural purposes,

and septic systems and leach fields were previously approved on the Tentative Parcel Map as an allowed improvement in areas identified as Farmland of Local Importance, although it is not recommended to have hooved livestock graze over a leach field, because it may cause the soil to be compacted. The area of the leach field in Farmland of Local Importance is less than half of an acre, and it would not prevent any other areas from being used for agriculture. The Agricultural Commissioner reviewed the project at the initial distribution and completed a visual survey of the parcel. The project was also reviewed by the Agricultural Advisory Commission and one of the members of the Commission completed a site visit with the previous Agricultural Commissioner in 2016/2017. It was also noted from the previous site visit, that much of the area had already been developed. Based upon the testimony from the Agricultural Advisory Commission and due to the minimal impacts to important farmland, the Agricultural Commissioner advised that an Agricultural Management Plan should not be required.

Cultural Resources: There are no known cultural resources on or adjacent to the project parcel. According to a records search by the North Central Information Center (NCIC), no historic or prehistoric sites have been documented within or adjacent to the project area, and there is only a low to moderate potential for identifying historic resources in the area. Further, an Archaeological Inventory Survey was completed by Sean Michael Jensen in March 2016, and no historic resources or unique archaeological resources were discovered. During the project's construction, there would be some ground disturbance for constructing the gravel parking area, although it would be in a fairly level area and the amount of digging into the existing soil would be minimal. There would also be some disturbance to install the septic system, restroom facility and to widen the existing driveway. The United Auburn Indian Community (UAIC) reviewed the project and based on their recommendation, mitigation has been included to halt work and seek consultation in the event that a cultural resource is discovered during project construction, although the discovery of cultural resources is not anticipated. After the Initial Study and Mitigated Negative Declaration were published, the UAIC provided additional recommendations that have been included in the revised mitigation measure. The additional recommendations include the opportunity for the UAIC to provide training and a brochure to construction crewmembers. Please see revisions underlined below in Mitigation Measure 5A, and the addition of Mitigation Measure 5B:

Mitigation Measure 5A: Halt work and conduct consultation upon unanticipated discovery of cultural resources. Prior to issuance of a grading/improvement permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist and the United Auburn Indian Community (UAIC) shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment. Any recommendations from the United Auburn Indian Community shall be documented in the project record. If any of the recommendations are not followed, written

justification shall be included in the project record. If adverse impacts to tribal cultural resources occur, consultation shall be required by the UAIC and other traditionally and culturally affiliated Native American Tribes for rectifying the impact.

***Timing:** Prior to issuance of building/grading/septic permits*

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

***Responsible Agency:** Planning Department*

Mitigation Measure 5B: Tribal Cultural Resource Awareness Training and Brochure. A minimum of seven days prior to the start of construction, the applicant shall notify the United Auburn Indian Community (UAIC). A tribal representative and cultural resources specialists shall be invited to provide training and a brochure to all construction crewmembers, consultants, and other personnel involved in the construction activities to inform crewmembers of cultural resources, applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The training will include avoidance and minimization measures for resources that have potential to be located on the project site, and it will outline appropriate actions to take if artifacts are encountered. The program will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any cultural resources. The attached brochure shall be included on all improvement permits and shall be provided to all construction crewmembers.

***Timing:** Prior to issuance of building/grading/septic permits*

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

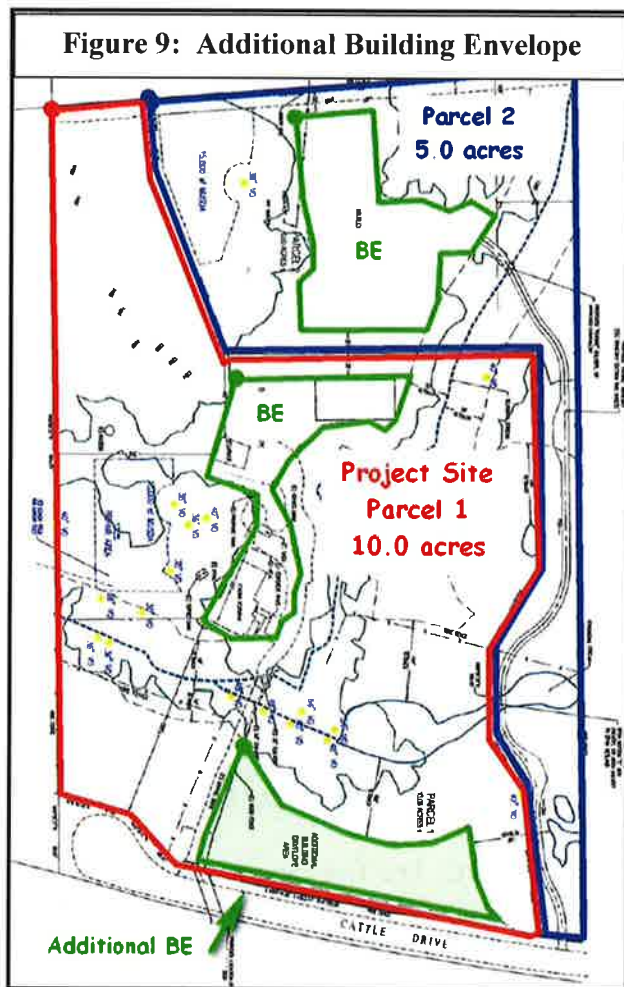
***Responsible Agency:** Planning Department and United Auburn Indian Community*

The additional recommendations by the UAIC would provide additional awareness and protection to cultural resources if they are discovered at the site, and are recommended by Planning Department staff as appropriate mitigations for this project. Pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the project specific Initial Study/Mitigated Negative Declaration (EIS18-0012) is not required as a result of replacing mitigation measures with equal or more effective measures. The revisions to Mitigation Measure 5A and the addition of Mitigation Measure 5B would result in the measures having equal or more effective requirements, and therefore, recirculation of the Mitigated Negative Declaration is not required.

The remaining improvements, such as the 59-space parking area, the two ADA compliant parking spaces, the restroom facility, and the 10,000-gallon water tank for fire suppression would be located outside of environmental resources and their setbacks.

Amendment to the Approved Map: On March 27, 2017, the Nevada County Zoning Administrator approved a Tentative Parcel Map (PM16-002) to divide the 15.05-acre parcel into two parcels of approximately 10.1 and 5.0 acres. Condition of Approval A.12 (MM2.D) requires that all structures outside of the designated building envelopes shall be for agricultural uses or agricultural accessory structures. The project parcel for this Use Permit to allow special events is Parcel 1 (10.1 acres) of the approved Tentative Parcel Map. The building envelope was designed around the developed area of the parcel, which is located toward the center of the property. Although the Use Permit does not propose any structures outside of the building envelope, the proposed 59-space parking area and landscaping would be outside of the building envelope, and it is not related to agricultural activities. To prevent a conflict with the approved Tentative

Parcel Map if/when it is recorded, this project includes an amendment to add the gravel parking area in the building envelope for Parcel 1. The additional building envelope area is approximately 0.5 acres, and it is located outside of all environmental resources and their setbacks. The expansion of the building envelope would still meet County code requirements, such as the clustering requirement for rural parcels. No other changes to the approved Tentative Parcel Map are proposed. Figure 9 (right) shows the additional building envelope toward the front of the parcel.



Agency/Public Comments: As previously discussed, the Agricultural Advisory Commission (AAC) recommended that the project should not be approved, due to conflicting uses between neighbors and incompatible land uses. The AAC also expressed concern for the strength of the Right to Farm Ordinance. The ordinance requires that when a property is sold, the Right to Farm Notice is disclosed. To provide additional strength and awareness of the Right to Farm Notice for this project, mitigation has been recommended to require disclosure of the Right to Farm Notice in all event contracts. With this mitigation, bridal parties or other event applicants will be aware that agricultural activities may occur in the area and that they are not considered a nuisance. The property owner has advised Planning Department staff that customers that would want to use this site for a venue are typically drawn to the site because of the rural and agricultural setting. The property owner also advised that events would not prevent agricultural activities from occurring in the vineyard on the property.

Opposing comments were also received from the Penn Valley Municipal Advisory Council (PV MAC). The PV MAC recommends that the Use Permit is denied and that the Planning Commission shall take into consideration the applicant's compliance history. The site has already been in operation as a wedding venue, prior to the Use Permit being obtained. Code Compliance staff have encouraged the property owner to apply for a Use Permit to bring the property into compliance. Obtaining the Use Permit would resolve this violation on the property. The County does not have an ordinance for denying a permit based on previous violations.

Should the Use Permit be considered for approval, the PV MAC recommended the considerations listed below. Please see staff's *italicized* comments regarding the status of these considerations and if they have been included in this project:

- PV MAC: Allow up to, but not more than twenty (20) separate events held within a year on non-consecutive weekends.
 - *The applicant is applying for up to twenty (20) events per year, but the County standards required for a social event facility do not limit the property owner from having events on consecutive weekends.*

- PV MAC: A single separate event should be defined to be consistent with the applicable definition of a single outdoor event as referenced in the Nevada County General Code and Nevada County Ordinance 2383 (8/26/14) within the Use Permit, should it be considered for approval.
 - *This Use Permit would restrict events more than what would be required in Nevada County's ordinance for outdoor events. This ordinance refers to commercial events being held on private property, up to four times per year. Under this ordinance, each event has a maximum length of two days and allows festivals, concerts, fairs, carnivals, etc. This Use Permit would allow a maximum limit of 125 guests and would require the event activities to cease by 10:00 p.m.*

- PV MAC: Require the applicant to provide written notice to all adjoining parcels/neighbors within at least thirty (30) days before an event is held.
 - *The standards for a social event facility do not require a written notice to adjoining parcels. However, because the Use Permit would be for outdoor events only, events would be expected to be held during months with mild weather.*

- PV MAC: The Use Permit should include reference language to the Right to Farm Act for adjoining parcel land use, for the understanding of the Use Permit holder and the protection of the surrounding farming community in the future and in perpetuity.
 - *The Right to Farm Notice would be in the project's Conditions of Approval as mitigation to be included in all event contracts. This requirement would stay with the property as long as the Use Permit is active, even if the ownership of the property changes.*

- PV MAC: Nevada County should establish and put in place a process by which the number of events and applicable restrictions can be monitored to ensure an applicant's compliance with the provisions and restrictions as outlined within the Use Permit as approved.
 - *This project has been reviewed for compliance with Nevada County's current ordinance, and it meets the standards for a social event facility. The project Conditions of Approval include a Mitigation Monitoring and Reporting Plan (MMRP) for monitoring and timing of when mitigation measures will be implemented. The MMRP does not include regular site visits during event activities or an annual count of events. This is not included in County ordinances and it has not been applied to any other Use Permit projects. The property owner would be required to follow the conditions and limits of the Use Permit. If there is a violation of the Use Permit and it is reported to the County, the Code Compliance Division would investigate the reported violation and take actions toward reaching compliance.*

The Planning Department also received additional comments from the United Auburn Indian Community (UAIC) after the Draft Initial Study and Mitigated Negative Declaration published, which are addressed in the Environmental Resources section on Page 13 of this Staff Report. As of the preparation date of this staff report—February 14, 2019—no other adverse comments have been received.

ZONING AND GENERAL PLAN CONSISTENCY:

The project site is located in a rural, unincorporated area of Nevada County, just north of State Highway 20 and the Penn Valley Community Region. The property has AG-5 zoning and is currently a 15.05-acre parcel. Community meetings and social event facilities are an allowable use with an approved Use Permit in AG zoning, as listed in Nevada County Land Use and Development Code (LUDC) Table L-II 2.3.D for allowable uses in rural districts. If/when the Tentative Parcel Map is recorded, the project site would be approximately 10.1 acres. The Use Permit for the social events meets the requirements identified in LUDC L-II 3.7 for Churches, Community Meeting and Social Event Facilities, which requires a minimum of 3.0 acres for a parcel served by well and septic systems, and a 40% maximum amount of impervious surface coverage. The project adds a very minimal amount of impervious surface coverage for the ADA pathway, the restroom facility (approximately 350 square feet), the water storage tank for fire suppression, and two ADA parking spaces. Roughly, the existing amount of impervious surface coverage is approximately 3% of a 10-acre parcel. With the project improvements, impervious surface coverage is expected to be less than 4%, which is well under the 40% maximum.

The added building envelope area proposed in the Amendment to the Approved Tentative Parcel Map is consistent with clustering requirements in General Plan Policy 1.5.5, which requires clustering in Rural land use designations to protect environmental resources and preserving open space. The added building envelope area would be approximately 0.5 acres. Other than the already developed area, the vast majority of the 10-acre parcel would be outside the building envelope. In addition, the Oak Resources Management Plan and the Seasonal/Ephemeral Stream Management Plans are consistent with the standards in LUDC Section L-II 4.3.3. for Management Plans if avoidance of the resource is not feasible. The project has been designed to avoid resources as much as possible, and sufficiently addresses conditions to protect the resources on the site. With the adherence to proposed conditions of approval, the project has been found to be compliant with both the Zoning Regulations and the County General Plan.

ENVIRONMENTAL REVIEW:

The County Planning Department prepared a draft Initial Study/Mitigated Negative Declaration (MND) for this project, which was circulated for public comment from January 4, 2019, to January 23, 2019 (Attachment 2). Fourteen mitigation measures were originally prescribed for the project, and based on the recommendation from the UAIC, one additional mitigation measure has been added to ensure adequate protection of resources, and to ensure project impacts are less than significant.

SUMMARY:

This project is for a Conditional Use Permit to allow up to twenty (20) special events per year with 125 guests, including all event attendees, vendors and employees. Events would likely be for wedding ceremonies and receptions, but other social events would be permitted with this Use Permit, as long as they meet the requirements of the Conditions of Approval. The events would be held outdoors only and all event activities would occur between 11:00 a.m. and 10:00 p.m. Most events would be held on the weekends, but some events may be allowed during the week, as long as the start and end times do not occur during peak hours of traffic (see Mitigation Measure 16A). Events would be allowed to have amplified speech in the designated ceremony area, and amplified music in the reception area, with specific mitigation on the location and direction that the speakers shall face (Mitigation Measure 12A). All food would be catered to the site, and water would be supplied by commercially packaged water. The restroom facility would be used for event purposes, and a 10,000-gallon water storage tank for fire suppression would be installed alongside the vineyard, with adequate access for fire vehicles. The first 210 feet of the existing driveway would be widened from fourteen feet to twenty feet, to improve access to the site, and a 59-space gravel parking area with landscaping would be constructed toward the front of the parcel, off the existing driveway. The project includes an Amendment to the Approved Tentative Parcel Map (PM16-002) to include the area of the gravel parking area in the building envelope. The project includes two Management Plans for oak resources and seasonal streams, which identify protection measures that have been included in the Conditions of Approval. With implementation of Conditions of Approval and the mitigation recommended by Mitigated Negative Declaration (EIS18-0012), as provided in Attachment 2, impacts to biological resources, cultural or tribal cultural resources, agriculture, air quality, geology, water quality, noise, transportation and land use are not anticipated to significantly impact the resources or the surrounding community.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- I. After reviewing and considering the proposed Mitigated Negative Declaration, adopt the proposed Mitigated Negative Declaration (EIS-0012) (Attachment 2), and the Mitigation Monitoring and Reporting Program (Attachment 1) pursuant to Section 15073.5, 15074 and 15097 of the California Environmental Quality Act Guidelines, making Findings A through E:
 - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;
 - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Planning Commission;
 - C. Recirculation of the Mitigated Negative Declaration because of the revision to Mitigation Measure 5A and the addition of Mitigation Measure 5B is not required

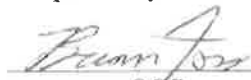
due to the mitigation measures being revised and added with equal or more effective measures;

- D. That the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and
 - E. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.
- II. Approve the proposed Management Plan (MGT18-0018) for oak resources, allowing encroachment of the leach field and curtain drain to be installed within and adjacent to the landmark oak grove, subject to the attached Mitigation Measures and Conditions of Approval, and make findings A and B pursuant to Section L-II 4.3.15.C of the Nevada County Land Use and Development Code, in that encroachment into the landmark oak grove is necessary in order to provide project infrastructure:
- A. That the project has been designed to reduce the impacts to the landmark oak grove to the maximum extent possible by requiring a design that is mostly in open areas within the landmark oak grove and by implementing best management practices monitoring of the oak trees; and
 - B. All of the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
- III. Approve the proposed Management Plan (MGT18-0019) allowing encroachment into the 50-foot setback of the ephemeral and seasonal streams to allow driveway improvements, subject to the attached Mitigation Measures and Conditions of Approval, and make findings A and B pursuant to Section L-II 4.3.17.C of the Nevada County Land Use and Development Code, in that encroachment into the setback of the waterways is necessary in order to provide project infrastructure:
- A. That the project has been designed to reduce the impacts to the waterways to the maximum extent possible by installing barriers to protect aquatic features and to ensure soil and other pollutants do not enter the waterways; and
 - B. All of the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
- IV. Approve the proposed Amendment to the Tentative Parcel Map (AAM18-002) to expand the building envelope on Parcel 1, as shown in Attachment 5, making findings A-F pursuant to Section L-IV 2.18.D of the Nevada County Land Use and Development Code:

- A. The amendment will have a cumulatively minor impact on the subdivision and its impacts, due to the expanded building envelope being approximately 0.5 acres in size and outside of environmental resources and required setbacks;
 - B. The amendment conforms to the provisions of Government Code Section 66474 by meeting the findings for approval of a tentative map;
 - C. The amendment would not affect any of the other findings for approval required by this Chapter, as no other changes to the approved Tentative Parcel Map are proposed;
 - D. There are changes in the circumstances that make the aspects sought to be changed no longer appropriate or necessary, due a required parking area for the Use Permit to allow special events;
 - E. The modifications do not impose any additional burden on the present fee owner of the property, as the Use Permit requiring the additional parking area was applied for the current property owner; and
 - F. The approved Tentative Parcel Map has not been recorded and the proposed modification would not alter any right, title, or interest in the real property.
- V. Approve the proposed Conditional Use Permit (CUP18-0009) subject to the attached Conditions of Approval shown in Attachment 1, making findings A-L pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use and Development Code:
- A. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Rural General Plan land use map designation;
 - B. The proposed use is allowed within and is consistent with the purposes of the "AG-5" zoning district within which the project is located, which allows social event facilities;
 - C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, because the project meets the setbacks and other standards of the Site Development Standards, mitigating the impact of the project on environmentally sensitive resources;
 - D. The design of proposed facilities is consistent with the intent of the design goals, standards, and elements of the Land Use and Development Code and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area;

- E. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, because the parcel is 15-acres in size, and would be 10-acres if/when the Tentative Parcel Map is recorded, and there is adequate space for events with up to 125 guests;
- F. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, including agricultural uses, and it is not detrimental to abutting property and in the nearby surrounding neighborhood or area with the implementation of the conditions and mitigation measures, and due to the site having vegetation to provide screening from public views, and because the event areas meet setback requirements;
- G. That adequate provisions exist for water and sanitation for the proposed use as reviewed and conditioned by the Environmental Health Department;
- H. Roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the Department of Public Works, and adequate provision has been made for project specific impacts by including mitigation to prevent traffic during weekday peak hours, and a development fee shall be imposed for additional trips generated by the project;
- I. Roads providing access to the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, and adequate provisions exist for emergency access to the site, which has been determined Nevada County Fire Marshal and the Penn Valley Fire District and include adequate driveway width, fuel management, and water storage at the site;
- J. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare;
- K. All feasible mitigation measures have been imposed on the proposed project as provided in Attachment 1, or as may be modified at the public hearing; and
- L. The conditions provided in Attachment 1 are deemed necessary to protect the public health, safety, and general welfare.

Respectfully Submitted,



BRIAN FOSS
Planning Director

Attachment 1
Conditions of Approval and
Mitigation Monitoring and Reporting Plan (MMRP)
Caldwell Special Events

Conditional Use Permit, Management Plans, Amendment to Approved Map
(PLN18-0023; CUP18-0009; MGT18-0018; MGT18-0019; AAM18-0002; EIS18-0012)

A. PLANNING DEPARTMENT

1. Project Description:

Conditional Use Permit: The Conditional Use Permit is for up to twenty (20) outdoor special events per year with a maximum of 125 guests, including event attendees, vendors and employees. All event activities would be outdoors only, with no indoor use or kitchen facilities. All food for special events would be catered to the event area and would not be prepared at the site. Event activities would occur between 11:00 a.m. and 10:00 p.m. The project proposes to construct a new ADA (Americans with Disabilities Act) compliant restroom facility for event use, and the installation of a new septic system. The restroom facility would be approximately 350 square feet and include a storage area and an employee shower. Other proposed improvements include widening the existing driveway, the installation of a 10,000-gallon water tank for fire suppression, constructing two ADA compliant parking spaces and an ADA compliant pathway, installing a curtain drain, constructing an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping.

Oak Resources Management Plan: The first Management Plan is to allow the leach field and septic transport lines for the new restroom facility to be installed near and within a landmark oak grove. No trees would be removed for the installation of the leach field and septic transport line.

Seasonal and Ephemeral Stream Management Plan: The second Management Plan is for disturbance within the 50-foot setback of a seasonal stream and ephemeral stream to widen an existing driveway from 14 feet to 20 feet wide. The existing driveway crosses over the streams to access the primary residence and accessory dwelling unit. Approximately, the first 210 feet of driveway off Cattle Drive would be widened, up until where the driveway crosses the streams. The stream crossings and the rest of the driveway would not be expanded.

Amendment to an Approved Map: The Amendment to the Approved Tentative Parcel Map (PM16-002) is to expand the building envelope on Parcel 1 (10.1 acres) to include approximately 0.5 acres at the front of the parcel. The additional building envelope would include the area for improvements of the proposed 59-space parking area with landscaping

2. Appeal Period: Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Planning Commission's final action on the project.

3. **Timeline:** Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (March 11, 2019), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.
4. **Defense and Indemnification Agreement:** Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
5. **Field Inspection:** Prior to permit finalization, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project building permit.
6. **Lighting:** Lighting for the special events shall be in compliance with Nevada County Land Use & Development Code Section L-II 4.2.8. Fixtures shall be fully shielded and directed downward to prevent light trespass and to prevent the light source or lens from being visible from adjacent residential uses and roadways. Improvement plans shall depict the location, height and positioning of all light fixtures and shall provide a description of the type and style of lighting proposed. Fixtures shall have high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited.
7. **Landscaping:** Landscaping for the gravel parking area shall be in compliance with Nevada County Land Use and Development Code Section L-II 4.2.7. Landscaping shall be maintained, and if any planting of trees or shrubs have not survived, said planting shall be replaced within 30 days, unless a licensed landscape architect verifies that due to weather or seasonal conditions, planting should be delayed for a specified time. A final landscape plan, consistent with the preliminary landscape plan, shall be submitted for review prior to the issuance of building permits.
8. **Parking:** Parking areas shall be in compliance with the design standards in the Nevada County Land Use and Development Code Section L-II 4.2.9, including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. This approval includes a 59-space gravel parking area, and two ADA compliant parking spaces that are located near the accessory dwelling unit. All parking must be maintained for the life of the project.
9. **Tentative Parcel Map (PM16-002):** The conditions for the Tentative Parcel Map PM16-002, approved on March 22, 2017, by the Zoning Administrator are still applicable, including the requirement to record the parcel map by April 3, 2020, unless an extension is filed pursuant to Section 66452.6 of the Government Code (Subdivision Map Act) and granted.

10. **Noise Standards:** The event activities shall be in compliance with the Nevada County LUDC Section L-II 4.1.7, Rural zoning district noise standards. This includes all noise produced by event activities, such as crowd noise, amplified speech, amplified music, etc. For the Rural zoning district standards, maximum noise levels include:
 - 7 a.m. to 7 p.m. – 55 dB Leq and 75 dB Lmax
 - 7 p.m. to 10 p.m. – 50 dB Leq and 65 dB Lmax
 - 10 p.m. to 7 a.m. – 40 dB Leq and 55 dB Lmax

11. **Improvement Permits:** Prior to construction, obtain all required permits for site improvements, including grading, the installation of the septic system, the restroom facility, the 10,000-gallon water tank, ADA parking spaces and pathways.

12. **Right to Farm Notice (Mitigation Measure 2A):** The applicant shall include the Nevada County Right to Farm Notice in all contracts for special events at the project site. The Nevada County Right to Farm Notice includes the following disclosure:

The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).

Timing: Implemented on all events
Reporting: Agency review of event contract prior to finalization of improvement plans
Responsible Agency: Planning Department

13. **Minimize dust emissions (Mitigation Measure 3A):** The applicant shall use reasonable precautions to minimize dust generation, including but not limited to watering the vehicle traffic area, watering any stockpiled material, and limiting traffic speeds. Such methods shall be noted on the improvement plans prior to approval.

Timing: Prior to issuance of building/grading permits
Reporting: Agency approval of permits or plans
Responsible Agency: Planning Department

14. **Minimize Construction Equipment Idling (Mitigation Measure 3B):** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on the grading and improvement plans: “During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs

shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

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

Reporting: *Planning Department approval of grading permits/Compliant drive*

Monitoring: *Building Department inspections/Public complaints*

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

15. **Mitigate any asbestos discovered during construction (Mitigation Measure 3C):** Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

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

Reporting: *Approval of grading or improvement permits and as applicable*

Responsible Agency: *Planning Department and Northern Sierra Air Quality Management District*

16. **Nesting raptors and migratory birds (Mitigation Measure 4A):** The following note shall be added to all improvement/grading/septic system/construction plans: If construction is to take place between March 1 and August 1, preconstruction nesting surveys shall be conducted within 30 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the surveys shall be submitted to the CDFW. If active nests are found, a one-quarter mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW 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 brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site 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 it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Migratory birds shall be required to have a minimum 200-foot disturbance buffer during construction activities.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

17. **Identify Environmentally Sensitive Areas - Aquatic Features (Mitigation Measure 4B):** Setback areas to the streams and wetlands must be delineated as Environmentally Sensitive Areas (ESA's) on all future improvement/grading/construction plans associated with this project.
Timing: Prior to issuance of building/grading permits
Reporting: Approval of the improvement plans
Responsible Agency: Planning Department
18. **Aquatic Feature Non-Disturbance Buffer Protection (Mitigation Measure 4C):** Best Management Practices are required in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during construction. The following note shall be added to the improvement/grading plans:
1. Copies of all mitigation measures must be provided to contractors to ensure the proper and timely implementation of each.
 2. Construction must be limited to the dry periods without any precipitation events.
 3. No activity within the aquatic features is permitted. All construction must be completed from the top of the banks and outside of the wetland swales.
 4. In order to minimize the risk of erosion, disturbance areas must be confined to the minimum practical working area.
 5. Prior to first inspection, the aquatic features (seasonal stream, ephemeral stream and all three wetlands) and their non-disturbance areas must be delineated with the installation of orange construction fencing interfaced with silt fencing or other effective sediment catching materials, along the uphill side of each ESA where equipment will be operated.
 6. Erosion and sediment controls must be maintained and inspected daily for effectiveness, including removal of spoils if there is a build-up and reinforcing or re-establishing failed structures. Sediment controls must be removed and properly disposed of at the completion of construction.
 7. The construction area must be rehabilitated at the completion of construction, including reinstatement of soil, surface leveling, revegetation and mulching if necessary.
- Timing: Prior to issuance of building/grading permits*
Reporting: Approval of the improvement plans
Responsible Agency: Planning Department
19. **Water Quality Best Management Practices (Mitigation Measure 4D):** The following note shall be added to the driveway improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection both onsite and offsite water quality of aquatic features.
1. Minimize the number and size of work areas in the vicinity of the aquatic features. Staging and spoils storage sites must be placed at least 50-feet from the seasonal stream and 100-feet from the wetlands. Work areas must be clearly marked on improvement/grading plans.
 2. Prior to the start of work, install erosion control measures or effective sediment barriers to ensure soils and other pollutants will not enter the aquatic features. Before the first heavy

rains and prior to removing the barriers, soil or other sediments or debris that may have accumulated behind the barriers shall be removed for proper disposal.

3. The contractor shall exercise every reasonable precaution to protect the streams, wetlands and their non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutants such as oil, cement and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
4. No equipment or vehicle maintenance, cleaning or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

20. **Best Management Practices – Oaks (Mitigation Measure 4E):** Improvement plans that include work within 50-feet of oak trees shall include a Tree Protection Plan detail including the tree protection zone, protection type, any work such as pruning or bracing that is required prior to construction start. Additionally, the following notes shall be added to improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection of Landmark Oaks and Landmark Oak Groves.

1. Prior to the start of construction, protective fencing, at a minimum of four feet in height, shall be placed at the limits of the protected root zone (PRZ) of any individual oak tree or grove. The PRZ is defined by a tree's critical root radius. To obtain the PRZ limits, measure the tree's diameter at breast height (4.5' above the ground) then allow 1.5 feet of root zone per measured inch, measuring from the trunk out to find the limits of the PRZ. The fencing is to remain in place until construction and cleanup are completed.
2. Prior to septic system permit being issued, a biologist from the County approved Biological Consultant List, shall review the plans to ensure that the location and design is consistent with the system evaluated by the biologist in the Oak Resources Management Plan. A majority of the leach field location shall be in areas of openings among the landmark oak trees, as identified in the Oak Resources Management Plan.
3. Prior to permit issuance, a letter from a biologist from the County approved Biological Consultant List must be submitted to Nevada County Planning, stating that the biologist will supervise all excavation or grading proposed within the protective root zone of Landmark Oak trees and Landmark Oak Groves.
4. Damage to limbs, trunks and roots shall be avoided during construction. Any damage shall be immediately reported to the Nevada County Planning Department. The Planning Department may require the responsible party to hire a biologist or arborist to assess the damage and the most appropriate corrective measure.
5. Penalties for damaged trees may be assessed by the Planning Department at a 2:1 planting ratio.
6. Grade shall not be lowered or raised in the PRZ of any oak tree.

7. Work within the dripline of Landmark Oak Groves or Landmark Oak Trees shall be performed by using hand tools or small hand held power tools. Any major roots encountered shall be conserved to the greatest extent possible.
8. Prior to finalization of the improvement/septic system permit, a letter from the supervising biologist must be submitted to Nevada County Planning stating that the work was completed within these guidelines.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

21. **Annual Monitoring Plan- Oaks (Mitigation Measure 4F):** The following note shall be added to the septic system improvement plans: A biologist from the County approved Biological Consultant List shall annually monitor and survey the Landmark Oak Grove in and adjacent to the leach field for the restroom facility. Annual monitoring shall begin twelve months after the septic system is installed, and shall include photo documentation of the trees. A technical memorandum including the date(s) of monitoring, name of the monitor, the condition of the trees, and a list of any trees that appear to be affected by the construction or operation of the project, including the leach field, shall be documented and submitted to the Nevada County Planning Department. Deterioration in the health or death of any oak trees that would reduce the canopy closure of the designated Landmark Oak Grove within or adjacent to the leach field would require compensatory mitigation. If there is no deterioration in health to oak resources after 5 years, no additional monitoring would be required. To compensate for oak trees that could be negatively impacted with the installation and use of septic systems oak trees must be replaced at a 2:1 ratio in one or a combination of the following ways:
 1. **Conservation Easement:** Dedicate a conservation easement within the subject parcel to protect landmark oak groves from future development or use impacts. A minimum of a 1:1 ratio of impact area to the conservation easement area would be required. The mitigation would be reviewed/recommended by the biologist and require final approval by the Nevada County Planning Department. An offsite conservation easement or a fee title dedication to a land conservation group approved by the Nevada County Planning Department may also be substituted for mitigation.
 2. **Bear Yuba Land Trust (BYLT) In-Lieu Fee:** Make a payment to a mitigation fund that shall specify that the fee paid will be used to purchase mitigation landmark oak groves within Nevada County. A five (5) percent administration fee of the mitigation fee may be required to cover Nevada County or BYLT costs. Approval by the Nevada County Planning Department is required.
 3. **Planting Replacement:** At a 2:1 ratio by the number of inches of oak trees removed, plant replacement oak trees. A Tree Planting and Maintenance Plan prepared by a County approved biologist showing species, size, spacing and location of plantings and the location and species of established vegetation shall be submitted to the Planning Department for review and approval. Replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with each other or established vegetation. Tree monitoring by an approved biologist must be completed on a yearly basis (for five years) with dead trees being replaced if needed. A

memorandum must be submitted to the Planning Department noting the results of each annual maintenance visit, outlining the condition of the trees and noting any replacements that were made. An offsite location in Penn Valley for planting replacement may be substituted for mitigation. This would require approval by the Nevada County Planning Department.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

22. **Halt work and conduct consultation upon unanticipated discovery of cultural resources (Mitigation Measure 5A):** Prior to issuance of a grading/improvement permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist and the United Auburn Indian Community (UAIC) shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment. Any recommendations from the United Auburn Indian Community shall be documented in the project record. If any of the recommendations are not followed, written justification shall be included in the project record. If adverse impacts to tribal cultural resources occur, consultation shall be required by the UAIC and other traditionally and culturally affiliated Native American Tribes for rectifying the impact.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

23. **Tribal Cultural Resource Awareness Training and Brochure (Mitigation Measure 5B):** A minimum of seven days prior to the start of construction, the applicant shall notify the Planning Department of the construction date. The Planning Department will notify the United Auburn Indian Community (UAIC). A tribal representative and cultural resources specialists shall be invited to provide training and a brochure to all construction crewmembers, consultants, and other personnel involved in the construction activities to inform crewmembers of cultural resources, applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The training will include avoidance and minimization measures for resources that have potential to be located on the project site, and it will outline appropriate actions to take if artifacts are encountered. The program will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any cultural resources. The attached brochure shall be included on all improvement permits and shall be provided to all construction crewmembers.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: *Planning Department and United Auburn Indian Community*

24. **Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan (Mitigation Measure 6A):** Project improvements and ground disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

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

Timing: *Prior to building/grading permit issuance*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department and Building Department*

25. **Amplified Music and Event Hours (Mitigation Measure 12A):** To be in compliance with the Nevada County Noise Standards, all improvement plans shall have the following notes and all events shall follow these limitations:

1. Speakers shall be located within thirty-five (35) feet of the primary residence and shall face south.
2. From 7:00 p.m. to 10:00 p.m., the sound output shall be reduced to 70 dB, measured fifty (50) feet in front of the speakers. The property owner shall be responsible for obtaining a sound level meter and ensuring that music is at this decibel level or lower.
3. No amplified music, amplified speech, or event crowd noise shall occur between 10:00 p.m. and 7:00 a.m. All event activities shall be prohibited between these hours.

Timing: *Implemented on all event activities*

Reporting: *Agency approval of improvement plans/Site inspection prior to finalization of improvement permits/Agency will respond on a complaint basis*

Responsible Agency: *Planning Department and Code Compliance Division*

26. **Prohibit Events During Weekday Peak Hour (Mitigation Measure 16A):** The following mitigation is required to prevent traffic from being generated by special events during the weekday AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. and 6:00 p.m.) peak

hours of traffic. The mitigation includes a one-hour buffer around the peak hours to prevent traffic from being generated during the peak hour times.

1. For the AM peak hour, events shall not begin before 10:00 a.m. on weekdays.
2. For the PM peak hour, events shall not begin between 4:00 p.m. and 7:00 p.m., or end between 3:00 p.m. and 6:00 p.m. on weekdays.

Timing: *Implemented on all event activities*

Reporting: *Agency approval of improvement plans/Agency will respond on a complaint basis*

Responsible Agency: *Planning Department and Code Compliance Division*

B. BUILDING DEPARTMENT

1. **Existing Structures:** The buildings on this site are approved for use as a one-and-two family dwelling and accessory residential uses. These buildings are not approved for use and/or occupancy by the public or for commercial purposes. The residential buildings shall not be used as part of the events onsite due to their approved occupancy types being residential use and not commercial use. If the buildings are used for any onsite events, complete change of use plans shall be submitted to the Building Department for review prior to the use of any of these buildings for commercial use.
2. **ADA Compliant Facilities (Restroom):** Any buildings are/or facilities used by the public shall meet all required requirements for disabled accessibility per the California Building Standards Code. A change of use permit shall be obtained for any required improvements and prior to their use.
3. **ADA Parking Spaces:** A minimum of two (2) disabled accessible parking spaces shall be provided based on the overall number of parking spaces provided. A minimum of one (1) of the spaces shall meet van accessible parking space standards per the California Building Code. A building permit will be required for the construction of these parking spaces. This shall be completed prior to the use of the property for any events.
4. **ADA Pathway:** An accessible route of travel shall be provided from the accessible parking spaces to any event areas as well as the portable accessible restroom areas. This path shall be a minimum of 4ft, have an accessible surface and shall have route of travel signage installed at required locations per the California Building Code. This shall be completed prior to the use of the property for any events.
5. **Employee Shower (Restroom Facility):** The employee shower shall meet disabled accessibility requirements. The preliminary review of the floor plan for the proposed shower would not meet accessibility requirements. This shall be completed prior to the building permit being issued.
6. **Membrane Structures:** Approval shall be obtained from the local fire district if any membrane structures will be used as part of any events.

