

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

OWNER: Mark H. Paye

HEARING DATE: May 10, 2018

REPRESENTATIVE: Ronald Dundas
Dundas Geomatics

FILE NO: PLN17-0051; RZN17-0002;
EIS17-0030

PROJECT: A proposed rezone of two parcels (six assessor parcel numbers, APNs) from Timber Production Zone Zone-40 (TPZ-40) to Residential Agriculture-10 (RA-10) and General Agriculture-30 (AG-30). If approved, the rezone will initiate the TPZ ten-year roll-out process in compliance with California Government Code Section 51110.

PROJECT LOCATION: The project area consists of two parcels located approximately four miles southeast of downtown Nevada City and seven miles northeast of downtown Grass Valley. The first parcel, herein referred to as Parcel #1, is comprised of the following APNs: 38-330-01, 02, 03, 04, & 87. The second parcel, herein referred to as Parcel #2, is comprised of APN 38-330-86. The two parcels make up a contiguous project area situated south of Quaker Hill Cross Road (Attachment 1). Red Dog Road, Banner Quaker Hill Road and Red Dog Cross Road bisect parcel #1. The following lists the addresses, APNs and acreages associated with each of the six APNs that make up the project area.

14344 Banner Quaker Hill Road (38-330-01) 61.51 acres

15596 Banner Lava Cap Road (38-330-02) 6.56 acres

15631 Banner Lava Cap Road (38-330-03) 7.01 acres

14343 Banner Quaker Hill Road and 14650 Red Dog Road (38-330-04) 65.84 acres

14657 Red Dog Road ((38-330-87) 11.33 acres

14695 Red Dog Road (38-330-86) 154.54 acres

ASSESSOR'S PARCEL NO: 38-330-01, 02, 03, 04 & 87 (from TPZ-40 to RA-10) and 38-330-86 (TPZ-40 to AG-30)

PROJECT PLANNER: Coleen Shade, Senior Planner

General Plan:	Rural-10 & Rural-30	Water:	Well
Region/Center:	Rural	Sewage:	Septic
Zoning:	TPZ-40	Fire:	Nevada Co. Consolidated
ZDM #:	064a & 077	Schools:	Nevada City, NUHSD
FLOOD:	FEMA Panels 0675 and 0400 Zone X	Recreation:	Nevada City
Project Size:	306 acres	Sup. Dist.:	Richard Anderson (V) Heidi Hall (I)
Date Filed:	April 25, 2017	Receipt #:	393346

- ATTACHMENTS:**
1. Vicinity Map, Zoning and Public Notice Map
 2. Proposed Negative Declaration/Initial Study
 3. General Plan Map
 4. Draft Resolution
 5. Draft Ordinance
-

RECOMMENDATION

- I. Recommend that the Board of Supervisors adopt the project specific Negative Declaration (EIS17-0030) pursuant to the California Environmental Quality Act (CEQA) making Findings A-C.
- II. Recommend approval to the Nevada County Board of Supervisors for the proposed rezone (RZN17-0002) from TPZ-40 to RA-10 for APNs 38-330-01, 02, 03, 04, & 87 (152 acres) and TPZ-40 to AG-30 for APN 38-330-86 (154 acres) to initiate the ten-year process to roll-out of TPZ making Findings A-C.

BACKGROUND

The Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 changed the method of taxing "timber" in California. The act encouraged the protection of immature trees and continued use of timberland for the production of trees for timber products and provided restrictions on the use of timberland to the production of timber products and compatible uses.

Under the act, the county assessor was required to determine which parcels, as of the lien date of 1976, were assessed for growing and harvesting timber as the highest and best use of the land. This was known as "List A." This occurred in 1976. The county assessor was also required to determine, in the assessors' judgment, what constituted timberland as of the lien date but were not assessed for growing and harvesting timber as the highest best use of the land. This was known as "List B" and occurred in 1977.

Before a Board of Supervisors zoned the properties on both lists TPZ, an owner had the option to petition the Board to be removed ("Opt-Out") from the list. There was also a time-period in which an owner could "opt-in" to the "B-List" if their property met the required criteria. All parcels that are zoned TPZ are zoned for a term of 10 years. With each annual cycle another year is added so that there is a continuous 10-year zone on the parcel. The parcels zoned TPZ are valued by the county assessor each year based on a schedule of values sent out by the State Board of Equalization.

Compatible use is defined in Section 51104 (h) of the Government Code as any use which does not significantly detract from the use of the property for growing and harvesting timber, and includes hunting and fishing, grazing, and a residence or other structure necessary for the management of land zoned as timber production. When a home site is developed on a TPZ property, that portion of the property use changes from timberland production to residential use.

That home site is then valued at fair market value and not TPZ land value, and henceforth is under Proposition 13 rules.

If an owner requests to be “rolled-out” from the TPZ zoning, the new zone established by the Board of Supervisors approval becomes effective and operative 10 years after the board approval. Upon approval, a tax recoupment fee is required to recoup the difference between the tax paid under the TPZ zone and the new zone for the prior 10-year period. The land value increases each year, so at the end of the 10-year period the value is based on the new zone.

The existing TPZ zone was established in conformance with the Forest Taxation Reform Act of 1976 (California Government Code Section 51100 et seq.). The project area zoned TPZ containing APNs 28-220-01, 02, 03, 04, 87 and 86 was deemed suitable for inclusion within a TPZ designation as part of the B List pursuant to Section 51110.1 of the California Government Code effective March 22, 1979.

Under the TPZ-40 zoning district, parcels are required to maintain a minimum parcel size of at least 40 acres. Single-family residences are a permissible use within the TPZ-40 designation with the minimum acres per unit set at 40 acres or one single-family residence per legal parcel. In 2004 a Certificate of Compliance was issued on Parcel #1 (CC04-007) recognizing it as one parcel with five APNs. Parcel #2 (APN 38-330-86) was created by map recorded in Book 3 of Parcel Maps, Page 170 on October 2, 1971 (previously APN 38-330-35).

The 306 acre project area is heavily vegetated with three dominant plant communities: 1) mixed conifer-hardwood forest; 2) landmark black oak groves; and 3) montane riparian woodland and scrub. Clipper Creek, a perennial stream, bisects Parcel #2 flowing from the northeast to the southwest. Elevations in the project area range from 3,260 feet to 3,650 feet. Slopes range from gentle in the northern portion of project area to steep in the southern portion of parcel #2.

There is a single-family residence and a few outbuildings located in the northeast corner of Parcel #2. The two-acre portion of Parcel #2 that accommodates the single-family residence is considered the “home site” and as such the residence and other improvements are valued and taxed consistent with Proposition 13. The rest of the project area is undeveloped except for the Nevada County Roads running through Parcel #1 and the informal dirt roads that run throughout. The project area is surrounded by the General Plan’s Rural land use designations with 5, 10 30 and 40-acre density limitations (Attachment 3.). Adjacent to Parcel #1 are the following zoning districts: RA-5 on the west; RA-X (X-combining district allows no further divisions of the parcels which range four to five acres in size) on the north; and RA-10 to the east. Adjacent to Parcel #2 the zoning districts are as follows: General Agriculture-5 (AG-5) to the west; AG-10 and TPZ-40 to the south; and AG-30 to the east (Attachment 1). The adjacent properties (26 parcels share property boundaries) range in size from 1.5-acres to 40-acres, with a predominance of parcels that are approximately 5-acres or less in size.

Relationship to Other Projects:

The project area is surrounded by rural single-family residences and undeveloped parcels that will eventually be built-out with single-family residences. Single-family residential construction, for the most part, is ministerial and on-going. The only other project that could come on-line in the vicinity (1.2 and 2.0 miles west) is a 62-lot subdivision (Deer Creek Park II) which was

approved in 2007. The final map has not been recorded. However, Phase 1 of the project, seven residential parcels, may be recorded in 2018 with construction following soon after.

Project Description: The project is a proposed rezone of two existing parcels: the first parcel, herein referred to as Parcel #1 is comprised of the following Assessor Parcel Numbers (APNs): 38-330-01, 02, 03, 04, & 87. Parcel #2 is comprised of APN 38-330-86. The proposed project would rezone these existing parcels from TPZ-40 to RA-10 (Parcel #1) and TPZ-40 to AG-30. The proposed rezone is a legislative action and is not for a development project approval. The proposed rezone is consistent with the existing General Plan Land Use designations Rural-10 (RUR-10) underlying Parcel #1 and Rural-30 (RUR-30) underlying parcel #2 and no changes are proposed for the General Plan.

STAFF COMMENT

Timber Production Zone Ten-Year Roll-Out: A property owner may elect, in any year, to petition the Board of Supervisors to rezone a parcel from its current TPZ zone to an alternate zoning district through a ten-year roll-out process. This process is regulated by Sections 51120 and 51121 of the TPZ Act (Under Section 51120 (c)), the State requires the approval by the County of a rezone to an alternate zoning designation. If approved by the Nevada County Board of Supervisors the new zoning district becomes effective and operative 10-years from the date of approval. A 10-year roll-out rezoning proposal is subject to CEQA and the Board of Supervisors may approve, modify or disapprove the rezoning request. A Negative Declaration/Initial Study has been prepared for the TPZ rezone and made available to the public for a 20-day circulation period that ended May 2, 2018.