C. ENVIRONMENTAL HEALTH

1. **Septic Permit:** Apply for and obtain permit approval for a special design sewage disposal system.
2. **Water Use:** Accept and incorporate restriction that the existing residential well shall not be used to provide drinking water to the public. The allowable public use (connection) of this existing residential well would be only for handwashing in lavatories in the proposed public restrooms. Commercially packaged water would be expected to be provided for consumption by the invited public.
 - a. Please be aware that if at any time the number of events increases, or the number of potable water connections increases to the level requiring a public water system, then construction of a Class II Commercial Well, under permit, and a State Public Water System Permit will be required.
3. **Catering:** The Caterer shall have an active permit with the Environmental Health Department. The caterer shall not complete any food preparation for plating purposes/presentation on site.
4. **Final Approval/Occupancy:** Construct, and obtain final approval for sewage disposal system prior to receipt of final occupancy or approval of this Use Permit

D. DEPARTMENT OF PUBLIC WORKS

1. **Traffic Mitigation Fees:** Prior to any operations or issuance of any grading permit, whichever occurs first, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors for additional trips generated by the project as determined by the Traffic Impact Analysis prepared for the project.
2. **Driveway Encroachment:** The project driveways encroaching into the County right of way at Cattle Drive shall conform to the County's Commercial Approach standards. Prior to any work within the ROW, the applicant shall obtain an encroachment permit from the County, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. As part of the encroachment permit review, the applicant shall prepare a before and after pavement analysis to document any damage to the project roadways that results from the project construction. Any damage to the roadways as the result of the project construction activities shall be repaired at the applicant's cost.
3. **Sight Distance:** Prior to and during operation of the project, sight distance standards shall be met and maintained at all access points to the project on Cattle Drive by trimming and limbing up vegetation as needed with the County right of way.

4. **Stormwater Drainage:** If improvements are proposed, stormwater shall be mitigated onsite. Prior to issuance of grading permits for any onsite infrastructure improvements, the applicant shall provide a final drainage report prepared by a registered civil engineer that demonstrates no net stormwater runoff from the proposed project. The drainage report shall include an analysis of net runoff from the project site and design for one-year, ten-year, and 100-year storms. Required retention/detention facilities, where necessary, shall be designed such that the water surface returns to its base elevation within 24 hours after the applicable storm event per General Plan Policy 3.19A. All stormwater drainage shall be designed by a registered civil engineer, and the designer shall utilize County standard plans and specifications.
5. **Storm Water Pollution Prevention Plan (SWPPP):** This condition is required as project mitigation under Condition A.24 (Mitigation Measure 6A).

E. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. **Defensible Space:** Prior to approval of the final map, the existing structures shall comply with the following; Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. Such thinning or removal of vegetation does not apply to individual isolated trees, ornamental shrubbery or ground cover plants unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Replacement vegetation should be ornamental shrubbery of the fire safe varieties. All flammable vegetation and fuels caused by site development shall be legally disposed or removed. (Nevada County LUDC, Section L-II 4.3.18.C.2)

F. PENN VALLEY FIRE DISTRICT

1. **Fire Apparatus Access Roads, California Fire Code §503:** Access to the building shall be in accordance with this entire section for all on-site roadways. Special notice should be paid to applicable Nevada County Land Use and Development Code (LUDC) §L-XVI 3.2 which describes design of the area where the driveway meets the public road as well as the setback for the currently existing gate. While this LUDC section allows a ten (10) foot driveway for a single-family residence, the change in use to a commercial use with a large number of vehicles for public events will trigger the twenty (20) foot driveway width described in the CFC. After evaluation of the conditions on site, as well as the verbal agreement of the applicant, our agency has accepted the proposed 20' fire access road from the entry on Cattle Drive to the area indicated on the plan dated 10/10/18 which shows the "18" culvert". After this point, as a means supplying the same practical effect, the following conditions will apply:
 - a. The project shall sign all areas that have been used for parking along the right side of the property (near the private home) as "FIRE LANE-NO PARKING". This

signage must be at intervals of approximately 20 feet along that side of the area with signs that match the attached file.

- b. The design requirements of the “NO PARKING” signs shall be as follows:
 1. Signs shall be no less than 12 inches x 18 inches.
 2. The sign shall be mounted with the bottom a minimum of 7 feet from the ground.
 3. Signs are to be placed visibly throughout property.
 4. Colors shall be white field with red lettering.
 5. Signs shall contain wording as shown in the attached file.
 - c. The area to the side and rear of the large garage at the back of the property will also be signed “FIRE LANE-NO PARKING”. The access to these areas will be gated or chained when the property is in use. Signage shall match the attached file.
 - d. The only parking allowed shall be the two spaces immediately in front of the main door to the large private residence, the spaces immediately in front of the private garage and whatever ADA spaces are required by Nevada County. Signage in these areas shall indicate it is for the use of “Event Staff Only”.
 - e. The project will place signage in the area of the culvert/large oak tree that indicates that there is “No Parking Beyond This Point”.
 - f. CFC section 503.6 allows for secured gates on the access road and the acceptable locking system for these. The only locking system approved within the Penn Valley Fire District requires addition of the Knox Rapid Entry System to the security gate. Information is available from this office on those devices.
2. Fire Protection Water Supplies, California Fire Code §507: The buildings subject to this application contain commercial and residential uses. Water supply for buildings used for the commercial purposes of this property (the two-story rental/chapel building and all other accessory buildings) must comply with CFC §507 and related Appendix B which outline the applicable minimum stored water requirements for structures that do not have a municipal water supply. Specifically, the code allows use of National Fire Protection Association (NFPA) Standard 1142. Applicant must supply an analysis from a California licensed design professional that describes the building construction, square footage and proposed water storage required by NFPA 1142 for review by this office. Access to such water supply shall be in accordance with Nevada County LUDC §L-V 5.30 and Nevada County applicable design standards. No use of buildings have been indicated or approved. A 10,000-gallon with tank, with fittings matching Nevada County standards, is adequate for the proposed use.
3. Emergency Access Key Boxes, Penn Valley FPD Ordinance 05-1: All structures which are not residential and not occupied on a twenty-four (24) hour basis shall utilize the Knox Rapid Entry System for emergency fire district access. The proposed plan can be satisfied by one such box near the gate on the fire access road with access keys to any

other areas not used for private residential accommodations. It is the responsibility of the building owner and/or occupant to provide this agency with proper and current keys to secure in the Knox Rapid Entry box.

G. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. Notice of Determination (Optional): If a Notice of Determination is not filed for the environmental document on this project, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$2,354.75 must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department **within 5 days of the permit approval** with the check made payable to the County Clerk, County of Nevada. This fee is required to be collected for the Notice of Determination, on behalf of the State Department of Fish & Wildlife.

Attachments: Cultural Resources Brochure
Conditions of Approval for PM16-002

If Human Remains are Found

The protocols for human remains discoveries are similar for other discoveries. It is important to treat any human remains and the situation in which they are discovered with sensitivity, dignity, and respect.

1. All work within 100 feet of the find will immediately stop. Work will also stop in areas where there is reason to believe additional human remains could be located (generally determined by a tribal monitor or qualified archaeologist).
2. UAIC and the on-site project/construction will be notified immediately.
3. The location of any Native American Human remains must stay confidential.



The United Auburn Indian Community

The United Auburn Indian Community is comprised of Miwok and Southern Maidu (Nisenan) people who are traditionally and culturally affiliated with this geographic area. The Tribe's area of geographic traditional and cultural affiliation encompasses all of Amador, El Dorado, Nevada, Placer, Sacramento, Sutter and Yuba counties, as well as portions of Butte, Plumas, San Joaquin, Sierra, Solano and Yolo counties; which includes the project area.

Contact us at
530-883-2394

<https://www.auburnrancheria.com/>

United Auburn Indian Community
of the Auburn Rancheria
10720 Indian Hill Road
Auburn CA, 95603



Prepared by:
The United Auburn Indian Community
Preservation Department



Respect on the Project for Native American Culture

Protection Measures and Protocols

The United Auburn Indian Community has developed the measures listed below to protect any unanticipated finds of tribal cultural resources and achieve compliance with federal and state cultural and environmental laws.

1. All work must stop IMMEDIATELY at that location and within 100 feet of the find. Work may be stopped by the tribal monitor or a qualified archaeologist. Work can continue on the rest of the project, as long as project activities stay at least 100 feet away.
2. The on-site project/construction manager will immediately be informed of the possible find and contact a qualified archeologist or tribal monitor of the find.
3. Under NO circumstances will any contractor or employee collect the archaeological material.
4. Over the next days or weeks following the discovery, a number of visitors may be present in order to investigate and evaluate the find. These may include: agency officials, the County Coroner, professional archaeologists, members of the tribe or the California Native American Heritage Commission, the California Office of Historic Preservation, and local representatives of the historical society (if the find is historic in nature). It is important for the integrity of the find and for culturally-appropriate treatment, and so that there is no violation issued, that reasonable methods be taken to ensure that there is no disturbance or damage (including theft) to the find and its context and surrounding areas.
5. It is important to respect the direction of the tribal monitor or other authorized tribal representative regarding identification and treatment of finds and to have some flexibility regarding where work might be able to recommence outside of the find location area.
6. The location and nature of the discovery will be strictly confidential, shared only with individuals that need to know.

Cultural Resource Examples

There are many types of archaeological resources. The most common kind of artifacts, or markers of human activity that are found include stone tools, shell, beads, plant remains, animal bones, and a type of dark soil called midden. Archaeology from the historic era can also be found: these kinds of artifacts and features can include bottles, cans, ceramics, building foundations, bricks, and many more.





COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

March 27, 2017

NOTICE OF CONDITIONAL APPROVAL
TENTATIVE PARCEL MAP

Rob Wood
SCO Engineering & Planning, Inc.
140 Litton Drive, Suite 240
Grass Valley, CA 95945

FILE No.: PM16-002, EIS16-007,
MGT16-015, MGT17-0001
APN: 51-110-04

Dear Mr. Wood,

At the regular meeting of March 22, 2017, the Nevada County Zoning Administrator considered the above referenced Tentative Parcel Map and Management Plans for Mardalynne Caldwell relative to her 15.05 acre property located at 17860 Cattle Drive as detailed in A.1 below. At the conclusion of the hearing the Zoning Administrator approved the project subject to the following mitigation measures and Conditions of Approval:

Mitigation Measures & Conditions of Approval

A. PLANNING DEPARTMENT

1. This approval is for the combined application proposing: 1) a Tentative Parcel Map (PM16-002) to subdivide property located at 17860 Cattle Drive in Penn Valley into two residential lots; 2) a Management Plan (MGT16-015) to allow disturbance to wetlands, seasonal and ephemeral streams and the setbacks thereto for future construction of a driveway for proposed Parcel 2; and 3) a Management Plan (MGT17-0001) to allow disturbance within Landmark Oak Groves for the future driveway and the proposed MUSDA area for Parcel 2. The resulting parcels are proposed to be approximately 10.05 and 5.0 acres in size. The approved project shall be in substantial conformance with what is shown on the approved Tentative Map kept on file with the Planning Department and as may be modified at hearing.
2. Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this development permit is not valid until the expiration of the ten (10) day appeal period from the date of the Zoning Administrator's final action on the project.
3. The parcel map of the subject subdivision must be recorded within 36 months from the effective date of the tentative map approval, which would be April 3, 2020, unless an extension is filed pursuant to Section 66452.6 of the Government Code (Subdivision Map Act), and granted by the Zoning Administrator.

4. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
5. Submit eight (8) copies of the Parcel Map and Supplemental Data Sheet to the Planning Department for distribution to all applicable County Departments for review and approval, along with a map check fee pursuant to the most current Fee Resolution of the Board of Supervisors.
6. Revise building envelopes to meet setback requirements prescribed in the LUDC Section L-II 2.3 site development standards.
7. Pay the applicable recreation mitigation fee in effect at the time of recordation. The current fee is \$917 per developable parcel created. This subdivision creates one additional parcel. Fees shall be paid to the Planning Department to be deposited for the Western Gateway Park District.
8. Either discontinue use of the existing woodyard operation and any other unpermitted land uses, such as providing a place for guest stays and social gatherings/weddings, or gain approval of appropriate land use permits for the activities as required by the General Agricultural zoning district prior to recordation of the parcel map.
9. **Right to Farm Notice (Mitigation Measure 2.A).** The supplemental data sheet for the recorded map, and project CC&R's if any, shall include the following right to farm notice note: "When transfers occur of the parcels shown on the recorded map, the seller shall ensure that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of Divisions Second of the California Civil Code, commencing with Section 1102:

Nevada County Right to Farm Notice:

The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizer, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article)."

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

10. **Farmlands of Local Importance – Delineation (Mitigation Measure 2.B).** The supplemental data sheet for the recorded parcel map shall delineate the Farmlands of Local Importance as located on the property. The building envelopes for residential and non-agricultural structures will not be allowed in the Farmlands of Local Importance.

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

11. **Permitted Uses within the Limits of the Farmlands of Local Importance (Mitigation Measure 2.C).** The following note shall be placed upon the supplemental data documents: “The following improvements shall be allowed within the areas of Farmlands of Local Importance, outside of the areas designated as Environmentally Sensitive Areas:

- a. Any agricultural crops of any kind.
- b. Pastures and grazing.
- c. Animal pens, fences, and enclosures.
- d. Barns, utility buildings, storage, and processing buildings.
- e. Wells, pumps, water storage and pump buildings.
- f. Brush and tree removal for any purpose.
- g. Tilling and cultivation.
- h. Driveways or service roads.
- i. Septic systems and leach fields.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

12. **Building Envelopes (Mitigation Measure 2.D).** In order to clarify the purpose of the building envelopes, the following note shall be placed upon the supplemental data documents: “All areas outside of the building envelopes shown on the recorded parcel map shall be conserved for agricultural opportunities. The County shall allow construction of accessory structures outside of the building envelopes, when it is clearly demonstrated that these structures are directly related to legitimate and on-going agricultural uses, such as barns, tool sheds, processing facilities, wells and pump houses, and similar uses, however no structures, agricultural or otherwise are allowed within the areas delineated as ESA’s.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

13. **Deed Restriction (Mitigation Measure 2.E).** The supplemental data documents shall contain a note stating the following: “Nevada County prohibits the application of any deed restriction or private covenant that would limit or discourage farming or agricultural operations consistent with the underlying zoning.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

14. **Nesting Raptors and Migratory Birds (Mitigation Measure 4.A).** The following note shall be added to all improvement/grading/construction plans: "If construction is to take place between March 1 and August 1, preconstruction nesting surveys shall be conducted within 30 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the surveys shall be submitted to the CDFW. If active nests are found, a one-quarter mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW 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 brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-

site 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 it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Migratory birds shall be required to have a minimum 200 foot disturbance buffer during construction activities."

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

15. **Mapping Environmentally Sensitive Areas - Aquatic Features (Mitigation Measure 4.B).** Setback areas to the streams and wetlands must be delineated as Environmentally Sensitive Areas (ESA's) on the final version of the parcel map that will be recorded as well as on all future improvement/grading/construction plans. Also, the following note shall be added to all improvement/grading/construction plans: "No buildings or disturbance outside of future Parcel 2 driveway construction will be allowed within areas delineated as an ESA."

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

16. **Aquatic Feature Non-Disturbance Buffer Protection (Mitigation Measure 4.C).** Best Management Practices are required in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during construction. The following note shall be added to the future Parcel 2 driveway improvement/grading plans:

- “1. Copies of all mitigation measures must be provided to contractors to ensure the proper and timely implementation of each.
2. Construction must be limited to the dry season (May 1 to October 15).
3. No activity within the aquatic features is permitted. All construction must be completed from the top of the banks and outside of the wetland swales.
4. In order to minimize the risk of erosion, disturbance areas must be confined to the minimum practical working area.
5. Prior to first inspection, the aquatic features (seasonal stream, ephemeral stream and all three wetlands) and their non-disturbance areas must be delineated with the installation of orange construction fencing interfaced with silt fencing or other effective sediment catching materials, along the uphill side of each ESA where equipment will be operated.
6. Erosion and sediment controls must be maintained and inspected daily for effectiveness, including removal of spoils if there is a build-up and reinforcing or re-establishing failed structures. Sediment controls must be removed and properly disposed of at the completion of construction.
7. The construction area must be rehabilitated at the completion of construction, including reinstatement of soil, surface leveling, revegetation and mulching if necessary.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

17. **Water Quality Best Management Practices (Mitigation Measure 4.D).** The following note shall be added to the future Parcel 2 driveway improvement/grading plans: “The following Best Management Practices are required during construction in order to ensure adequate protection both onsite and offsite water quality of aquatic features.

- “1. Minimize the number and size of work areas in the vicinity of the aquatic features. Staging and spoils storage sites must be placed at least 50-feet from the seasonal stream and 100-feet from the wetlands. Work areas must be clearly marked on improvement/grading plans.
2. Prior to the start of work, install erosion control measures or effective sediment barriers to ensure soils and other pollutants will not enter the aquatic features. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that may have accumulated behind the barriers shall be removed for proper disposal.
3. The contractor shall exercise every reasonable precaution to protect the streams, wetlands and their non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutants such as oil, cement and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
4. No equipment or vehicle maintenance, cleaning or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation
Responsible Agency: Planning Department

- 18. Outside Resource Agency Permitting (Mitigation Measure 4.E).** The following note shall be added to the future Parcel 2 driveway improvement/grading plans: "Driveway construction must be conducted under the required permits from all resource agencies. The project applicant shall conduct all work within the established buffers to the aquatic features under the required permits from applicable resource agencies, which shall be submitted to the Planning Department prior to issuance of any grading or improvement permits for this work. These permits may include a Clean Water Act Section 404 permit from the US Army Corp of Engineers, a Section 401 Permit from the Regional Water Quality Control Board, a Waste Discharge Requirement Permit from the Regional Water Quality Control Board, and a Streambed Alteration Permit from California Department of Fish & Wildlife."

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

- 19. Mapping Environmentally Sensitive Areas – Oaks (Mitigation Measure 4.F).** The individual Landmark Oaks and Landmark Oak Groves shall be mapped and identified as ESA's to ensure their protection from future disturbance on the recorded parcel map as well as on all future improvement/grading/construction plans. Also, the following note shall be added to all future improvement/grading/construction plans: "No buildings or disturbance outside of future Parcel 2 driveway construction will be allowed within areas delineated as an ESA."

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

- 20. Best Management Practices – Oaks (Mitigation Measure 4.G).** All future improvement/grading plans that include work within 50-feet of oaks, shall include a Tree Protection Plan detail including the tree protection zone, protection type, any work such as pruning or bracing that is required prior to construction start. Additionally, the following notes shall be added to all future improvement/grading plans, with Notes 4 and 5 specifically added to the future Parcel 2 driveway grading/improvement plans: "The following Best Management Practices are required during construction in order to ensure adequate protection of Landmark Oaks and Landmark Oak Groves.

1. Prior to the first inspection, protective fencing a minimum of four feet in height shall be placed at the limits of the protected root zone (PRZ) of any individual oak tree or grove, whether it is a Landmark Oak or a tree within a Landmark Oak Grove when said trees are located within 50-feet of proposed work. The PRZ is defined by a tree's critical root radius. To obtain the PRZ limits, measure the tree's diameter at breast height (4.5' above the ground) then allow 1.5 feet of root zone per measured inch, measuring from the trunk out to find the limits of the PRZ. The fencing is to remain in place until construction and cleanup are completed.

2. Damage to limbs, trunks and roots shall be avoided during construction. Any damage shall be immediately reported to the Nevada County Planning Department. The Planning Department may require the responsible party to hire a biologist or arborist to assess the damage and the most appropriate corrective measure.
3. Penalties for damaged trees may be assessed by the Planning Department at a 2:1 planting ratio.
4. Prior to approval of a permit for the future Parcel 2 driveway a letter from a biologist from the County approved Biological Consultant List must be submitted to Nevada County Planning stating that the biologist will supervise all excavation or grading proposed within the protective root zone of Landmark Oak trees and Landmark Oak Groves.
5. Prior to permit final for the future Parcel 2 driveway a letter from the supervising biologist must be submitted to Nevada County Planning stating that the work was completed within these guidelines.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

21. **Condition A.21: Oak Compensation (Mitigation Measure 4.H).** To compensate for Blue Oaks trees that could be negatively impacted with the installation and use of septic systems Blue Oaks must be replaced at a 2:1 ratio in one of the following ways:

For the proposed Parcel 2 MUSDA: Provide a note on the Supplemental Data Sheet for the Parcel Map requiring the following oak mitigation prior to septic system permit issuance:

“In conjunction with the submittal for a septic system permit to Nevada County Environmental Health Department, provide a letter from a County approved biologist confirming their review of the proposed septic system layout plan and identifying the number of oaks that could be negative impacted due to the installation and use of a septic system to Nevada County Planning.

1. Contribute a fee to the California Wildlife Conservation Board’s Oak Woodlands Conservation Fund or other mitigation fund established by the County for the restoration of the blue oak trees that could be negatively impacted due to the installation and use of the septic system, at a ratio of 2:1. All contributions shall specify that these moneys will be used to purchase mitigation oak woodlands within Nevada County. Or,
2. Submit to the Planning Department for review and approval a Tree Planting and Maintenance Plan prepared by a County approved biologist showing species (Blue Oak), size, spacing and location of plantings and the location and species of established vegetation based the proposed septic system layout, using a 2:1 ratio. Replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with each other or established vegetation. Tree monitoring by an approved biologist must be completed on a yearly basis (for five years) with dead trees being replaced if needed. A memo must be submitted to the Planning Department noting the results of each annual maintenance visit, outlining the condition of the trees and noting any replacements that were made. Or,

3. Establish a Conservation Easement – Protect existing Blue Oak trees on or off the project site from future development through a conservation easement or through a fee title dedication to a land conservation group approved by the County at a ratio of 2:1. The trees offered for mitigation must be in a woodland configured in such a way as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing woodlands under conservation easements, public lands or open space lands. Land proposed as mitigation when viewed with adjacent existing conservation land should not result in conserved parcels of less than one acre.

For proposed Parcel 1:

1. In the event that the existing septic system on Parcel 1 fails, in conjunction with the submittal for a septic system permit to Nevada County Environmental Health Department, provide a letter from a County approved biologist confirming their review of the proposed septic system layout plan and identifying the number of oaks that could be negatively impacted due to the installation and use of a septic system to Nevada County Planning. Mitigation shall be at a 2:1 ratio satisfied under one of the above Numbers 1-3 prior to replacement septic system permit issuance.”

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

22. **Protect and Facilitate the Free Movement of Wildlife (Mitigation Measure 4.I).** The supplemental data sheet for the recorded map, and project CC&R's if any, 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 lot except around the single-family dwelling, cultivated areas and animal enclosures. New 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

23. **Halt Work and Conduct Consultation Upon Unanticipated Discovery of Cultural Resources (Mitigation Measure 5.A).** Prior to issuance of a grading permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Timing: Prior to map recordation

*Reporting: Agency approval of Parcel Map for recordation
Responsible Agency: Planning Department*

B. BUILDING DEPARTMENT

1. All unpermitted structures shall be permitted through the Nevada County Building Departments prior to map recordation.

C. ENVIRONMENTAL HEALTH DEPARTMENT

Prior to Environmental Health clearance for Map recordation:

1. Conduct additional soil testing to justify a full MUSDA for proposed parcel #1, if the available (May 7, 2013) tested site (at soil mantle test pits M-1, M-2, & M-5) is not to be utilized. This MUSDA may encompass the permitted and installed sewage disposal system leachfield (i.e., if new testing conducted adjacent to it) or may identify the area elsewhere on the proposed parcel).
2. Delineate Minimum Useable Sewage Disposal Area (MUSDA) for each proposed parcel on Supplemental Data Sheet to be recorded concurrently with the Parcel Map, as required by Chapter VI of the Land Use and Development Code. This map shall be a scaled plan in compliance with Sections 66434 (f), 66434.2, and 66445 (g) of the Subdivision Map Act. The drawing shall identify easements and other development encumbrances specified in the title report. MUSDA(s) shall:
 - a. not include any area identified as environmentally sensitive, or otherwise restricted from disturbance.
 - b. correspond to the approved soil testing - soil test pit and percolation hole locations to be shown inside area boundary, and numbered per field reporting; and labeled with the specified system-type (i.e., MUSDA for proposed parcel #2 is for a prospective special design-pressure distribution sewage disposal system).
 - c. be exclusive of the designated building envelope; where the entire MUSDA is available for sewage disposal.
 - d. be referenced from closest survey monument(s), by compass bearing and distance.

Lots failing to demonstrate adequate MUSDA must be combined with adjacent lots. A field review to verify the adequacy of the proposed MUSDA(s) may be required by this department.

3. Obtain On-site Soils Evaluation – Findings Statement, or clearance from this department for each proposed parcel sewage disposal area/MUSDA.
4. The Supplemental Map, to be recorded concurrently with the Parcel Map, shall bear the statement that there is no guarantee that sewage can be disposed of on any lot or parcel of recorded map.

5. The Supplemental Map, to be recorded concurrently with the Parcel Map, shall bear the statement that there is no guarantee that water is available on any lot or parcel on the recorded map.

D. DEPARTMENT OF PUBLIC WORKS

1. Prepare and submit a final Parcel Map for review and approval by the County Surveyor pursuant to the Subdivision Map Act, Sections 66444-6450. All easements shall be shown or noted on the final Parcel Map per the title report.
2. A tax certificate, issued by the Nevada County Tax Collector, shall be received by the Nevada County Department of Public Works prior to map submittal for recordation.
3. Current traffic impact fees will be required at the time of building permit issuance for a future residence on proposed Parcel 2.

E. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. Such thinning or removal of vegetation does not apply to individual isolated trees, ornamental shrubbery or ground cover plants unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees.

Replacement vegetation should be ornamental shrubbery of the fire safe varieties. Additional clearing may be required by the Fire Marshal if extra hazardous conditions exist. All flammable vegetation and fuels caused by site development shall be legally disposed or removed.

2. Community Water System, Nevada County Ord. L-XVI 4.3; Hydrant / Fire Valves, Nevada County Ord. L-XVI 4.4 - Submit plans and obtain permit from the Nevada County Building Department to construct a Community Water System for fire protection designed and built to National Fire Protection (NFPA) 1142 Standards for Water Supplies for Suburban and Rural Fire Fighting. This system shall be capable of delivering a minimum of 500 Gallons Per Minute (GPM) with a residual pressure of not less than 20 Pounds Per Square Inch (PSI). Alternatively, this may be a draft type system subject to the NFPA 1142 standards with a minimum delivery capability of 500 GPM. The System shall be not less than 4,000 Gallons. Credit for exposures will not be considered. All water storage tanks with a storage capacity greater than 5,000 gallons must be designed and built to a NFPA 22 standard. All plans should be developed by a Licensed Engineer. Plans and tank location shall be approved by the Nevada County Fire Marshal's Office and the Nevada County Building Department, prior

to installation. This system shall be fully operational, approved by Nevada County Fire Marshal's Office and the Building Department and a recorded maintenance agreement shall be in place prior to map recordation.

Verification that all fire safe standards have been fully satisfied shall be required from the Nevada County Fire Marshal's Office prior to map recordation.

F. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$2,216.25 must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 10 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

The Zoning Administrator considered the initial study and found that the project, with conditions imposed, will not have a significant effect on the environment.

Pursuant to the provisions of the Subdivision Map Act of the State of California, Government Code, you are hereby notified that the action of the Zoning Administrator is final; however, if you are dissatisfied with any action of the Zoning Administrator, you may appeal to the Board of Supervisors within a ten day period from the date of the Zoning Administrator decision (deadline April 3, 2017).

NEVADA COUNTY ZONING ADMINISTRATOR

Brian Foss Ex-Officio Secretary

By:



Marianne Mason - Clerk to the Zoning Administrator

Enc: 1A

cc: Mardalynne Caldwell
Building Department
Environmental Health Department
Department of Public Works
Nevada County Fire Marshal

PROOF OF SERVICE BY MAIL

(Code of Civil Procedure Sections 1013a and 2015.5)

I am a resident of the United States and of the State of California, County of Nevada; I am over the age of eighteen years and not a party to the within action; my business address is:

ERIC ROOD ADMINISTRATIVE CENTER
950 Maidu Avenue Nevada City, California 95959-8617

I am readily familiar with the Nevada County Planning Department's business practice for the collection and processing of correspondence for mailing with the United States Postal Service. The within documents will be deposited with the United States Mail on March 27, 2017, in the ordinary course of business.

The name(s) and address(s) of the person(s) served as shown on the envelope(s) are as follows:

Rob Wood
SCO Planning & Engineering
140 Litton Drive, Suite 240
Grass Valley, California 95945

The foregoing person(s) were served with approval letter, File # PM16-002; MGT16-015; MGT17-0001; EIS16-007, by placing same for collection and mailing on March 27, 2017, at Nevada City, California, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 27, 2017, at Nevada City, California.


Signature

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

TO: Building Department
Dept. of Public Works – Engineering
Dept. of Public Works – Surveyor
Environmental Health
Agricultural Commissioner
COB - Jeff Thorsby
Penn Valley Fire District
Western Gateway Park
Resource Conservation District
U.S Fish and Wildlife
Caltrans – Highways
Fire Protection Planner
CA Fish and Wildlife
Department of Water Resources
Agricultural Advisory Commission
Central Valley Water Quality Control Board
Air Resources Control Board
CA Native Plant Society - Redbud
County Counsel*

United Auburn Indian Community
Tsi Akim Maidu
Native American Heritage Commission
Sierra Nevada Group/Sierra Club
Federation of Neighborhoods
Penn Valley MAC
General Plan Defense Fund
Penn Valley Area Chamber of Comm.
Penn Valley Community Center Found.
Friends of Nevada City
Rural Quality Coalition
PG&E
No. Sierra Air Quality Management
FREED
Kevin Johnston
Supervisor Hoek, District IV
Principal Planner, Tyler Barrington
Commissioner Johansen, District IV

**receives full report, others receive NOA only with report available online.*

Date: January 3, 2019

Prepared by: Sadie Caldas, Associate Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1345
Email: sadie.caldas@co.nevada.ca.us

File Number(s): PLN18-0023; CUP18-0009; MGT18-0018; MGT18-0019; AAM18-0002; EIS18-0012

Assessor's Parcel Number: 051-110-004

Applicant/Representative: Millennium Planning & Engineering
471 Sutton Way, Suite 210
Grass Valley, CA 95945

Property Owner: Mardalynne M. Caldwell, Trustee

Zoning District(s): AG-5 (General Agricultural, 5-acre minimum parcel size)

General Plan: RUR-5 (Rural, 5-acre minimum parcel size)

Project Location: 17860 Cattle Drive in unincorporated Nevada County, California.
Located in Penn Valley, just north of State Highway 20.

Project Site and Surrounding Land Uses: The project site is located just north of State Highway 20 in Penn Valley. The parcel is accessed off Cattle Drive, which runs parallel with the right-of-way for State Highway 20. Figure 1 below shows a view into the parcel from Cattle Drive. The project is approximately 0.4 driving miles from the State Highway 20 and the Cattle Drive intersection.

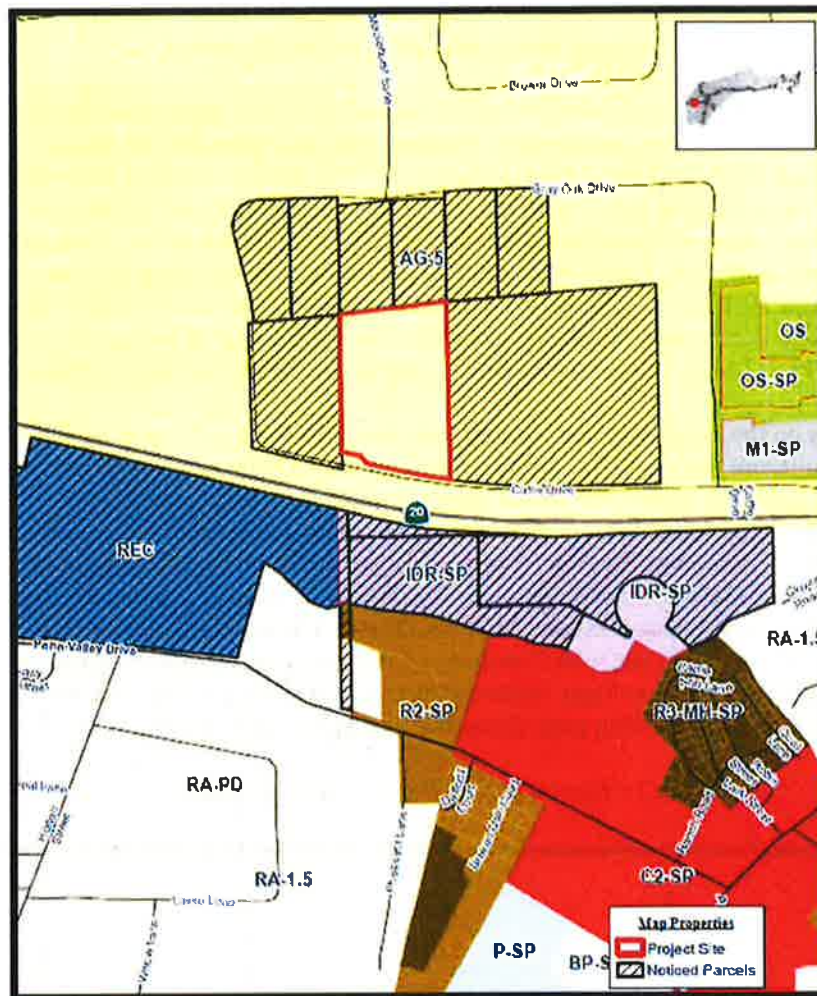
The proposed Use Permit for outdoor events would be located on a 15.05-acre parcel that is developed with an existing single-family residence, an accessory dwelling unit, and accessory structures. The project site has AG-5 zoning and a RUR-5 General Plan designation. The subject parcel is fairly level with mostly gentle slopes, annual grasslands and landmark oak groves. An active vineyard is located at the front of the parcel, which is on the southwestern corner of the property. Although the parcel is currently 15.05 acres, there is an approved Tentative Parcel Map (PM16-002) to divide the property into two parcels of approximately 5.0 and 10.1 acres. The Parcel Map has not been recorded to finalize the land division. If/when the Parcel Map is recorded; the project site would be located on a 10.1-acre parcel (Parcel 1) of the approved Tentative Parcel Map. Please see Figure 3 (page 4) for the configuration of the parcels.

The adjacent parcels on the north, east and western sides have the same AG-5 zoning and RUR-5 General Plan designation. Adjacent parcels in this area have agricultural or rural residential uses, with parcel sizes that range from 5.01 to 34.52 acres. The closest residence to the proposed event area is 375 feet or more away, to the northwest. Approximately 300 feet to the south of the project parcel and across State Highway 20, is the Penn Valley Community Region. The parcels just south of State Highway 20 and the project parcel are zoned Interim Development Reserve with a Site Performance Combining District (IDR-SP), which are reserved for Open Space (OS) and Medium Density (R2) zoning. This area is also part of the Penn Valley Village Center Area Plan, with Community Commercial (C2) zoning approximately 1,000 feet southeast of the project site. Across State Highway 20 to the southwest, is the Western Gateway Park in Penn Valley. Figure 2 on the following page shows the zoning and vicinity map.

Figure 1: View of Project Parcel from Cattle Drive



Figure 2: Zoning, Vicinity, Noticed Parcels



Project Description: The project is a combined application to the Planning Commission for a Conditional Use Permit, an Oak Resources Management Plan, a Seasonal and Ephemeral Stream Management Plan, and an Amendment to an Approved Tentative Parcel Map to allow outdoor special events. The site would be primarily used as an outdoor wedding event venue, but would also be used for similar special events and gatherings. Please see the descriptions below for each application proposed.

Conditional Use Permit: The Conditional Use Permit is for up to twenty (20) outdoor special events per year with a maximum of 125 guests, including event attendees, vendors and employees. All event activities would be outdoors only, with no indoor use or kitchen facilities. All food for special events would be catered to the event area and would not be prepared at the site. The project proposes to construct a new ADA (Americans with Disabilities Act) compliant restroom facility for event use, and the installation of a new septic system. The restroom facility would be approximately 350 square feet and include a storage area and an employee shower. Other proposed improvements include widening the existing driveway, the installation of a 10,000-gallon water tank for fire suppression, constructing two ADA compliant parking spaces and an ADA compliant pathway, installing a curtain drain, constructing an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping.

Oak Resources Management Plan: The first Management Plan is to allow the leach field and septic transport lines for the new restroom facility to be installed near and within a landmark oak grove. No trees would be removed for the installation of the leach field and septic transport line.

Seasonal and Ephemeral Stream Management Plan: The second Management Plan is for disturbance within the 50-foot setback of a seasonal stream and ephemeral stream to widen an existing driveway from 14 feet to 20 feet wide. The existing driveway crosses over the streams to access the primary residence and the accessory dwelling unit. Approximately, the first 210 feet of driveway off Cattle Drive would be widened, up until where the driveway crosses the streams. The stream crossings and the rest of the driveway would not be expanded.

Amendment to an Approved Map: The Amendment to the Approved Tentative Parcel Map (PM16-002) is to expand the building envelope on Parcel 1 (10.1 acres) to include approximately 0.5 acres at the front of the parcel near Cattle Drive. The additional building envelope would include the area for improvements of the proposed 59-space parking area with landscaping. Figure 4 on the following page shows the approved Tentative Parcel Map with the approved building envelopes and the proposed additional building envelope in green.

Figure 3: Project Parcel

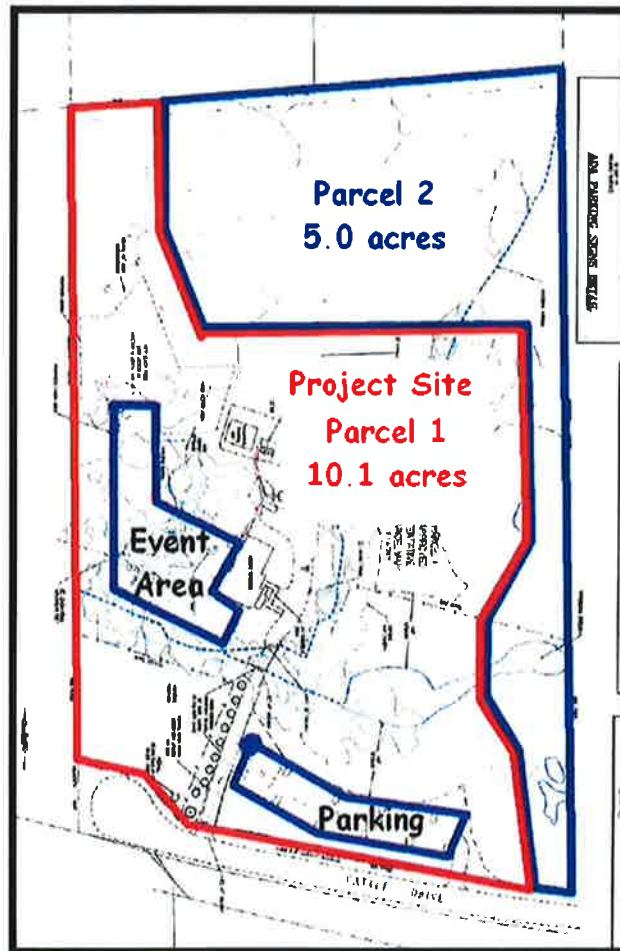
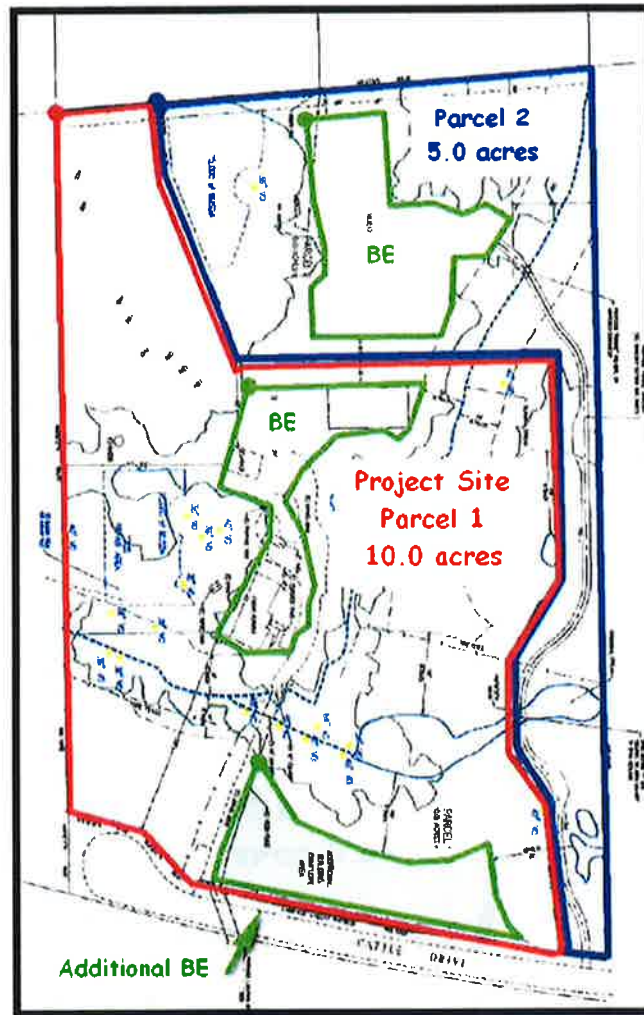


Figure 4: Amendment to the Tentative Parcel Map (additional building envelope)



Relationship to Other Projects

This parcel has a Tentative Parcel Map that was approved by the Nevada County Zoning Administrator on March 22, 2017, to divide the property into two parcels of 10.1 and 5.0 acres. Two Management Plans were also approved with the Tentative Parcel Map, for disturbance within the setbacks of seasonal streams and wetlands to construct a future driveway, and for disturbance in a landmark oak grove to create a minimum useable sewage disposal area (MUSDA) on Parcel 2 (5.0 acres). As part of the conditions of approval for the Tentative Parcel Map, the property owner is required to obtain the appropriate land use permits for the special events, or to discontinue the special event activities.

Other Permits, Which May Be Necessary:

Based on initial comments received, the following permits may be required from the designated agencies:

1. Building and grading permits – Nevada County Building Department (530) 265-1222
2. Septic permit – Nevada County Environmental Health Department (530) 265-1222
3. Encroachment permit – Nevada County Department of Public Works (530) 265-1222

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.

<input type="checkbox"/>	1. Aesthetics	<input checked="" type="checkbox"/>	2. Agriculture / Forestry Resources	<input checked="" type="checkbox"/>	3. Air Quality
<input checked="" type="checkbox"/>	4. Biological Resources	<input checked="" type="checkbox"/>	5. Cultural Resources	<input checked="" type="checkbox"/>	6. Geology / Soils
<input type="checkbox"/>	7. Greenhouse Gas Emissions	<input type="checkbox"/>	8. Hazards / Hazardous Materials	<input checked="" type="checkbox"/>	9. Hydrology / Water Quality
<input checked="" type="checkbox"/>	10. Land Use / Planning	<input type="checkbox"/>	11. Mineral Resources	<input checked="" type="checkbox"/>	12. Noise
<input type="checkbox"/>	13. Population / Housing	<input type="checkbox"/>	14. Public Services	<input type="checkbox"/>	15. Recreation
<input checked="" type="checkbox"/>	16. Transportation / Circulation	<input checked="" type="checkbox"/>	17. Tribal Cultural Resources	<input type="checkbox"/>	18. Utilities / Service Systems
<input checked="" type="checkbox"/>	19. Mandatory Findings of Significance				

Summary of Impacts and Recommended Mitigation Measures:

2. AGRICULTURAL/FORESTRY RESOURCES: Mitigation Measures: To offset potential impacts to Farmland and the existing environment, the following mitigation shall be required:

Mitigation Measure 2A: Right to Farm Notice. The applicant shall include the Nevada County Right to Farm Notice in all contracts for special events at the project site. The Nevada County Right to Farm Notice includes the following disclosure:

The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).

Timing: Implemented on all events

Reporting: Agency review of event contract prior to finalization of improvement plans

Responsible Agency: Planning Department

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

Mitigation Measure 3A: Minimize dust emissions. The applicant shall use reasonable precautions to minimize dust generation, including but not limited to watering the vehicle traffic area, watering any stockpiled material, and limiting traffic speeds. Such methods shall be noted on the improvement plans prior to approval.

Timing: Prior to issuance of building/grading permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

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

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

Reporting: Planning Department approval of grading permits/Compliant drive

Monitoring: Building Department inspections/Public complaints

Responsible Agencies: Planning and Building Department, Code Compliance Division

Mitigation Measure 3C: Mitigate any asbestos discovered during construction. Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

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

Reporting: Approval of grading or improvement permits and as applicable

Responsible Agency: Planning Department and Northern Sierra Air Quality Management District

4. BIOLOGICAL RESOURCES: To reduce potential construction impacts to sensitive species, the following mitigation measure is required:

Mitigation Measure 4A: Nesting raptors and migratory birds. The following note shall be added to all improvement/grading/septic system/construction plans: If construction is to take place between March 1 and August 1, preconstruction nesting surveys shall be conducted within 30 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the surveys shall be submitted to the CDFW. If active nests are found, a one-quarter mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the

CDFW 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 brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site 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 it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Migratory birds shall be required to have a minimum 200-foot disturbance buffer during construction activities.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Identify Environmentally Sensitive Areas - Aquatic Features. Setback areas to the streams and wetlands must be delineated as Environmentally Sensitive Areas (ESA's) on all future improvement/grading/construction plans associated with this project.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4C: Aquatic Feature Non-Disturbance Buffer Protection. Best Management Practices are required in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during construction. The following note shall be added to the improvement/grading plans:

1. Copies of all mitigation measures must be provided to contractors to ensure the proper and timely implementation of each.
2. Construction must be limited to the dry periods without any precipitation events.
3. No activity within the aquatic features is permitted. All construction must be completed from the top of the banks and outside of the wetland swales.
4. In order to minimize the risk of erosion, disturbance areas must be confined to the minimum practical working area.
5. Prior to first inspection, the aquatic features (seasonal stream, ephemeral stream and all three wetlands) and their non-disturbance areas must be delineated with the installation of orange construction fencing interfaced with silt fencing or other effective sediment catching materials, along the uphill side of each ESA where equipment will be operated.
6. Erosion and sediment controls must be maintained and inspected daily for effectiveness, including removal of spoils if there is a build-up and reinforcing or re-establishing failed structures. Sediment controls must be removed and properly disposed of at the completion of construction.
7. The construction area must be rehabilitated at the completion of construction, including reinstatement of soil, surface leveling, revegetation and mulching if necessary.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4D: Water Quality Best Management Practices. The following note shall be added to the driveway improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection both onsite and offsite water quality of aquatic features.

1. Minimize the number and size of work areas in the vicinity of the aquatic features. Staging and spoils storage sites must be placed at least 50-feet from the seasonal stream and 100-feet from the wetlands. Work areas must be clearly marked on improvement/grading plans.
2. Prior to the start of work, install erosion control measures or effective sediment barriers to ensure soils and other pollutants will not enter the aquatic features. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that may have accumulated behind the barriers shall be removed for proper disposal.
3. The contractor shall exercise every reasonable precaution to protect the streams, wetlands and their non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutants such as oil, cement and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
4. No equipment or vehicle maintenance, cleaning or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

Mitigation Measure 4E: Best Management Practices – Oaks. Improvement plans that include work within 50-feet of oak trees shall include a Tree Protection Plan detail including the tree protection zone, protection type, any work such as pruning or bracing that is required prior to construction start. Additionally, the following notes shall be added to improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection of Landmark Oaks and Landmark Oak Groves.

1. Prior to the start of construction, protective fencing, at a minimum of four feet in height, shall be placed at the limits of the protected root zone (PRZ) of any individual oak tree or grove. The PRZ is defined by a tree's critical root radius. To obtain the PRZ limits, measure the tree's diameter at breast height (4.5' above the ground) then allow 1.5 feet of root zone per measured inch, measuring from the trunk out to find the limits of the PRZ. The fencing is to remain in place until construction and cleanup are completed.
2. Prior to septic system permit being issued, a biologist from the County approved Biological Consultant List, shall review the plans to ensure that the location and design is consistent with the system evaluated by the biologist in the Oak Resources Management Plan. A majority of the leach field location shall be in areas of openings among the landmark oak trees, as identified in the Oak Resources Management Plan.
3. Prior to permit issuance, a letter from a biologist from the County approved Biological Consultant List must be submitted to Nevada County Planning, stating that the biologist will supervise all excavation or grading proposed within the protective root zone of Landmark Oak trees and Landmark Oak Groves.
4. Damage to limbs, trunks and roots shall be avoided during construction. Any damage shall be immediately reported to the Nevada County Planning Department. The Planning Department may require the responsible party to hire a biologist or arborist to assess the damage and the most appropriate corrective measure.
5. Penalties for damaged trees may be assessed by the Planning Department at a 2:1 planting ratio.
6. Grade shall not be lowered or raised in the PRZ of any oak tree.

7. Work within the dripline of Landmark Oak Groves or Landmark Oak Trees shall be performed by using hand tools or small hand held power tools. Any major roots encountered shall be conserved to the greatest extent possible.
8. Prior to finalization of the improvement/septic system permit, a letter from the supervising biologist must be submitted to Nevada County Planning stating that the work was completed within these guidelines.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

Mitigation Measure 4F: Annual Monitoring Plan- Oaks. The following note shall be added to the septic system improvement plans: A biologist from the County approved Biological Consultant List shall annually monitor and survey the Landmark Oak Grove in and adjacent to the leach field for the restroom facility. Annual monitoring shall begin twelve months after the septic system is installed, and shall include photo documentation of the trees. A technical memorandum including the date(s) of monitoring, name of the monitor, the condition of the trees, and a list of any trees that appear to be affected by the construction or operation of the project, including the leach field, shall be documented and submitted to the Nevada County Planning Department. Deterioration in the health or death of any oak trees that would reduce the canopy closure of the designated Landmark Oak Grove within or adjacent to the leach field would require compensatory mitigation. If there is no deterioration in health to oak resources after 5 years, no additional monitoring would be required. To compensate for oak trees that could be negatively impacted with the installation and use of septic systems oak trees must be replaced at a 2:1 ratio in one or a combination of the following ways:

1. **Conservation Easement:** Dedicate a conservation easement within the subject parcel to protect landmark oak groves from future development or use impacts. A minimum of a 1:1 ratio of impact area to the conservation easement area would be required. The mitigation would be reviewed/recommended by the biologist and require final approval by the Nevada County Planning Department. An offsite conservation easement or a fee title dedication to a land conservation group approved by the Nevada County Planning Department may also be substituted for mitigation.
2. **Bear Yuba Land Trust (BYLT) In-Lieu Fee:** Make a payment to a mitigation fund that shall specify that the fee paid will be used to purchase mitigation landmark oak groves within Nevada County. A five (5) percent administration fee of the mitigation fee may be required to cover Nevada County or BYLT costs. Approval by the Nevada County Planning Department is required.
3. **Planting Replacement:** At a 2:1 ratio by the number of inches of oak trees removed, plant replacement oak trees. A Tree Planting and Maintenance Plan prepared by a County approved biologist showing species, size, spacing and location of plantings and the location and species of established vegetation shall be submitted to the Planning Department for review and approval. Replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with each other or established vegetation. Tree monitoring by an approved biologist must be completed on a yearly basis (for five years) with dead trees being replaced if needed. A memorandum must be submitted to the Planning Department noting the results of each annual maintenance visit, outlining the condition of the trees and noting any replacements that were made. An offsite location in Penn Valley for planting replacement may be substituted for mitigation. This would require approval by the Nevada County Planning Department.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

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

Mitigation Measure 5A: Halt work and conduct consultation upon unanticipated discovery of cultural resources. Prior to issuance of a grading/improvement permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

6. GEOLOGY / SOILS: To offset potential geological impacts such as seismic instability and erosion, the following mitigation measure shall be implemented:

Mitigation Measure 6A. Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan: Project improvements and ground disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

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

Timing: Prior to building/grading permit issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Building Department

See Mitigation Measures 4B and 4D.

9. HYDROLOGY / WATER QUALITY: To offset potential impacts to water quality the following mitigation measures are required:

See Mitigation Measures 4B, 4C, 4D, and 6A.

10. LAND USE / PLANNING: To offset potential impacts incompatible or existing land uses, the following mitigation measure shall be required:

See Mitigation Measure 2A.

12. NOISE: To offset potential noise impacts, the following mitigation measure shall be implemented:

Mitigation Measure 12A. Amplified Music and Event Hours: To be in compliance with the Nevada County Noise Standards, all improvement plans shall have the following notes and all events shall follow these limitations:

1. Speakers shall be located within thirty-five (35) feet of the primary residence and shall face south.
2. From 7:00 p.m. to 10:00 p.m., the sound output shall be reduced to 70 dB, measured fifty (50) feet in front of the speakers. The property owner shall be responsible for obtaining a sound level meter and ensuring that music is at this decibel level or lower.
3. No amplified music, amplified speech, or event crowd noise shall occur between 10:00 p.m. and 7:00 a.m. All event activities shall be prohibited between these hours.

Timing: Implemented on all event activities

Reporting: Agency approval of improvement plans/Site inspection prior to finalization of improvement permits/Agency will respond on a complaint basis

Responsible Agency: Planning Department and Code Compliance Division

16. TRANSPORTATION / CIRCULATION: To reduce potential impacts to traffic, the following mitigation measure is required:

Mitigation Measure 16A. Prohibit Events During Weekday Peak Hour:

The following mitigation is required to prevent traffic from being generated by special events during the weekday AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. and 6:00 p.m.) peak hours of traffic. The mitigation includes a one-hour buffer around the peak hours to prevent traffic from being generated during the peak hour times.

1. For the AM peak hour, events shall not begin before 10:00 a.m. on weekdays.
2. For the PM peak hour, events shall not begin between 4:00 p.m. and 7:00 p.m., or end between 3:00 p.m. and 6:00 p.m. on weekdays.

Timing: Implemented on all event activities

Reporting: Agency approval of improvement plans/Agency will respond on a complaint basis

Responsible Agency: Planning Department and Code Compliance Division

17. TRIBAL CULTURAL RESOURCES: To offset potentially adverse tribal cultural resource impacts associated with the construction activities, the following mitigation measure shall be required:

Mitigation: See also Mitigation Measure 5A.

Mitigation Monitoring Matrix:

MEASURE	MONITORING AUTHORITY	WHEN IMPLEMENTED
2A	Planning Department	Agency review of event contract prior to finalization of improvement plans
3A	Planning Department	Prior to building/grading permit issuance

3B	Planning and Building Department, Code Compliance Division	Prior to issuance of the building/grading permits and during construction
3C	Planning Department and Northern Sierra Air Quality Management District	Prior to issuance of building/grading permits and during construction
4A	Planning Department	Prior to issuance of building/grading permits
4B	Planning Department	Prior to issuance of building/grading permits
4C	Planning Department	Prior to issuance of building/grading permits
4D	Planning Department	Prior to issuance of building/grading permits
4E	Planning Department	Prior to issuance of building/grading permits
4F	Planning Department	Prior to issuance of building/grading permits
5A	Planning Department	Prior to issuance of building/grading permits
6A	Planning and Building Department	Prior to issuance of building/grading permits
12A	Planning Department and Code Compliance Division	Implemented on all event activities
16A	Planning Department and Code Compliance Division	Implemented on all event activities

INITIAL STUDY AND CHECKLIST

Introduction

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

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

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

1. AESTHETICS

Existing Setting

The project site is located in unincorporated Nevada County, 200 feet north of State Highway 20 in Penn Valley. The parcel is accessed off Cattle Drive, which runs parallel with the right-of-way for State Highway 20. With fairly level and open terrain, the front of the parcel is easily visible from State Highway 20. The area is mostly gentle slopes with scattered oak trees and landmark oak groves. The front of the parcel has an active vineyard on one side and an annual grassland on the other side with a split rail wood fence. The

northern side of State Highway 20 is a rural area with agricultural and rural residential uses. The project parcel is 15.05 acres in size and is developed with an existing single-family residence, an accessory dwelling unit, a 5,000-square-foot agricultural storage barn, a shed, and a gazebo. The oak trees and vegetation on the property has been well maintained. Although it is a large parcel, several areas of the parcel are already disturbed or developed with lawn area, landscaping, and structures. Special events have been held on the project parcel without a Use Permit for approximately the last three years or more.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in demonstrable, negative, aesthetic effects on scenic vistas or views open to the public?			✓		A, M
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, M, 23
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓		A
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A, 18
e. Create a visually incompatible structure within a designated historic district?				✓	18

Impact Discussion

1a,c The project site is directly off Cattle Drive, which is a public road that turns into a private road approximately 0.1 miles past the project parcel. This area of Cattle Drive is a local road that only appears to be the primary access for five parcels. The closest event area to Cattle Drive is approximately 275 feet away. The project parcel can also be seen from State Highway 20. The event activities would take place on the project parcel from a range of approximately 460 to 700 feet from the Highway. The outdoor event areas, commonly for wedding ceremonies and receptions, would be beyond a vineyard, fencing and oak trees from State Highway 20 and Cattle Drive. The event area near the residence that has been regularly used for receptions would only be slightly visible, or not visible, from public roadways. The event area near the existing gazebo where wedding ceremonies may be held is a gentle slope uphill from the exception area and can be seen through a landmark oak grove from some areas of State Highway 20 and Cattle Drive. No development or construction is proposed in these event areas. Visual impacts expected by the special events would be that the public might see event guests at a distance from public roadways. Figure 5 below shows a view into the property from State Highway 20.

Due to the many environmental resources on the property, a gravel parking area with landscaping for special events would be constructed along the front area of the property off Cattle Drive, where the improvements would be outside of resources and their setbacks. The parking area would consist of fifty-nine (59) parking spaces, an additional driveway off Cattle Drive, landscape islands and a landscaped area along the front of the property between the parking area and road. A landscape plan is proposed for the gravel parking area that meets the Nevada County Landscaping requirements in the Land Use and Development Code (LUDC), Section L-II 4.2.7. The landscape plan includes twenty-four (24) trees and ninety-seven (97) shrubs that would be planted. There is also an existing split rail wood fence along the front of the property that would be between the parking area and the public roads. An additional driveway would be built off Cattle Drive into the parking area. Up to twenty (20) times a year when an event is taking place, parked vehicles would be seen from Cattle Drive and State Highway 20. The parking area would create some visual

changes to the site, but landscaping is expected to reduce the visual impacts. In Figure 5 below, the event area would be located on the left side of the image, behind the vineyard and some of the oak trees. The parking area would be located on the right side of the image, adjacent to the existing driveway. With the existing vegetation and the proposed landscape plan, the aesthetic effects from public views and impacts to the quality of the site and surrounding area would be *less than significant*.

Figure 5: View of the Project Site from State Highway 20



- 1b,e The property cannot be seen from a state scenic highway, and it is not in or next to a designated historic district. According to the California Department of Transportation (2011), State Highway 20 is not a scenic highway and it is not listed as an eligible state scenic highway; therefore, the proposed project would result in *no impact* on state scenic highways or designated historic areas.
- 1d The project site has existing lighting near the center of the 15-acre parcel, around the area of the primary residence and accessory dwelling unit. A lighting exhibit was proposed for the project to allow the existing lights on the parcel. No new lights have been proposed. Because the existing lighting appears to be for residential and special event use, the project Conditions of Approval would require that all lighting is consistent with the Nevada County LUDC Section L-II 4.2.8 lighting standards, to prevent light trespass and pollution. With the standard Conditions of Approval, impacts from light or glare would be *less than significant*.

Mitigation Measures: No mitigation is required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting

A majority of the project site is designated "Grazing Land" by the Farmland Mapping and Monitoring Program of the California Department of Conservation. The northern end of the parcel is designated as "Farmland of Local Importance." The bulk of the area designated as Farmland of Local Importance is located on Parcel 2 of the approved Tentative Parcel Map. This application for the Use Permit is to allow

events solely on Parcel 1. The northwestern portion of the property designated as Farmland of Local Importance has a landmark oak grove. It is not developed or being used for agricultural purposes. The adjacent parcel to the west has agricultural crops along the front of the property near Cattle Drive. On the other side of the project parcel to the east, there is a large pasture on a 34-acre parcel with livestock. To the north of the project site, there are several 5-acre parcels with rural residential uses. There is no forestland on or around the project parcel.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation's Division of Land Resource Protection, to non-agricultural use?				✓	A,M,7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production Zone (per Section L-II 2.3.C of the Nevada County Land Use and Development Code)?				✓	A,M,18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?		✓			A,7

Impact Discussion

2a, c-d Prime Farmland, Unique Farmland, or Farmland of Statewide Importance do not occur at or around the project parcel. The closest area of these farmland designations are over 3,000 feet from the project parcel. Additionally, the site is not zoned in Forest or the Timber Production Zone designations and does not propose any changes to the zoning designation. No forestland is involved in the project, and the closest Forest zoned parcels are several miles from the project site. Therefore, the proposed project would result in *no impact* to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or to the loss or conversion of forestland.

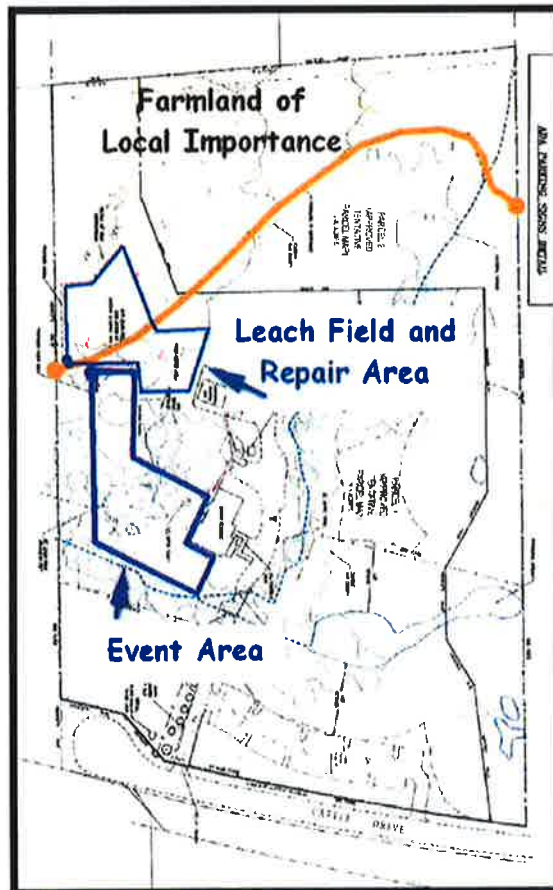
2b The project parcel and the surrounding area has AG-5 zoning. The project is proposing to have up to twenty (20) special events per year on the project parcel, which would meet the definition for Community Meetings and Social Event Facilities identified in the Nevada County LUDC, Section L-II 3.7. With an approved Use Permit, this is an allowed use in the AG zoning district. Although agricultural uses are of primary importance in the AG zoning district, other uses are considered secondary. The proposed project would not create a conflict with the existing AG zoning.

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. The project site is not under a Williamson Act contract. The proposed project would not directly or indirectly affect the adjoining parcel's ability to comply

with the Williamson Act contract, nor would it prevent agricultural uses on or offsite. Because social event facilities are an allowed use with a Use Permit in AG zoning, and because there is no involvement with a Williamson Act contract, the proposed projects would have *no impact* to existing zoning or Williamson Act contracts.

- 2e Nevada County has areas identified as Farmland of Local Importance for Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, but it delineated by specific soil types in certain zoning districts, including AG zoning. The project parcel has Farmland of Local Importance on the northern end of the parcel, outside of the event areas. A new leach field would be installed just inside the area identified as Farmland of Local Importance (see Figure 6 on the following page). The area is not currently being used for agricultural purposes, and septic systems and leach fields have previously been approved on the Tentative Parcel Map as an allowed improvement in areas identified as Farmland of Local Importance, although hooved livestock should not graze over a leach field. The area of the leach field in Farmland of Local Importance is less than half of an acre, and it would not prevent any other areas from being used for agriculture. The Agricultural Commissioner reviewed the project at the initial distribution and completed a visual survey of the parcel. Due to the minimal impacts to important farmland, the Agricultural Commissioner advised that an Agricultural Management Plan should not be required. Later comments regarding conflicting land uses from the Agricultural Advisory Commission are discussed in Section 10 of this initial study.

Figure 6: Site Plan with Farmland of Local Importance



Adjacent parcels and the project parcel already have some existing agricultural uses that would/could continue to take place with the Use Permit. The project parcel has a vineyard in the front of the parcel that would still operate as a vineyard. The adjoining parcel to the west has agricultural crops located approximately 200 feet from the event area, and the adjoining parcel to the east has livestock approximately 480 feet from the event area. To prevent agricultural activities from being considered a nuisance, Nevada County has adopted a right to farm ordinance for agricultural lands and operations, which is identified in Section L-XIV of the LUDC. The right to farm ordinance acknowledges that agricultural operations have inconveniences or discomforts, such as noise, odor, fumes, machinery, manure, fertilizers, etc. The ordinance determines that as long as these inconveniences or discomforts are consistent with accepted customs and standards with agricultural operations, they shall not be considered a nuisance. Because of this ordinance, agricultural operations and activities are allowed to occur on agricultural lands that are adjacent to nonagricultural land uses. Correspondingly, the right to farm ordinance supports agricultural operations on properties surrounding the project parcel. Due to this ordinance and because special events would not physically cause a disruption to agricultural activities, the project should not have an impact on surrounding agricultural operations. Even though the project would not prevent agricultural activities from occurring, there could be a disruption to agriculture because of agricultural operations not wanting to hinder special events. In order to avoid this conflict, Mitigation Measure 2A has been added to require that the Nevada County Right to Farm Notice be disclosed in all contracts for special events at the site. The notice would inform event applicants that agricultural operations on and near agricultural lands have inconveniences or discomforts that shall not be considered a nuisance. This mitigation would allow agricultural activities to occur without any disruptions during times that special events are held. Due to the minimal improvements in Farmland of Local Importance and because of the mitigation requiring the Right to Farm Notice, impacts to the existing environment and the conversion of Farmland to non-agricultural uses are anticipated to be *less than significant with mitigation*.

Mitigation Measures: To offset potential impacts to Farmland and the existing environment, the following mitigation shall be required:

Mitigation Measure 2A: Right to Farm Notice. The applicant shall include the Nevada County Right to Farm Notice in all contracts for special events at the project site. The Nevada County Right to Farm Notice includes the following disclosure:

The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).

Timing: *Implemented on all events*

Reporting: *Agency review of event contract prior to finalization of improvement plans*

Responsible Agency: *Planning Department*

3. AIR QUALITY

Existing Setting

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

Western Nevada County is Moderate Nonattainment for the 1997 ozone NAAQS, with a “Finding of Attainment” based on three years of “clean” data. The area is also Marginal Nonattainment for the 2008 ozone NAAQS and is Nonattainment for the ozone CAAQS. Most of western Nevada County’s ozone is transported to the area by wind from the Sacramento area and, to a lesser extent, the San Francisco Bay Area. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, especially in the late afternoon and evening hours.

Nevada County is also Nonattainment for the PM10 CAAQS, but Unclassified for the PM10 NAAQS. The number after “PM” refers to maximum particle size in microns. PM10 is a mixture of dust, combustion particles (smoke) and aerosols, whereas PM2.5 is mostly smoke and aerosol particles. PM2.5 sources include woodstoves and fireplaces, vehicle engines, wildfires and open burning. PM10 sources include these plus dust, such as from surface disturbances, road sand, vehicle tires and leaf blowers. Some pollen and mold spores are also included in PM10, but most are larger than 10 microns. All of Nevada County is Unclassifiable/Attainment for the PM2.5 NAAQS and Unclassified for the PM2.5 CAAQS (US Environmental Protection Agency, 2015).

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

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial air pollutant emissions or deterioration of ambient air quality?		✓			A,G,30
b. Violate any air quality standard or contribute to an existing or projected air quality violation?		✓			A,G,30
c. Expose sensitive receptors to substantial pollutant concentrations?		✓			A,G,30
d. Create objectionable smoke, ash, or odors?		✓			A,G
e. Generate dust?		✓			A,G

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Exceed any potentially significant thresholds adopted in County Plans and Goals?				✓	A,G
g. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?		✓			A,G,24,30

Impact Discussion

3a,b, The proposed Use Permit, Amendment to the Tentative Parcel Map, and Management Plans are not anticipated to result in cumulatively considerable net increases in criteria pollutants that would substantially deteriorate ambient air quality or violate air quality standards. However, temporary increased emissions are possible during construction (increased particulate matter from diesel and dust and increase hydrocarbon release for the synthesis of ozone) from heavy equipment used for grading and other construction activities to install the septic system, restroom facility (approximately 350 square feet), and parking area. No tree or brush removal is proposed or included in the project. The parking area would be constructed in an open grassland in an area that appears to have a level grade. The restroom facility would be constructed in an already developed area alongside the existing driveway, and the leach field for the septic system would be installed within the natural openings between oak trees. Given that no vegetation removal is proposed, open burning of vegetative material is not anticipated.

In order to estimate air quality impacts, the California Emissions Estimation Model (CalEEMod) provides potential emissions associated with the construction and the operation of specific types of land use projects. Using the parameters specific to this proposed project, CalEEMod identified potential increases in the pollutants during the construction and operational phase of this project (CalEEMod Version 2016.3.1). Based on the data from the CalEEMod analysis, potential emissions for this project are shown in the tables provided on the following page (Tables 1 & 2). The tables also show thresholds of significance that were established by the Northern Sierra Air Quality Management District (NSAQMD) for assessing and mitigating air quality impacts of land use projects. 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 on the following page shows that project construction related pollution levels would fall within the NSAQMD thresholds. NOx construction impacts fall within Level B (24-136 lbs./day). All other pollutants listed fall within Level A (<24lbs/day).

Pollutant	NSAQMD Threshold*	Project Impact
NOx	24-136 lbs./day	34.81 lbs./day (6.35 tons/yr.)
ROG	24-136 lbs./day	14.61 lbs./day (2.58 tons/yr.)
PM10	79-136 lbs./day	6.55 lbs./day (1.20 tons/yr.)
CO	N/A	22.86 lbs./day (4.17 tons/yr.)
*These thresholds are “Level B” in NSAQMD’s Guidelines.		

Table 2 below shows the anticipated operational impacts of the project. All pollutant levels are within NSAQMD Level A. These emissions are associated with energy use, landscape equipment (stationary sources) and mobile sources associated with vehicle use.

Table 2. Project Operational Air Quality Impacts		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	24-136 lbs./day	2.00 lbs. /day (0.37 tons/yr.)
ROG	24-136 lbs./day	0.02 lbs. /day (0.004 tons/yr.)
PM10	79-136 lbs./day	1.00 lbs. /day (0.18 tons/yr.)
CO	N/A	2.16 lbs. /day (0.39 tons/yr.)
*These thresholds are “Level B” in NSAQMD’s Guidelines.		

In order to ensure the project remains within the 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, several mitigation measures are proposed. Mitigation Measures 3A and 3B minimize construction related impacts via dust control and equipment idling time restrictions. Although serpentine soils or ultramafic rock, which typically contain asbestos, are not mapped on the project site, Mitigation Measure 3C has been included to mitigate asbestos if it is discovered during construction. 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 The closest parcels near the project site have agricultural or rural residential uses. The closest residence is approximately 375 feet from the project site. The closest point of the Western Gateway Park in Penn Valley is approximately 310 feet to the south of the project parcel. Any possible sensitive receptors would be expected to be 300 feet or more from the project site. Based on the CalEEMod analysis and with the implementation of the Mitigation Measures (3A, 3B and 3C) listed above, the impacts of sensitive receptors being exposed to substantial pollutant concentrations are *less than significant with mitigation*.
- 3f The proposed project would not conflict with or obstruct implementation of an applicable air quality plan adopted by the County. The Nevada County General Plan, Chapter 14: Air Quality Element, Policy 14.1 requires cooperation with the Northern Sierra Air Quality Management District (NSAQMD) during the review of commercial projects. The Conditional Use Permit was distributed to NSAQMD for review and NSAQMD responded that there were no comments for this project. Due to the project not creating any conflicts with the County adopting any future air quality plans and because no adverse comments were received from NSAQMD, *no impact* is anticipated on potentially significant air quality thresholds adopted in County Plans and Goals.

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

Mitigation Measure 3A: Minimize dust emissions. The applicant shall use reasonable precautions to minimize dust generation, including but not limited to watering the vehicle traffic area, watering any stockpiled material, and limiting traffic speeds. Such methods shall be noted on the improvement plans prior to approval.

Timing: *Prior to building/grading permit issuance*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

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

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

Reporting: *Planning Department approval of grading permits/Compliant drive*

Monitoring: *Building Department inspections/Public complaints*

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

Mitigation Measure 3C: Mitigate any asbestos discovered during construction. Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

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

Reporting: *Approval of grading or improvement permits and as applicable*

Responsible Agency: *Planning Department and Northern Sierra Air Quality Management District*

4. **BIOLOGICAL RESOURCES**

Existing Setting

The subject property has been disturbed with the development and use of single-family rural residential type improvements including a well, septic system, residence, and several other structures including an accessory dwelling unit, an agricultural storage barn, sheds and a gazebo. The site contains landscaped areas near the home, a large fenced vineyard, annual grasslands with scattered individual oak trees, landmark oak groves, a channelized seasonal stream, an ephemeral stream and wetlands. The site has been well maintained with no understory. A majority of the trees are limbed up, giving the property a park-like feel. Valley Oak, Blue Oak, Interior Live Oak and forbes are found on the property. The project is not mapped as having major deer migration corridors, deer holding areas or critical deer fawning areas.

In May of 2016, a Biological Inventory was prepared by Tina Costella for the project site. The biologist conducted a pre-field investigation and a site survey in March 2016, to determine the existing setting and inventory the environmental resources on the site. Based on the Biological Inventory, the environmental setting and resources are described below.

The project site is located within the Squirrel Creek watershed. The Squirrel Creek watershed is approximately 6,700 acres designated as large patch ecosystems of oak-foothill pine, annual grassland, Ponderosa Pine, foothill hardwood, foothill riparian and vineyards. To the west of the subject property, Squirrel Creek converges with Deer Creek, eventually flowing into the Yuba River and feeding the Feather River, which is a navigable water of the United States.

The USGS Rough & Ready quadrangle that depicts the site shows the channelized seasonal stream as a dashed blue-line feature that is a tributary to Squirrel Creek. This seasonal stream enters the property near the northeast property corner and flows south towards the center of the parcel, and then flows west to exit on the southwest side of the property. The seasonal stream is channelized with a defined bed and bank, with portions of the bank being approximately four feet high. While the stream has high distinct banks, the stream only had two inches of water during the survey by the biologist in March 2016. There is also a smaller, ephemeral stream with a less defined embankment that enters the property on the east side. This ephemeral stream meanders through the property and merges with the season stream at the driveway crossing. This stream is considered ephemeral because water would only be flowing during rainy periods and a short duration after the precipitation events. Wetlands associated with the ephemeral stream are located on the eastern side of the property. This wetland is a seasonal wet grassland. Three additional wetlands, that are small and isolated, are on the east side of the property. Only one out of the three small wetlands are located on Parcel 1 of the approved Tentative Parcel Map, which is the project parcel.