The property owner has submitted his application for a rezone to initiate the potential roll-out of the TPZ zone. Their intention is to continue to manage the resource including the management of the forest for timber and fire hazard reduction. A specific development project is not a part of the submittal. In 199, the Paye Family submitted documents during the Nevada County General Plan Update process requesting the consideration of increasing density for their properties. The following is an excerpt from those documents.

"The Paye family has no intentions of development of this site in the immediate future. Over the years the site has been managed for its resources, primarily timber. However, the family is concerned that as build-out occurs on the existing parcels surrounding the property, the potential for effective resource management will be reduced. The family recognizes that development of the site at this time is premature. However, as the surrounding area develops it is believed that this property can provide a key role in establishing improvement to the County circulation system and contribute to the recreational desires of many residents in the community. With proper design techniques ad project phasing, road improvements and water systems can be provided to offset some of the service demands required as a result of existing land use patterns in and around this area."

"...Therefore, it is the Paye's desire to take part in the public planning process by proposing land use designations on their property at densities that can provide the

economic resource to offset a large portion of the expenditures needed to provide the public services in the area.”

The opportunities identified in the above statement have relevance today. In some cases, such as fire preparedness, the need has only intensified. The rezone could provide opportunities to improve circulation for ingress and egress for the entire Banner Mountain, Red Dog, Greenhorn and You Bet road systems.

Biological: Chaney-Davis Biological Consulting conducted a Biological Inventory and prepared a report for the project area. The following three plant communities are identified in the project area: 1) mixed conifer-hardwood forest; 2) landmark black oak groves; and 3) montane riparian woodland and scrub. The project area (southern portion of APN 38-330-86) has a segment of Clipper Creek, a perennial stream, flowing northeast to southwest running through it and two unnamed intermittent tributaries. Clipper Creek is a tributary to Greenhorn Creek in the Bear River watershed. Two unnamed ephemeral streams run through the northern half of the project area. All of these features have the potential of meeting the criteria for waters of the US and waters of the State. The riparian vegetation that occurs in the project area is associated with Clipper Creek and its two intermittent tributaries. No riparian vegetation is associated with the ephemeral streams located in the northern half of the project area. The elevations in the project area range from 3,260 feet to 3,650 feet and the topography varies from gentle to steep slopes.

The project area contains large diameter black oaks and large diameter conifers which are more likely to support nesting birds, roosting bats and other mammals including special-status species. However, no state or federal-listed special-status animal species were observed or expected to occur within the project area.

Foothill yellow-legged frog, a former California Department of Fish and Wildlife (CDFW) Species of Concern (SSC) species that was recently upgraded by the State to a Candidate Threatened species, is documented in nearby Greenhorn Creek (3.5 miles downstream). Although the hydrology and substrate conditions on Clipper Creek are consistent with foothill yellow-legged frog habitat, the channel is too deeply shaded throughout its reach in the project area. The species is typically associated with open, sunny streams and streambanks which are not present in the project area. Within the project area the highest quality habitat occurs along the Clipper Creek riparian corridor. Along the edge of the riparian corridor there is an abundance of older large trees and snags that have the potential to serve as nesting and roosting sites for birds and mammals, including bats.

The site contains several sensitive resources as identified by General Plan Policy 1.5.3 and the Nevada County Resources Standards (L-II 4.3.3). These sensitive resources include a perennial stream and its tributaries all of which act as tributaries within the Bear River watershed. The site also contains landmark oak trees (36” or greater diameter measured at breast height) and landmark oak groves. Also located on the site are areas of steep slopes (those which are 30% or greater).

As stated earlier, a Biological Inventory was completed for the TPZ rezone project area and includes recommendation to avoid impacts to biological resources. However, at this time, future development of the rezoned parcels that result from the proposed rezone project can only be

speculative in terms of the number, placement and potential disturbance from future residential development. The legislative action of rezoning the parcels is unique in the case of TPZ designated parcels because the rezone, if approved, will not take place for ten-years. There are no conditions of approval identified for this proposed rezone. If a future project is proposed, an environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any discretionary project. The impacts to biological resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact biological resources other than a single-family residence and accessory structures per parcel. If future direct impacts are proposed as a result of ingress/egress needs that encroach on Waters of the U.S., the applicant will also be required to coordinate with the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (Central Valley Region), and the California Department of Fish and Wildlife.

Access/Circulation: The access roads that currently serve the northern portion of the proposed project area are paved county roads. Informal dirt roads crisscross the project area, including the driveway that leads to the one existing single-family residence on Parcel #2. Any future development of the parcel whether part of a rezone or the development of new single-family residences consistent with the existing zoning and density will need to improve access and in some locations build water crossings. Improvements to the existing dirt roads will require ground disturbance/grading and may require a Management Plan to address Nevada County's 100-foot setbacks from watercourses, wetlands and riparian areas if these areas are to be encroached (Nevada County Land Use and Development Code Section L-II 4.3.17).

The TPZ rezone provides the opportunity to improve access from existing County roads, such as Red Dog Road, enabling ingress and egress via Jones Ridge Road to Greenhorn Road. Improving circulation in this area has benefits for those that currently live in this area and provides an additional fire escape route.

ZONING AND GENERAL PLAN LAND USE CONSISTENCY

The General Plan Land Use designations within the project area are RUR-10 and RUR-30. Rural as a land use designation intends to guide development of compatible uses within a rural setting (General Plan Policy 1.2.4). Rural uses may include rural residential at maximum densities ranging from 5 to 160 acres per dwelling, agricultural operations and supporting agricultural production, natural resource production and management, and low intensity recreation. Residential density is dependent upon the existing development pattern, character of the area, infrastructure needs and the environmental landscape.

Reflected in the Table below (Table 1. Land Use Densities), the General Plan assumes a density of 20 units total within the proposed project area. This density number is based on the sum of units allowed for Parcel #1 (10 acres per dwelling unit divided into 152 acres) and Parcel #2 (30 acres per dwelling unit divided into 154 acres). The current zoning district TPZ-40 permits one single-family residential unit per legal parcel (which equates to two units plus potential for two accessory dwelling units) or up to one unit per 40 acres when looking at the entire project area which equates to a density of seven (7) single-family residential units for the 306-acres. It should

be noted that the General Plan Policy 1.5.5 requires that a clustering option be submitted for all land divisions in the Estate, Rural and Forest General Plan land use designations.

Table 1. Land Use Densities

<i>Parcel APN</i>	<i>Parcel #2 38-330-86 (154 acres)</i>	<i>Parcel #1 38-330-01-04 & 87 (152 acres)</i>	<i>Change</i>
Existing Zoning	TPZ - 40	TPZ - 40	
Existing General Plan Land Use Designation	Rural - 30	Rural - 10	
Proposed General Plan Land Use Designation	Rural - 30	Rural - 10	No change
Proposed Zoning	AG - 30	RA - 10	Zone Changes
Density	Zoning Existing 1/40 acres Proposed 1/30 acres GP Land Use Existing LU-1/30 acres	Zoning Existing 1/40 acres Proposed 1/10 acres GP Land Use Existing LU-1/10 acres	Existing TPZ = 7 units (1/40 acres for 306 acres) Proposed RA-10 + AG-30 (1/30 for 154-acres) = 5 (1/10 for 152-acres) = 15 Zoning = 20 units Land Use = 20 units

The existing zoning in the immediate vicinity of the project area is either Residential Agriculture (RA-5, RA-10, RA-X) or General Agriculture (AG-5, AG-10, AG-30) where single-family residences are also permissible (Figure 1.). There is one exception. Abutting half of the southern project boundary is a parcel, owned by the applicant, that is designated TPZ-40. The mean parcel size for all adjacent parcels is approximately 5 acres.