When the parcel was first under review in 2016 for a Tentative Parcel Map to divide the property into two parcels, a Management Plan by Tina Costella was submitted for future disturbance to the non-disturbance setback area for the wetlands and the seasonal and ephemeral streams for the construction of a new driveway to proposed Parcel 2. The same Management Plan was resubmitted with this project for the proposed improvements to widen the existing driveway. In addition, because the current project proposes a new septic system that would be within the area of the landmark oak grove, a second Management Plan was prepared by Greg Matuzak and submitted in October 2018.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓			20
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, 20, 28
c. Result in a substantial reduction in the extent, diversity, or quality of native vegetation, including brush removal for fire prevention and flood control improvements?			✓		M,20
d. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓			20, 28
e. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			20
f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			20, 29

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
g. Introduce any factors (light, fencing, noise, human presence and/or domestic animals), which could hinder the normal activities of wildlife?			✓		20

Impact Discussion

4a,e The Biological Inventory for the project site stated that no special status species were observed during the field survey in 2016. A review of the California Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS) literature, and database information provided by the U.S. Fish and Wildlife Service (USFWS) was completed to determine if any special status species might occur in the area. No candidate, sensitive, or special-status species were identified in the project biological inventory, though rare and endangered plants have the potential to occur in this area of Nevada County. Stebbins’ morning glory, Pine Hill flannel bush and Follett’s monardella have the potential to occur in Nevada County. These species require specialized soils that are not present at the project site. Brandegee’s clarkia, Brownish-beaked rush and Scadden Flat checkerbloom all have the potential to occur on the project site; however, the specifically timed field surveys did not reveal the presence of these species. There is potential for impacts to raptors and other migratory birds, which are protected under the Migratory Bird Treaty Act, to occur on or in the vicinity of the site through the construction activities of ground disturbances, heavy equipment use, and various other noises that could influence nesting migratory birds. Mitigation Measure 4A is included to protect potential nesting and migratory birds in the event that further development occurs on the project site, which includes the timing of nesting bird surveys. The proposed project is anticipated to have a *less than significant impact with mitigation* on the loss of any special-status plant or animal species or loss of important habitat in this area.

4b,d Aquatic features exist on the project site, including a seasonal stream, an ephemeral stream and wetlands. Nevada County Land Use & Development Code (LUDC), Section L-II 4.3.17 regulates the protection of watersheds and watercourses including, among other requirements, a 50-foot non-disturbance buffer to seasonal watercourses and a 100-foot non-disturbance buffer to wetlands. The proposed parking area for special events has been designed to stay outside of the setbacks for the waterways and wetlands. The Amendment to the Tentative Parcel Map would expand the building envelope to include this parking area to allow improvements, although no structures are proposed in this area. The project proposes a minimal amount of disturbance along an existing driveway to expand it to twenty (20) feet wide along the first 200 feet of the driveway. The existing driveway is approximately fourteen (14) feet wide and the area along the existing driveway is already disturbed with gravel, rock, landscaping and fencing. The existing culverts that allow the driveway to cross the seasonal and ephemeral stream would not be modified. All driveway improvements would be between the first culvert for the ephemeral stream and Cattle Drive.

The March 2016 Biological Inventory and Management Plan describes the features and outlines mitigation measures to ensure adequate protection of waterways during driveway improvements. The Management Plan was initially created to allow the construction of a new driveway within the setbacks of the wetlands, seasonal stream and the ephemeral stream on this site. This project is only proposing minor driveway improvements to expand the existing driveway, which would encroach into the setbacks of the streams, but not within the setbacks of the wetlands. Applicable Mitigation Measures to the driveway improvements have been included to ensure protection of the streams during driveway improvements.

Mitigation Measure 4B is proposed to ensure protection of the aquatic features by requiring setback areas to the streams and wetlands to be identified as Environmentally Sensitive Areas (ESA's) on improvement plans. Mitigation Measure 4C is proposed to require Best Management Practices be used in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during and after the driveway improvements. In addition, Mitigation Measure 4D is proposed to require Best Management Practices during construction in order to ensure adequate protection of onsite and offsite water quality of aquatic features. The incorporation of these Mitigation Measures will ensure that impacts to sensitive natural communities (aquatic features) as identified in local, State and Federal plans, policies and regulations will be *less than significant with mitigation*.

4c As part of the existing residential use, the project site has been well maintained with no brush or understory apart from annual grasses. The vast majority of trees have been limbed up creating a park-like setting. Vegetation clearance for defensible space would be a requirement by the Nevada County Fire Marshal in the project's Conditions of Approval, but because the vegetation on the property has been maintained, it is likely that minimal or no vegetation removal would be required. An area of annual grassland would be developed for the parking area and landscaping, but this would only be a small portion of the grassland on the project parcel. Because of the minimal amount of disturbance to vegetation, the project is not anticipated to result in a substantial reduction in the extent, diversity, or quality of native vegetation due to brush removal; therefore, the impact is anticipated to be *less than significant*.

4f The project biological inventory mapped twenty-one landmark oak trees, with a diameter at breast height (dbh) of 36 inches or greater, on the existing 15-acre parcel. Nineteen (19) of the landmark oak trees are located on Parcel 1 (project parcel) of the approved Tentative Parcel Map. The project site also has landmark oak groves (33% + canopy closure) in several areas on the property. Landmark oak groves and landmark oak trees are both sensitive resources identified in Nevada County's LUDC Section L-II 4.3.15. The restroom facility and parking area are outside of the areas with landmark oak trees and landmark oak groves. A vast majority of the driveway improvements are also outside of the areas with oak trees. Oak groves and landmark oak trees are located around the streams on the property, where the driveway improvements taper off. The proposed leach field for the new septic system to serve the restroom facility would be partially located within the area of a landmark oak grove. This area does not contain any landmark oak trees. A curtain drain would also be installed within the landmark oak grove. An Oak Resources Management Plan was prepared in October 2018, by biologist Greg Matuzak, to address potential impacts to the landmark oak grove. The total area for the leach field and a designated repair area is approximately 18,000 square feet. Half of this area (0.22 acres) would initially be disturbed to install the leach field, and the repair area would be reserved in the event that the system fails and needs additional leach field. There would also be a 2-inch septic transport line that would enter landmark oak grove as it reaches the leach field area. Because the transport line is small and diameter and minimal trenching would be required, the biologist identified this line as having no impact to any oak tree within the landmark oak grove.

Although the mapping of the landmark oak canopy shows the area north of the gazebo as being landmark oak grove, a survey of this specific area was conducted by the biologist, and a majority of the proposed leach field and repair area would be within open areas and/or previously disturbed areas at the site. The biologist advises that modern septic systems and leach fields are designed to avoid the water holding capacity of soil types, and should not have an adverse or negative impact to oak resources. Poorly designed systems—usually older systems—have the potential to waterlog the root system, which can damage the oak trees. Because some of the leach lines and the transport line would be constructed within the landmark oak grove, to ensure that these resources are

protected, the biologist made recommendations to avoid and minimize any direct impacts to the oak trees.

Mitigation Measure 4E is proposed to require specific protection measures, such as fencing to be employed during construction, to ensure oaks are adequately protected during construction. Mitigation Measure 4F would require a five-year monitoring plan of the existing oak trees. A site survey would be conducted annually to determine the condition of the trees. Mitigation measures have been identified if there is a deterioration in the health of any protected oak trees. With these elements in place to offset the impacts of disturbance to landmark oak groves there will be *a less than significant impact with mitigation*.

- 4g The project site is an already developed parcel that has fencing and lighting. No new fencing or lighting is proposed with the project. The conditions of approval would require that the existing lighting complies with the Nevada County LUDC, Section 4.2.8 for lighting standards. This would prevent light trespass or pollution. The site has been operating as a venue for wedding events for the past three years or more. The Use Permit would limit the events to twenty (20) per year. Special events are commonly held on weekends. On the remaining days of the week and weekends when there is no event activity, the site would be used for allowed rural residential and agricultural uses. In addition, the site is adjacent to State Highway 20 and in the vicinity of the Western Gateway Park in Penn Valley, where there is regular human presence. Because the project site is in an active area for people, it is likely that the site already has a reduced amount of wildlife movement. The project site is not located in any known major deer corridors, known deer holding areas, or critical deer fawning areas. Due to the project site already being in an active area and the limited amount of events per year, the anticipated impacts to wildlife movement are expected to be *less than significant*.

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

Mitigation Measure 4A: Nesting raptors and migratory birds. The following note shall be added to all improvement/grading/septic system/construction plans: If construction is to take place between March 1 and August 1, preconstruction nesting surveys shall be conducted within 30 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the surveys shall be submitted to the CDFW. If active nests are found, a one-quarter mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW 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 brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site 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 it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Migratory birds shall be required to have a minimum 200-foot disturbance buffer during construction activities.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Identify Environmentally Sensitive Areas - Aquatic Features. Setback areas to the streams and wetlands must be delineated as Environmentally Sensitive Areas (ESA's) on all future improvement/grading/construction plans associated with this project.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4C: Aquatic Feature Non-Disturbance Buffer Protection. Best Management Practices are required in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during construction. The following note shall be added to the improvement/grading plans:

1. Copies of all mitigation measures must be provided to contractors to ensure the proper and timely implementation of each.
2. Construction must be limited to the dry periods without any precipitation events.
3. No activity within the aquatic features is permitted. All construction must be completed from the top of the banks and outside of the wetland swales.
4. In order to minimize the risk of erosion, disturbance areas must be confined to the minimum practical working area.
5. Prior to first inspection, the aquatic features (seasonal stream, ephemeral stream and all three wetlands) and their non-disturbance areas must be delineated with the installation of orange construction fencing interfaced with silt fencing or other effective sediment catching materials, along the uphill side of each ESA where equipment will be operated.
6. Erosion and sediment controls must be maintained and inspected daily for effectiveness, including removal of spoils if there is a build-up and reinforcing or re-establishing failed structures. Sediment controls must be removed and properly disposed of at the completion of construction.
7. The construction area must be rehabilitated at the completion of construction, including reinstatement of soil, surface leveling, revegetation and mulching if necessary.

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

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4D: Water Quality Best Management Practices. The following note shall be added to the driveway improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection both onsite and offsite water quality of aquatic features.

1. Minimize the number and size of work areas in the vicinity of the aquatic features. Staging and spoils storage sites must be placed at least 50-feet from the seasonal stream and 100-feet from the wetlands. Work areas must be clearly marked on improvement/grading plans.
2. Prior to the start of work, install erosion control measures or effective sediment barriers to ensure soils and other pollutants will not enter the aquatic features. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that may have accumulated behind the barriers shall be removed for proper disposal.
3. The contractor shall exercise every reasonable precaution to protect the streams, wetlands and their non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutants such as oil, cement and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris

and associated materials and litter shall be removed from the work site immediately upon completion.

4. No equipment or vehicle maintenance, cleaning or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

Mitigation Measure 4E: Best Management Practices – Oaks. Improvement plans that include work within 50-feet of oak trees shall include a Tree Protection Plan detail including the tree protection zone, protection type, any work such as pruning or bracing that is required prior to construction start. Additionally, the following notes shall be added to improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection of Landmark Oaks and Landmark Oak Groves.

1. Prior to the start of construction, protective fencing, at a minimum of four feet in height, shall be placed at the limits of the protected root zone (PRZ) of any individual oak tree or grove. The PRZ is defined by a tree's critical root radius. To obtain the PRZ limits, measure the tree's diameter at breast height (4.5' above the ground) then allow 1.5 feet of root zone per measured inch, measuring from the trunk out to find the limits of the PRZ. The fencing is to remain in place until construction and cleanup are completed.
2. Prior to septic system permit being issued, a biologist from the County approved Biological Consultant List, shall review the plans to ensure that the location and design is consistent with the system evaluated by the biologist in the Oak Resources Management Plan. A majority of the leach field location shall be in areas of openings among the landmark oak trees, as identified in the Oak Resources Management Plan.
3. Prior to permit issuance, a letter from a biologist from the County approved Biological Consultant List must be submitted to Nevada County Planning, stating that the biologist will supervise all excavation or grading proposed within the protective root zone of Landmark Oak trees and Landmark Oak Groves.
4. Damage to limbs, trunks and roots shall be avoided during construction. Any damage shall be immediately reported to the Nevada County Planning Department. The Planning Department may require the responsible party to hire a biologist or arborist to assess the damage and the most appropriate corrective measure.
5. Penalties for damaged trees may be assessed by the Planning Department at a 2:1 planting ratio.
6. Grade shall not be lowered or raised in the PRZ of any oak tree.
7. Work within the dripline of Landmark Oak Groves or Landmark Oak Trees shall be performed by using hand tools or small hand held power tools. Any major roots encountered shall be conserved to the greatest extent possible.
8. Prior to finalization of the improvement/septic system permit, a letter from the supervising biologist must be submitted to Nevada County Planning stating that the work was completed within these guidelines.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

Mitigation Measure 4F: Annual Monitoring Plan- Oaks. The following note shall be added to the septic system improvement plans: A biologist from the County approved Biological Consultant List shall annually monitor and survey the Landmark Oak Grove in and adjacent to the leach field for the restroom facility. Annual monitoring shall begin twelve months after the septic system is

installed, and shall include photo documentation of the trees. A technical memorandum including the date(s) of monitoring, name of the monitor, the condition of the trees, and a list of any trees that appear to be affected by the construction or operation of the project, including the leach field, shall be documented and submitted to the Nevada County Planning Department. Deterioration in the health or death of any oak trees that would reduce the canopy closure of the designated Landmark Oak Grove within or adjacent to the leach field would require compensatory mitigation. If there is no deterioration in health to oak resources after 5 years, no additional monitoring would be required. To compensate for oak trees that could be negatively impacted with the installation and use of septic systems oak trees must be replaced at a 2:1 ratio in one or a combination of the following ways:

1. **Conservation Easement:** Dedicate a conservation easement within the subject parcel to protect landmark oak groves from future development or use impacts. A minimum of a 1:1 ratio of impact area to the conservation easement area would be required. The mitigation would be reviewed/recommended by the biologist and require final approval by the Nevada County Planning Department. An offsite conservation easement or a fee title dedication to a land conservation group approved by the Nevada County Planning Department may also be substituted for mitigation.
2. **Bear Yuba Land Trust (BYLT) In-Lieu Fee:** Make a payment to a mitigation fund that shall specify that the fee paid will be used to purchase mitigation landmark oak groves within Nevada County. A five (5) percent administration fee of the mitigation fee may be required to cover Nevada County or BYLT costs. Approval by the Nevada County Planning Department is required.
3. **Planting Replacement:** At a 2:1 ratio by the number of inches of oak trees removed, plant replacement oak trees. A Tree Planting and Maintenance Plan prepared by a County approved biologist showing species, size, spacing and location of plantings and the location and species of established vegetation shall be submitted to the Planning Department for review and approval. Replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with each other or established vegetation. Tree monitoring by an approved biologist must be completed on a yearly basis (for five years) with dead trees being replaced if needed. A memorandum must be submitted to the Planning Department noting the results of each annual maintenance visit, outlining the condition of the trees and noting any replacements that were made. An offsite location in Penn Valley for planting replacement may be substituted for mitigation. This would require approval by the Nevada County Planning Department.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

5. CULTURAL RESOURCES

Existing Setting

The project site is located in Penn Valley, immediately north of Cattle Drive and State Highway 20 in an area consisting of rural properties. The project area is situated within relatively flat lands, which have been subject to residential and agricultural development for the last 150 years or so. The average elevation of the property is 1,393-feet above mean sea level. Pre-historic use and occupation by native people focused on major surface water sources and other natural resource areas with emphasis given to stream confluences and to ecotones created at the interface of foothill and valley lands; elements of these are found within and/or near the subject parcel. The project area is located within territory occupied by the Nisenan or "Southern Maidu" at the time of initial contact with European Americans. These Native American peoples were occupants of the drainages from the Yuba and American River in the south up to the Honcut Creek and the southern Feather River drainages in the north. The Nisenan had a sophisticated knowledge of uses

of local plants and animals as well as the availability of raw material sources that could be used in manufacturing a large array of tools and implements. Like all northern California Indian groups, the Nisenan had an economic life that revolved around collecting of plants for food, fishing and hunting.

The subject property exhibits surface disturbance that ranges from minimal to substantial. A well, septic system, residence, an accessory dwelling unit, sheds, an agricultural storage building, a gazebo and a driveway occupy the central portions of the property. Other features include a vineyard, substantial landscaping, and underground utilities.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?		✓			A,K,19
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?		✓			A,K,19
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A,K,19
d. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A,K,19

Impact Discussion

5a-d The project proposes up to twenty (20) special events per year of a property that has been previously developed with a residence and associated improvements. The events would be outdoors only. Proposed improvements include a restroom facility, septic system, a water tank, a pedestrian pathway, driveway improvements and the construction of a 59-space parking area and landscaping. Due to the mild terrain of the site, with only gentle slopes in most areas, extensive grading is not anticipated. There have been no previous investigations of the parcel or on lands immediately adjacent to the project site that have been filed with the North Central Information Center (NCIC, CSU-Sacramento), and no prehistoric or historic-era sites have been documented within or adjacent to the project property. The current (2011) records search concluded that there was low to moderate potential for pre-historic or ethno-historic-period Native American sites in the project area and a low to moderate potential for identifying historic-period resources in the project area. An Archaeological Survey Report was prepared by the Genesis Society on March 10, 2016. The Archaeological Report found that no significant historical resources or unique archaeological resources are located on the project parcel. Because there will be some improvements on the site, although it is unlikely, there is potential for the unanticipated discovery of cultural resources, including historic and prehistoric resources. In response to the potential of encountering historic, cultural and archeological resources, mitigation has been included below, outlining what steps are required if resources are found during construction activities. With the implementation of Mitigation Measure 5A below, the project’s impacts to cultural resources are anticipated to be *less than significant with mitigation*.

Mitigation Measures: The following mitigation will offset cultural resource impacts and must be made notes on all improvement permits.

Mitigation Measure 5A: Halt work and conduct consultation upon unanticipated discovery of cultural resources. Prior to issuance of a grading/improvement permit, the project applicant

shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

6. GEOLOGY / SOILS

Existing Setting

The project is located in Penn Valley immediately north of Cattle Drive and State Highway 20, within relatively flat lands. The average elevation of the property is 1,393-feet above mean sea level with 94% of the property having slopes of 0 to 10%. Site soils are Alluvial Land Loamy (Am) found in the central portions of the property, Trabucco Loam 5 to 15 Percent Slopes (TrC) in the northerly portion of the property, and Aiken Loam 9 to 15 Percent Slopes (AfC) found in the easterly central portion of the property. Am soils are discussed in the 1975 Soil Survey of Nevada County prepared by the US Soil Conservation Service and Forest Service as having slow runoff, and moderate permeability. TrC soils are noted as having medium runoff potential and moderate to high erosion potential depending on slopes. AfC soils are noted as having medium runoff and slight to moderate erosion hazard potential.

As expected with the gentle topography of the area, there is no evidence of erosion or landslides on the property. The landslide hazard potential for the project site is low (Figure 8-3, Master Environmental Inventory) and the erosion potential is moderate (Figure 3-3, Master Environmental Inventory). The Nevada County Master Environmental Inventory shows the site is within Seismic Zone 1, the minor to moderate intensity zone of the Modified Mercalli scale (Figure 8-4, Master Environmental Inventory). The nearest fault is located over five miles to the east of the subject property.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?		✓			A,D,12
b. Result in disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading?		✓			A
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		✓			M,11,12,16

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✓		C
e. Result in any increase in wind or water erosion of soils, on or off the site?		✓			A,11
f. Changes in siltation, deposition or erosion, which may modify the channel of a river, or stream, or the bed any bay, inlet or lake?		✓			A,9,11
g. Result in excessive grading on slopes of over 30 percent?				✓	A, 9

Impact Discussion

- 6a-c, e-f The project is to allow up to twenty (20) special events per year that would be held outdoors. The parcel is already developed with a primary residence, and accessory dwelling unit and accessory structures. The project site is not within an area known to have unstable earth conditions. The subject property is within Seismic Zone 1 with the nearest fault lying over five miles to the east. The proposed restroom facility must comply with the California Building Code (CBC) to ensure protection during seismic events, and the proposed parking area would be required to comply with the requirements of the County Grading Ordinance, which includes erosion control measures. Further, the erosion potential for the soil types on this site (Am, TrC and AfC) range from slight to high depending on slope. The slopes on this site are very gentle and fairly level in most areas, with the exception of the stream banks. There is no grading or disturbance proposed in the streams or on the stream banks, and they would be identified as Environmentally Sensitive Areas on improvement plans (proposed MM4B). Some grading would occur to widen the existing driveway within the setbacks of the streams. The inclusion of Mitigation Measure 4B, along with Mitigation Measure 4D, which is proposed to require Best Management Practices during construction in order to ensure adequate protection of onsite and offsite water quality of aquatic features, the project construction would not result in siltation, deposition or erosion of soils. In addition, Mitigation Measure 6A has been included to require a General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) if the project disturbs one or more acres from grading and other ground disturbance. This would also require approval from State Water Resources Board for an Erosion and Sediment Control Plan. Due to 1) the gentle slopes on the project parcel, 2) the distance from the nearest seismic fault, 3) the standard requirement of CBC safety standard compliance for new structures, 4) the requirements of the Nevada County Grading Ordinance, and 5) the implementation of Mitigation Measures 4B and 4D, the project is anticipated to have *less than significant impacts with mitigation*, relating to unstable earth conditions, unstable soil, and extensive grading.
- 6d Soil testing for the installation of the septic system and to identify a repair area to serve as the sewage disposal system for the restroom facility was completed on July 9, 2018, and has been recognized as meeting current Nevada County Sewage Disposal Ordinance and Regulations requirements for site approval. There is also an existing septic system on the project parcel and is being used by the residence and accessory dwelling unit. With already approved soil testing, the project impacts to soils adequately supporting a sewage disposal system are *less than significant*.
- 6g The proposed project does not include any grading within steep slopes. The project property is relatively level and only has a steep slopes along the banks of the stream. No disturbance is

proposed or anticipated in these areas; therefore, there is *no impact* related to grading on slopes that are 30% or more.

Mitigation Measures: To offset potential geological impacts such as seismic instability and erosion, the following mitigation measure shall be implemented:

Mitigation Measure 6A. Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan: Project improvements and ground disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

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

Timing: Prior to issuance of building/grading permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Building Department

See also Mitigation Measures 4B and 4D.

7. GREENHOUSE GAS EMISSIONS

Existing Setting

Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). CO₂ emissions are largely from fossil fuel combustion. In California, approximately 43% of the CO₂ emissions come from cars and trucks. Electricity generation is another important source of CO₂ emissions. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents and industrial processes, and persist in the atmosphere for longer periods and have greater effects at lower concentrations compared to CO₂. The adverse impacts of global warming include impacts to air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and an increase in health related problems.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction will be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the

California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. 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.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓		A, G
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

Impact Discussion

7a-b Given the complex interactions between various global and regional-scale physical, chemical, atmospheric, terrestrial, and aquatic systems, it is not possible to determine to what extent this project’s CO2 emissions would result in any altered physical conditions. In considering this project’s GHG emissions within the context of statewide and regional emissions, it is assumed they will be minimal, given the small scale of the proposed project. Typically, cumulative impacts are analyzed and mitigated in the County’s General Plan and associated EIR. In this case, the General Plan for Nevada County does not address GHG Emissions. Therefore, this analysis uses the precautionary principle and acknowledges that the project will make a small, minor contribution to regional and statewide GHG emissions.

Short-term GHG emission impacts would result from construction of the site. The project proposes outdoor events without a substantial amount of construction involved. Improvements include the construction of a 59-space parking area with landscaping, minimal improvements to an existing driveway, a new restroom facility that would be approximately 350 square feet, and a new septic system. The construction period is expected to be brief—within a two-month period. Based on the estimated amount of emissions, the proposed project would generate approximately 43 metric tons per year of CO₂e over the lifetime of construction, which includes site improvements and grading (CO₂e is Carbon Dioxide Equivalent, a measurement that expresses units of different greenhouse gases as equivalent to units of carbon dioxide in the ability to affect global warming) (*CalEEMod Version 2016.3.1*). At this time, there is no approved CEQA threshold adopted by either the State or the County for GHG emissions and global warming; however, as stated in the OPR guidelines, the absence of an approved threshold does not relieve the lead agency of its responsibility to determine whether the project has a significant effect. There would be some operational impacts on GHG emissions related to the amount of vehicle trips. The events would be limited to twenty (20) events per year, with up to 125 guests, including vendors, attendees and employees. The project would not create conflicts with any future County-adopted standards. Because there is minimal improvements and a limited amount of events and attendees that would limit vehicle trips, the volume of greenhouse gas emissions generated by this project would be *less than significant*, and the project would not conflict with any adopted local or state policy.

Mitigation Measures: No mitigation is required.

8. HAZARDS / HAZARDOUS MATERIALS

Existing Setting

The property is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control, 2018), and the Nevada County Environmental Health Department does not have records of hazardous materials or wastes used, generated, or disposed of on this site, although an area of the project parcel was previously used as a woodyard. Furthermore, the Environmental Health Department does not have records of abandoned or active solid waste disposal sites at or adjacent to the project parcel, and there are no records of known mining activities at the project site. The project area is in a high fire hazard severity zone as designated by CALFIRE.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓		C
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓		C
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	C
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?				✓	21
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
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓	A
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	I
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓		I

Impact Discussion

8a,b The project does not propose the use or storage of any hazardous materials. All events would be outdoors and all food would be catered to the site. No kitchen facilities are included in the project. The only potential for hazardous materials would be for typical cleaning that would be expected of the restroom facility (approximately 350 square feet). Any cleaning supplies for this facility would

be comparable to what is used for household use and storage, which are considered less than significant. Because of limited use of hazardous materials, impacts related to creating a significant hazard to the public or the environment are anticipated to be *less than significant*.

- 8c The closest schools to the project parcel are the Vantage Point Charter School and Ready Springs Elementary School, which are approximately 0.5 direct miles (as the crow flies) or more from the project parcel. No use or emissions of hazardous waste or materials are proposed for this project and the project is not located within one-quarter mile of a school; therefore, there would be *no impact* associated with the transport or handling of hazardous materials in proximity to any school.
- 8d As verified on the Department of Toxic Substances Control, EnviroStar website, the subject property is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact* to an existing hazardous materials site that would create a hazard.
- 8e The project parcel is approximately 9.5 direct miles west of the Nevada County Airport (closest airport) and it is not located within an airport land use plan. The project would not result in a safety hazard for people working near a public airport, or for people residing or working in the project area and there would be *no impact*.
- 8f The project is approximately 6.6 direct miles west of the closest known private heliport—the Grass Valley Service Center Heliport. The Alta Sierra Airport is approximately 9.5 direct miles southeast of the project site. The project is approximately 1.75 miles southeast of the nearest private airstrip, Limberlost Ranch Airport. Limberlost Ranch Airport is a private airstrip located southwest of Lake Wildwood and is restricted to use by the property owner. Because of the distance from the project parcel to airports and heliports, and because the potential project is not anticipated to interfere with air traffic patterns or aircraft safety, safety hazard impacts on people residing or working in the project area are anticipated to have *no impact*.
- 8g There are currently no adopted emergency response plans for the project area; therefore, there would be *no impact*.
- 8h The proposed project is in a high wildland fire hazard area. A typical condition of approval will be required to provide defensible space around all future structures, consistent with PRC 4291, which requires up to 100 feet of fuels treatment or to the property line, whichever is closer. This requirement would be enforced along with building/grading permits. The property has been well maintained with no understory, and the majority of the trees are limbed up. It is likely that minimal or no vegetation removal would be required to comply with defensible space standards. Staff from the Penn Valley Fire Protection District have been to the site and have evaluated the project for compliance with fire regulations. Recommended Conditions of Approval would require the existing driveway to be widened along the first section of driveway where the parking area would be accessed, “No Parking” signs would be installed to prevent access from be blocked along the driveway, and a 10,000 gallon water tank for fire suppression would be installed. In addition, the Nevada County Fire Marshal’s Office also reviewed the project and had no adverse comments. With the fire safety precautions in place, the project would not adversely expose people or structures to significant risks involving wildland fires; therefore, is anticipated to have a *less than significant* impact.

Mitigation Measures: No mitigation is required.

9. HYDROLOGY / WATER QUALITY

Existing Setting

The subject property has been developed with rural residential type improvements including a well, septic system, residence, and several other structures including an accessory dwelling unit, sheds and a gazebo. The property is located within the Squirrel Creek watershed. Squirrel Creek converges with Deer Creek and eventually flows into the Yuba River, which feeds the Feather River. The Feather River is a navigable water of the United States.

The site contains multiple aquatic features, including a channelized seasonal stream, ephemeral stream and wetlands. The channelized seasonal stream is shown as a dashed blue-line feature on the USGS Rough & Ready quadrangle. This stream is a tributary to Squirrel Creek. The seasonal stream enters the property near the northeast property corner, runs toward the center of the parcel and exits on the southwest side of the property. The seasonal stream is channelized with a defined bed and bank with portions of the bank being approximately four feet high. While the stream has high, distinct banks, only two inches of water were noted in the March 2016 survey by the biologist. An ephemeral stream crosses the property in a similar fashion, entering the property from the easterly property line, approximately three hundred feet from the southeast property corner, and traversing across the property, joining the seasonal stream on the west side of the existing driveway crossing, before the feature exits the property at the westerly property line. Wetlands associated with the ephemeral stream are located along the eastern side of the property.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements?		✓			A,C
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?			✓		C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?		✓			A, 26
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?		✓			A, 26
e. Create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓		A, 26
f. Otherwise substantially degrade water quality?		✓			A, 28
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary				✓	13

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
or Flood Insurance Rate Map or other flood hazard delineation map?					
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	13
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓	13
j. Create inundation by mudflow?				✓	A

Impact Discussion

9a,c, The project property for the proposed Use Permit, Amendment to the Approved Tentative Parcel Map, and two Management Plans contains wetlands, a seasonal stream and an ephemeral stream. Driveway improvements for the existing driveway would approach the ephemeral and seasonal stream up until the point where the existing driveway crosses the streams and the streams are conjoined. The existing driveway is approximately fourteen (14) feet wide and is located in a fairly level area with landscaping on both sides. The improvements include widening the driveway to approximately twenty (20) feet until it reaches the crossing for the ephemeral stream. Other improvements, including the installation of the water tank for fire suppression, the restroom facility, two ADA parking spaces, the ADA pathway, and grading to construct a gravel 59-space parking area and landscaping for the events, would take place outside of the setbacks for both streams and the wetlands. The streams are tributaries to Squirrel Creek, which converges with Deer Creek and eventually flows into the Yuba River and feeds the Feather River. The Feather River is a navigable water of the United States. Without protection of the streams, the driveway improvements could result in impacts to water quality standards, waste discharge requirements, and change drainage patterns through the alteration of a watercourse or otherwise degrade water quality. However, mitigation measures are proposed to ensure protection of the aquatic features and the buffers thereto as outlined below:

Mitigation Measure 4B is proposed to ensure protection of the aquatic features by requiring setback areas to the streams and wetlands to be delineated as Environmentally Sensitive Areas (ESA's) on improvement plans. Mitigation Measures 4C and 4D require that Best Management Practices are used in order to ensure the non-disturbance buffer to the aquatic features and that water quality is adequately protected during and after the driveway improvements. In addition, Mitigation Measure 6A has been included to require a General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) if the project disturbs one or more acres from grading and other ground disturbance. This would also require approval from State Water Resources Board for an Erosion and Sediment Control Plan. With the inclusion and implementation of these mitigation measures, it is anticipated that approval project would result in *less than significant impacts with mitigation*.

9b The project site has an existing well that serves the primary residence and accessory dwelling unit on site. A well yield report in 2015 proved 18.5 gallons per minute and passed water quality standard testing. The proposed restroom facility would be served by the existing well. Because the events would be limited to twenty (20) events per year with up to 125 guests, a commercial well is not required. Furthermore, the existing well would not be used to provide drinking water and kitchen facilities are not included in this project. All food would be prepared offsite and catered to the property for events. Due to the limited use proposed for the existing well, the impacts relating to groundwater are anticipated to be *less than significant*.

9e Since there would be some improvements on the property that could affect runoff, the applicant provided a stamped and signed report from a registered professional engineer, Michelle Layshot, certifying that any improvements included in the Use Permit project would not result in additional storm water runoff from the site. The report included analysis of the improvements and estimated that the gravel parking lot would cover approximately 21,590 square feet. The report determined that gravel is not impervious surface and that it promotes infiltration. Approximately 1,070 square feet of impervious surface would be added for the ADA pathway and an additional 150 square feet for the restroom facility; although, the more recent design of the restroom facility proposed is for approximately 350 square feet. An increase of 200 square feet is not a substantial amount to contribute to runoff. The engineer determined that there is not enough impervious surface being added to the site to affect the existing drainage patterns, and that runoff from the small amount of impervious surface would infiltrate and be treated for any pollutants through the landscaping and gravel before it enters any streams. The report from the engineer was reviewed by the Nevada County Department of Public Works. Public Works staff also determined that the proposed project would have very minimal impacts to drainage and had no adverse comments. In addition, the project is proposing a 40-inch curtain drain to the north of the proposed leach field and event area. As a standard Condition of Approval, Public Works requires that stormwater shall be mitigated onsite. Prior to grading or improvement permits being issued, the applicant shall provide a final drainage report prepared by a registered civil engineer, demonstrating that there is no net stormwater runoff from the proposed project. Based on all of the above, impacts related to drainage and runoff patterns from the project are anticipated to be *less than significant*.

9g-j The subject property contains a seasonal stream with very defined banks of up to four feet high and an ephemeral stream. There are no mapped floodplains with either of these streams. The closest floodplains are associated with Squirrel Creek and lie approximately 629 feet from the subject property, on the other side of State Highway 20. Due to the lack of floodplains onsite and the lack of proximity to floodplains, *no impact* is anticipated related to exposing people or housing to flood, erosion hazards, or inundation by mudflow.

Mitigation Measures: To offset potential impacts to water quality associated with run-off to adjacent properties and to the Squirrel Creek Drainage Basin, which ultimately flows into the Feather River, the following mitigation measures shall be implemented and included as a note on grading and improvement plans:

See Mitigation Measures 4B, 4C, 4D, and 6A.

10. LAND USE / PLANNING

Existing Setting

The Nevada County General Plan designates this 15.05-acre parcel as Rural-5 (RUR-5). The site is restricted to five-acre minimum parcel sizes pursuant to the General Agricultural-5 (AG-5) zoning designation. The subject property has been developed with rural residential type improvements including a well, septic system, residence, an accessory dwelling unit, a storage barn and sheds. Surrounding properties are also zoned General Agricultural with a five acre minimum density. Approximately 0.3 miles east of the project site, there are a small cluster of parcels that are zoned Open Space with a Site Performance Combining District and Light Industrial with a Site Performance Combining District. Properties to the south of State Highway 20 are zoned Recreation (Western Gateway Park) and Interim Development Reserve with a Site Performance Combining District. Adjacent uses are rural residential and agricultural, as is found on the subject property. Access to the proposed parcel is from Cattle Drive, off State Highway 20. The portion of Cattle Drive that is used by the subject property is a county maintained road.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in structures and/or land uses incompatible with existing land uses?		✓			A,17,18
b. The induction of growth or concentration of population?				✓	A,17
c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				✓	A,B
d. Result in the loss of open space?			✓		A,18
e. Substantially alter the present or planned land use of an area, or conflict with a general plan designation or zoning district?			✓		A,17,18
f. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓		A,17
g. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community?				✓	A,17

Impact Discussion

10a The project proposes to allow twenty (20) special events per year with up to 125 guests, including all vendors and attendees. The events would occur outdoors on a parcel that is already developed with a primary residence, accessory dwelling unit, accessory structures. There is an active vineyard on the project parcel and other agricultural uses on surrounding properties. The parcel to the west has agricultural crops located approximately 200 feet from the event area, and the adjoining parcel to the east has livestock approximately 480 feet from the event area. Other uses in the immediate area to the north of the project parcel consist of rural residential uses on 5-acre parcels. The right-of-ways for Cattle Drive and State Highway 20 take up approximately 300 feet to the south of the project parcel. Although the project is now applying for land use permits to allow the special events to occur, the site has been used as a wedding venue for the past three years or more.

The Planning Department received comments from the Penn Valley Area Municipal Advisory Council (MAC) and the Agricultural Advisory Commission regarding impacts to agricultural operations on adjacent parcels, and impacts to possible future agricultural operations on adjacent parcels. The Use Permit for special events would not physically prevent any of the existing land uses from continuing to occur and it would not prevent future agricultural activities on or offsite, but there could be a disruption to agricultural activities if operations decided to discontinue activities to avoid a hindrance to special events while they are being held. Due to nuisance complaints of agricultural operations, especially when they occur next to nonagricultural land uses, Nevada County has adopted a right to farm ordinance for agricultural lands and operations, which is identified in Section L-XIV of the LUDC. The right to farm ordinance includes a disclosure that agricultural operations have inconveniences or discomforts, such as noise, odor, fumes, machinery, manure, fertilizers, etc., and that these discomforts shall not be considered a nuisance. Because of this ordinance, agricultural operations and activities are allowed to occur on agricultural lands that are adjacent to nonagricultural land uses. To prevent a disruption to agricultural activities while events are being held, Mitigation Measure 2A requires that the Nevada County Right to Farm

Notice is disclosed in all contracts for special events at the site. The notice would inform event applicants that agricultural operations on and near agricultural lands have inconveniences or discomforts that shall not be considered a nuisance. Given that the proposed project would not prevent agricultural operations or other existing land uses to continue to occur, and with the implementation of Mitigation Measure 2A, incompatible land uses and impacts to existing land uses are anticipated to be *less than significant with mitigation*.