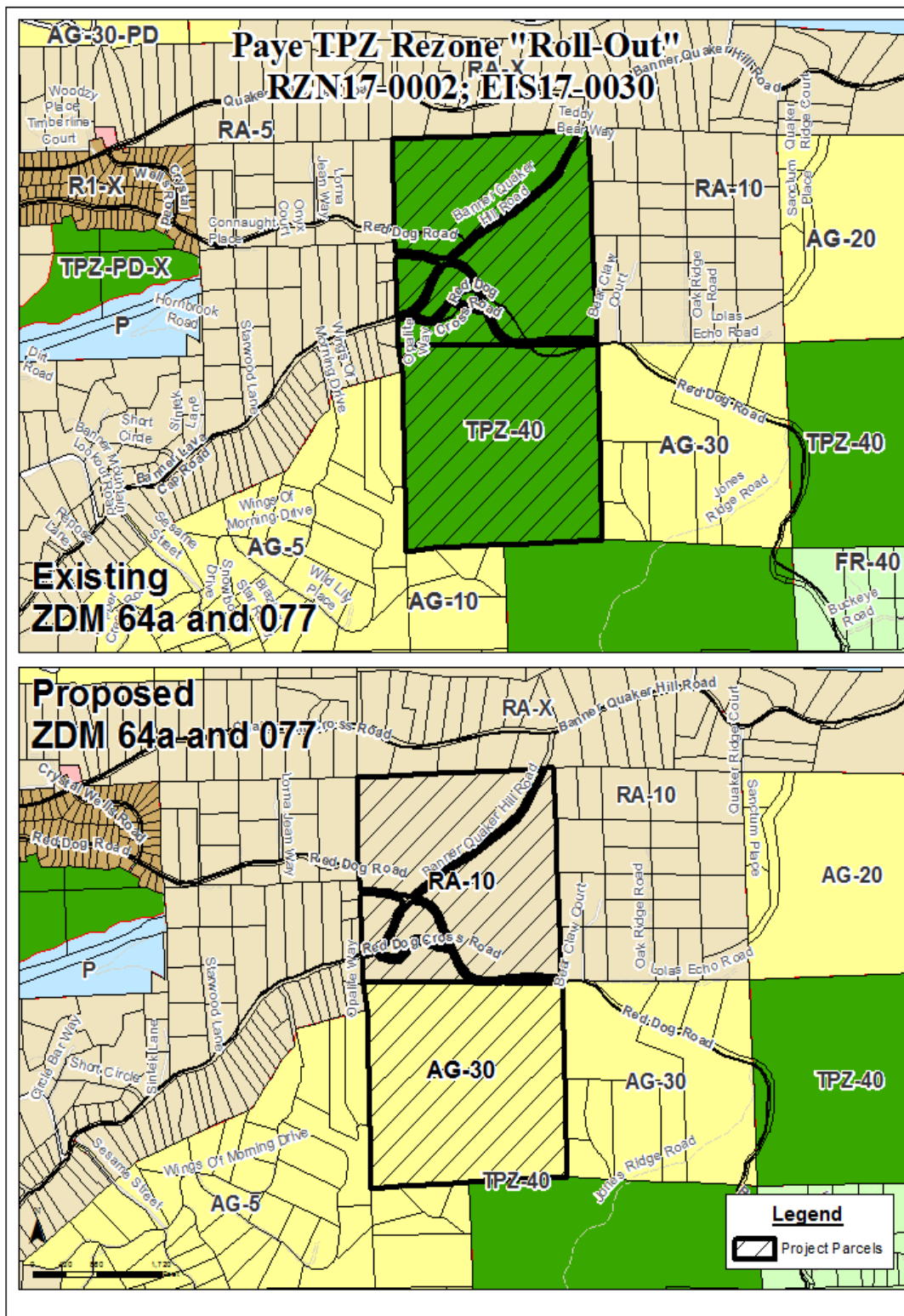


Figure 1. Existing and Proposed Zoning

As was discussed in the Biological section above, this proposed TPZ rezone is a legislative action and as such does not propose any development at this time. Future development of the rezoned parcels can only be speculative in terms of the number, placement and potential disturbance from future residential development. The legislative action of rezoning the parcels is unique in the case of TPZ designated parcels because the rezone, if approved, will not take place for ten-years. There are no conditions of approval identified for this proposed rezone. If a future project is proposed, an environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval consistent with CEQA and Nevada County General Plan policies and land use regulations will be required for any discretionary project.

ENVIRONMENTAL REVIEW

On April 13, 2018, the County, as lead agency, released a public review draft of the project specific Initial Study and proposed Negative Declaration (IS-ND) (EIS17-0030). The IS/ND was routed to several local, State and Federal agencies in addition to resident and special interest groups. The Draft IS-ND was available for public review from April 13, 2018 to May 2, 2018, at 5:00 p.m.

The Initial Study concluded there are no impacts that could result from the proposed legislative action to rezone 306 acres of TPZ-40 to RA-10 and AG-30. The IS-ND does recognize that if approved, the Rezone initiates a ten-year roll-out from the TPZ zone. At the end of the ten-year time period, if the applicant proposes development on the property that would require a discretionary approval, a CEQA document will be required to analyze any potential environmental impacts and identify mitigation measures to reduce impacts to a less than significant level.

SUMMARY

The proposed project consists of a rezone of two parcels (six assessor parcel numbers, APNs) from Timber Production Zone-40 (TPZ-40) to Residential Agriculture-10 (RA-10) and General Agriculture-30 (AG-30). If approved, the rezone will initiate the TPZ ten-year roll-out process in compliance with California Government Code Section 51110. The legislative action, an amendment to the Zoning District Maps, does not result in the approval of any development or disturbance to the land associated with the proposed amendments.

Based on staff review and the CEQA Initial Study/Negative Declaration, no significant impacts are identified. The proposed rezone application is warranted based upon the facts presented above and the findings to support the rezone are presented below.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

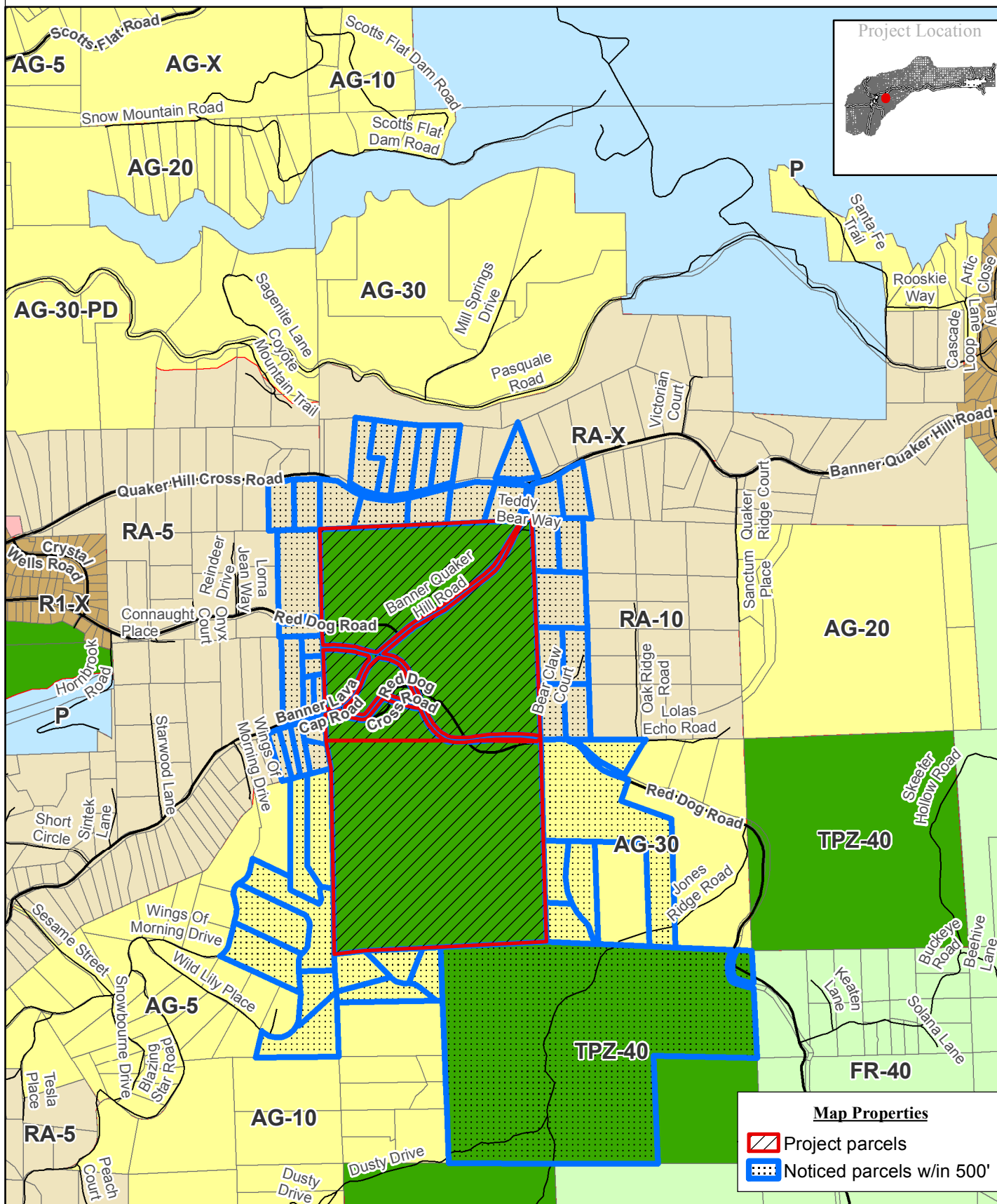
- I. Recommend that the Board of Supervisors adopt the project specific Negative Declaration (EIS17-0030) pursuant to the California Environmental Quality Act (CEQA) making Findings A-C.:
 - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, might have any significant adverse impact on the environment; and
 - B. That the proposed Negative Declaration reflects the independent judgment of the Planning Commission; and
 - C. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.
- II. Recommend approval to the Nevada County Board of Supervisors for the proposed rezone (RZN17-0002) from TPZ-40 to Residential Agriculture RA-10 for APNs 38-330-01, 02, 03, 04, & 87 (152 acres) and TPZ-40 to General Agriculture AG-30 for APN 38-330-86 (154 acres) to initiate the ten-year process to roll-out of TPZ making Findings A-C.
 - A. The proposed Rezone from TPZ-40 to RA-10 and AG-30 is consistent with and furthers the goals, objectives, policies and implementation measures of the General Plan and provisions of the Code; and
 - B. The proposed Rezone will not be detrimental to the public interest, health, safety, convenience, or welfare of the County
 - C. The proposed Rezone amendment to the Nevada County zoning district map is consistent and the 306-acres are physically suitable for the requested plan zoning district(s) and anticipated land use development(s). Factors considered to evaluate suitability shall include access, provision of public facilities and utilities, compatibility with nearby land uses, and presence or absence of resources and constraints as found in the Resource Standards.

Respectfully Submitted,



Brian Foss, Planning Director

Paye TPZ Rezone Zoning, Vicinity and Public Notice Map



Every reasonable effort has been made to assure the accuracy of the maps and data provided; nevertheless, some information may not be accurate. The County of Nevada assumes no responsibility arising from use of this 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 Counter staff to confirm the validity of the data provided.

Exhibit A. NEVADA COUNTY, CALIFORNIA INITIAL STUDY

To: County Counsel*, Nevada Building Department, Nevada County Department of Public Works, Nevada County Department Environmental Health, Agriculture Commissioner, Nevada County Consolidated Fire District, Resource Conservation District, Fire Protection Planner, Central Valley Water Quality Control Board, Nevada City School District, General Plan Defense Fund, Tyler Barrington Principal Planner, Susan Snider, Cascade Shores HOA, U.S. Forest Service, Rural Quality Coalition, Federation of Neighborhood Associations, Sierra Nevada Group/Sierra Club, Native American Heritage Commission, United Auburn Indian Community, T'si-Akim Maidu Coney & Ryberg, Northern Sierra Air Quality Mgt. Dist, City of Nevada City – Amy Wolfson, Commissioner Bob Jensen District V, Supervisor Richard Anderson District V, Commissioner Ricki Heck District 1, Supervisor Heidi Hall District 1, Friends of Banner Mountain, Red Dog – You Bet Association, California Department of Forestry and Fire Protection, California Department of Fish & Wildlife, Nevada Irrigation District. Note: *NOA and Document

Date: April 13, 2018

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File Number(s): PLN17-0051; RZN17-0002; EIS17-0030

Assessor's Parcel Numbers: 38-330-01, 02, 03, 04, 86, and 87

Project Location: 14657 Red Dog Road, Nevada City CA

Applicant: Dundas Geomatics c/o Ronald Dundas
149 Crown Point Ct., Suite D
Grass Valley, CA 95945

Property Owner: Mark H. Paye
19875 Sunrise Heights
Grass Valley, CA 95945

Project Description:

The property owner is requesting a rezoning of his Timberland Preserve Zone (TPZ) property which will initiate a ten (10) year roll-out for two parcels (see figure 1 and 2.) currently zoned TPZ-40 that make up a total of approximately 306 acres. The application (**PLN17-0051, RZN17-0002, EIS17-0030**) specifically requests a 10-year roll out from TPZ-40 to Residential Agriculture-10 (RA-10) for APNs 38-330-01, 02, 03, 04 & 87 and to Agriculture-30 (AG-30) for 38-330-86 (herein The Project). The project is not requesting a General Plan land use designation change nor will it affect the base density for the General Plan land use, RURAL-10 (RUR-10) and RURAL-30 (RUR-30).

Site Description, Project Location and Surrounding Land Uses:

The following lists the addresses, APNs and acreages associated with each of the six APNs that make up the project area. All of the parcels are currently zoned TPZ-40.

14344 Banner Quaker Hill Road(38-330-01) 61.51 acres
15596 Banner Lava Cap Road (38-330-02) 6.56 acres
14343 Banner Quaker Hill Road and 14650 Red Dog Road (38-330-04) 65.84 acres
15631 Banner Lava Cap Road (38-330-03) 7.01 acres

14657 Red Dog Road ((38-330-87) 11.33 acres

14695 Red Dog Road (38-330-86) 154.54 acres

The first parcel, herein referred to as Parcel #1 is comprised of the following Assessor Parcel Numbers (APNs): 38-330-01, 02, 03, 04, & 87. The second parcel, herein referred to as Parcel #2 is comprised of APN 38-330-86. The project area is situated South of Quaker Hill Cross Road (Figure 1.). The northern five (5) APN boundaries are bisected or defined by County Roads; Red Dog Road, Banner Quaker Hill Road and Red Dog Cross Road. APN 38-330-86 is currently developed with one single-family residence, three shop/storage buildings and there are several existing primitive dirt roads from past timber harvest activities that bisect the property. The approximate 306-acre project area and the surrounding landscape is predominately covered with a mixed coniferous forest. The topography slopes from north to south starting at approximately 3,600' at the northern boundary going to 3,200' at the southern boundary of the project area where Clipper Creek runs through the property from east to west.

The project area is surrounded by Rural land use designations with 5, 10 and 30-acre density limitations (Figure 2). Adjacent to Parcel #1 are the following zoning districts: RA-5 on the west; RA-X (X-combining district allows no further divisions of the parcels which range four to five acres in size) on the north; and RA-10 to the east. Adjacent to Parcel #2 the zoning districts are as follows: General Agriculture-5 (AG-5) to the west; AG-10 and TPZ-40 to the south; and AG-30 to the east (Figures 1 and 2). The adjacent properties (26 parcels) range in size from 1.5-acres to 40-acres (predominantly 5-acres in size).

Project Background: The purpose of the TPZ zone district is to encourage prudent and responsible forest resource management and the continued use of the timberlands for the production of timber product and compatible uses. The existing TPZ zone was established in conformance with the Forest Taxation Reform Act of 1976 (California Government Code Section 51100 et seq.). The TPZ district is intended to be an exclusive area for the growing and harvesting of timber and those uses that are an integral part of a timber management operation. The TPZ district replaced the use of the Williamson Act contracts on timberland and it functions in much the same way as the Williamson Act. The project area zoned TPZ containing APNs 28-220-01, 02, 03, 04, 87 and 86 was deemed suitable for inclusion within a TPZ district pursuant to Section 51110.1 of the California Government Code effective March 22, 1979.

A rezone of TPZ can be accomplished in two different ways. The first, and most difficult, is to request an immediate rezoning from TPZ to a new zone. Under a 4/5s vote a finding that the TPZ rezone is in the public interest, the rezoning would not have a substantial and unmitigated adverse effect upon timber-growing and there is no nearby land suitable for the proposed use. The finding that the rezone is in the public's interest is typically achieved only if there is a clear public need such as a hospital or school proposal.

The second and most common way of rezoning from a TPZ to a different classification is similar to what is done under the Williamson Act with the "roll-out" occurring during a ten-year period. This process requires the approval of a rezoning by the Board of Supervisors and if approved the new zoning designation would not become effective until 10-years after the date of approval. In addition, a tax recoupment fee in accordance with Section 51142 of the State Government Code will be imposed on the owner.

Under the TPZ-40 zoning district, parcels are required to maintain a minimum parcel size of at least 40 acres. Single-family residences are a permissible use within the TPZ-40 designation with the minimum acres per unit set at 40 acres or one single-family residence per legal parcel.

Relationship to Other Projects:

The project area is surrounded by rural single-family residences and undeveloped parcels that will eventually be built-out with single-family residences. This type of construction is ministerial and on-going. The only other project that could come on-on line in the vicinity (1.2 and 2.0 miles west) is a 62-lot subdivision (Deer Creek Park II) which was approved in 2007. The final map has not been recorded.