10b,c The project does not increase population or add residential development. A Tentative Parcel Map has already been approved at the project site to divide the property into two parcels. The Amendment to the Tentative Parcel Map only expands the building envelope to allow construction of a parking area. The project does not involve sewer trunk lines or the expansion of roads that would serve new development beyond this parcel. No low-income or minority communities are adjacent to the project parcel and the project does not propose to divide the physical arrangement of a community. The project parcel is just north of the Penn Valley Community Region and Penn Valley Village Center. Because the project does not include residential development, sewer lines, road extensions, or the division of a community, there would be *no impacts* to these features or communities.

10d-f Section L-II 3.7 of the Nevada County LUDC discusses Churches, Community Meeting and Social Event Facilities. This section has a definition of Social Event Facilities and standards for such facilities. The proposed Use Permit for outdoor special events falls into the definition of a Social Event Facility and it meets the standards outlined in this section. These facilities are allowed, subject to a Use Permit, in Rural zoning districts, which includes AG-5 zoning. Since widening the existing driveway is required to improve access to the site, a Management Plan has been included to avoid and/or minimize impacts to the streams on the property. A second Management Plan was also submitted to address impacts to the oak resources from the installation of the septic system on the property. Both Management Plans are consistent with the Resource Standards in LUDC Section L-II 4.3.3, to allow disturbance within the setbacks of resources when it is unavoidable.

A Tentative Parcel Map has also been approved on the project parcel, to divide the property into two parcels of 10.1 and 5.0 acres. The special events proposed would be located on Parcel 1 (10.1 acres). With the Tentative Parcel Map, building envelopes were created to limit development on the parcel. This project proposes an Amendment to the Tentative Parcel Map to expand the building envelope on Parcel 1 by approximately 0.5 acres, to include the proposed 59-space parking area with landscaping. This building envelope area is outside of all environmental resources and the required setbacks from the resources. In addition to the building envelope, standard impervious surface limitations outlined in LUDC L-II Section 2.3 assist to conserve open space and would continue to apply to the project site. This limitation prevents the parcel from exceeding ten percent (10%) of impervious surface coverage. There would be a slight increase in developed area, but a vast majority of the parcel would be outside of the building envelope and conserved for agricultural uses and/or open space. Being that the project does not conflict with zoning or a land use policy and due to the limited expansion of the building envelope, impacts to open space and possible conflicts with a land use plan or policy would be *less than significant*.

Mitigation Measures: To offset potential impacts incompatible or existing land uses, the following mitigation measure shall be required:

See Mitigation Measure 2A.

11. MINERAL RESOURCES

Existing Setting

The project parcel is not mapped within an Important Mineralized Area (MRZ-2) designated by the State Department of Mines and Geology. The site is between two such areas, with one approximately 1.5-miles southwest of the subject site, and the other encompassing a larger area approximately 2.5-miles to the east of the project site. There is no evidence or County records of previous mining activity on the site. Nevada County has experienced extensive historical mineral extraction operations in other areas of the County. This property is located within the Rural Region that is generally sparsely developed with most of the uses identified as low rural residential.

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

Impact Discussion

11a-b. There is no record of significant mineral deposits or previous mining activity on the project site, nor is the site located within an MRZ-2 zone and therefore, the project is anticipated to have *no impact* on the loss of or access to mineral resources.

Mitigation Measures: No mitigation is required.

12. NOISE

Existing Setting

The project site is located within a rural land use designation. The subject property is currently developed with rural residential type improvements including a residence, and several other structures including an accessory dwelling unit, an agricultural storage barn, and sheds. The closest residence to the proposed event area is 375 feet or more away, to the northwest. Across State Highway 20 to the southwest, is the Western Gateway Park in Penn Valley. The area of the park that is closest to the project parcel contains baseball fields. State Highway 20 is adjacent to Cattle Drive, and approximately 200 feet from the project parcel. Noise levels at the front of the property and into the center of it are influenced by traffic.

The Nevada County General Plan establishes noise standards in the project area at 55 dB Leq and 75 dB Lmax from 7 a.m. to 7 p.m.; 50 dB Leq and 65 dB Leq from 7 p.m. to 10 p.m.; and 40 dB Leq and 55 dB Lmax from 10 p.m. to 7 a.m (Nevada County 1995 with revisions through October 2014).

This project application included an Environmental Noise & Vibration Assessment, prepared by Paul Bollard with Bollard Acoustical Consultants, Inc. As part of the noise study, a continuous 24-hour noise level measurement was conducted at the project site on May 15, 2018. The measurements were taken from the area where the existing gazebo is on the property. This is the primary location on the property for wedding ceremonies to be held, which is also the closest event area to the property line. The average noise levels ranged from 40 to 54 dB Leq, while the maximum noise levels ranged from 55 to 80 Lmax. The

measured ambient noise level already exceeds the Nevada County Noise Standards in LUDC Section L-II 4.1.7 for nighttime noise limits, between 10:00 p.m. and 7:00 a.m.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose persons to or generate noise levels in excess of the County's adopted standards established in the General Plan and Land Use and Development Code?		✓			A, 27
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels (e.g., blasting)?			✓		A, 27
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓		A, 27
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓			A, 27
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓	A
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓	A

Impact Discussion

12a,d The Use Permit is proposing to have up to twenty (20) outdoor special events per year with up to 125 guests at each event. It is likely that most events would be for weddings and receptions, or similar gatherings. Events may include the use of microphones and amplified music. During times that events would be held, noise levels would be increased. The Environmental Noise & Vibration Assessment included analysis of amplified music and speech noise generation. Amplified speech was predicted near the gazebo and the amplified music was predicted in the event area closer to the residence, which is the proposed locations for wedding ceremonies and receptions. Based on the proposed orientation of the speakers and typical sound levels of music being played at events, the noise study predicted noise levels at the property lines. Furthermore, noise levels were predicted for worst-case event crowd noise levels for 125 people and worst-case event parking area noise levels, at the property lines. The event crowd noise prediction was based on fifty percent (50%) of the crowd (125 people) conversing simultaneously. At the nearest property line, which is the west of the project site, the event crowd noise would have a 46 Leq and 53 Lmax. Similarly, amplified speech in the event area near the gazebo, which is closest to the property line, would have a 47 Leq and 57 Lmax. Both of these predictions are below the Nevada County Noise Standards (see below) for daytime and evenings, and they are within the range of existing noise levels at the site. Predicted parking lot noise levels would generate the least amount of noise. At the property line to the west, the noise level would be 30 Leq and 48 Lmax. This is a conservative assessment for parking lot noise levels. It is likely that parking lot activity would be more spread out and would not occur within a short time period. Noise predictions were not estimated for the western property line, which would be approximately 140 feet from the parking area, although at 240 feet away the dB level from the parking area would only increase to 34 dB Leq. If/when the Parcel Map records to divide the property, the flagpole portion of Parcel 2 would be approximately 80 feet from the

parking area, but the buildable area of parcel 2 would be over 600 feet away. Due to the noise generation from State Highway 20 in the front of the parcel, the noise generation from the parking lot is not anticipated to be significant.

Daytime Noise Standard (7 a.m. to 7 p.m.)— 55 dB Leq and 75 dB Lmax
Evening Noise Standard (7 p.m. to 10 p.m.)— 50 dB Leq and 65 dB Lc
Nighttime Noise Standard (10 p.m. to 7 a.m.)— 40 dB Leq and 55 dB Lmax

The highest noise producer for the special events would be amplified music. The properties that would be the most impacted would be the parcel on the west of the project parcel and Parcel 2 of the Tentative Parcel Map if/when the map records. At the eastern property line, the music noise level would be 54 Leq and 59 Lmax. At the property line for Parcel 2 to the northeast of the event area, the music noise level would be 50 Leq and 55 Lmax. According to Nevada County Noise Standards, this noise level is within the limits for daytime hours (55 Leq and 75 Lmax) from 7:00 a.m. to 7:00 p.m., but it exceeds the evening and nighttime standards.

Other than reviewing County noise standards, the noise assessment also discussed thresholds for impact identification and increases that may be considered significant. In general, a 3 dB noise level increase for similar sources is usually required before most people would perceive a change in noise levels. A 6 dB increase would be considered clearly noticeable. The Federal Interagency Commission on Noise (FICON) developed a graduated scale for use in assessment of noise level increases. According to the scale, if the ambient noise levels were less than 60 dB, an increase of 5.0 dB or more would be considered a significant increase. A very conservative approach would be to consider a 3 dB level increase—when people would perceive a change in noise levels—as significant. Based on the continuous ambient noise monitoring that was completed by Bollard Acoustical Consultants, the ambient noise level at the site ranged from 46-54 dB Leq during the daytime, with a 50 dB Leq average. Pursuant to the noise study predictions, the amplified music proposed in the project would generate 54 dB Leq for the average noise level at the nearest property line. This would be 4 dB above the average ambient noise level, but it is the same decibel level as the existing ambient noise during times when the noise is higher. In addition, based on the noise monitoring, the existing maximum noise level at the site during the daytime ranged from 55-80 dB Lmax, with an average of 65 dB Lmax. The amplified music would generate 59 dB Lmax, which is 6 dB less than the existing maximum ambient noise levels during the daytime. The evening time ambient noise ranges from 46-48 dB with 47 dB Leq being the average. With the mitigation discussed below, the project would have a 49 dB Leq at the property line, which is a 2 dB increase from the average ambient levels.

In order to prevent the events from having a potentially significant increase and from exceeding the noise standards, the noise study recommended mitigation measures to satisfy the evening and nighttime noise requirements. Mitigation Measure 12A requires noise monitoring to restrict the noise levels from 7:00 p.m. to 10:00 p.m.; speakers for the amplified music shall be oriented south and in the event area near the residence; and this mitigation measure prohibits all amplified music, amplified speech or event activities from 10:00 p.m. to 7:00 a.m. With the recommended mitigation measure discussed above, noise levels and temporary increases in noise would be *less than significant with mitigation*.

- 12b Possible vibrations from the special events may be created by music or vehicle traffic. Nevada County does not have vibration standards. In order to assess the vibrations, the noise and vibration study analyzed the vibration criteria established by the California Department of Transportation (Caltrans). The criteria established by Caltrans shows in measurement by peak particle velocity (inches/second) that 0.04 is barely perceptible and 1.0 would be for residential construction. 0.25

inches/second is at the point where a vibration becomes distinctly perceptible or more; therefore, 0.25 can be used as a conservative threshold for assessing significance. It is the professional opinion of Bollard Acoustical Consultants that the vibration levels at the project site are well below the threshold of perception (below 0.1 inches/second). The study also determined that the project is not proposing equipment that would generate significant off-site vibration levels; therefore, impacts to ground borne vibration and noise levels would be *less than significant*.

12c It is not likely that there will be a substantial increase in ambient noise levels in the project vicinity. When events are not occurring, no additional noise is proposed onsite. There would be some maintenance of the site that would create noise, but it would be consistent with maintenance activities that already occur in the area and on the project parcel. The noise study also predicted the off-site traffic noise level from the special events. Because the noise level generated would be less than the existing measured ambient noise level, the impact is considered to be *less than significant*.

12e,f The project is approximately 6.6 direct miles west of the closest known private heliport—the Grass Valley Service Center Heliport. The Alta Sierra Airport is approximately 9.5 direct miles southeast of the project site. The project is approximately 1.75 miles southeast of the nearest private airstrip, Limberlost Ranch Airport. Limberlost Ranch Airport is a private airstrip located southwest of Lake Wildwood and is restricted to use by the property owner. Because of the distance from the project parcel to airports and heliports, noise levels from airports or airstrips are anticipated to have *no impact* to people residing or working in the project area.

Mitigation Measures: To offset potential noise impacts, the following mitigation measure shall be implemented:

Mitigation Measure 12A. Amplified Music and Event Hours: To be in compliance with the Nevada County Noise Standards, all improvement plans shall have the following notes and all events shall follow these limitations:

1. Speakers shall be located within thirty-five (35) feet of the primary residence and shall face south.
2. From 7:00 p.m. to 10:00 p.m., the sound output shall be reduced to 70 dB, measured fifty (50) feet in front of the speakers. The property owner shall be responsible for obtaining a sound level meter and ensuring that music is at this decibel level or lower.
3. No amplified music, amplified speech, or event crowd noise shall occur between 10:00 p.m. and 7:00 a.m. All event activities shall be prohibited between these hours.

Timing: *Implemented on all event activities*

Reporting: *Agency approval of improvement plans/Site inspection prior to finalization of improvement permits/Agency will respond on a complaint basis*

Responsible Agency: *Planning Department and Code Compliance Division*

13. POPULATION / HOUSING

Existing Setting

The project is a request for Use Permit, Amendment to a Tentative Parcel Map and two Management Plans to allow outdoor special events to take place on a developed parcel with at primary residence, and accessory dwelling unit and accessory structures. The parcel is 15.05-acres and has an approved Tentative Parcel Map to divide the property into two parcels of approximately 10.1 and 5.0 acres. If/when the Tentative Parcel Map records, Parcel 2 would be undeveloped, which could later be developed with a primary residence and an accessory dwelling unit. The Tentative Parcel Map has already been approved and is not included in this project review.

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

Impact Discussion

13a-c The proposed project is not anticipated to result impacts to population or housing. No new housing or additional parcels are being proposed. A Tentative Parcel Map has already been approved for a two-way land division. This project proposes to Amend the Tentative Parcel Map by expanding the building envelope for a 59-space parking area and landscaping associated with special events. Since Parcel 1 (project parcel) already has a primary residence and an accessory dwelling unit, no additional residences could be built on the property by expanding the building envelope. In addition, the proposed project does not reduce housing available or displace people; therefore, no *impact* relative to displacement of existing housing or persons would result from approval of this project. The added use of up to twenty (20) special events per year would not be expected to induce substantial population growth in the area. The site has been used as a special event facility for the past three years or more. Consequently, it is likely that no new employment opportunities would be available. If the events did require additional employees, the amount expected would not be substantial. It is anticipated that this project will have *a less than significant impact* on population growth related issues.

Mitigation Measures: No mitigation is required.

14. PUBLIC SERVICES

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

- Fire:** Penn Valley Fire Protection District provides fire protection services to this site.
- Police:** The Nevada County Sheriff provides law enforcement services.
- Water:** Public water is not available in this area. Water will be supplied by individual wells.
- Sewer:** Public sewer service is not available to this site. Onsite, individual septic systems will be required to serve the project.
- Schools:** Penn Valley Unified School District and the Nevada Joint Union High School Districts provide school services to this site.
- Parks:** The project site is located in the Western Gateway recreation benefit zone.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the					

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					
1) Fire protection?			✓		I
2) Police protection?			✓		A
3) Schools?				✓	A,M
4) Parks?				✓	A,M
5) Other public services or facilities?			✓		B

Impact Discussion

14a 1-2,5 The proposed Use Permit would have a minor increase at the project site for the need of fire and police protection services. Because there would be more people at the project site during event activities, there is an increased opportunity to need emergency services, which would be a typical expectation for a similar social gathering facility. The project proposes to increase the driveway width and to install “No Parking” signs to prevent access from being blocked. A 10,000-gallon water tank for fire suppression is also proposed. Because of the part-time increase in activity at the project site and with the review of the Nevada County Fire Marshal and the Penn Valley Fire District, impacts to fire protection, police services, and other emergency response services are expected to be *less than significant*.

14a 3-4 The proposed project does not include any residential development or an increase on the use of schools or park facilities; therefore, there would be *no impact* to schools and parks.

Mitigation Measures: No mitigation is required.

15. RECREATION

Existing Setting

The project is located within the Western Gateway Recreation District with Western Gateway Park located across State Highway 20 from the project parcel. Nearby recreational resources, include both the park and the Penn Valley Bike Trail. Condon Park is within an approximately fifteen minute drive from the project site. General Plan Policy 5.5 requires 3.0 acres of parkland for each increase of 1,000 persons in countywide population.

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

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

Impact Discussion

15a-c The project does not propose an increase in population or residential units that would increase the use of parks or recreational facilities. There are no proposed trails or recreational uses alongside the project parcel. The Western Gateway Park in Penn Valley is located approximately 300 feet or more from the project site. The proposed outdoor events at this site would not disrupt or interfere with any activities at the park or prevent recreation in the area; therefore, there would be *no impacts* to recreational facilities or uses.

Mitigation Measures: No mitigation is required.

16. TRANSPORTATION / CIRCULATION:

Existing Setting

The project site is currently developed with rural residential type improvements and has been operating as a special event facility for three years or more. The project site is located on Cattle Drive, off State Highway 20. Both of these roads are publicly maintained, although portions of Cattle Drive are not utilized by the subject parcel and are not within the maintained mileage system. Cattle Drive is a local rural road that is typically a 30-foot two-lane road. State Highway 20 is a Principal Arterial roadway that provides east-west access through the Sierra Foothills. Caltrans reports that in 2016 the Annual Average Daily Traffic (AADT) on State Highway 20 in the area adjacent to the project site was 14,600 AADT. A Traffic Impact Analysis prepared by KD Anderson & Associates, Inc. (2018) for this project reported that the existing peak hour levels of service (LOS) at the intersection of State Highway 20 and Cattle Drive are LOS A and D, which are considered to be adequate under Nevada County guidelines. This intersection only had one reported traffic collision from January 1, 2015, to December 2017.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?		✓			B,17, 25
b. Result in a need for private or public road maintenance, or new roads?			✓		A,B,I
c. Result in effects on existing parking facilities, or demand for new parking?			✓		A
d. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		A,B, 25
e. Result in a substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?			✓		B, 25

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Result in an alteration of waterborne, rail, or air traffic patterns or levels?				✓	B
g. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		B, 25
h. Result in inadequate: Sight distance? Ingress/egress? General road capacity? Emergency access (4290 Standard)?			✓		B,1
i. Result in inconsistency with adopted policies supporting the provision of transit alternatives to automobile transportation on an equitable basis with roadway improvements, e.g. clustered development, commuter-oriented transit, bus turnouts, sidewalks, paths, and bicycle racks?				✓	A,B

Impact Discussion

16a,b,g The proposed project is to allow up to twenty (20) outdoor special events per year with up to 125 guests, including all attendees and vendors. The Use Permit is primarily for wedding events, but it would also allow similar types of social gatherings. The Traffic Impact Analysis that was prepared for this project reported that rural wedding venues typically have an estimated 2.44 persons per vehicle. With 125 guests, this would create fifty-two (52) vehicle trips to the project site for one event. Based on a worst-case assessment of 2.25 persons per vehicle, one event would create fifty-five (55) trips in the hour before the event and thirty-one (31) trips after the event. The geographic distribution of vehicle trips associated with social events can range drastically. Typically, approximately eighty percent (80%) of traffic for the venue would be expected from Nevada County, while twenty percent (20%) would likely come from outside of the County.

Based on Nevada County Traffic Impact Study Guidelines and General Plan Policy LU 4.1.2, a project would have a significant impact if it causes an intersection or roadway segment that is currently operating acceptably, to deteriorate to an unacceptable condition, except where the existing level of service (LOS) is already less than D (inadequate—speed and maneuverability is restricted). In this situation, the LOS shall not drop below the existing LOS. The Traffic Impact Analysis included existing weekday PM peak hour levels of service at the intersection of Cattle Drive and State Highway 20, and at two other nearby intersections along State Highway 20—at Pleasant Valley Road and Penn Valley Drive/Rough and Ready Highway. The analysis compared existing traffic at these intersections with what would be expected for the special events. During the weekday PM peak hour when traffic is expected to be at the heaviest, State Highway 20 and Pleasant Valley Road has a current LOS C, which would remain the same with special events. State Highway 20 and Penn Valley Drive/Rough and Ready Highway has an existing LOS B that would become a LOS C with the project. The intersection closes to the project parcel at Cattle Drive and State Highway 20 has a current LOS D that would decrease to a LOS E, if events occurred during the weekday PM peak hour.

Other approved land use projects in the area are not currently in operation to affect the amount of traffic, but if the other approved projects were to be constructed, traffic levels in the project area would be increased. The Traffic Impact Analysis reviewed the proposed project with potential

traffic levels from approved projects, including the Penn Valley Dollar General, Players Pizza, the Wildflower Nursery and 2 residential developments. During weekday PM peak hour, at both— State Highway 20 and Pleasant Valley Road, and State Highway 20 and Penn Valley Drive/Rough and Ready Highway intersections— traffic would operate at LOS C if the five approved projects were completed, and it would remain at LOS C with the proposed project. During peak hour, the intersection at Cattle Drive and State Highway 20 would go from a LOS E with the approved projects, to a LOS F with the addition of the proposed project.

The Traffic Impact Analysis also included a review based on vehicle miles traveled (VMT) for the proposed project. With twenty (20) events per year, based on an average event size of 100 people, the annual amount of miles of traffic originating from Nevada County and outside of Nevada County for events would be an estimated 44,100 vehicle miles of travel, which would be an annualized average daily forecast of 121 VMT. For the maximum amount of attendees (125 guests), there would be 2,813 VMT on the event day, which for twenty (20) events per year with the maximum number of guests there would be an average daily forecast of 154 VMT.

The data from the Traffic Impact Analysis showed that the proposed project could have potential significant impacts on traffic at the intersection of Cattle Drive and State Highway 20, if events had the maximum number of guests (125) and if traffic was generated between 4:00 p.m. and 6:00 p.m. on a weekday. However, this is based on a worst-case scenario when traffic is heaviest. The overall LOS at the Cattle Drive and State Highway 20 intersection is LOS A, which would be completely free flowing traffic. The Traffic Impact Analysis did not include data for AM peak hour traffic on weekdays, because events are expected to occur after the AM peak hour (7:00 a.m. to 9:00 a.m.). In order to mitigate impacts during heavy traffic periods, Mitigation Measure 16A has been added to prohibit events from beginning or ending during AM and PM peak times on the weekdays. Because the Traffic Impact Analysis identified that most trips are generated within the hour before an event starts, a one-hour buffer around the peak time has been added in the mitigation to prevent traffic from occurring during the peak hour timeframe. With Mitigation Measure 16A, impacts to traffic would *be less than significant with mitigation*.

- 16b The site is accessed off a County maintained road—Cattle Drive. As a standard Condition of Approval, the applicant would be required to pay traffic mitigation fees prior to issuance of grading or improvement permits. The fees would be for impacts from additional trips generated by the project. Additionally, the project would also require an encroachment permit. As part of this review, a before and after analysis of roadways shall be prepared to document any damage from project construction. The applicant shall be required to pay for any repairs. Because no new roads are proposed and the applicant would pay traffic mitigation fees, the impacts to roadways would *be less than significant*.
- 16c A new gravel parking area on the project site is proposed to support event parking. The parking area is for fifty-nine (59) parking spaces. An additional two ADA compliant parking spaces are proposed near the existing accessory dwelling unit and restroom facility. There is a total of sixty-one (61) parking spaces that would be available for the special events. A calculation from the Traffic Impact Analysis estimated that with a worst-case scenario (2.25 persons per vehicle), fifty-six (56) parking spaces would be required for 125 guests. The proposed project includes a parking area that is adequate for event parking; therefore, impacts on existing and new parking facilities would be *less than significant*.
- 16d,e,
g,i The project site does not contain trails for pedestrian or bicycle traffic, although there could be some pedestrian traffic along the road or bicyclists along State Highway 20. Because of the rural area of the site, a substantial amount of bicycle and pedestrian traffic is not expected. Likewise,

the project would not substantially affect transit services, if at all. The closest God Country Stage stop is approximately one mile from the site, off Penn Valley Drive. If transit services are used, it is unlikely that the project would generate enough of a demand to change transit routes and the project would not conflict with any policies supporting transit. During construction of the project, there would be a slight increase in traffic to the site for construction vehicles and equipment. The construction phase is expected to take approximately two months or less. Due to the project being for outdoor events, the construction at the site is limited. Construction would include the 59-space parking area and landscaping, an entrance into the parking area off Cattle Drive, two ADA compliant parking spaces, a restroom facility (350 square feet), a pedestrian pathway, a 10,000 gallon water tank, a curtain drain and a septic system. An encroachment permit would be required for the entrance into the parking area off Cattle Drive, which would be required to meet minimum approach standards and include a Traffic Control Plan during construction. This would include details on closure dates, signage, flaggers, and any other pertinent information that may be applicable. The project does not propose any road improvements along Cattle Drive or any design features that would create a hazard, nor does it propose any incompatible uses on the roads. Impacts to transit services and short-term and long-term traffic hazards are anticipated to be *less than significant*.

- 16f The project site is not accessed by water, rail or air traffic. The project would have *no impact* on these transportation patterns or levels.
- 16h,i During the review for the grading and encroachment permit, the plans would be reviewed to ensure that the standards are met for adequate site distance, ingress/egress, road capacity, and access. The Penn Valley Fire District has been to the site and reviewed the proposed project. The project was also reviewed by the Nevada County Office of the Fire Marshal. The existing driveway would be widened to improve access to the site and "No Parking" signs would be installed near the existing residence, to prevent access from being blocked. The anticipated impacts to sight distance, ingress/egress, road capacity, and access would be *less than significant*.

Mitigation: To reduce potential impacts to traffic, the following mitigation measure is required:

Mitigation Measure 16A. Prohibit Events During Weekday Peak Hour:

The following note shall be noted on improvement plans and implemented during all events; contracts for events shall comply with the allowed operational hours: Mitigation is required to prevent traffic from being generated by special events during the weekday AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. and 6:00 p.m.) peak hours of traffic. The mitigation includes a one-hour buffer around the peak hours to prevent traffic from being generated during the peak hour times.

1. For the AM peak hour, events shall not begin before 10:00 a.m. on weekdays.
2. For the PM peak hour, events shall not begin between 4:00 p.m. and 7:00 p.m., or end between 3:00 p.m. and 6:00 p.m. on weekdays.

Timing: *Implemented on all event activities*

Reporting: *Agency approval of improvement plans/Agency will respond on a complaint basis*

Responsible Agency: *Planning Department and Code Compliance Division*

17. **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. Both the Washoe Tribe and United Auburn Indian Community (UAIC) have contacted the County to request consultation on projects falling within their delineated ancestral lands. See Section 5 for additional information regarding tribal resources.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a) Would the project 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:		✓			K, 19
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					
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.		✓			K, 19

Impact Discussion

17a The project site falls within the area identified by the UAIC as ancestral lands. The project was distributed to the UAIC for consultation on March 15, 2018. The UAIC requested consultation for the project and a site inspection. The applicant and/or the authorized agent for the project coordinated with the UAIC to schedule a site inspection on July 3, 2018. The UAIC did not attend the site inspection. On August 7, 2018, the UAIC met with Planning Department staff and discussed the proposed project. The UAIC discussed minor disturbance for the installation of the septic system and grading for the gravel parking area. The UAIC advised that a site inspection would not be required and that they would close consultation on the project. Recommendations from the UAIC were received on April 19, 2018, and have been included in Mitigation Measure 5A. This mitigation requires that work shall halt and consultation shall be required if there is an unanticipated discovery of cultural resources. With this mitigation, tribal cultural resources are anticipated to be *less than significant with mitigation*.

Mitigation: To reduce potential construction impacts to tribal cultural resources, the following mitigation measure is required:

Mitigation: See Mitigation Measure 5A.

18. UTILITIES / SERVICE SYSTEMS

Existing Setting

The project parcel is a developed with rural residential uses in Penn Valley. The site has an existing well with a 2015 well yield report showing 18.5 gallons per minute. The well serves the primary residence and

the accessory dwelling unit. The parcel also has an existing septic system. AT&T, Pacific Gas & Electric Company, Comcast and Waste Management all provide services to the subject area. Various providers provide propane to the area.

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

Impact Discussion

18a-h The propose Use Permit for outdoor special events would have some improvements on the project parcel that would connect to existing utilities. The restroom facility would be served by the existing well and electrical service to the property. The Nevada County Department of Environmental Health has reviewed and approved the existing well to serve the restroom facility. A new septic system and leach field are proposed to support the restroom facility. Soil testing has been completed and approved by the Environmental Health Department. In addition, an Oak Resources Management Plan was submitted to minimize or avoid impacts to the landmark oak grove. All sewage would be disposed of onsite, without affecting a wastewater treatment facility. As part of the Conditions of Approval, all drinking water would be supplied by commercially packaged water that would be brought to the events. The project is also proposing a 40-inch deep curtain drain to the north of the event area. The installation of the curtain drain is not substantial and it would assist with keeping storm water runoff on the project site. Waste Management is available for solid waste disposal and the amount of solid waste generated by up to twenty (20) special events per year with up to 125 guests would not be a significant amount. It is anticipated that the project would result in *less than significant impacts* to these existing public utilities.

Mitigation Measures: No mitigation is required.

19. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?		✓			A, 2, 3
b. Does the project have environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)			✓		A
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			✓		A
d. Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?				✓	A

Impact Discussion

- 19a Compliance with existing federal, state, and local regulations and mitigation identified in this Initial Study would reduce all potential impacts of the proposed project to a less-than-significant level, including potential impacts to noise, transportation, cultural, biological, geological, and hydrological resources. The resources at or near the project site that would be protected with mitigation include waterways, wetlands, and landmark oak groves. To prevent potentially significant impacts, mitigation measures have been added to limit noise and traffic conflicts due to the special events. Therefore, the proposed project would not have the potential to substantially degrade the quality of the environment related to those resources, and this impact is *less than significant with mitigation*.
- 19b This project may contribute to effects of past and current projects in the project vicinity, and likewise, future projects in the region may contribute to impacts caused by this project. However, this project is not anticipated to contribute substantially to any one impact and it is not anticipated that the project's incremental effects would be considered cumulatively considerable when viewed in connection with the effects of past, current, and probable future projects; therefore, the proposed project is anticipated to have *less than significant* cumulatively considerable environmental effects.
- 19c The proposed Use Permit and Amendment to an Approved Tentative Parcel Map would not result in any substantial adverse effects to human beings, directly or indirectly. Each potentially significant impact can be reduced to a less than significant level with the required compliance with existing federal, state, and local regulations and mitigation identified in this Initial Study.

Therefore, it is anticipated that there would be no substantial adverse effects to human beings as a result of the project, resulting in a *less than significant* impact.

- 19d The project proposes a Use Permit to allow up to twenty (20) special events per year with up to 125 guests, including attendees, vendors and employees. An Amendment to an Approved Tentative Parcel Map is proposed to allow the 59-space parking area to be included in the building envelope on the project parcel. In addition, two Management Plans have been included for disturbance within the setbacks of the streams on the property and the landmark oak grove. Due to the mitigation measures identified in this initial study, all potentially significant impacts have been mitigated to a level of less than significant or no impact. Therefore, in maintaining this objective, there is *no impact* on the need to discuss feasible alternatives.

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.


Sade Caldas, Associate Planner

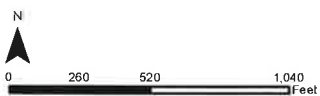
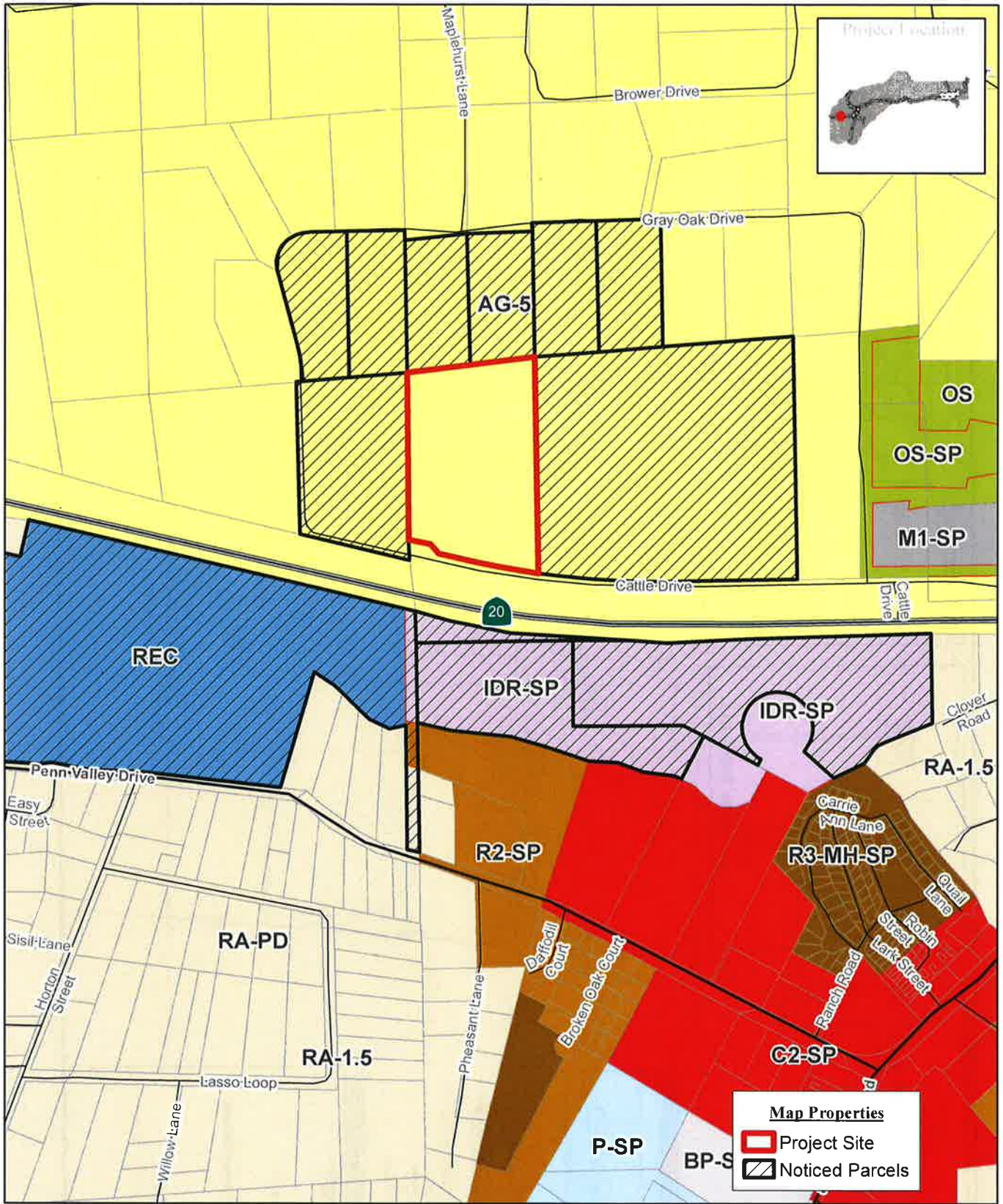
1/3/2019
Date

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. Caltrans
 - I. CALFIRE / Penn Valley Fire Protection District
 - J. Regional Water Quality Control Board (*Central Valley Region*)
 - K. North Central Information Service, Anthropology Department, California State University, Sac.
 - L. California Department of Fish & Wildlife
 - M. Nevada County Geographic Information Systems
-
- 1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 - 2. State Department of Fish and Wildlife. *Migratory Deer Ranges*, 1988.
 - 3. State Department of Fish and Wildlife. *Natural Diversity Data Base Maps*, as updated.
 - 4. CAL FIRE. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CAL FIRE on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 - 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 - 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 - 7. California Department of Conservation, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nev16.pdf>
 - 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 - 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 - 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 - 11. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
 - 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 - 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 - 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 - 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 - 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 18. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.
 - 19. Sean Michael Jensen, *Archaeological Inventory Survey*, March 10, 2016.
 - 20. Tina Costella, *Biological Inventory*, May 2016.
 - 21. California Department of Toxic Substances Control. Accessed December 20, 2018: <http://www.envirostor.dtsc.ca.gov/public/>
 - 22. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. www.epa.gov/oaqps001/greenbk/ancl.html.
 - 23. California Department of Transportation. *California Scenic Highway Mapping System*. September 7, 2011. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

24. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California -- Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
25. KD Anderson & Associates, Inc. *Traffic Impact Analysis*. October 8, 2018.
26. Michelle Layshot, *Drainage Report*, June 19, 2018.
27. Paul Bollard, *Environmental Noise and Vibration Assessment*, July 27, 2018.
28. Tina Costella, *Seasonal and Ephemeral Stream Management Plan*, May 2016.
29. Greg Matuzak, *Oak Resources Management Plan*, October 2019.
30. California Air Pollution Control Officers Association, 2016. *CalEEMod 2016* (Version 3.1) [Computer Program]. Available at <http://www.capcoa.org/caleemod/> (Ran December 20, 2018)

Caldwell Special Events Zoning, Vicinity and Public Notice Map



Map Properties

- Project Site
- Noticed Parcels

Every reasonable effort has been made to assure the accuracy of the map and data provided, nevertheless, some information may not be accurate. The County of Nevada assumes no responsibility arising from use of the information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. Before making decisions using the information provided on this map, contact the Nevada County Public Counselor with to confirm the validity of the data provided.