Figure 1. Location/Vicinity Map

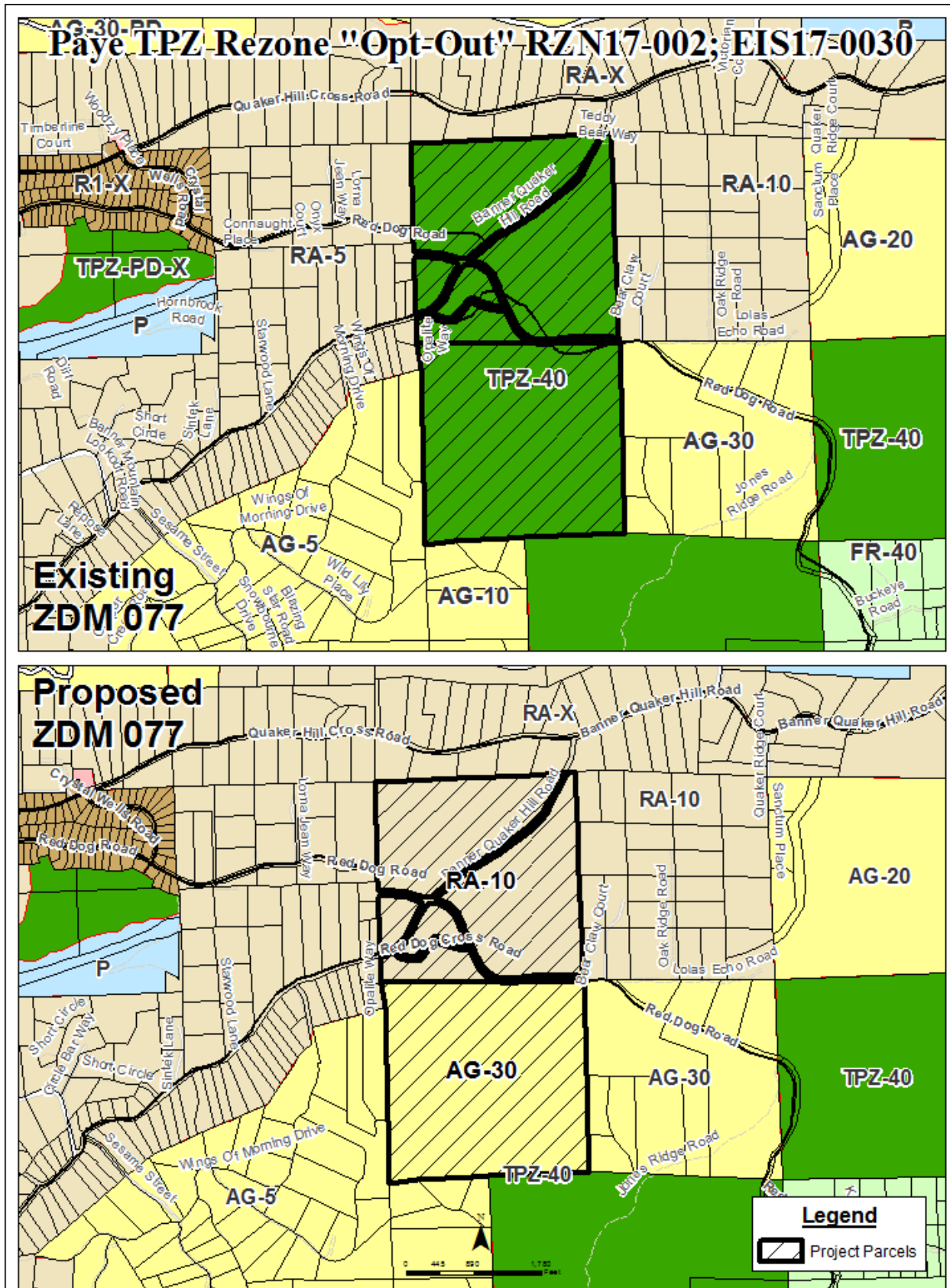


Figure 2. Existing and Proposed Zoning

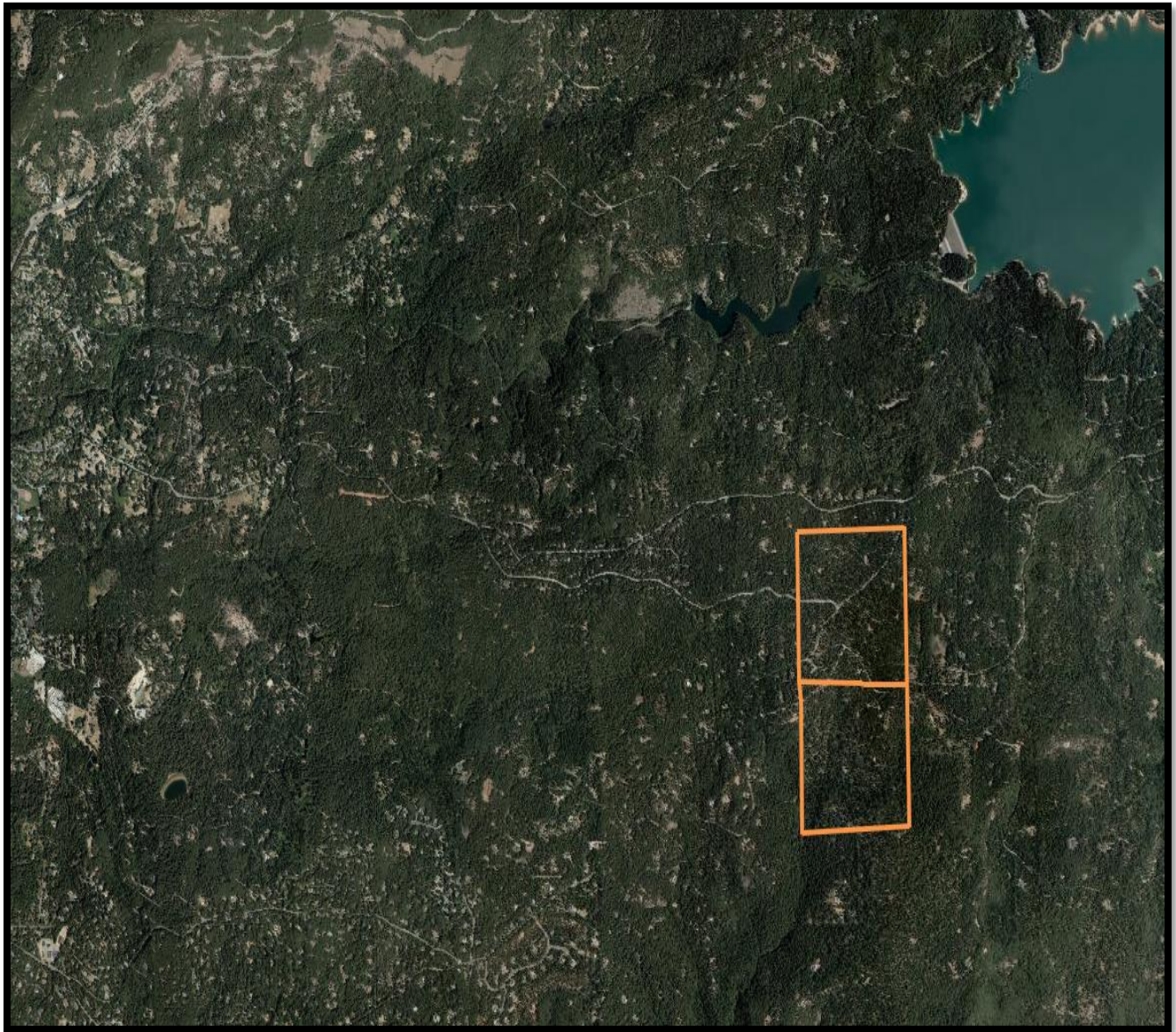


Figure 3. Aerial Photo

However, Phase 1 of the project, seven residential parcel, may be recorded in 2018 with construction following soon after.

Other Permits Which May Be Necessary: Please note that this project is for the proposed legislative actions only and does not include or review any future subdivision or development of the project area to be rezoned. Based on initial comments received, the following permits maybe required from the designated agencies once future projects are identified for the project area.

1. Building/Grading permits – Nevada County Building Dept.
2. County Road Encroachment Permit – Nevada County Public Works Dept.
3. Septic Permit- Environmental Health

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

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

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

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.

All special studies utilized in the preparation on this document, (with the exception of any archeological or cultural report(s) that are confidential as required by state or federal regulations) are available for review at the Nevada County Planning Department 950 Maidu Ave. Suite 170, Nevada City, CA, 95959.

1. AESTHETICS

Existing Setting:

The parcels are situated South of Quaker Hill Cross Road (Figure 1.). The northern five (5) APN boundaries are bisected or defined by County Roads; Red Dog Road, Banner Quaker Hill Road and Red Dog Cross Road. One parcel (38-330-86) is currently developed with one single-family residence, three shop/storage buildings and there are several existing primitive dirt roads from past timber harvest activities. The approximate 306-acre project area and the surrounding landscape is predominately covered with a mixed coniferous forest. The topography slopes from north to south starting at approximately 3,600' at the northern boundary going to 3,200' at the southern boundary of the project where Clipper Creek runs through the property from east to west. The project area is abutted by zoning districts Residential-Agriculture (RA) and General Agriculture (AG-5) (on the west); RA-X (on the North); RA-10 (on the east); and TPZ and AG-10 (on the south). The adjacent properties (26 parcels) range from 1.5-acres to 40-acres (predominantly 5-acres in size).

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
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, 17, 18
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, 17, 18
e. Create a visually incompatible structure within a designated historic district?				✓	A, 17, 18

Impact Discussion 1a-d: NO IMPACT

The proposed action is the rezoning of the project area from TPZ to RA-10 (Parcel #1152- acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that results from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. The Parcel #1 and Parcel #2 are each allowed, as a ministerial action, a single-family residence and accessory dwelling unit with a building permit today and will continue to be. After the 10-year roll out-period

required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (Rural-10 and Rural-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to aesthetics will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Therefore, the proposed legislative action to rezone from TPZ to RA-10 and AG-30 has NO IMPACT to aesthetic resources.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting:

The project area is not within an area mapped by the Important Farmland Mapping program of the California Department of Conservation. The site is within an area that is currently zoned Timber Production Zone designation and no existing agricultural uses or operations exist in the project vicinity. There are no known existing agricultural uses or operations in the project vicinity. Additionally, the project area does not contain any existing Williamson Act contracts. In the immediate vicinity there are three other large parcels designated as Timber Production Zone (TPZ) that total approximately 509 acres.

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, K, 7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, K
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, K, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A, K, 17, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A, K

Impact Discussion 2a - e: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to AG-10 (Parcel #1,152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence and accessory dwelling unit with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (RUR-10 and RUR-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for

any future discretionary project. The impacts to agricultural and forestry resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Therefore, the proposed legislative action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to agricultural and forestry resources.

3. AIR QUALITY

Existing Setting:

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

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

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

The NSAQMD has established thresholds of significance that are based on a source’s projected impacts and are meant to provide guidance on when to apply mitigation. The NSAQMD has developed a tiered approach to significance levels: a project with emissions meeting Level A thresholds will require the most basic mitigations; projects with projected emissions in the Level B range will require more extensive mitigations; and those projects which exceed Level C thresholds will require the most extensive mitigations. The tiered thresholds for Level A, B and C emissions of criteria pollutants in lbs/day are provided in the table to the right.

Level A Thresholds		
NOX	ROG	PM10
<24 lbs/day	<24 lbs/day	<79 lbs/day
Level B Thresholds		
NOX	ROG	PM10
24-136 lbs/day	24-136 lbs/day	79-136 lbs/day
Level C Thresholds		
NOX	ROG	PM10
>136 lbs/day	>136 lbs/day	>136 lbs/day

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, F, 14
b. Violate any air quality standard or contribute to an existing or projected air quality violation?				✓	A, F, 14
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A, F, 14
d. Create objectionable smoke, ash, or odors?				✓	A, F
e. Generate dust?				✓	A, D, F, 14
f. Exceed any potentially significant thresholds adopted in County Plans and Goals?				✓	F, 14, 17, 18
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)?				✓	F, 14

Impact Discussion 3a-g: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence and accessory dwelling unit with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (RUR-10 and RUR-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to air quality will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact air quality other than a single-family residence and accessory structures per parcel. There is no physical disturbance associated with this legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to air quality.

4. BIOLOGICAL RESOURCES

Existing Setting:

A Biological Inventory was conducted and subsequent report (Biological Inventory Paye Rezoning, July, 2017) was prepared for the project area consisting of six APNs (38-330-01, 02, 03, 04, 87, and 86) Chaney-Davis Biological Consulting. Three plant communities were mapped in the project area: 1) mixed conifer-hardwood forest; 2) landmark black oak groves; and 3) a montane riparian woodland and scrub.

The project area (southern portion of APN 38-330-86) has a segment of Clipper Creek, a perennial stream, running through it and two unnamed intermittent tributaries. Clipper Creek is a tributary to Greenhorn Creek in the Bear River watershed. There are also two unnamed ephemeral streams that run through the northern half of the project area. All of these features would meet the criteria for waters of the US and waters of the State. The riparian vegetation that occurs in the project area is associated with Clipper Creek and its two intermittent tributaries. No riparian vegetation is associated with the ephemeral streams located in the northern half of the project area. The elevations in the project area range from 3,260 ft. to 3,650 ft

and the topography varies from gentle to steep slopes. Generally, the aspect of the project area is southeast facing.

The project area contains large diameter black oaks and large diameter conifers which are more likely to support nesting birds, roosting bats and other mammals including special-status species. However, no state or federal-listed special-status animal species were observed or expected to occur within the project area.

Foothill yellow-legged frog, a former California Department of Fish and Wildlife (CDFW) Species of Concern (SSC) species that was recently upgraded by the State to a Candidate Threatened species, is documented in nearby Greenhorn Creek (3.5 miles downstream). Although the hydrology and substrate conditions on Clipper Creek are consistent with foothill yellow-legged frog habitat, the channel is too deeply shaded throughout its reach in the project area. The species is typically associated with open, sunny streams and streambanks which are not present in the project area.

Within the project area the highest quality habitat occurs along the Clipper Creek corridor. There is an abundance of older and large trees as well as snags that have the potential to serve as nesting and roosting sites for birds and bats. Pre-construction survey guidelines are included in the Biological Inventory (Biological Inventory Paye Rezoning, July, 2017). Nevada County's non-disturbance buffer requirements (100 feet for perennial and 50 feet for ephemeral or seasonal streams) will be required to avoid impacts in the riparian corridors. If encroachment cannot be avoided a stream management plan must be prepared to ensure consistency with the Nevada County Land Use and Development Code (Section L-II 4.3.17.C.3). If future direct impacts are proposed as a result of ingress/egress needs, the applicant will be required to coordinate with the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (Central Valley Region), and the California Department of Fish and Wildlife.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	K, J, 19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?				✓	K, J, 19
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?				✓	K, J, 19
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?				✓	K, J, 19
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?				✓	J, 19

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓	A, 17
g. Introduce any factors (light, fencing, noise, human presence and/or domestic animals), which could hinder the normal activities of wildlife?				✓	A

Impact Discussion 4a-g: NO IMPACT

The proposed action is the rezoning of the project area from TPZ to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (Rural-10 and Rural-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to biological resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact biological resources other than a single-family residence and accessory structures per parcel. There is no physical disturbance associated with this legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to Biological Resources.

5. CULTURAL RESOURCES

Existing Setting:

The varied environmental zones, the geological characteristics and the geographical position of Nevada County account for an exceedingly rich and exceptionally complex cultural resource base. There are a relatively large number, and wide array, of recorded prehistoric site types in Nevada County. The Nevada County region has been occupied by Native American people for a period of at least 1,000 to 2,000 years in duration. The local people who occupied the territory where this project site is located were known as the Hill Nisenan, or “Southern Maidu”. In 1848, gold brought immigrants to the local area. By 1852, and the advent of placer mining, the population of Nevada County was estimated at more than 21,000 people. There has been significant ground disturbance in and around the vicinity of the project site properties dating back to the late 1970’s when each site was developed as a fire station. A number of State laws regulate the disturbance of archaeological sites and the Nevada County General Plan and Zoning Regulations establish procedures for identifying potentially sensitive sites.

Steve Furlong, as part of the archaeological review conducted an Archaeological Survey within the project area during six field visits between May 20 and August 28, 2012 for a Timber Harvest Plan (THP) that was proposed for the project area at that time. The location and setting was identified as having low sensitivity for prehistoric-period resources within the Paye Amendment area (North Central Information Center, August 31, 2012). The project area was also identified as having a low to moderate sensitivity for historic-period archaeological cultural resources. The field visits survey results identified seven sites consisting of linear ditch features, a small pond feature that no longer holds water, a small glass scatter area and an old concrete foundation. All of the sites have been impacted to some degree from past logging activity. Five of the seven sites had been previously recorded and the other two sites were determined (California State Parks Archaeology, History and Museums Division) to be not under the category of significant.

The Native American Heritage Commission, the United Auburn Indian Community (UAIC) and the Washoe Tribe of Nevada and California were all provided written notification of the THP back in 2012. Only the Native American Heritage Commission provided a response (referenced in previous paragraph). For this project and in compliance with AB 52, a letter notifying the United Auburn Indian Community (UAIC) of the TPZ rezone was sent December 5, 2017. Nevada County received a letter from UAIC requesting the opportunity to consult and requesting the opportunity to be present to observe any future cultural resource surveys.

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, I
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?				✓	A, I
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓	A, I
d. Disturb any human remains, including those interred outside of formal cemeteries?				✓	A, I

Impact Discussion 5a-d: NO IMPACT

The proposed action is the rezoning of the project area from TPZ to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (Rural-10 and Rural-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to cultural resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact cultural resources other than a single-family residence and accessory structures per parcel. There is no physical disturbance associated with this legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to Cultural Resources.

6. GEOLOGY / SOILS

Existing Setting:

According to the U.S. Geological Service, Nevada County falls within five earthquake ground movement intensity zones. The western half of the County where the proposed rezone is located is in the lower intensity zones (5-20 % gravity). According to the County Master Environmental Inventory (1991) the site is found to be in relatively close proximity to a known fault (travels through the southwest corner of Scotts Flat Lake) within the “Foothills” fault zone that trend in a south to north orientation through western Nevada County. Faults within the Foothills fault zone however are generally considered inactive and are not considered seismic sources that are likely to produce ground shaking at the project sites. The nearest active fault to western Nevada County is the Cleveland Hill Fault (near Lake Oroville) which is located over 50-miles northwest of the project area.