DATE: OCT 10, 2018	SCALE: AS SHOWN	C1.0
DRAWN BY: MJC	PROJECT NO: 18-029	
CHECKED BY: MJC	DATE: 10/10/18	
REV	DESCRIPTION	DATE

LEGEND

30' BUFFER FOR THE PROPERTY LINE

SEWERAGE SYSTEM
 12" DIA. STORM SEWER
 18" DIA. STORM SEWER
 24" DIA. STORM SEWER
 30" DIA. STORM SEWER
 36" DIA. STORM SEWER
 42" DIA. STORM SEWER
 48" DIA. STORM SEWER
 54" DIA. STORM SEWER
 60" DIA. STORM SEWER
 66" DIA. STORM SEWER
 72" DIA. STORM SEWER
 78" DIA. STORM SEWER
 84" DIA. STORM SEWER
 90" DIA. STORM SEWER
 96" DIA. STORM SEWER
 102" DIA. STORM SEWER
 108" DIA. STORM SEWER
 114" DIA. STORM SEWER
 120" DIA. STORM SEWER
 126" DIA. STORM SEWER
 132" DIA. STORM SEWER
 138" DIA. STORM SEWER
 144" DIA. STORM SEWER
 150" DIA. STORM SEWER
 156" DIA. STORM SEWER
 162" DIA. STORM SEWER
 168" DIA. STORM SEWER
 174" DIA. STORM SEWER
 180" DIA. STORM SEWER
 186" DIA. STORM SEWER
 192" DIA. STORM SEWER
 198" DIA. STORM SEWER
 204" DIA. STORM SEWER
 210" DIA. STORM SEWER
 216" DIA. STORM SEWER
 222" DIA. STORM SEWER
 228" DIA. STORM SEWER
 234" DIA. STORM SEWER
 240" DIA. STORM SEWER
 246" DIA. STORM SEWER
 252" DIA. STORM SEWER
 258" DIA. STORM SEWER
 264" DIA. STORM SEWER
 270" DIA. STORM SEWER
 276" DIA. STORM SEWER
 282" DIA. STORM SEWER
 288" DIA. STORM SEWER
 294" DIA. STORM SEWER
 300" DIA. STORM SEWER

ADA PARKING SPACE DETAIL

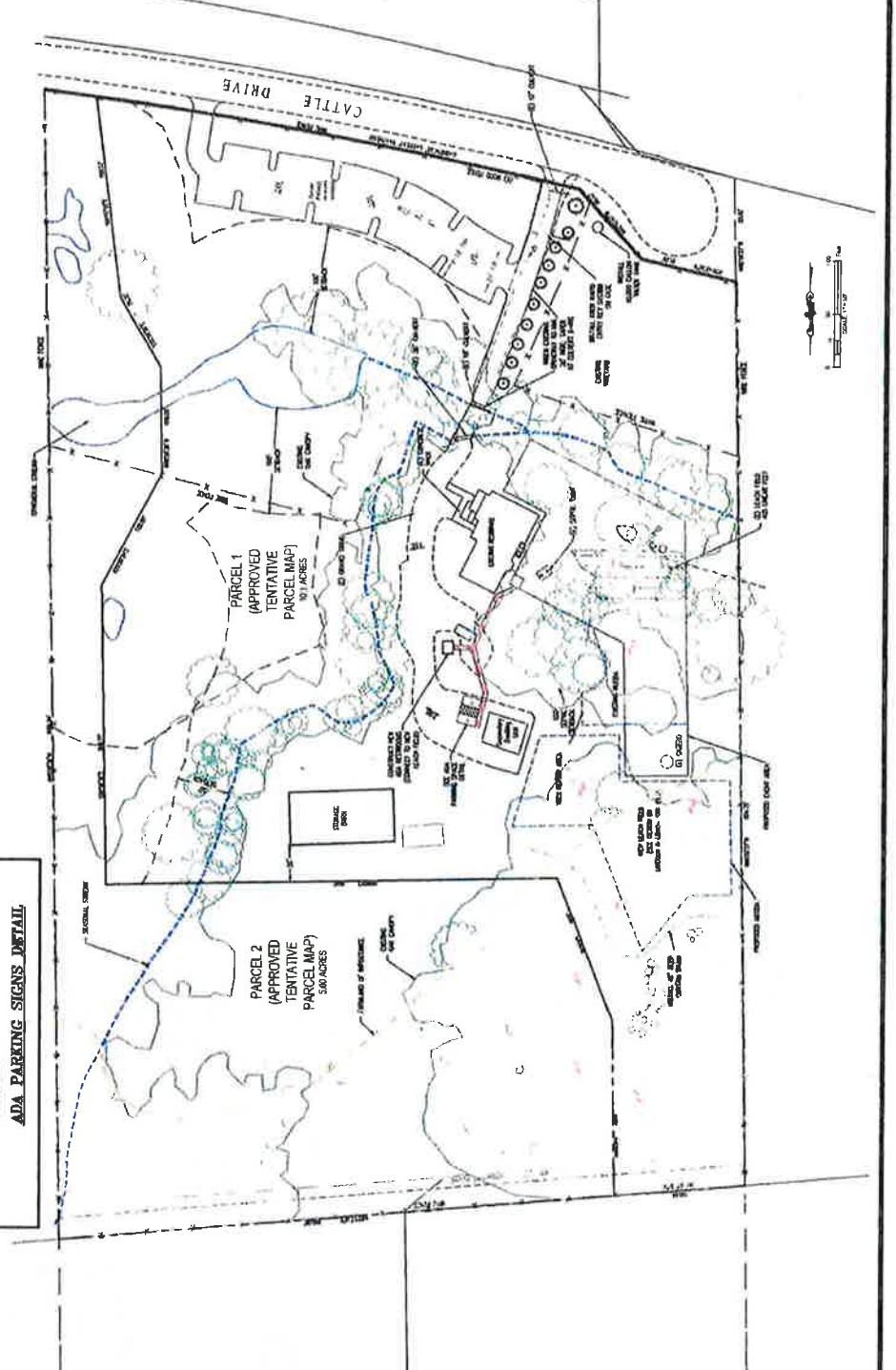
8' x 12' ADA PARKING SPACE
 5' AISLE
 18' TOTAL WIDTH
 6' x 8' VAN SPACE
 5' x 8' COMPACT CAR SPACE

ADA PARKING SIGNS DETAIL

ACCESSIBLE PATHWAY
 PARKING ONLY
 MINIMUM FINE \$250
 TURN ACCESSIBLE

VICINITY MAP

PROJECT SITE
 PENN VALLEY
 NEVADA COUNTY



NOTES

- CONSIDER MINIMUM 2' F
- THE SIGN IS TO BE PLACED VERTICAL TO THE PARCEL MAP FILED AT PAGE 25 DRAWING 10.0.0.0.
- TEMPORARY SIGNAGE IS TO BE REMOVED FROM THE SITE IMMEDIATELY UPON THE RECEIPT OF THE PERMITS AND SUPPLEMENTED WITH PERMANENT SIGNAGE. APPROXIMATE FIELD DATA COLLECTED BY SOI FOR THIS PROJECT IS TO BE USED TO DETERMINE THE LOCATION OF THE SIGNAGE.
- PERMITS TO BE OBTAINED FROM THE COUNTY OF NEVADA, COUNTY ENGINEER, 1000 N. MAIN ST., SUITE 100, YUBA CITY, CA 95994. PHONE: 530-255-6900 FAX: 530-255-7877
- PERMITS TO BE OBTAINED FROM THE COUNTY OF NEVADA, COUNTY ENGINEER, 1000 N. MAIN ST., SUITE 100, YUBA CITY, CA 95994. PHONE: 530-255-6900 FAX: 530-255-7877

PROJECT INFORMATION

OWNER/APPLICANT
 MARDALYNN CALDWELL, TRUSTEE
 17860 CATTLE DRIVE
 PENN VALLEY, CA 95950
 (916) 261-1100

DESIGNER/ENGINEER
 ILLUMINUM CONSULTING ENGINEERS
 10000 N. CENTRAL AVENUE, SUITE 100
 DENVER, CO 80231
 (303) 733-1100

APPROXIMATE PARCEL INFORMATION
 10/10/18

LOT AREA
 17.1 ACRES

SEWER LINE
 WATER: PRIVATE INDIVIDUAL WELLS
 SEWER: INDIVIDUAL SEWER BRANCH (INDIVIDUAL AREA)

PROPERTY NO. PD 4-11
 GAS: UNKNOWN
 TELEPHONE: AT&T

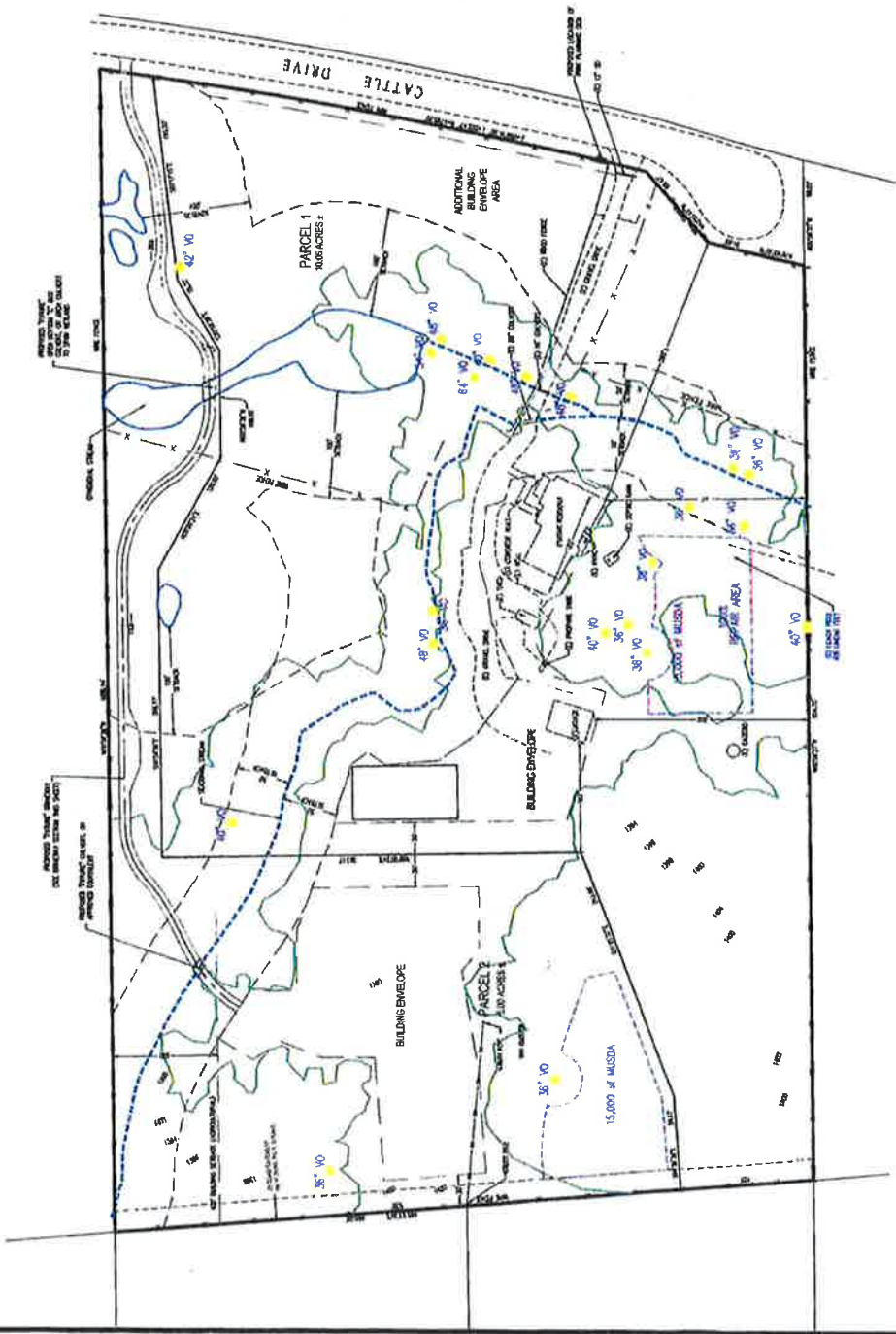
BUILDING ENVELOPE REVISION EXHIBIT

FOR MARDALYNNE CALDWELL, TRUSTEE

BEING PORTION OF THE NW 1/4 OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 7 EAST, R.10.E. S.14.
IN THE UNINCORPORATED COUNTY OF SAN JOAQUIN, CALIFORNIA

SCALE: 1" = 37'

- NOTES:**
1. CONTIGUOUS INTERVALS: 2"
 2. THE BASIS OF BEARINGS IS IDENTICAL TO THAT PARCEL MAP FILED AT PAGE 28 OF THIS PLAN.
 3. PROPERTY LINES AND BEARINGS WERE OBTAINED FROM A SURVEY INSTRUMENT PREPARED BY MILLENLUM PLANNING & ENGINEERING, INC., 14000 N. 10TH AVENUE, SUITE 100, DENVER, CO 80231. CONTACT: 303.757.4700.
 4. NO ADJUTERS REPORTS EXIST TO STATE HIGHWAY 20 FROM CATTLE DRIVE PER RECORD PAGE 28 AND RECORD PAGE 29, C.D.N.C.
 5. BEARING AND DISTANCE DATA COMPILED BY:
 - OPRELLA ENGINEERING CONSULTING, INC.
 - 14000 N. 10TH AVENUE, SUITE 100
 - DENVER, CO 80231
 - PHONE: 303.757.4700 FAX: 303.757-9171



Project Data

OWNER APPLICANTS:
MARDALYNNE CALDWELL, TRUSTEE
14000 N. 10TH AVENUE, SUITE 100
DENVER, CO 80231
CONTACT: 303.757.4700

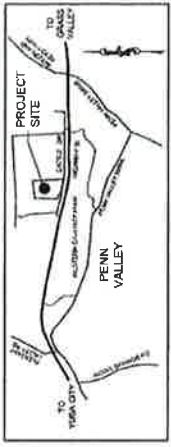
DESIGNER PREPARED BY:
MILLENLUM PLANNING & ENGINEERING
14000 N. 10TH AVENUE, SUITE 100
DENVER, CO 80231
CONTACT: 303.757.4700

DATE APPROVED:
11/09/00 CATTLE DRIVE, ROUGH AND READY, CA
SUTTER
ASSessor'S PARCEL NO.:
013-013-013-013
OVERLAIN ACREAGE:
15.14 ACRES
GENERAL PLAN DESIGNATION:
SUNSHINE DESIGNATION
SOILS DESIGNATION:
AG-2



17860 CATTLE DRIVE

PENN VALLEY, CALIFORNIA



TREE	DBH	SH	SD	VA
ASPE	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000
JANES	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000
ADDITIONAL	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000	1.000 x 1.000
TOTAL TREES	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750
TOTAL TREES	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750
TOTAL TREES	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750	7.750 x 7.750

VICINITY MAP-nls

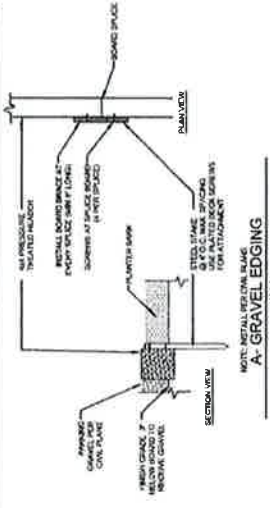


PLANTING NOTES

- PLANTING SHALL COMPLY TO LOCAL REQUIREMENTS FOR LANDSCAPE SITE DEVELOPMENT.
- PROVIDE MINIMUM SLOPE OF 3% FOR POSITIVE DRAINAGE AWAY FROM CENTER IN ALL PLANTED AREAS.
- THE PLANT QUANTITIES SHOWN ON THE DRAWINGS ARE INFORMATIONAL ONLY. THE CONTRACTOR IS RESPONSIBLE FOR FINAL QUANTITIES REQUIRED TO COMPLETE THE WORK. IN CASE OF DISCREPANCY, THE PLAN SHALL GOVERN.
- ALL TREES SHALL BE PLANTED AT MINIMUM OF 5' FROM UNDERGROUND UTILITIES.
- ALL EXISTING TREES SHALL BE PROTECTED FROM DAMAGE OR REMOVAL. NO PRUNING OR REMOVAL OF CONSTRUCTION MATERIAL IS ALLOWED WITHIN THE CANOPY OF AN EXISTING TREE.
- IMMEDIATELY AFTER AWARD OF CONTRACT, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT BY SPECIFIED DATE OF THE COMMENCEMENT OF WORK. THE LANDSCAPE ARCHITECT WILL PROVIDE AN ALTERNATE PLANT MATERIAL LIST TO THE CONTRACTOR. CONTRACTOR'S ORIGINAL BID SHALL INCLUDE A LIST OF 5' HIGH UNDERGROUND UTILITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PLANTING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PLANTING WORK.
- ALL PLANT MATERIAL SHALL COMPLY WITH ANSI Z607-3 STANDARD FOR HARDYNESS ZONE.
- ROOT BALLS SHALL BE PROVIDED FOR ALL TREES WITHIN 1' OF ANY OTHER HARDSCAPE ELEMENT.
- ALL PLANTED AREAS SHALL BE RESEED AT 1" LAYER OF SEED MIXTURE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PLANTING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PLANTING WORK.
- FOR EACH TREE, THE CONTRACTOR SHALL COLLECT AND SUBMIT TO THE LANDSCAPE ARCHITECT FOR ANALYSIS AND APPROVAL. SOIL SAMPLES SHALL BE SUBMITTED IMMEDIATELY TO ACCURATELY IDENTIFY THE SOIL TYPE.
- FOR EACH TREE, THE CONTRACTOR SHALL COLLECT AND SUBMIT TO THE LANDSCAPE ARCHITECT FOR ANALYSIS AND APPROVAL. SOIL SAMPLES SHALL BE SUBMITTED IMMEDIATELY TO ACCURATELY IDENTIFY THE SOIL TYPE.
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PLANT LEGEND

SYM	SCIENTIFIC COMMON NAME	SIZE	QTY	REMARKS
(Red Circle)	ACER RUBROM	15 GAL	8	STANDARD
(Green Circle)	JANES	24" TREE	7	STANDARD
(Purple Circle)	LAUREL	15 GAL	16	STANDARD
(Small Circle)	SMALL TREE	5 GAL	25	
(Medium Circle)	MEDIUM TREE	15 GAL	16	
(Large Circle)	LARGE TREE	30 GAL	8	



PRELIMINARY LANDSCAPE PLAN
SEPTEMBER 19, 2018

MSLA
LANDSCAPE ARCHITECTURE
3000 GARDEN STREET, SUITE 100, PENN VALLEY, CA 95750
PHONE: (530) 835-1111 WWW.MSLA.COM

**Oak Resources Management Plan for a New Septic System,
including Septic Transport Line and MUSDA Area in Penn
Valley, Nevada County, California**

(APN: 51-110-04)



Prepared for:

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1.0 INTRODUCTION

This Oak Resources Management Plan (Management Plan) is for a project located within APN 51-110-04 at 17860 Cattle Drive, Penn Valley, CA and located within the unincorporated area of Nevada County. The project site is located approximately 0.40 miles from the intersection of Highway 20 and Cattle Drive and it occurs within the Rough and Ready USGS Quadrangle, located within the NW ¼ of Section 34, Township 16 North, Range 7 East M.D.M. Adjacent land uses are low density rural residential. The subject parcel is approximately 10.05 acres and is currently developed with a single family residential home and several other structures including a detached garage, shed, well house, etc. This Management Plan assesses the potential impacts to landmark oak trees and landmark oak groves per the Nevada County Community Development Department definition of such oak resources.

The project includes the development of new ADA restroom, 2,000 gallon septic tank, 1,500 gallon pump tank, new ADA parking space, 2 inch septic transport line (connects pump tank to leach field), hydro tech valve (within leach field), 2 (1.5 inch) hydro tech valve lines (running within leach field), 6 sets of leach lines, and a 40 inch curtain drain that will wrap around the northern and eastern ends of the proposed leach field. In total, the MUSDA is proposed to be approximately 18,000 square feet (0.41 acres), which includes the proposed 100% repair area. The 100% repair area includes 8 leach lines and represents approximately half of the proposed MUSDA area. Therefore, the new proposed leach field within the operating portion of the MUSDA is approximately 0.22 acres in size. A majority of the ground disturbing activities related to the proposed project will be located within a large, open area with little tree canopy cover and therefore, will have a minimal potential impact on the landmark oak groves that exist within the planned project area, including the proposed MUSDA area.

The Overall Site Plan Map is attached in Appendix B and the Septic Design Map is attached in Appendix C. The Overall Site Plan includes a previous delineation of landmark oak groves within the subject parcel, which was mapped by Tina Costella Environmental Consulting as part of a Biological Inventory for the subject parcel dated May 2016. In addition, a previous Oak Resources Management Plan was developed by Tina Costella Environmental Consulting in November 2016 for an adjacent parcel to the subject parcel.

This Management Plan was developed in order to meet the requirements of the Nevada County Planning Department for the development of the ADA restroom, ADA parking, new septic and pump tanks, septic transport lines, and leach field within the proposed MUSDA and their potential to impact landmark oak trees and landmark oak groves during construction and operation of the proposed system. The Management Plan outlines the results of the previous surveys and oak woodland assessments within the subject parcel. Recommended measures are included in this Management Plan for avoidance and minimization of potential impacts to landmark oak trees and landmark oak groves, if they occur within the MUSDA or other areas related to the project. If

required, mitigation options have been developed to mitigate and compensate for unavoidable impacts to landmark oak trees and/or landmark oak groves.

This analysis of oak resources and Management Plan fulfills the requirements of the policies and ordinances for oak resources protection contained in the relevant Nevada County ordinances. The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3. 17C.3 for Trees identifies landmark trees as any native oak tree species (*Quercus* species) with a trunk diameter of 36" or greater at diameter breast height (dbh or 4'6") and it identifies landmark groves as hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government.

2.0 REGULATORY OVERVIEW AND DEFINITIONS

Federal Regulations

Endangered Species Act of 1973

For the proposed Project site, consultation with the USFWS would be necessary if a proposed action may affect suitable habitat for a federally listed species. This consultation would proceed under Section 7 of the Endangered Species Act (ESA) if a federal action is part of the proposed action or through Section 10 of the ESA if no such nexus were available (USFWS, 1973). Based on the results of the Biological Inventory developed by Tina Costella Environmental Consulting (dated May 2016), the subject parcel does not contain suitable habitat for any species listed under the federal ESA.

Migratory Bird Treaty Act of 1918 and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) (16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (BAGEPA) (16 USC Section 668) protect certain species of birds from direct "take" (i.e. harm or harassment as described above). The MBTA protects migrant bird species from take through setting hunting limits and seasons and protecting occupied nests and eggs (USFWS, 1918). BAGEPA prohibits the take or commerce of any part of the bald or golden eagles (USFWS, 1940). The USFWS administers both Acts and reviews actions that may affect species protected under each Act. Based on the results of the Biological Inventory developed by Tina Costella Environmental Consulting (dated May 2016) and the results of this Management Plan, the subject parcel does contain suitable nesting habitat for species protected under the MBTA, but it does not contain suitable habitat for the bald or golden eagle.

State Regulations

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over plant and wildlife species listed as threatened or endangered under section 2080 of the CDFW Code. The California Endangered Species Act (CESA) prohibits take of state-listed threatened and endangered species. The state Act differs from the federal Act in that it does not include habitat destruction in its definition of take. The CDFW defines *take* as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CDFW may authorize *take* under the CESA through Sections 2081 agreements. If the results of a biological survey indicate that a joint state-listed and federally-listed species would be affected by the project, the CDFW would issue an Agreement under Section 2081 of the CDFW Code and would establish a Memorandum of Understanding for the protection of state-listed species with the USFWS. CDFW can also request that an Individual Take Permit (ITP) be required for potential impacts to a state-listed species. CDFW maintains lists for candidate-endangered species and candidate-threatened species. Based on the results of the

Biological Inventory developed by Tina Costella Environmental Consulting (dated May 2016), the subject parcel does not contain suitable habitat for State-listed species under the CESA.

California Special Species of Concern, Fully Protected, and Special Status Species

California designates Species of Special Concern (SSC) as species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational or educational values. These species do not have the same legal protection as listed species but may be added to official lists in the future (CDFW 2014). In the 1960's California created a designation to provide additional protection to rare species. This designation remains today and is referred to as "Fully Protected" species, and those listed "may not be taken or possessed at any time."

California special status species are identified by the California Natural Diversity Database (CNDDDB) and includes those species considered to be of greatest conservation need by the CDFW (CDFG 2011). There are documented SSC species within 3 miles of the Project area (CDFW 2018); however, based on the results of the Biological Inventory developed by Tina Costella Environmental Consulting (dated May 2016) none such species were identified within the subject parcel during the surveys conducted as part of that reporting. No SSC species were documented within the project area, including the MUSDA area, as part of the surveys conducted for this Management Plan.

California Department of Fish and Game Code Sections 3503, 3503.5, and 3800: Nesting Migratory Bird and Raptors

Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance within active nesting territories be reduced or eliminated during critical phases of the nesting cycle (approximately March 1 – August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young), or the loss of habitat upon which birds are dependent, is considered "taking", and is potentially punishable by fines and/or imprisonment (LCC 2013). Such *taking* would also violate federal law protecting migratory birds (e.g. MBTA above).

California Environmental Quality Act Guidelines Section 15380

California Environmental Quality Act (CEQA) Guidelines section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria. This section was included in the guidelines to deal primarily with situations in which a public agency is reviewing a project that may have a significant effect on, for example a "candidate species" that has not yet been listed by the USFWS or CDFW. CEQA, therefore, enables an agency to protect a species from significant

project impacts until the respective government agencies have had an opportunity to list the species as protected, if warranted (CNRA 2012).

Plants appearing on the California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) are considered to meet CEQA's Section 15380 criteria. Ranks include: 1A) plants presumed extirpated in California and either rare or extinct elsewhere, 1B) plant rare, threatened, or endangered in California and elsewhere, 2A) plants presumed extirpated in California, but more common elsewhere, and 2B) plants rare, threatened, or endangered in California, but more common elsewhere. Impacts to these species would therefore be considered "significant" requiring mitigation.

State Oak Woodland Regulations

State laws that regulate protection of oak woodlands include Professional Forester's Law (PFL) and CEQA according to Public Resources Code Section 21083.4. Oak woodlands are defined as areas having 10% oak canopy cover or greater. "Oaks" are defined in Public Resources Code Section 21083.4 as a native tree species in the genus *Quercus*, that is 5 inches diameter at breast height (DBH) or greater. The Oak Woodlands Conservation Act (SB 1334) provides funding for the conservation and protection of oak woodlands in California.

Nevada County Land Use and Development Code for Oak Resources

The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3.18 for Trees. Landmark trees are any native oak tree species (*Quercus* species) with a trunk diameter of 36" or greater at diameter breast height (dbh or 4'6"). Identifies landmark groves as hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government.

Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 below. Exempted from this standard shall be trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (referred to herein as a qualified professional). In addition, exemption shall apply to those trees that must be removed to ensure fire safe access or provide adequate fuel reduction as determined by the California Department of Forestry or local fire district. Tree removal may also be allowed where necessary to provide for site access and public utilities or public right-of-way.

3. If the above standard effectively precludes development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the

impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

Management Plans shall emphasize protection of two varieties of oak: blue oak (*Quercus douglasii*) and valley oak (*Quercus lobata*). Both are of very limited distribution in Nevada County and considered to be sensitive plants worthy of special protection.

3.0 METHODS AND RESULTS

METHODS

For oak resources located within and adjacent to the proposed MUSDA area, septic and pump tanks, and septic transport lines within the subject parcel, a review of previous reporting completed for oak resources and sensitive biological resources developed for the subject parcel was reviewed, including the Overall Site Plan and Septic Design included in Appendix B and Appendix C respectively. The results of the review of previous surveys and reporting developed for the subject parcel are included within the development of this Management Plan and were field verified as part of a site visit and heritage oak tree and landmark oak grove survey within and adjacent to the project area, including the proposed MUSDA area, within the subject parcel.

Therefore, as part of this Management Plan, a site survey to confirm the presence of heritage oak trees and landmark oak groves within and adjacent to the proposed project area, including the proposed MUSDA area (a 50-foot survey buffer was included to identify such resources adjacent to the proposed project area, including MUSDA area). The proposed MUSDA area and greater project area was photo documented and a verification of landmark oak trees and landmark oak groves previously mapped within the project area by Costella Environmental Consulting in May 2016 was conducted through an initial review of Google Earth for the project area and then through the follow up survey conducted within the project site. In addition, the corridor connecting the proposed MUSDA area with the proposed bathroom and septic and pump tank location was surveyed to assess the potential impacts to landmark oak trees and landmark oak groves from the connection of the proposed new bathroom and septic and pump tanks with the proposed MUSDA area. This is proposed to be connected through a new 2-inch diameter septic transport line.

Reconnaissance-level Oak Resources Field Surveys

An oak resources biological field survey was conducted on foot of the entirety of the project area, including the proposed MUSDA area, by Greg Matuzak, a Biological Resources Consultant on the Nevada County Planning Department Biological Resources Consultant List, on October 11th, 2018 (see Appendix A for Photo Log). The purpose of the reconnaissance-level biological field survey was to identify oak resources within the proposed project disturbance areas in relationship to previously mapped oak resources within the subject parcel. In addition, the site surveys were conducted to evaluate the potential impact the proposed project, including MUSDA construction and operations, could have on oak resources within the proposed project area.

RESULTS

Environmental Setting

The study area is situated in Penn Valley and is a relatively large, flat valley within the Sierra Nevada foothills. The project area contains open annual grasslands with a few individual oaks and a landmark oak grove consisting of several species of oaks dominated by blue oak (*Quercus douglasii*) and interior live oak (*Quercus wislizenii*). Some valley oak (*Quercus lobata*) are located around the existing single family residence and adjacent structures within the subject parcel. In addition, the proposed project area would be mostly developed outside any landmark oak groves given the proposed restroom and septic and pump tanks will be constructed within an existing developed area of the subject parcel outside of any area containing oak resources. The proposed septic transport line will also be developed almost entirely within an open, non-oak resource area that is mostly disturbed except for a small patch of landmark oak grove that lies along the septic transport line near the proposed MUSDA and leach field area. Given the septic transport line is only a 2-inch diameter pipeline, minimal ground disturbance will be required to bury the proposed transport line. Though some of the septic transport line will pass under the drip line of oak trees within a designated landmark oak grove, such a small diameter pipeline with minimal required trenching to bury the line would have no impact on any oak tree within the designated landmark oak grove that it will pass through.

The majority of the proposed leach field as well as the 100% repair area within the proposed MUSDA are located almost entirely outside of designated landmark oak grove in that area of the subject parcel. The majority of the proposed leach field and developed MUSDA area will be located within open and/or previously disturbed areas adjacent to an existing gazebo and large, open grassy area where private events are put on within the subject parcel. See the attached Photo Log in Appendix A for photos documenting the proposed open areas where the proposed MUSDA will be placed and developed within the subject parcel. In addition, see the Septic Design in Appendix C which identifies the proposed leach field and 100% repair area adjacent to the existing gazebo and located mostly within the open, non-landmark oak grove areas mapped as the proposed MUSDA area.

Landmark Oak Trees and Groves

During the previous Biological Inventory for the subject parcel (May 2016), Tina Costella Environmental Consulting identified 19 Landmark Oaks (LMOs) within the subject parcel. All of the LMOs are valley oak and they are interspersed with the smaller diameter trees within some of the mapped landmark oak groves within the subject parcel. These oaks have been measured and are recorded on the Biological Resources Map, which is included as a background within the attached Overall Site Plan in Appendix B. All LMOs appear to be in relatively good health and are interspersed with smaller trees. Although none of the LMOs are slated for removal as part of the proposed MUSDA and proposed project, if any LMO would need to be

removed as part of the development of the project included in this Management Plan, then mitigation would be required to compensate for the loss of such LMOs as well as for impacts to landmark oak groves.

The proposed project will include partial development of the septic transfer line and leach field within the drip line of some trees mapped as landmark oak grove within the subject parcel. However, a majority of the proposed project will be developed within the open areas directly to the north, northeast, and northwest of the existing gazebo. The attached Photo Log in Appendix A includes several photos of the area proposed for the development of the leach field, which will mostly be contained within an open, non-landmark oak grove area. However, given that part of the proposed septic transfer line and some of the leach lines will be partially constructed within the drip line of trees mapped as landmark oak grove, recommended steps are included under Section 4 of this Management Plan. The recommended steps outlined as Best Management Plan (BMPs) during construction of the leach field and septic transport line are intended to avoid and minimize any direct impacts to oak trees and their root zones during the construction of the project. The 100% repair area will remain undisturbed and undeveloped and will only be used if in the rare chance in the future that part or all of the proposed leach field were to fail.

Nesting raptors and other migratory bird species - Protected under MBTA, Protected under CA State DFG Code Sections 3503, 3503.5, and 3800

There is a moderate potential for nesting raptors and other nesting migratory bird species protected under the MBTA to occur within the project area. The project area contains suitable nesting habitat for bird species protected under the MBTA given the presence of forested habitat within the project area. In addition, the project area contains suitable nesting habitat for raptor species given the presence of large oak trees and landmark oak groves. Active and inactive nests within and adjacent to the project area were not identified during field surveys and therefore, the potential for these species to nest within and adjacent to the project area is considered low to moderate. Follow the recommendations outlined in Tina Costella Environmental Consulting Biological Inventory (May 2016) for measures to ensure that the proposed project would not have a significant impact on any nesting raptors of MBTA protected bird species.

Critical Deer Habitat

Known migratory deer ranges outlined in the Nevada County General Plan were reviewed for deer migration corridors, critical range, and critical fawning areas in the project area. The subject parcel is not located in any known major deer corridors, known deer holding areas, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the subject parcel is located in an area of potential Resident Deer Herd (includes some areas of migratory deer winter range). The field surveys did not record any observations of deer though a small deer trail was detected while walking the subject parcel. The subject parcel does not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas.

4.0 OAK RESOURCES MANAGEMENT PLAN CONCLUSIONS

Below are the conclusions of this Management Plan based on the background research and review of a previous Biological Inventory (May 2016) and Oak Resources Management Plan (November 2016) developed for the subject and adjacent parcels respectively, updated regulatory overview, a site visit and biological resources reconnaissance-level survey of the proposed project area, including the proposed project and MUSDA areas conducted on October 11, 2018, and a comparison of the present study area baseline conditions compared with previously identified oak resources within the subject parcel included as part of the May 2016 Biological Inventory developed for the subject parcel. See attached Photo Log in Appendix A for the project area and the current baseline conditions and see Appendix B and Appendix C for the Overall Site Plan and Septic Design respectively.

Impacts to a Landmark Oak and Landmark Oak Grove

The proposed project will not impact any LMO tree given that the project area does not contain any such trees where ground disturbing activities are planned to occur within the subject parcel. Therefore, there is no further discussion of potential impacts to LMOs or mitigation for project related impacts to such oak resources as it relates to the results and conclusions of this Management Plan.

There is very little evidence that the development and operations of a modern MUSDA, including the septic transport lines and leach lines, within the drip lines of any LMOs or landmark oak groves would have a significant impact on an LMO, landmark oak grove, or individual oak tree that does not meet the definition of such protected oak resources. Modern MUSDA designs are intended to operate at an optimal level where soil types, water holding capacity of soil, and local geology and topography are taken into account when designing such systems. When developed appropriately, the operations of a modern MUSDA system is designed to avoid reaching the water holding capacity of soil types within a given MUSDA operating leach field given that reaching or exceeding the water holding capacity of soil within a MUSDA could have the potential to impact root systems of oak resources and an adverse impact on oak trees themselves. Poorly designed MUSDAs (and older systems that more commonly failed than modern systems) have the potential to waterlog the root systems of oak resources, which can cut off the air supply to roots and to microorganisms that exist in healthy soil. Modern MUSDA leach fields are designed to ensure that reaching and exceeding the water holding capacity of soils does not occur, which can lead to significant impacts on oak resources.

Waterlogging of root systems, which can occur when the water holding capacity of soils is achieved or exceeded, leaves little to no air supply to roots which is vital to the health of oak trees. In addition, waterlogging of soils can create erosion and sedimentation impacts on oak resources and other sensitive biological resources, and leach field failure. Leach field failure can cause the 100% repair area of a MUSDA

to be developed, potentially creating more ground disturbing activities and impacts to oak resources and other sensitive biological resources at a future date.

However, modern operating MUSDA leach field designs can have a benefit to oak resources given that the roots of such oak resources can tap into higher water availability within the soils that would not have naturally occurred and can benefit such trees during times of drought and climate change when water availability is less than normal. Inherently, oak resources are not negatively impacted by soils that are below their water holding capacity given that individual oak trees can tap the existing soil moisture levels (impacted by the level of water being held by soils) when needed and since the soils are not at or exceeding their water holding capacity limit, waterlogging and other negative impacts to oak trees and their root systems would not occur. A modern MUSDA system engineered appropriately would not have a negative or adverse impact on oak resources.

Tina Costella Environmental Consulting noted in the Biological Inventory (May 2016) previously developed for the subject parcel that "it should be noted that the property owner has cared well for the oaks on site, including those in the existing MUSDA area for Parcel 1." Parcel 1 discussed within the previous Biological Inventory (May 2016) is synonymous with the subject parcel included in this Management Plan. The existing single family residence within the subject parcel has had an existing MUSDA and operating leach field located within a landmark oak grove (see Appendix B for Overall Site Plan) for several decades and the vigor and health of the oak trees within the designated landmark oak grove where the existing MUSDA and operating leach field are located are very robust and healthy. Therefore, within the subject parcel the existing MUSDA and operating leach field has not had an adverse impact on oak resources. Therefore, the potential impacts to oak resources within the proposed new MUSDA and operating leach field assessed in this Management Plan are considered less than significant to oak resources within and adjacent to the proposed ground disturbing and operational activities associated with the project.

Per recommendations within the previous Oak Resources Management Plan (November 2016) developed for the adjacent parcel to the subject parcel, the following Best Management Practices (BMPs) for oak resources should be implemented during the development of the proposed project, including the installation of the proposed 2-inch septic transport lines, hydro tech valve, leach lines, and curtain drain:

- **Plans and specifications** should clearly state protection procedures for oak resources within the project area. The specifications should also require contractors to stay within designated work areas.
- **Protective Fencing** not less than four feet in height shall be placed at the limits of proposed disturbance where an LMO is located or at the edge of the drip line of any trees within a landmark oak grove. The protective fencing shall be inspected by the contractor prior to commencement of any grading activity

within the project disturbance areas and shall remain in place until construction is completed within each area of ground disturbing activities.

- **Damage to Oak Trees** during construction shall be immediately reported to a qualified biologist on the Nevada County Planning Department's Biological Resources Consultants List or a certified arborist to assess the potential level of impacts to oak resources and determine whether the damage will have a significant impact on any LMO or landmark oak grove. If it is determined by the qualified biologist or certified arborist that the damage to any LMO, landmark oak grove, or any other sensitive biological resource is significant for that tree or resource work should be halted and the Nevada County Planning Department should be contacted to discuss appropriate mitigation measures for such damages.
- **Equipment Damage** to limbs, trunks, and roots of all remaining trees shall be avoided during project construction and development.
- **Grading Restrictions** Care must be taken to limit grade changes near the drip line of an oak tree. Grade changes can lead to plant stress from oxygen deprivation or oak root fungus at the root collar of oaks. Minor grade changes further from the trunk are not as critical but can negatively affect the health of the tree if not carefully monitored by a qualified biologist or certified arborist.
- **The Root Protective Zones (Drip Lines)** Grade shall not be lowered or raised around the trunks (i.e., within the drip line) of any oak tree. A qualified biologist or certified arborist should supervise all excavation or grading proposed within the protective zone (drip line) of a protected oak resource and/or the clearance of vegetation within the protective zone (drip line) of a protected oak resource. Such work within the drip line of any protected oak resource shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the greatest extent possible and treated as recommended by the qualified biologist or certified arborist.

RECOMMENDED MITIGATION MEASURES FOR OAK RESOURCES

Prior to the proposed development within the project area, including the proposed MUSDA, a certified arborist or qualified biologist shall review the plans to determine if impacts to an LMO or landmark oak grove will be significant. After construction is completed, an inspection will be performed by an arborist/qualified biologist of the preserved trees, including trees subject to encroachment within the drip line, for construction-related damage or other associated impacts, and appropriate remedial steps, if any are required, will be recommended. Given that there are no LMOs within the proposed project area that would be impacted by the proposed project, monitoring or mitigation measures associated with impacts to LMOs are not

included as part of the recommended mitigation measures for oak resources as part of this Management Plan. However, if any potential impact were to occur to an LMO from the development and/or operation of the project, the mitigation options outlined below would be sufficient to mitigate for such impacts to LMOs.

Direct impacts to oak resources will be minimized during construction through the implementation of the BMPs listed above. No oak resources will be removed from the site except some small non-protected oak trees that are 10 inch dbh or less may be removed prior to ground disturbance and only those oak trees not within the designated landmark oak grove or wholly within the understory within the designated landmark oak grove within the project area would be removed (such that no impact to canopy closure would occur). Therefore, there is no compensatory mitigation included in this Management Plan for direct impacts from the project on LMOs or landmark oak groves.

In addition, given that there is no evidence that indirect impacts to landmark oak groves would occur (or significantly impact such oak resources) from the operations of the leach field within a modern MUSDA system, no compensatory mitigation for indirect impacts to oak resources is recommended as part of this Management Plan. However, a 5-year Monitoring Plan is recommended for monitoring the landmark oak groves within and directly adjacent to the operational leach field by a certified arborist or a qualified biologist (on the Nevada County Planning Department's Biological Resources Consultants List). If prior to 5 years after the operations of the leach field within the MUSDA commence, deterioration in the health of or death of any oak trees that would reduce the canopy closure of the designated landmark oak grove within or directly adjacent to the leach field would require compensatory mitigation (see mitigation recommendations below). If 5 years after the operations of the leach field within the MUSDA commence no deterioration is documented in the health of any oak resources within or adjacent to the operational leach field no further monitoring would be required and no additional mitigation would be required for the project.

Monitoring Potential Indirect Impacts on Landmark Oak Groves

Annual monitoring of the project area, including all features of the project constructed within or directly adjacent to the designated landmark oak groves within the project area should be implemented to identify any indirect impacts (deterioration of health or death of individual trees) within the mapped landmark oak groves due to the operations of the leach field and MUSDA or for any area impacted by the development of the proposed project. A qualified biologist or certified arborist should walk the entirety of the project area once annually (beginning approximately 12 months after the commencement of leach field and MUSDA operations) and assess each tree where the drip line is within or directly adjacent to the project features constructed within or directly adjacent to the designated landmark oak grove. Annual monitoring should include photo documentation of trees within and directly adjacent to landmark oak groves. A short annual technical memorandum should be developed

that includes the date(s) of monitoring, the name of the monitor, the condition of trees included in the monitoring event, and a list of any trees that appear to be affected by the construction of or operations of the project features, including the leach field and MUSDA.

If any tree(s) appear to be deteriorating in health within or directly adjacent to any of the project features (septic transport lines, leach lines, hydro tech valve, curtain drain, etc.) the qualified biologist or certified arborist should make recommendations for minimizing further impacts to those trees. In the event that any oak tree(s) within the designated landmark oak groves documented to be dying and need to be removed, further mitigation would be required if the removal of that tree(s) would reduce the canopy closure % within or directly adjacent to the project area. Mitigation to offset the impacts from the removal of trees that reduce the canopy closure % within the mapped landmark oak groves could include one or a combination of the following as recommended by the qualified biologist or certified arborist conducting the annual monitoring at that time:

- **Conservation Easement:** within the subject parcel to permanently protect landmark oak groves from future development or use impacts. The amount of landmark oak groves to be included in such a conservation easement would be made by the qualified biologist or certified arborist conducting the monitoring and would be a minimum of a 1:1 ratio of impact area to conservation easement area with the final approval of the mitigation being approved by the Nevada County Planning Department. An offsite conservation easement at the same minimum 1:1 ratio would also be a viable option for using this type of mitigation for impacts to landmark oak groves.

In addition, this mitigation option would protect existing native oak trees on or off the project site from future development through a conservation easement or fee title dedication to a land conservation group approved by Nevada County. If the conservation easement or land dedication does not reduce the landmark oak grove impact to a level of less than significant then additional mitigation would be required and would include one of the additional options listed below. Landmark oak grove offered as mitigation must be configured in such a manner as to best preserve the integrity of the oak woodland ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing landmark oak groves, and if feasible, under conservation easements, public lands, or open space lands.

- **Bear Yuba Land Trust (BYLT) In-lieu Fee:** payment of an in-lieu fee to a BYLT mitigation fund that shall specify that the fee paid will be used to purchase mitigation landmark oak grove(s) within Nevada County. An administration fee equal to five percent of the mitigation fee may also be required to cover the Nevada County and/or BYLT costs associated with this option. For land division projects, the in-lieu fee may be prorated among the parcels created and collected at the time of issuance of the first building permit on each

parcel. This mitigation alternative is subject to approval by BYLT and Nevada County.

- **Planting Replacement:** at a 2:1 ratio the number of inches of oak trees removed (at dbh). This is the recommendation for planting ratios outlined in the Oak Resources Management Plan (November 2016) developed by Costella Environmental Consulting for the adjacent parcel to the subject parcel. The oak plantings would need to be maintained and monitored to ensure that the number of inches of oak trees removed survive after 5 years from the time that plantings are completed. The final approval of this mitigation type being approved would be with Nevada County.

For Planting Replacement Trees: the planting of oaks on-site shall fulfill the mitigation requirement for the project. All planted replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with one another and they do not compete with established vegetation. This option will require a Tree Planting and Maintenance Plan showing species, size, spacing and location of plantings and the location and species of established vegetation. The Tree Planting and Maintenance Plan would be subject to approval by the qualified biologist or certified arborist as well as Nevada County.

An offsite location can also be used for this mitigation option as long as the location is within the same general vicinity as the proposed project assessed as part of this Management Plan. For this proposed project, the offsite location would be required to be located within Penn Valley and a Tree Planting and Maintenance Plan showing species, size, spacing and location of plantings and the location and species of established vegetation would still be required. The offsite mitigation location and the Tree Planting and Maintenance Plan would be subject to approval by the qualified biologist or certified arborist as well as Nevada County.

- **Other Mitigation:** can be developed between a qualified biologist or certified arborist, the project proponent, and Nevada County with the final approval of the mitigation being approved by Nevada County. However, at a minimum, any other mitigation recommended as part of this Management Plan would be required to fully mitigate for the loss of the number of trees (their dbh at a 2:1 ratio) or landmark oak grove canopy closure % lost due to permanent construction and/or operational impacts from the proposed project.

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Appendix A

Photo Log

Photos of October 11, 2018 Field Survey of Caldwell Parcel MUSDA and Septic Line Areas



Photo 1: Proposed project location where new restroom will be constructed directly to the left of the existing well house, which is located to the left of the residence within the parcel to the right.



Photo 2: Project area where new restroom will be constructed to the left of the existing well house. New sewer and pump tanks will be constructed to the left of the new restroom (see Site Plan).



Photo 3: Septic line corridor from the new septic tanks will be laid towards the opening in the trees.



Photo 4: Open area where septic line will enter into the proposed open leach field area.



Photo 5: Open area behind gazebo is where the leach lines will be located.



Photo 6: Open area where the new leach field will be constructed just to the north of the gazebo.



Photo 7: Open area to the east and northeast of the gazebo will be the repair area within the MUSDA.



Photo 8: Open area of the proposed new leach field located north of the existing gazebo.



Photo 9: North end of the proposed leach field. Proposed Hydro Tech valve and curtain drain will be located within this area. The area is open with a few small oak trees to the right.



Photo 10: Existing leach field in existing MUSDA within the southwest corner behind existing house. Oak trees and oak woodlands are healthy and thriving within the existing leach field in this area.



Photo 11: Existing leach field in existing MUSDA within the southwest corner behind existing house. Oak trees and oak woodlands are healthy and thriving within the existing leach field in this area.



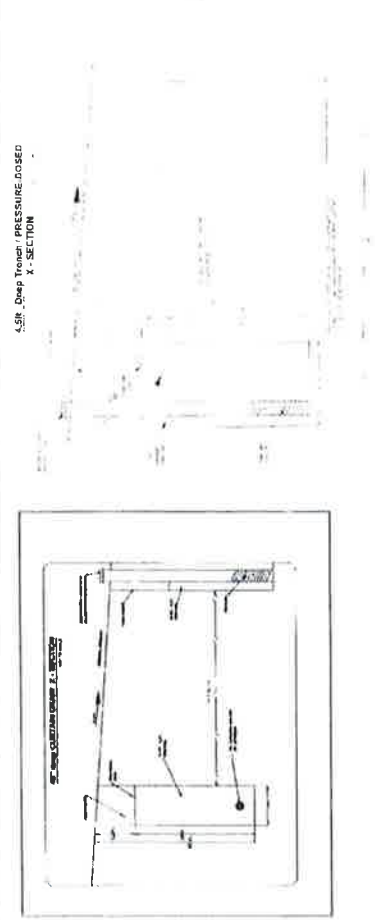
Photo 12: Existing leach field in existing MUSDA within the southwest corner behind existing house. Oak trees and oak woodlands are healthy and thriving within the existing leach field in this area.

Appendix B

Overall Site Plan

Appendix C

Septic Design



FOR SEPTIC ONLY

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SEPTIC DESIGN
 17860 CATTLE DRIVE, PRINN VALLEY, CA

1. This plan is subject to the rules and regulations of the State of California, and the local health department. It is intended to be used in conjunction with the local health department's rules and regulations. It is not to be used as a basis for any other design or construction. It is not to be used as a basis for any other design or construction. It is not to be used as a basis for any other design or construction.

2. The design is based on the information provided by the client. It is not to be used as a basis for any other design or construction. It is not to be used as a basis for any other design or construction. It is not to be used as a basis for any other design or construction.

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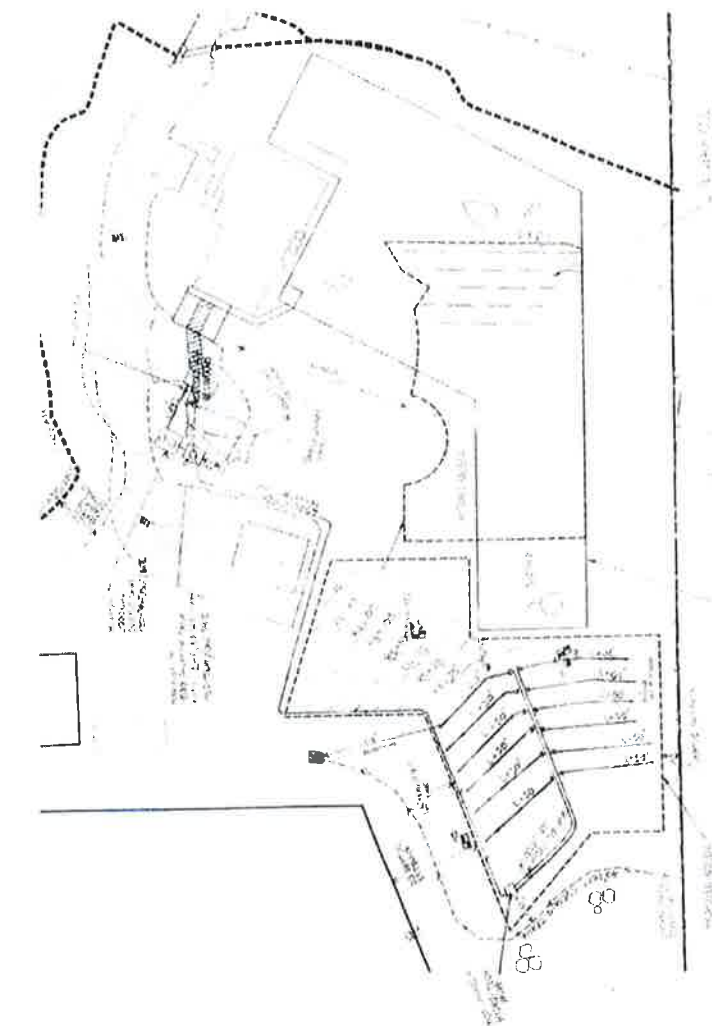
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**MANAGEMENT PLAN
FOR IMPACTS TO THE NON-DISTURBANCE BUFFER ZONES
SEASONAL AND A EPHEMERAL STREAMS**

**CALDWELL PROPERTY
MAY 2016**



PREPARED FOR:
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INTRODUCTION

This Management Plan contains recommendations for avoiding and/or minimizing impacts to the non-disturbance buffer of a seasonal (ephemeral) stream with wetland vegetation, 3-small wetlands, and to a seasonal (intermittent) stream without wetland/riparian vegetation located on the Caldwell Property, APN 51-110-04. The subject property is located at 17860 Cattle Drive, Penn Valley, CA within the unincorporated area of Nevada County. A 12-foot wide driveway for access to parcel 2 from Cattle Drive is anticipated in the future. The proposed alignment will be along the eastern property boundary within the flagpole portion and has been determined by the owner's project engineer to be the most practical access to Parcel 2. This future driveway will be located within the non-disturbance buffer of these seasonal watercourses and associated wetlands. Photographs are included of these aquatic features as Appendices A and B.

This analysis of resources and impacts is based on the Tentative Parcel Map prepared by SCO Planning & Engineering, Inc. dated February 2016. This report fulfills the requirements of the policies and ordinances for biological resource protection contained in the relevant Nevada County ordinances. The Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3. 17C.3 [Ordinance No. 2033] requires a Management Plan be prepared for projects in non-disturbance buffers, within 50 feet from the high water mark of intermittent watercourses; 17C.4 requires inclusion of areas that are within 100 feet of wetlands and riparian areas. (Nevada County 2000. Land Use and Development Code, Chapter II: Zoning Regulations. Effective July 27, 2000).

As planned, all construction activities will be outside of the active stream bed of both aquatic features. Both are considered potential "Waters of the United States," which earmarks them as jurisdictional waters with the United States Army Corps of Engineers (ACOE). No ACOE or California Department of Fish and Wildlife (CDFW) permitting will be required since the stream, the ordinary high water mark, and wetland vegetation will NOT be impacted by the construction activities.

PROPOSED PROJECT DESIGN

Temporary impacts include construction of two-open ended culverts that will "straddle" the wetlands/stream and the seasonal stream for the construction of a ±12 foot wide driveway to access Parcel 2. The driveway will bisect these aquatic features for a total of less than 0.01 acres. Appropriate spans that could occur to support a

driveway might include an open bottom "C" concrete box culvert, or an arched Corrugate Metal Pipe (cmp) culvert "open bottom." For the 15 foot' span, the proponent could also construct a short concrete abutment and include a short bridge section as necessary to span the swale.

Future construction of an access driveway shall be completed during the dry season between May 1 – October 15. These activities will be only temporary and completed in a timely manner. The plan will ensure that appropriate environmental protection and impact minimization techniques are implemented before, during, and after the driveway construction activities.

The foremost construction activities will include the following components, as described by Martin Wood, Professional Land Surveyor:

- Access to the site will be via Cattle Road – The existing driveway will remain to serve the house. The proposed driveway will be along the easterly fence within the pole portion of the proposed flagpole lot. The driveway will be constructed at grade, or in slight fill, in such a manner as to not impact the adjacent isolates or nearby tree where a portion of the driveway will go underneath a portion of the tree canopy.
- The driveway is not required to be constructed as part of the proposed parcel map, but will occur at a later date upon issuance of a building permit, as there will be legal frontage now at Cattle Drive. At that time, a driveway will be designed and constructed to include silt fencing and/or fiber rolls to keep sediment from exiting the grading area. Grading of the driveway will be minimal as the existing topography is mild, and cuts/fills will be predominately 12" or less, except at the crossings where 24" fill may be necessary. Exposed graded soil areas will be seeded, or hydroseeded, and established with permanent erosion control measures prior to removal of temporary BMP measures.
- It is anticipated the driveway can be constructed in a week or less time as the grading required will be minimal, followed by placement of base rock and optionally, asphalt or concrete, based upon the choice of the future lot owner. The driveway construction will require use of a backhoe, then placement of gravel, and finally, the area rolled for compaction.
- A future driveway will be required, based upon its length, to provide one turnout at the approximate mid-point of the flag-pole to allow for vehicles/emergency vehicle to pass each other. This can occur in an area not immediately adjacent to any of the more sensitive habitat. Staging areas for future construction when

the lot is developed can occur onsite in the open area of the lot once the driveway and crossing are graded and established. This will allow for adequate room for construction and staging, as with construction of a single family residence.

POTENTIAL JURISDICTIONAL WATERS OF THE U.S.

The onsite streams are considered to be potential Waters of the U.S. by virtue of having connectivity (nexus) to navigable waters, as described hereafter. Seasonal water flows exiting the site from the southwest are conveyed via a channel/stream for approximately .49 miles where it enters Squirrel Creek. Squirrel Creek converges with Deer Creek and eventually flows into the Yuba River and then the Yuba flows into the Feather River. At this juncture the Feather River is a navigable water of the United States. The onsite seasonal stream is thus connected to the Waters of the United States and is subject to the jurisdiction of the United States Army Corps of Engineers.

Although this action as currently proposed does not require state or federal permitting, if at some future date the streams/wetlands are impacted, then the regulatory aspects and permit requirements could be required.

Seasonal Stream

According to the topographic map on the Nevada County "My Neighborhood" maps, this parcel has a channelized seasonal stream, marked as a dashed blue line, that enters from northeast of the property and meanders through the mid-section, exiting on the southwest side of the property. However, the USGS map for the Rough and Ready quadrangle dated 1995 does not show a seasonal stream feature on this parcel site. During the March 2016 surveys, the bed of this channel had no more than 2 inches of running water and there was no wetland/riparian plant life associated with the embankment.

Seasonal streams have flowing water periods during the wet season (winter-spring) but are normally dry during the hot summer months. This category of streams does not have continuous flowing water year-round, and these are not "relatively permanent waters." There was no wetland/riparian vegetation found along this stream in the March surveys, so it is assumed that water is only present during storm events. This may be due to seasonal nature of the stream, as typically wetland vegetation requires longer periods of moisture than what a seasonal stream provides.

Ephemeral Stream with Associated Wetlands

The wetlands on site is a seasonally wet grassland associated with the ephemeral stream that has a less defined embankment than seasonal streams; sometimes this aquatic feature is referred to as a swale. This feature can be observed entering the property from the east, and again, meanders through the east quadrant for approximately 250 feet, becoming channelized as it enters the oaks and merging with the seasonal stream at the driveway crossing.

The stream is known as "ephemeral" because it has flowing water only during, and for a short duration after, precipitation events in a typical year. The stream bed is located above the water table year-round and ground water is not a source of water for the stream. (Federal Wetland/Waters Regulatory Policy, Wetland Training Institute, 2006 edition). There are 3 other small isolated wetlands adjacent to the east side of the property. During the March surveys no water was present within these features.

ENCROACHMENT IN THE NON-DISTURBANCE BUFFER

Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3. 17C.3 [Ordinance No. 2033] requires a Management Plan be prepared for projects in non-disturbance buffers, including areas that are:

- Within 100' of wetlands and riparian areas, and from the high water mark of perennial streams and watercourses;
- Within 50' from the high water mark of seasonal watercourses;
- Within 100' of the canal water surface on the uphill side of a canal; within 20' of the water surface on the downhill side of a canal.

IMPACTS

All these construction activities will require minimal soil disturbance that could result in accidental impacts to water quality during construction as well as indirect impacts from polluted storm water runoff. These actions of construction and grading could result in temporary and localized increases in turbidity from the accidental discharge of loose, newly graded soils within the seasonal stream during the next rain event, as well as the accidental introduction of wash water, solvents, oil, chemical wastes, cement, or other pollutants. Erosion of disturbed soils and pollution of storm water runoff could also impair water quality and affect aquatic resources after construction is complete, both on-site and in the water course west from the construction.

Establishing the non-disturbance buffer zones as Environmentally Sensitive Areas (ESAs) during construction and thereafter, implementing Best Management Practices (BMPs), limiting construction within and immediately adjacent to the streams/wetlands to the dry season, and other mitigation measures discussed below would minimize these direct and indirect impacts to water quality issues. These measures are intended to supplement and not replace mitigation measures for protecting the streams/wetlands, the non-disturbance buffer zones, and water quality designed by SCO Engineering.

MANAGEMENT PLAN FOR ENCROACHMENT WITHIN THE BUFFER

The Management Plan for encroachment within the non-disturbance buffer, as detailed below, includes measures for minimizing impacts during and after construction and also measures for minimizing direct and indirect impacts to water quality during and following construction. This will be accomplished as follows:

- Limiting construction near the seasonal stream to the dry season;
- Establishing the areas surrounding the streams, including the embankments and all wetlands, as Environmentally Sensitive Area (ESAs) during construction;
- Land disturbances will be confined to the minimum practical working area to minimize the risk of erosion;
- Machine activity will be kept away from the waterway, working from the top of the bank.
- Vehicles will be restricted to areas outside of the non-disturbance buffer zones.
- Implement Best Management Practices during and following construction; and
- Provide copies of permit conditions and mitigation measures to contractors.

Limit Grading and Construction to the Dry Season

To avoid impacts to the water quality within the streams and wetlands and to downhill aquatic resources from contaminated storm water runoff, construction within and immediately adjacent to the stream shall occur only during the dry season, typically May 1 to October 15.

Establish the Streams/Wetlands and the Non-Disturbance Buffer Zones as Environmentally Sensitive Areas (ESAS) during Construction and after Construction

Prior to construction and/or grading, establish the seasonal streams, wetlands, and the non-disturbance buffers as Environmentally Sensitive Areas (ESAs) during construction. Work shall not begin until the ESAs are delineated on the ground with

cyclone fencing interfaced with silt fencing or other sediment catching materials, plus orange construction fencing along the uphill ESA where equipment will be operated. These measures are intended to prevent disturbance of these areas, and they will be routinely managed to prevent disturbances. The boundaries of the ESAs shall be clearly shown on all final plans and specifications.

Maintenance of the Erosion Control Structures

Erosion and sediment controls will be maintained and inspected regularly for effectiveness, including removal of spoils if build up and reinforcing or re-establishing failed structures. These sediment barrier structures will be decommissioned at the completion of the construction.

Rehabilitation of the Construction Site

When work has been completed on the spans and driveway, the rehabilitation of disturbed areas will be completed. These activities will include reinstatement of soil, surface leveling, re-vegetation and mulching. However, during construction, any erosion will be remediated immediately.

Implement Best Management Practices during Construction

To protect the seasonal streams, wetlands, and the non-disturbance buffers, water quality and downstream wetland resources, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

- Minimize the number and size of the work areas (e.g. equipment staging areas and spoil storage sites) in the vicinity of the seasonal stream. Place staging areas and other work areas at least 50 feet from the seasonal streams and wetlands. Field reconnaissance should be conducted during the planning stage to identify work areas and clearly mark those areas on all final grading and construction drawings.
- Prior to the start of work, including any grading, install erosion control structures, or other sediment barriers to keep erodible soils and other pollutant from entering the stream. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulated behind the barriers shall be removed and transported away for disposal.
- The contractor shall exercise every reasonable precaution to protect the streams, wetlands, and adjacent non-disturbance buffer zones from pollution

with fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

- No equipment or vehicle maintenance or refueling shall occur within 50 feet of the streams and wetlands. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instruction on the label.

Provide Copies of Permit Conditions and Mitigation Measures To Contractors

To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and permit requirements to the contractors prior to grading and construction near the seasonal stream and adjacent non-disturbance buffer. All contractors shall be completely familiar with the mitigation measures contained above and with the terms and conditions of all permits.

APPENDIX A. SEASONAL STREAM



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CALDWELL PROPERTY

Photos taken by T. Costella
March 2016

APPENDIX B. EPHEMERAL STREAM



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CALDWELL PROPERTY

Photos taken by T.Costella
March 2016

Environmental Noise & Vibration Assessment

Mardalynne Caldwell Wedding Events

Nevada County, California

BAC Job # 2018-086

Prepared For:

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CEQA Checklist

NOISE AND VIBRATION – Would the Project Result in:	NA – Not Applicable	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above level existing without the project?			X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project to excessive noise levels?					X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?					X

Introduction

The proposed Mardalynne Caldwell Wedding Events (project) is located at 17860 Cattle Drive in Nevada County, CA. The project proposes to host outdoor wedding events on the 15-acre parcel that will contain areas for wedding ceremonies, receptions, and event-related parking. Existing land uses in the project vicinity include planned development and recreational uses to the south, and agricultural uses with and without residences in all other directions. The overall project area site plan are shown on Figures 1 and 2, respectively.

Due to the proximity of the proposed project to nearby noise-sensitive uses (rural residences), Bollard Acoustical Consultants, Inc. (BAC) has prepared this noise and vibration assessment. Specifically, the purposes of this analysis are to predict wedding event-related noise levels at the nearest residences, to compare those event-related noise levels against the applicable Nevada County and CEQA noise criteria and baseline noise levels in the area, and to recommend noise mitigation measures for any identified potentially significant noise impacts resulting from the project. Although no vibration impacts are anticipated for this project, this report also includes an assessment of project-generated vibration levels per CEQA criterion.

Noise & Vibration Fundamentals

Noise

Noise is simply described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. Discussing sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel (dB) scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are compared to the reference pressure and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB.

To better relate overall sound levels and loudness to human perception, frequency-dependent weighting networks were developed. There is a strong correlation between the way humans perceive sound and A-weighted sound levels. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment for community exposures. All sound levels expressed as dB in this section are A-weighted sound levels, unless noted otherwise. Definitions of acoustical terminology are provided in Appendix A.

Community noise is commonly described in terms of the "ambient" noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}), over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptors, day-night average level (L_{dn}) and the community noise equivalent level (CNEL), and shows very good correlation with community response to noise for the average person. The median noise level descriptor, denoted L_{50} , represents the noise level which is exceeded 50% of

the hour. In other words, half of the hour ambient conditions are higher than the L₅₀ and the other half are lower than the L₅₀.

The L_{dn} is based upon the average noise level over a 24-hour day, with a +10 dB weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment. Where short-term noise sources are an issue, noise impacts may be assessed in terms of maximum noise levels, hourly averages, or other statistical descriptors.

The perceived loudness of sounds and corresponding reactions to noise are dependent upon many factors, including sound pressure level, duration of intrusive sound, frequency of occurrence, time of occurrence, and frequency content. As mentioned above; however, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. Appendix B shows common noise levels associated with various sources.

It is generally recognized that an increase of at least 3 dB of similar sources is usually required before most people will perceive a change in noise levels in the community, and an increase of 5 dB is required before the change will be clearly noticeable. A common practice is to assume that a minimally perceptible increase of 3 dB represents a significant increase in ambient noise levels. This approach is very conservative, however, when applied to noise conditions substantially below levels deemed acceptable in general plan noise elements or in noise ordinances.

Vibration

Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that noise is generally considered to be pressure waves transmitted through air, while vibration is usually associated with transmission through the ground or structures. As with noise, vibration consists of an amplitude and frequency. A person's response to vibration will depend on their individual sensitivity as well as the amplitude and frequency of the source.

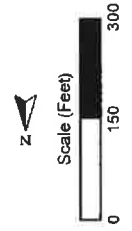
Vibration can be described in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of velocity in inches per second or root-mean-square (RMS) in VdB. Standards pertaining to perception as well as damage to structures have been developed for vibration in terms of peak particle velocity as well as RMS velocities.

As vibrations travel outward from the source, they excite the particles of rock and soil through which they pass and cause them to oscillate. Differences in subsurface geologic conditions and distance from the source of vibration will result in different vibration levels characterized by different frequencies and intensities. In all cases, vibration amplitudes will decrease with increasing distance.



Legend

- Parcel Boundaries (Approximate)
- A Continuous Noise Level Measurement Location
- # Noise-Sensitive Receiver (Residence)

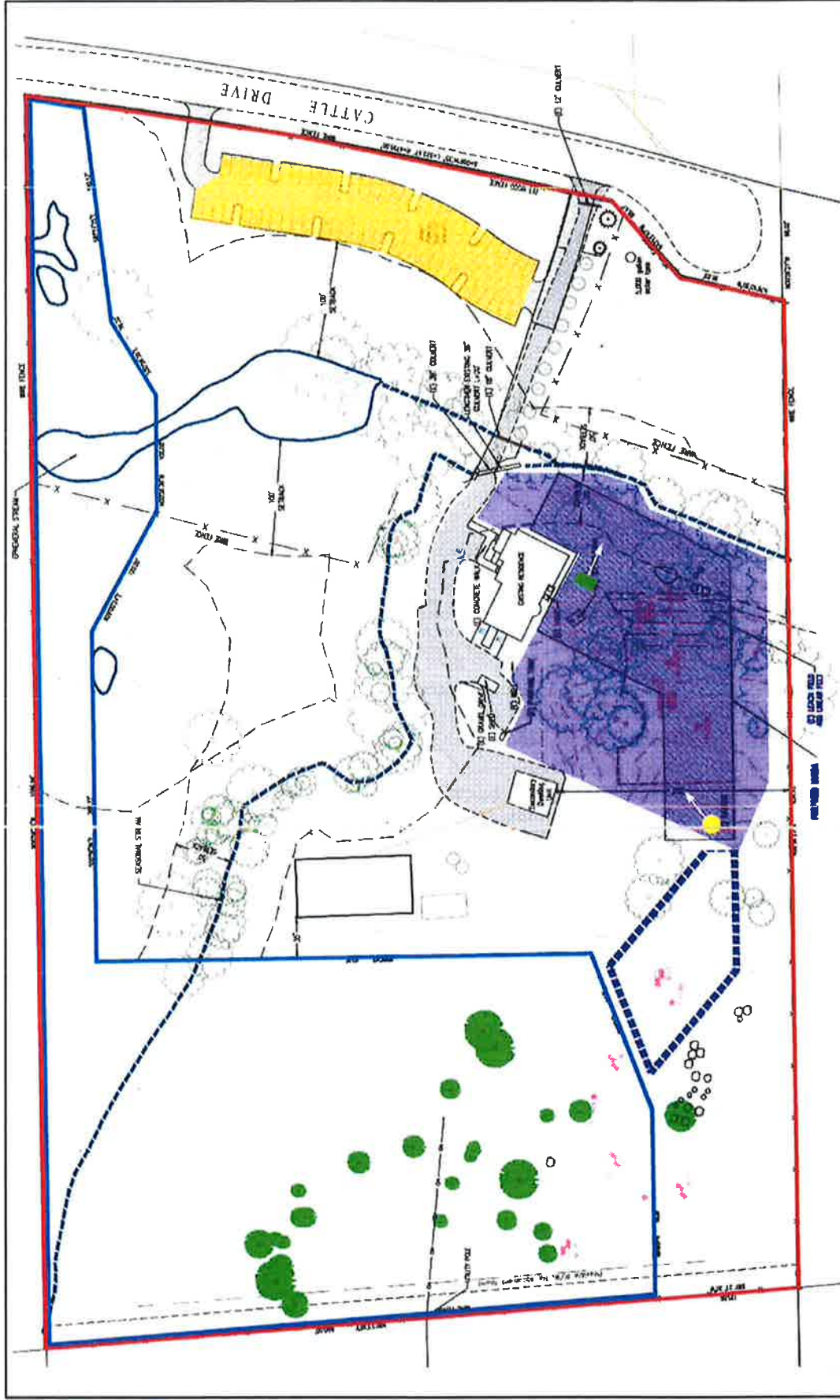


Mardalynne Caldwell Wedding Events
Nevada County, California

Project Area

Figure 1





Mardalynne Caldwell Wedding Events Nevada County, California Project Site Plan		
Figure 2		
Legend		
<ul style="list-style-type: none"> — Current Property Boundary — Parcel Subdivision Boundary ● Amplified Sound System ● Wedding Ceremony Gazebo 	<ul style="list-style-type: none"> Parking Area Reception Area 	

Human response to vibration is difficult to quantify. Vibration can be felt or heard well below the levels that produce any damage to structures. The duration of the event has an effect on human response, as does frequency. Generally, as the duration and vibration frequency increase, the potential for adverse human response increases.

According to the Transportation and Construction-Induced Vibration Guidance Manual (Caltrans, June 2004), operation of construction equipment and construction techniques generate ground vibration. Traffic traveling on roadways can also be a source of such vibration. At high enough amplitudes, ground vibration has the potential to damage structures and/or cause cosmetic damage. Ground vibration can also be a source of annoyance to individuals who live or work close to vibration-generating activities. However, traffic, rarely generates vibration amplitudes high enough to cause structural or cosmetic damage.

Environmental Setting – Existing Ambient Noise and Vibration Environment

Noise Environment

The existing ambient noise environment at the project site is primarily defined by traffic on California State Route 20 (CA-20). To generally quantify the existing ambient noise environment at the project site, BAC conducted continuous (24-hour) noise level measurements on the project site on May 15, 2018. The noise measurement location is shown on Figure 1, identified as Site A. Noise level measurements at Site A were intended to be representative of the ambient noise environment at the noise-sensitive use nearest to the project parcel, identified as Receiver 1 on Figure 1.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the noise level measurement survey. The meter was calibrated before use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all specifications of the American National Standards Institute requirements for Type 1 sound level meters (ANSI S1.4). The results of the measurements are shown numerically and graphically in Appendices C and D, and are summarized in Table 1. Photographs of the noise measurement site are provided in Appendix E.

<p align="center">Table 1 Summary of Continuous Ambient Noise Monitoring Results Mardalynne Caldwell – Nevada County, CA May 15, 2018</p>							
Site ¹	L _{dn} , dB	Hourly Average Noise Level, L _{eq} (dBA)			Maximum Noise Level, L _{max} (dBA)		
		Daytime	Evening	Nighttime	Daytime	Evening	Nighttime
A	54	46-54 (50)*	46-48 (47)*	40-52 (46)*	55-80 (65)*	55-67 (62)*	58-66 (60)*
<p>Notes: ¹ Continuous ambient noise monitoring site is identified on Figure 1. * Low-High (Mean Average) Source: Bollard Acoustical Consultants, Inc. (2018)</p>							

The Table 1 indicate that measured existing hourly average noise levels during the entire monitoring period ranged from 40 to 54 dB L_{eq}. In addition, measured maximum noise levels during the monitoring period ranged from 55 to 80 dB L_{max}. The significance of the measured existing ambient noise environment is discussed in the Regulatory Setting section of this report.

Vibration Environment

During a site visit on May 14, 2018, vibration levels were below the threshold of perception at the project site and in the immediate project vicinity. Therefore, the existing vibration environment in the immediate project vicinity is considered to be negligible.

Regulatory Setting: Criteria for Acceptable Noise and Vibration Exposure

Federal

There are no federal noise or vibration criteria which would be directly applicable to this project.