The soils found within the project area are within the Aiken series that are predominantly well drained soils underlain by cobbly andesitic tuff and conglomerate. These soils are found on tabular volcanic ridges and colluvial side slopes. The soils on ridges are undulating to steep, and those on side slopes are strongly sloping to steep. The vegetation is mixed conifer-hardwood forest with an understory of brush, forbs and sparse grasses. The project area is located approximately one mile from a mapped mineral resource 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 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, K, 1, 5, 6, 16
b. Result in disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading?				✓	A, K
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓	A, K, 1, 5, 6, 16
d. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A, C
e. Result in any increase in wind or water erosion of soils, on or off the site?				✓	A, B, D, F
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, B, D, K
g. Result in excessive grading on slopes of over 30 percent?				✓	A, K

Impact Discussion 6a & g: NO IMPACT

The proposed action is the rezoning of the project area from TPZ to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Proposal #1 and Proposal #2 area are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both of parcels consistent with the General Plan Land Use Designation (Rural-10 and Rural-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to geology and soil resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact geology and soil resources other than a single-family residence and accessory structures per parcel. There is no physical disturbance associated with this

legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to geology and soil resources.

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 percent of the CO₂ emissions come from cars and trucks. Most HFC emissions come from refrigerants, solvents, propellant agents and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to 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 would be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. *CEQA Guidelines Amendments for GHG Emissions* were adopted by OPR on December 30, 2009 (California Attorney General's Office 2010). The NSAQMD has also prepared a guidance document that includes mitigations for general air quality impacts that can be used to mitigate GHG emissions, *Guidelines for Assessing Air Quality Impacts of Land Use Projects* (Northern Sierra Air Quality Management District 2009).

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

Impact Discussion 7a-b: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to AG-10 (Parcel #1 152-acres) and RA-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10-year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (RUR-10 and RUR-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The influences on greenhouse gas emissions will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. There is no physical disturbance associated with this

legislative action and current requirements of the California Building Code, Northern Sierra Air Quality District and the California Air Resources Board, will ensure future construction that may occur as a result of this project is done in a manner that is consistent with these codes and will minimize greenhouse gas emissions to the greatest extent possible. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to greenhouse gas emissions.

8. HAZARDS / HAZARDOUS MATERIALS

Existing Setting:

The Project area is not a hazardous materials site pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control, EnviroStor Database, 2018). The California Department of Toxic Substances EnviroStor Website was searched to identify sites and facilities in Nevada County where there may be hazardous substance cleanup programs. There are no Leaking Underground Fuel Cleanup sites in the vicinity of the project area. The nearest “School Clean Up” site is the former Kenny Ranch Burn dumpsite which is more than 5 miles away and is in an active status at the time of the completion of this Initial Study. Finally the nearest voluntary clean-up site is the Deer Creek Park 2 Property approximately two miles southwest of the project area and the status for the site is certified.

The project area is located in a High Fire Risk area and future development potential will be required by the County Fire Marshall and the California Department of Forestry and Fire Protection to meet all state and local fire regulations including the improvement of ingress and egress opportunities.

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?				✓	A, 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?				✓	A, C
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	A, K, 21
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?				✓	A, C, 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, K
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, K
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	C, L

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

Impact Discussion 8a-h:

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152- acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10-year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (RUR-10 and RUR-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The influences on proposed future development on hazards and hazardous material will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Because this project is only a Zoning District Map Amendment, this project will have no physical change to the property that would further create potential safety hazards at or in the vicinity of the project property. All new construction will be subject to all fire safety codes, standards and regulations applicable to a residential use in the Wildland Urban Interface, including defensible space. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 creates NO IMPACT to hazards or from hazardous materials.

9. HYDROLOGY / WATER QUALITY

Existing Setting: The project area has a segment of Clipper Creek (within the southern portion of the project area), a perennial stream, running through it and two unnamed intermittent tributaries. Clipper Creek is a tributary to Greenhorn Creek in the Bear River watershed. There are also two unnamed ephemeral streams that run through the northern half of the project area. All of these features would meet the criteria for waters of the US and waters of the State. The riparian vegetation that occurs in the project area is associated with Clipper Creek and its two intermittent tributaries. No riparian vegetation is associated with the ephemeral streams located in the northern half of the project area. The elevations in the project area range from 3,260 ft. to 3,650 ft. and the topography varies from gentle to steep slopes. Generally, the aspect of the project area is southeast facing.

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, B
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?				✓	A, B

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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, K, 9, 13
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, K, 13
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, B
f. Otherwise substantially degrade water quality?				✓	A, B, C
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	K, 13
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	A, K, 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?				✓	A, B, D, K, 13, 16,
j. Create inundation by mudflow?				✓	A, B, D, K, 12, 16

Impact Discussion 9a-j: NO IMPACT

There is no development proposal associated with this project and this is a mapping/legislative action only. The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10-year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the General Plan Land Use Designation (RUR-10 and RUR-30) and the new zoning designations. A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The influences on proposed future development on hydrology and water quality will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Because this project is only a Zoning District Map Amendment, the project will create no physical changes to the property that would further create potential changes to or impacts on the hydrology or water quality at or in the vicinity of the project property. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 creates NO IMPACT on hydrology or water quality.

10. LAND USE / PLANNING

Existing Setting:

The project area, made up of six APNs with in two parcels (Parcel #1 and Parcel)#2, is located within a heavily treed site and is all but surrounded by established rural single-family residential development

(Figure 3). The largest parcel (Parcel #2 APN 38-330-87) contains an existing residence, two workshop/storage buildings and another large metal shop/storage building. Parcel #1 is undeveloped except for the formal and informal road networks that crisscross all APNs. The following Nevada County roads access the project area: Red Dog Road, Banner Quaker Hill Road and Banner Lava Cap Road.

The General Plan Land Use designations within the project area are RUR-10 and RUR-30 for which the General Plan assumes a density of 20 units total for parcels (Figure 5.). The current zoning district TPZ-40 permits one single-family residential unit per legal parcel (two units plus potential for two accessory dwelling units) or up to one unit per 40 acres when looking at the entire project area which equates a density of seven (7) single-family residential units for the 306-acres. The zoning in the immediate vicinity of the project area is either residential (RA-5, RA-10, RA-X) or Agriculture (AG-5, AG-10, AG-30). There is one exception. Abutting half of the southern project boundary is a parcel, owned by the applicant, that is designated TPZ-40. The mean parcel sized for all adjacent parcels is approximately 5 acres.

Figure 5. General Plan/Zoning/Density

<i>Parcel APN</i>	<i>Parcel #2 38-330-86 (154 acres)</i>	<i>Parcel #1 38-330-01-04 & 87 (152 acres)</i>	<i>Change</i>
Existing General Plan Land Use Designation	Rural - 30	Rural - 10	
Proposed General Plan Land Use Designation	Rural - 30	Rural - 10	No change
Existing Zoning	TPZ - 40	TPZ - 40	
Proposed Zoning	AG - 30	RA - 10	Zone Changes
Density	Zoning Existing 1/40 acres Proposed 1/30 acres GP Land Use Existing LU-1/30 acres	Zoning Existing 1/40 acres Proposed 1/10 acres GP Land Use Existing LU-1/30 acres	Existing TPZ = 7 units (1/40 acres for 306 acres) Proposed RA-10 + AG-30 (1/10 for 152-acres) + (1/30 for 154-acres) = 20 units Land Use = 20 units

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
c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				✓	B, T
d. Result in the loss of open space?				✓	A, M, 17, 18
e. Substantially alter the present or planned land use of an area, or conflict with a general plan designation or zoning district?				✓	A, M, 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, 18,
g. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community?				✓	A, 17 18

Impact Discussion 10a-g: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Under the TPZ zoning designation the 306 acre project area may get up to 7 single-family residences based on the allowed density of one unit per minimum of 40 acres. Without a parcel merger, each of the parcels are currently allowed, as a ministerial action, a single-family residence and an accessory dwelling unit with a building permit. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and RA-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (Parcel #1 152 acres = 15 units) and one (1) unit per minimum of 30 acres (Parcel #2 154 acres = 5 units). Because the resulting density based on the rezone is consistent with the General Plan Land Use, the General Plan has already assumed these potential build-out numbers.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. Consistency with existing and potential land uses within the vicinity will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. There is no physical project associated with this legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to Land Use.