State of California

California Environmental Quality Act (CEQA)

The State of California has established regulatory criteria that are applicable to this assessment. Specifically, Appendix G of the State of California Environmental Quality Act (CEQA) Guidelines are used to assess the potential significance of impacts pursuant to local General Plan policies, Municipal Code standards, or the applicable standards of other agencies. According to Appendix G of the CEQA guidelines, the project would result in a significant noise or vibration impact if the following occur:

- A. exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

- B. exposure of persons to or generation of excessive groundborne vibration or noise levels;
- C. a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- D. a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- E. for a project located within an ALUP or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the project would expose people residing or working in the project area to excessive noise levels;
- F. or a project within the vicinity of a private airstrip, the project would expose people residing or working in the project area to excessive noise levels.

It should be noted that audibility is not a test of significance according to CEQA. If this were the case, any project which added any audible amount of noise to the environment would be considered unacceptable according to CEQA. Because every physical process creates noise, the use of audibility alone as significance criteria would be unworkable. CEQA requires a substantial increase in noise levels before noise impacts are identified, not simply an audible change.

California Department of Transportation (Caltrans)

Nevada County does not currently have adopted standards for groundborne vibration. As a result, vibration criteria established by the California Department of Transportation (Caltrans 2013) was applied to this project. The Caltrans publication, *Transportation and Construction Vibration Guidance Manual*, provides guidelines for acceptable vibration limits for transportation and construction projects in terms of the induced peak particle velocity (PPV). Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. The Caltrans criteria applicable to human responses to vibration are shown below in Table 2.

Table 2 Human Response to Transient Vibration	
Human Response/Structure	Peak Particle Velocity (in/sec)
Barely Perceptible	0.04
Distinctly Perceptible	0.25
Strongly Perceptible	0.90
Severe	2.00
Residential Construction	1.0

Source: Caltrans Transportation and Construction Vibration Guidance Manual, September 2013

As shown in Table 2, a vibration level of 0.25 in/sec PPV is the level at which vibration becomes distinctly to strongly perceptible. As a result, the 0.25 threshold is considered to be a conservative benchmark against which project vibration levels are evaluated in this assessment.

Local

Nevada County General Plan

The Noise Element of the Nevada County General Plan contains the County's noise-related policies. The specific policies which are generally applicable to this project are reproduced below:

Policy 9.1 The following noise standards (Table 3), as performance standards and land use compatibility standards, shall apply to all discretionary and ministerial projects excluding permitted residential (including tentative maps) land uses.

Table 3 Noise Exposure Limits Nevada County General Plan				
Land Use Category	Zoning Districts	Time Period	Leq	Lmax
Rural	"AG" "TPZ"	7 am - 7 pm	55	75
	"AE" "OS"	7 pm - 10 pm	50	65
	"FR" "DR"	10 pm - 7 am	40	55
Residential and Public	"RA" "R2"	7 am - 7 pm	55	75
	"R1" "R3"	7 pm - 10 pm	50	65
	"P"	10 pm - 7 am	45	60
Commercial and Recreation	"C1" "CH" "CS"	7 am - 7 pm	70	90
	"C2" "C3" "OP"	7 pm - 7 am	65	75
	"REC"			
Business Park	"BP"	7 am - 7 pm	65	85
		7 pm - 7 am	60	70
Industrial	"M1" "M2"	any time	80	90

- A. Compliance with the above standards shall be determined by measuring the noise level based on the mean average of not less than three (3) 20 minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient noise level is adequately determined.
- B. Where two different zoning districts abut, the standard applicable to the lower, or more restrictive, district plus 5 dBA shall apply.
- C. The above standards shall be measured only on property containing a noise sensitive land use as defined in Policy 9.8 and may be measured anywhere on the property containing said land use. However, this measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement or as determined in a recorded letter of agreement between all affected property owners and approved by the county.
- D. If the measured ambient level exceeds that permitted, then the allowable noise exposure standard shall be set at 5 dBA above the ambient.

- E. Because of the unique nature of sound, the county reserves the right to provide for a more restrictive standard than shown in the Exterior Noise Limits table contained in this policy. The maximum adjustment shall be limited to be not less than the current ambient noise levels and shall not exceed the standards of this policy or as they may be further adjusted by Policy 9.1.2.b. Imposition of a noise level adjustment shall only be considered if one or more of the following conditions are found to exist:
 - 1. Unique characteristics of the noise source:
 - a. The noise contains a very high or low frequency, is of a pure tone (a steady, audible tone such as a whine, screech, or hum), or contains a wide divergence in frequency spectra between the noise source and ambient level.
 - b. The noise is impulsive in nature (such as hammering, riveting, or explosions), or contains music or speech.
 - c. The noise source is of a long duration.
 - 2. Unique characteristics of the noise receptor when the ambient noise level is determined to be 5 dBA or more below the Policy 9.1.2 standard for those projects requiring a General Plan amendment, rezoning, and/or conditional use permit. In such instances, the new standard shall not exceed 10 dBA above the ambient or the Policy 9.1.2 standard, whichever is more restrictive.
- F. The above standards shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions.
- G. The standards of this policy shall be enforced through compliance inspections and/or complaints.
- H. Recognizing that this chapter must work toward the solution to existing noise problems, those land uses that are inconsistent with the above standards and are therefore non-conforming in nature, shall comply with said standards as these land uses are upgraded or intensified or after abandonment through the use permit or site plan process. Said standards shall apply only to that portion of the land use requiring approval. In any event, the use or portion subject to a land use permit must meet the standards in the Exterior Noise Limits table in this policy and cumulatively the noise generated from the entire site must be equal to or less than the pre-land use permit ambient noise level. All such projects will require a comprehensive noise analysis per Policy 9.1.12 and the Nevada County Noise Element Manual.

Policy 9.8 Strongly encourage future noise-sensitive land uses, including residences, schools, hospitals, nursing homes, churches, and libraries, to those locations of the County where the impact of noise generators is limited so that compliance with standards found in Policy 9.1 will be maintained. This policy shall apply to the approval of all tentative maps for residentially zoned parcels. As an additional guide in evaluating land use compatibility, those standards as found in Figure 1 shall be used.

Policy 9.9 Limit future noise generating land use to those location of the county where their impacts on noise sensitive land uses will be minimized, consistent with the standards found in Program 9.1.

Policy 9.10 Require the preparation of a comprehensive noise study for all land use projects determined to have a potential to create noise levels inconsistent with those standards found in Program 9.1, and in accordance with the methodology identified

in the Noise Element Manual contained in General Plan Volume 2, Section 3 - Noise Analysis Appendix A.

Policy 9.11 Provide for adequate design controls to assist in mitigating on-site the significant adverse impacts of future noise generating land uses through increased setbacks, landscaping berms, and solid fencing.

In addition to the policies identified above, the Nevada County General Plan also establishes land use compatibility criteria for various community land uses. For noise generated by transportation noise sources (i.e., off-site project-generated traffic), the General Plan specifies that residential land uses are compatible with exterior noise levels of up to 60 dB L_{dn} without the need for noise mitigation.

Nevada County Code

Title 3, Chapter II, Article 4, Division 4.1.7 of the Nevada County Code regulates noise. The following specific provisions of the Nevada County Code would be applicable to this project.

D. Noise Standards All land use projects requiring a Development Permit or a Use Permit shall comply with the noise standards provided herein. Permitted residential land uses, including parcel and tentative maps, are not subject to the standards contained in Table L-II 4.1.7 of the County Code.

Because County Code Table L-II 4.1.7 is identical to the General Plan Noise Element standards (Table 1 of this report), it is not reproduced here.

Noise Standards Applicable to the Project

As noted above in the footnotes to Table 3, there are various adjustments to the County's noise limits which are to be applied if certain conditions are satisfied. The footnotes most applicable to this project are A, C, D and E.

Based on the measured ambient noise levels at measurement Site A, and because certain criteria was fulfilled pursuant to the footnotes identified in Table 3, project noise sources would be subject to more restrictive noise standards. However, pursuant to Footnote E of Table 3, the new standard shall not exceed 10 dBA above the ambient or the unadjusted standards, whichever are more restrictive. After application of this criteria with the measured ambient noise levels, the resulting noise standards applicable to the project are the unadjusted noise limits shown in Table 3 (determined to be the most restrictive). In addition, because the hours of proposed wedding events are unknown, event-generated noise sources would be subject to the County's daytime, evening and nighttime noise level criteria.

Thresholds of Significance for Project-Related Noise Level Increases

The CEQA guidelines state that a project would result in a significant noise impact if it results in a substantial temporary increase in ambient noise levels above those present without the project. CEQA does not, however, define what constitutes a substantial increase. It is generally recognized that an increase of at least 3 dB for similar noise sources is usually required before most people will perceive a change in noise levels, and an increase of 6 dB is required before the change will be clearly noticeable (Egan, Architectural Acoustics, page 21, 1988, McGraw Hill).

The Federal Interagency Commission on Noise (FICON) has developed a graduated scale for use in the assessment of project-related noise level increases. Table 4 was developed by FICON as a means of developing thresholds for impact identification for project-related noise level increases. The FICON standards have been used extensively in recent years by the authors of this section in the preparation of the noise sections of Environmental Impact Reports that have been certified in many California Cities and Counties.

The rationale for the graduated scale used in the FICON standards is that test subjects' reactions to increases in noise levels varied depending on the starting level of noise. Specifically, with lower ambient noise environments, such as those below 60 dB L_{dn}, a larger increase in noise levels was required to achieve a negative reaction than was necessary in more elevated noise environments.

The use of the FICON standards are considered conservative relative to thresholds used by other agencies in the State of California. For example, the California Department of Transportation (Caltrans) requires a project-related traffic noise level increase of 12 dB for a finding of significance, and the California Energy Commission (CEC) considers project-related noise level increases between 5-10 dB significant, depending on local factors. Therefore, the use of the FICON standards, which set the threshold for finding of significant noise impacts as low as 1.5 dB, provides a very conservative approach to impact assessment for this project.

Table 4 Significance of Changes in Cumulative Noise Exposure	
Ambient Noise Level Without Project, L_{dn}	Increase Considered Significant
<60 dB	+5.0 dB or more
60-65 dB	+3.0 dB or more
>65 dB	+1.5 dB or more

Source: Federal Interagency Committee on Noise (FICON)

Based on the FICON research, as shown in Table 4, a 5 dB increase in noise levels due to a project is required for a finding of significant noise impact where ambient noise levels without the project are less than 60 dB L_{dn}. Where pre-project ambient conditions are between 60 and 65 dB L_{dn}, a 3 dB increase is applied as the standard of significance. Finally, in areas already exposed

to higher noise levels, specifically pre-project noise levels in excess of 65 dB L_{dn} , a 1.5 dB increase is considered by FICON as the threshold of significance.

This graduated scale indicates that in quieter noise environments, test subjects tolerated a higher increase in noise levels due to a project before the onset of adverse noise impacts than did test subjects in louder environments.

According to the FICON study, if screening analysis shows that noise-sensitive areas will be at or above DNL 65 dB and will have an increase of DNL 1.5 or more, further analysis should be conducted. The FICON study also reported the following: Every change in the noise environment does not necessarily impact public health and welfare.

As noted previously, audibility is not a test of significance according to CEQA. If this were the case, any project which added any audible amount of noise to the environment would be considered unacceptable according to CEQA. Because every physical process creates noise, whether by the addition of a single vehicle on a roadway, or a tractor in an agricultural field, the use of audibility alone as significance criteria would be unworkable. CEQA requires a substantial increase in noise levels before noise impacts are identified, not simply an audible change.

Impacts and Mitigation Measures

Methodology

Evaluation of Noise Generated from On-Site Activities

Amplified Event Music & Speech Noise Generation

The project proposes to have amplified music and speech during wedding events on the property. According to the project applicant, the amplified music will occur at the sound system setup located within the wedding reception area, and be oriented to face west. The amplified speech is proposed to occur at the gazebo within the wedding ceremony area, and be oriented to face east. Figure 2 shows the locations of the proposed sound system setup, gazebo, and speaker orientations.

To quantify the noise levels generated from amplified music at the sound system area, BAC utilized file data for similar event facilities. Specifically, reference music levels of 75 dB L_{eq} and 80 dB L_{max} at a distance of 50 feet from the speakers was considered to be typical of what would be produced by amplified music playing at an event. BAC file data also indicates amplified event speech reference noise levels of 65 dB L_{eq}/L_{max} at a distance of 50 feet. Based on the above mentioned reference noise levels, and assuming a six (6) dB decrease per doubling of distance from the noise source (consistent with accepted sound propagation algorithms), data were projected to the nearest receivers. The results of those projections are summarized in Tables 5 and 6.

The predicted amplified music and speech noise levels presented in Tables 5 and 6 take into consideration the proposed orientation of the system speakers relative to the adjacent receivers. BAC event simulation data indicate that amplified music and speech noise levels are approximately 5 dB less when measured from a position 90 degrees off-axis from the speakers (side-oriented), and approximately 10 dB less when measured from behind the speakers. Directionality offsets were applied in the prediction of amplified music and speech noise levels based on this information.

Table 5 Predicted Exterior Amplified Event Music Noise Levels at Nearest Receivers Mardalynne Caldwell Wedding Events – Nevada County, CA				
APN	Receiver ¹	Distance from Event Sound System, feet ²	Predicted Event Music Noise Levels, dBA ³	
			L _{eq}	L _{max}
51-220-12	1	600	43	48
	Property Line	185	54	59
Subdivided Parcel	Property Line	290	50	55
51-230-10	2	1,000	39	44
	Property Line	610	43	48
51-100-10	3	1,000	39	44
	Property Line	600	43	48
51-100-12	4	1,150	38	43
	Property Line	630	43	48
51-100-14	5	1,100	38	43
	Property Line	785	41	46
County Noise Standard (Daytime)			55	75
County Noise Standard (Evening)			50	65
County Noise Standard (Nighttime)			40	55

Notes:

¹ Receiver locations are illustrated on Figure 1.

² Distances measured in feet from the proposed event sound system location to the nearest receivers.

³ Predicted event music noise levels take into consideration the directionality of the proposed event system speakers, and have been adjusted as discussed in this report.

Source: Bollard Acoustical Consultants, Inc. (2018)

**Table 6
Predicted Exterior Amplified Event Speech Noise Levels at Nearest Receivers
Mardalynne Caldwell Wedding Events – Nevada County, CA**

APN	Receiver ¹	Distance from Ceremony Gazebo, feet ²	Predicted Event Speech Noise Levels, dBA ³	
			L _{eq}	L _{max}
51-220-12	1	390	32	42
	Property Line	70	47	57
Subdivided Parcel	Property Line	150	40	50
51-230-10	2	800	26	36
	Property Line	400	32	42
51-100-10	3	830	26	36
	Property Line	400	32	42
51-100-12	4	1,000	29	39
	Property Line	500	35	45
51-100-14	5	1,050	29	39
	Property Line	730	32	42
County Noise Standard (Daytime)			55	75
County Noise Standard (Evening)			50	65
County Noise Standard (Nighttime)			40	55

Notes:
¹ Receiver locations are illustrated on Figure 1.
² Distances measured in feet from the proposed event gazebo to the nearest receivers.
³ Predicted event music noise levels take into consideration the directionality of the proposed event system speakers, and have been adjusted as discussed in this report.
 Source: Bollard Acoustical Consultants, Inc. (2018)

Event Crowd Noise Generation

Based on information provided by the project applicant, the wedding events on the property are assumed to generate approximately 125 people in the proposed outdoor reception area.

In order to quantify wedding event-generated crowd noise from the outdoor reception area at the nearest noise-sensitive residences, BAC utilized reference file data for persons speaking in normal and raised voices (normal voice = 57 dB per person at 3 feet and raised voice = 64 dB per person at 3 feet). Based on the provided information of typical guest’s speech sound generation in the outdoor event area, conservatively assuming approximately 50% of the crowd is conversing simultaneously, and assuming standard spherical spreading loss (-6 dB per doubling of distance), data were projected from the effective noise center of the proposed reception area to the nearest receivers. The results of those projections are summarized in Table 7.

Table 7 Predicted Exterior Worst-Case Event Crowd Noise Levels at Nearest Receivers Mardalynne Caldwell Wedding Events – Nevada County, CA				
APN	Receiver ¹	Distance from Reception Area Focal Point, feet ²	Predicted Event Crowd Noise Levels, dBA	
			L _{eq}	L _{max}
51-220-12	1	570	32	39
	Property Line	120	46	53
Subdivided Parcel	Property Line	300	38	45
51-230-10	2	1,000	28	35
	Property Line	600	32	39
51-100-10	3	1,000	28	35
	Property Line	600	32	39
51-100-12	4	1,200	26	33
	Property Line	640	31	38
51-100-14	5	1,150	26	33
	Property Line	820	29	36
County Noise Standard (Daytime)			55	75
County Noise Standard (Evening)			50	65
County Noise Standard (Nighttime)			40	55
Notes:				
1 Receiver locations are illustrated on Figure 1.				
2 Distances measured in feet from the effective noise center of the proposed wedding reception area to the nearest receivers.				
Source: Bollard Acoustical Consultants, Inc. (2018)				

Event Parking Lot Movement Noise Generation

The project proposes one primary parking area to accommodate the guests, staff and caterers of the wedding events. The proposed parking area is located on the south end of the property near Cattle Drive. Based on the project site plans, the proposed parking areas could accommodate up to approximately 60 vehicles. Figure 2 shows the location of the proposed parking area.

As a means of determining potential noise exposure due to wedding event parking lot activities, BAC utilized specific parking lot noise level measurements conducted by BAC. Specifically, a series of individual noise measurements were conducted of multiple vehicle types arriving and departing a parking area, including engines starting and stopping, car doors opening and closing, and persons conversing as they entered and exited the vehicles. The results of those measurements revealed that individual parking lot movements generated mean noise levels of 65 dB SEL and 60 dB L_{max} at a reference distance of 50 feet.

For a conservative assessment of parking area noise generation, it was assumed that the parking area could completely fill or empty during a peak hour of wedding event operations. However, it is likely that parking area activity would be considerably more spread out. Parking area noise exposure was determined using the following equation:

$$\text{Peak Hour } L_{eq} = 65 + 10 \cdot \log(N) - 35.6$$

Where 65 is the SEL for a single automobile parking operation at a reference distance of 50 feet, N is the number of parking area operations in a peak hour, and 35.6 is 10 times the logarithm of the number of seconds in an hour.

Using BAC parking lot noise measurement data, the equation provided above, and assuming standard spherical spreading loss (-6 dB per doubling of distance), data were projected from the effective noise center of the proposed parking area to the nearest receivers. The results of that analysis are presented in Table 8.

Table 8				
Predicted Exterior Worst-Case Event Parking Area Noise Levels at Nearest Receivers				
Mardalynne Caldwell Wedding Events – Nevada County, CA				
APN	Receiver ¹	Distance from Parking Area Focal Point, feet ²	Predicted Event Parking Noise Levels, dBA	
			L _{eq}	L _{max}
51-220-12	1	985	21	39
	Property Line	360	30	48
	Subdivided Parcel	240	34	51
51-230-10	2	1,400	<20	36
	Property Line	1,000	21	39
51-100-10	3	1,300	<20	37
	Property Line	960	22	39
51-100-12	4	1,500	<20	35
	Property Line	960	22	39
51-100-14	5	1,330	<20	37
	Property Line	1,025	21	39
County Noise Standard (Daytime)			55	75
County Noise Standard (Evening)			50	65
County Noise Standard (Nighttime)			40	55
Notes:				
¹ Receiver locations are illustrated on Figure 1.				
² Distances measured in feet from the effective noise center of the proposed parking area to the nearest receivers.				
Source: Bollard Acoustical Consultants, Inc. (2018)				

Evaluation of Off-Site Traffic Noise Level Increases in the Project Vicinity

According to information obtained from the project traffic consultant (KD Anderson & Associates), the proposed project will generate approximately 125 trips per day and approximately 50 during the peak hour. Based on the project site plans, the event site will be accessed by two entry points off of Cattle Drive. As a result, the greatest impact from off-site traffic will be to receivers on Cattle Drive.

To assess noise impacts due to project-related traffic increases on the local roadway network, BAC utilized the above mentioned trip generation rate provided by KD Anderson & Associates and the Federal Highway Administration Traffic Noise Prediction Model (FHWA RD-77-108). The model was used in conjunction with the CALVENO reference noise emission curves, and accounts for vehicle volume and speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the project site, and is generally considered to be accurate within 1.5 dB if the input variables are properly accounted for. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions. To calculate L_{dn} , average daily traffic (ADT) volume data is manipulated based on the assumed day/night distribution of traffic on the project roadways.

Based on project-generated traffic volume and using the FHWA model data (Appendix F), the predicted off-site traffic noise level at 50 feet from centerline of Cattle Drive computes to 41 dB L_{dn} . The predicted worst-case peak hour average noise level associated with 55 vehicles arriving or departing the site during the same hour computes to 48 dB L_{eq} .

Evaluation of Vibration Levels at the Project Site

During a site visit on May 14, 2018, vibration levels were below the threshold of perception at the project site and in the immediate project vicinity (below 0.1 inches per second if converted to peak particle velocity). Therefore, the existing vibration environment in the immediate project vicinity is considered to be negligible. Based on this observation, it is the professional opinion of BAC that vibration levels at the project site are well below the threshold of perception (below 0.1 inches/second peak particle velocity). In addition, the project is not proposing the installation of equipment that would generate significant off-site vibration levels.

Evaluation of Impacts Relative to CEQA Criteria

Criteria A: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Amplified Event Music Noise Exposure

As indicated in Table 5, predicted amplified event music would satisfy the Nevada County daytime hourly average and maximum noise level standards at all of the nearest residences (Receivers 1-5). However, at the property line of nearby Receiver 1, amplified event music could exceed the County's evening hourly average noise level standard. In addition, amplified event music is predicted to exceed the County's nighttime average hourly and maximum noise level standards at all of the nearest receivers and associated property lines. As a result, this impact is considered *potentially significant*.

Mitigation for Criteria A: Amplified Event Music Noise Control Measures

In order to satisfy the Nevada County *evening* noise level standard at the nearest property line (Receiver 1), implementation of the following mitigation measures are required:

MM-1: The wedding event operator should procure a sound level meter and limit the average sound output of the amplified music to 75 dB at a position 50 feet in front of the speakers between the hours of 7 - 10 pm. *70 dB is the recommendation*

MM-2: The speakers of the amplified music system should be oriented to face south at, or in the vicinity of, the location identified in Figure 2 (as proposed).

Because amplified music could exceed the Nevada County *nighttime* noise level standard at the nearest receivers and associated property lines, including implementation of feasible mitigation measures, the following mitigation measure is required:

MM-3: Amplified music should be restricted during nighttime hours (10 pm – 7 am).

Significance after Mitigation: Less than Significant

Amplified Event Speech Noise Exposure

As indicated in Table 6, predicted amplified speech noise levels would satisfy the Nevada County daytime and evening hourly average and maximum noise level standards at the nearest residences and associated property lines. However, at

the property line of the nearest residence (Receiver 1), amplified speech noise levels could exceed the County's nighttime average hourly noise level standard. As a result, this impact is considered ***potentially significant***.

Mitigation for Criteria A: Amplified Event Speech Noise Control Measures

In order to satisfy the Nevada County *nighttime* hourly average noise level standards at the property line of the nearest residence (Receiver 1), implementation of the following mitigation measures are required:

MM-4: Amplified speech should be restricted during nighttime hours (10 pm – 7 am).

Significance after Mitigation: Less than Significant

Event Crowd Noise Exposure

As indicated in Table 7, predicted worst-case wedding event crowd noise levels at the nearest receivers would satisfy the Nevada County daytime and evening hourly average and maximum noise level standards. However, should wedding events occur during nighttime hours, event-generated crowd noise in the reception area could exceed the County's nighttime average hourly noise level standards at the nearest residence (Receiver 1) and associated property line. As a result, this impact is considered ***potentially significant***.

Mitigation for Criteria A: Event Crowd Noise Control Measures

MM-5: All event activities within the reception area should be restricted during nighttime hours (10 pm – 7 am).

Significance after Mitigation: Less than Significant

Parking Lot Movement Noise Exposure

As indicated in Table 8, predicted worst-case wedding event parking area noise levels at the nearest residences (Receivers 1-5) and associated property lines would satisfy the Nevada County daytime, evening and nighttime hourly average and maximum noise level standards. As a result, this impact is considered ***less than significant***.

Criteria B: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Vibration levels were determined to be below the threshold of perception at the project site and in the immediate project vicinity (below 0.1 inches per second if converted to peak particle velocity). Therefore, the project would not result in the exposure of persons to or generation of excessive groundborne vibration levels at the project site. In addition, the project is not proposing the installation of equipment that would generate significant off-site vibration levels. As a result, this impact is considered to be *less than significant*.

Criteria C: A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The following FICON criteria was used to determine the significance of impacts due to the project relative to CEQA (Table 4):

- Where existing traffic noise levels are less than 60 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in roadway noise levels will be considered significant;
- Where existing traffic noise levels range between 60 and 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +1.5 dB L_{dn} increase in roadway noise levels will be considered significant.

Based on project-generated traffic volume and using the FHWA model data (Appendix E), the predicted off-site traffic noise level at 50 feet from centerline of Cattle Drive computes to 41 dB L_{dn}. Because the predicted off-site traffic noise level of 41 dB L_{dn} is less than the existing measured ambient noise level at the project site (54 dB L_{dn}), and below the Nevada County 60 dB L_{dn} applicable to transportation noise sources affecting residential uses, this impact is considered to be *less than significant*.

Criteria D: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

According to the ambient noise level measurement results (representative of ambient noise levels at nearby residential receivers), measured hourly average noise levels during the entire monitoring period ranged from 40-54 dB L_{eq}. In addition, measured maximum noise levels during this same period ranged from 55-80 dB L_{max}. Based on the measured noise levels, and including implementation of the mitigation measures identified in this report, hourly average and maximum

noise levels generated during wedding event activities are not expected to substantially exceed existing hourly average and maximum noise levels currently received by nearby residential receivers. Further, given the fact that wedding events should be limited to daytime and evening hours pursuant to mitigation measures identified in this report, wedding event activities are not expected to result in adverse public reaction from the nearby residents. As a result, this impact is considered to be *less than significant*.

Criteria E: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Because the project site is not located within 2 miles of a public airport, *no noise impact* is identified relative to this significance criteria.

Criteria F: For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Because the project site is not located in the vicinity of a private airstrip, *no noise impact* is identified relative to this significance criteria.

Conclusions and Recommendations

This analysis concludes that, with implementation of the noise mitigation measures identified in this report, all potentially significant noise impacts at the nearest existing residential receivers can be mitigated to a less than significant level. In addition, this analysis concludes that project-generated vibration will not result in adverse impacts at the nearest existing residential receivers.

This concludes BAC's noise assessment for the proposed Mardalynne Caldwell Wedding Events project in Nevada County, California. Please contact BAC at (916) 663-0500 or paulb@bacnoise.com with any questions regarding this assessment.

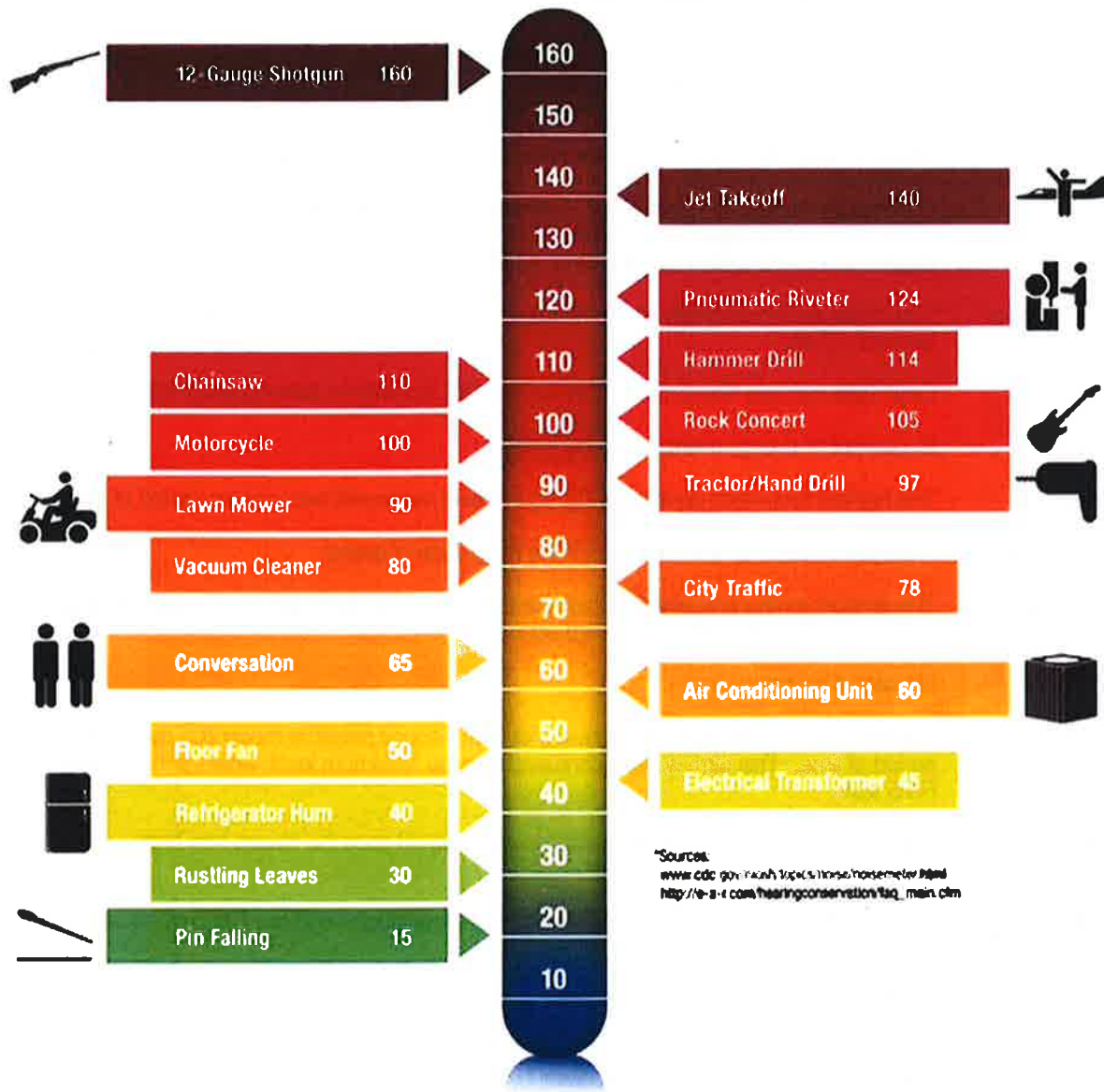
Appendix A Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
L_{eq}	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
Loudness	A subjective term for the sensation of the magnitude of sound.
Masking	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
SEL	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.



Appendix B

Typical A-Weighted Sound Levels of Common Noise Sources Decibel Scale (dBA)*



*Sources:
www.cdc.gov/nceh/topics/noise/noisemeter.html
http://e-s-1.com/hearingconservation/faq_main.cfm

**Appendix C
Mardalynne Caldwell Wedding Events
Ambient Noise Monitoring Results - Site A
Tuesday, May 15, 2018**

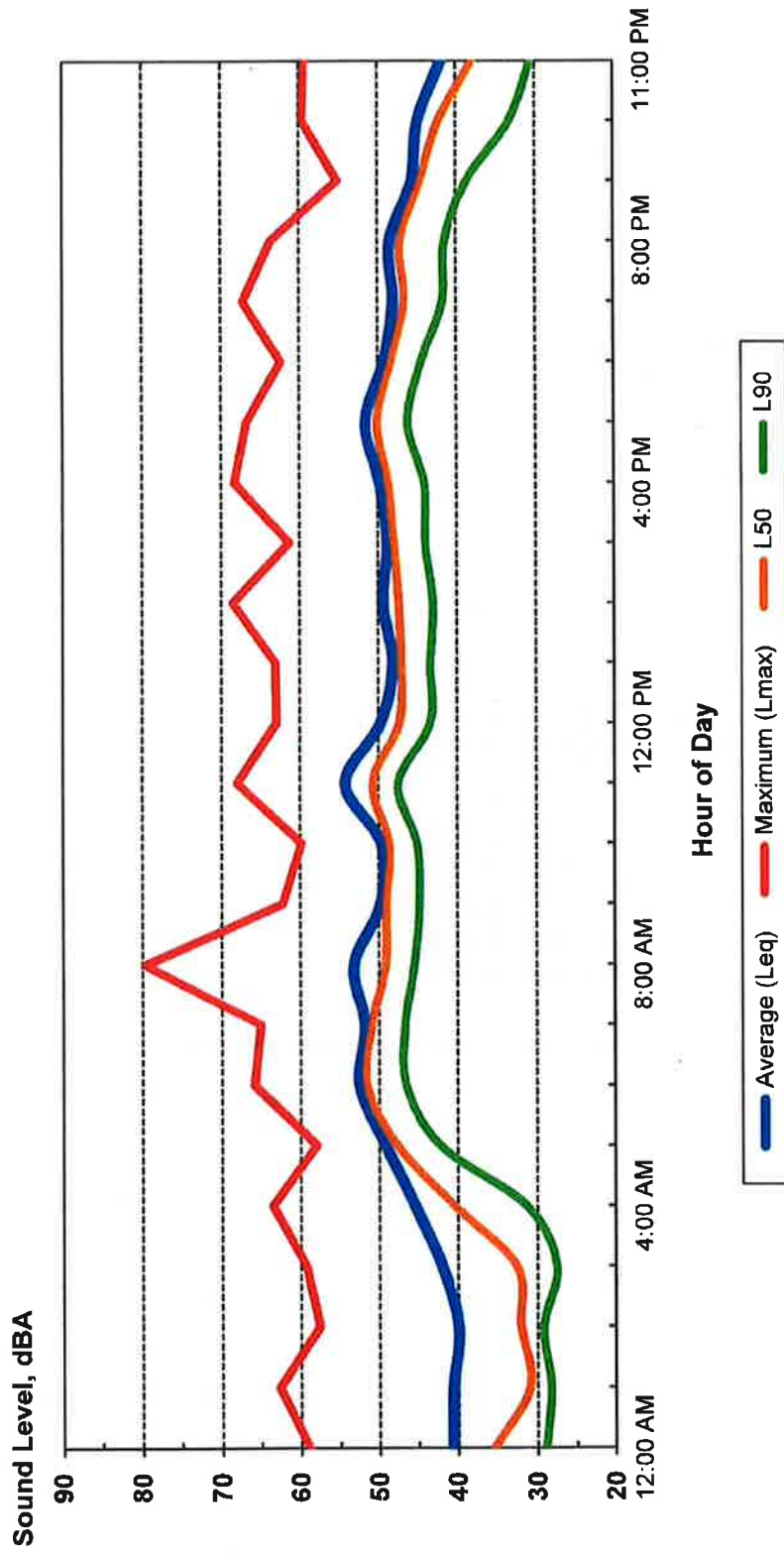
Hour	Leq	Lmax	L50	L90
0:00	41	59	35	29
1:00	41	63	31	28
2:00	40	58	32	29
3:00	42	59	33	28
4:00	45	63	40	31
5:00	49	58	48	42
6:00	52	66	52	47
7:00	52	65	51	47
8:00	53	80	49	45
9:00	50	62	49	45
10:00	50	60	49	45
11:00	54	68	51	48
12:00	50	63	47	43
13:00	48	63	47	43
14:00	49	68	47	43
15:00	49	61	48	44
16:00	50	68	49	44
17:00	52	67	50	46
18:00	49	62	48	44
19:00	48	67	47	42
20:00	48	64	47	41
21:00	46	55	45	39
22:00	45	60	42	33
23:00	42	59	38	31

	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
L _{eq} (Average)	54	46	50	52	40	46
L _{max} (Maximum)	80	55	65	66	58	60
L ₅₀ (Median)	51	45	48	52	31	39
L ₉₀ (Background)	48	39	44	47	28	33

Computed Ldn, dB	54
% Daytime Energy	81%
% Nighttime Energy	19%



Appendix D
Mardalynne Caldwell Wedding Events
Ambient Noise Monitoring Results - Site A
Tuesday, May 15, 2018



Ldn: 54 dB



Appendix E

Photographs of Long-Term Noise Measurement Location Mardalynne Caldwell Wedding Events - Nevada County, California



**Appendix F
FHWA Traffic Noise Prediction Model (FHWA-RD-77-108)
Noise Prediction Worksheet**

Project Information:

Job Number: 2018 - 086
Project Name: Mardalynne Caldwell Wedding Events
Roadway Name: Cattle Drive

Traffic Data:

Year: Future
Average Daily OFF-SITE Traffic Volume: 125
Percent Daytime Traffic: 99
Percent Nighttime Traffic: 1
Percent Medium Trucks (2 axle): 1
Percent Heavy Trucks (3+ axle): 1
Assumed Vehicle Speed (mph): 30
Intervening Ground Type (hard/soft): **Soft**

Traffic Noise Levels:

No.	Description	Distance	Offset (dB)	-----L _{dn} , dB-----			Total
				Autos	Medium Trucks	Heavy Trucks	
1	Cattle Drive - Nearest Residence Facade	50	0	39	29	36	41

Traffic Noise Contours (No Calibration Offset):

L _{dn} Contour, dB	Distance from Centerline, (ft)
75	0
70	1
65	1
60	3

Notes: Average Daily Off-Site Traffic Volume (ADT) for project provided by KD Anderson & Associates (approximately 125 trips per day).