11. MINERAL RESOURCES

Existing Setting:

The project area is near an area of former mining activity. There are two mapped Mineral Resource Areas (MRZ-2) nearby. One MRZ-2 is approximately 1.5 miles to the west and the other is approximately 1.0 miles to the east. The nearest historical mines in this area are approximately 1.2 miles to the west and 1.5

miles to the east from the project area boundaries. There are no known active mines in the vicinity of the project area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. 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, C, K, 1
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓	A, C, K, 1

Impact Discussion 11 a-b: NO IMPACT

As discussed in the Existing Setting section above, the project site is in an area of known historic mining and is at least one-mile from a mapped MRZ-2 zone. The proposed action is the rezoning of the project area from TPZ to Residential Agriculture-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Parcel #1 and Parcel #2 are allowed, as a ministerial action, a single-family residence with a building permit today and will continue to be. After the 10 year roll out-period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designation (RA-10 and AG-30) and the existing General Plan Land Use Designation (RUR-10 and RUR-30). A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to mineral resources will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact mineral resources other than one single-family residence and accessory structures per parcel. There is no physical disturbance associated with this legislative action and therefore, the proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT to mineral resources.

12. NOISE

Existing Setting:

The project area is surrounded on all four sides by low-density single-family residential uses. The greatest source of ambient noise at the project site comes from the three County roads (Red Dog Road, Banner Quaker Hill Road and Banner Lava Cap Road), which runs through the northern portion of the project area. The Nevada County General Plan considers the three roads Minor Collector Roads. Other noise in the area is typical of residential uses. The General Plan and LUDC have established daytime noise levels for discretionary projects under the Rural Land Use Designation. The noise levels are as follows: an average (Leq) of 55 decibels and a maximum (Lmax) of 75 decibels between the hours of 7 a.m. and 7 p.m., an Leq of 50 decibels with an Lmax of 65decibels between the hours of 7 p.m. and 10 p.m., and finally an Leq of 40 decibels with an Lmax of 55 decibels between the hours of 10 p.m. and 7 a.m. The County Noise regulations specifically state that permitted residential land uses are not subject to these standards, but these thresholds have been provided above for reference.

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, 17, 18
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels (e.g., blasting)?				✓	B, D
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓	A, 17, 18
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓	A, 17, 18
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, K
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, K

Impact Discussion 12a-f: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152-acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. The project area is not within two miles of a public or private airport and therefore the project would not expose people residing or working in the project area to excessive noise levels. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on noise.

13. POPULATION / HOUSING**Existing Setting:**

The project area is surrounded by low-density rural residential land uses of mostly single family uses. The Banner Park Estates and the Banner Terrace subdivisions are found immediately adjacent and west of the project area. Running across the north edge of the project area is the Lakeridge Park #1 Subdivision. The rural residential setting includes parcels that range from 2-acres to approximately 40-acres with 5-acre parcels dominating the landscape.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓	A, K, 17, 18

Impact Discussion 13a-c: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Under the TPZ zoning designation the 306-acre project area may get up to 7 single-family residences based on the allowed density of one unit per minimum of 40-acres. Without a parcel merger, Parcel #1 and Parcel #2 are currently allowed, as a ministerial action, a single-family residence with a building permit. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (on 151 acres = 15 units) and one (1) unit per minimum of 30 acres (on 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. Population and housing impacts will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. A future project submittal to develop residential uses does not have the potential to displace any housing units or people. The proposed action to rezone from TPZ to RA-10 and AG-30 has NO IMPACT on population or housing.

14. PUBLIC SERVICES

Existing Setting:

The following public services are provided the project area:

Fire: Nevada County Consolidated Fire District

Police: The Nevada County Sheriff provides law enforcement services.

Water: Individual Well

Sewage: Individual Septic

Schools: Nevada City Elementary, Nevada Joint Union School District

Solid Waste: Nevada County (over-sees garbage disposal, recycling services and transfer station operations throughout Nevada County. The Division also oversees maintenance of the closed landfills.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
1. Fire protection?				✓	L
2. Police protection?				✓	A
3. Schools?				✓	A
4. Parks?				✓	A, 17, 18
5. Other public services or facilities?				✓	A, B, C

Impact Discussion 14a.1-5: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. Under the TPZ-40, zoning designation the 306-acre project area may get up to 7 single-family residences based on the allowed density of one unit per minimum of 40-acres. Without a parcel merger, Parcel #1 and Parcel #2 are currently allowed, as a ministerial action, a single-family residence with a building permit. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (on 151 acres = 15 units) and one (1) unit per minimum of 30 acres (on 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to public services will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on public services.

15. RECREATION**Existing Setting:**

Public recreational facilities do not occur on or immediately adjacent to the project area project area. The nearest public recreational facilities is the Cascade Canal Trail which is approximately 1.0 driving miles from the project site off Red Dog Road. The subject property is mapped within the boundaries of the Nevada City 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. 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, 17, 18
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				✓	A, 17, 18
c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?				✓	A, 17, 18

Impact Discussion 15a-c: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement and potential disturbance from future residential development. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (on 151 acres = 15 units) and one (1) unit per minimum of 30 acres (on 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and conditions of approval will be required for any future discretionary project. The impacts to recreation will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on recreation.

16. TRANSPORTATION / CIRCULATION**Existing Setting:**

The three Nevada County roads that serve the project area are: Quaker Hill Cross Road, Red Dog Road and Banner Lava Cap Road. All three are consider minor collector roads by the Nevada County General Plan Circulation Element. The project area also contains numerous dirt roads that were used for past logging operations. Also in the immediate vicinity of the project area are other local private roads that serve residential development. According to the Nevada County Master Traffic Count Listing that is maintained by Nevada County Department of Public Works. Daily traffic counts are taken, on average, every couple of years, on a rotating basis for over two hundred locations around Nevada County. Below is a list of County roads located within the vicinity of the project area and the most recent traffic count for that location.

Road	Location	Date	Trips	LOS
Banner Lava Cap Road	(E of Idaho Maryland Road)	5/16	3,100	A
Red Dog Road	(SE of Pasquale Road)	2/18	2,385	A
Quaker Hill Cross Road	(NE of Red Dog Road)	3/16	1,674	A

Quaker Hill Cross Road is currently operating at a Level of Service (LOS) "A" based on 2013 traffic counts. There are no pedestrian amenities along Quaker Hill Cross Road. Site distance along the project frontage is excellent in both east and west directions.

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)?				✓	A, B, 19
b. Result in a need for private or public road maintenance, or new roads?				✓	B

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Result in effects on existing parking facilities, or demand for new parking?				✓	A
d. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?				✓	B
e. Result in a substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?				✓	B
f. Result in an alteration of waterborne, rail, or air traffic patterns or levels?				✓	B
g. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?				✓	B
h. Result in inadequate: Sight distance? Ingress/egress? General road capacity? Emergency access (4290 Standard)?				✓	A, B, K, L
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, 17, 18, 19

Impact Discussion 16a-i: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement, infrastructure needs and potential disturbance from future residential development. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (Parcel #1 152 acres = 15 units) and one (1) unit per minimum of 30 acres (Parcel#2 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and permit with conditions of approval will be required for any future discretionary project. The impacts to transportation and circulation will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on traffic or circulation.

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 of the Auburn Rancheria (UAIC) have contacted the County to request consultation on projects falling within their delineated ancestral lands. The subject project area is proposed within UAIC lands.

The Native American Heritage Commission, the United Auburn Indian Community (UAIC) and the Washoe Tribe of Nevada and California were all provided written notification of the Timber harvest Plan for which the archaeological study was prepared back in 2012. Only the Native American Heritage Commission provided a response (referenced in Section 5. Cultural Resources above). For this project and in compliance with AB 52, a letter notifying the United Auburn Indian Community (UAIC) of the TPZ rezone was sent December 5, 2017. Nevada County received a letter from UAIC requesting the opportunity to consult and requesting the opportunity to be present to observe any future cultural resource surveys.

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: 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				✓	A, I & 22
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.				✓	A, I & 22

Impact Discussion 17a-i and ii: NO IMPACT

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement, infrastructure needs and potential disturbance from future residential development. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (on 152 acres = 15 units) and one (1) unit per minimum of 30 acres (on 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and permit with conditions of approval will be required for any future discretionary project. Additional review, analysis and permitting will also be required for ground disturbing activity that have the potential to impact cultural resources other than a single-family residence and accessory structures per parcel. Prior to the preparation of any CEQA environmental analysis and

consistent with AB 52, the United Auburn Indian Community will be notified of the proposed project and consultation will be solicited. The impacts to Tribal Cultural Resources and circulation will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on Tribal Cultural Resources.

18. UTILITIES / SERVICE SYSTEMS

Existing Setting:

The project area is served by the following providers:

Electrical Service: Pacific Gas & Electric

Gas: Propane (various private companies, natural gas not available at this time)

Telephone: AT&T

Water: Private Wells (Future Nevada Irrigation District domestic water)

Sewer: Private Septic Systems

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?				✓	A, B
c. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓	A, J
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓	O
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?				✓	A, 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?				✓	B
h. Require a need for the extension of communication systems?				✓	A

Impact Discussion 18a-h:

The proposed action is the rezoning of the project area from TPZ-40 to RA-10 (Parcel #1 152 acres) and AG-30 (Parcel #2 154-acres). A Rezone is a legislative action and is not a development project approval. Future development of the rezoned parcels that result from the proposed rezone project can only be speculative in terms of the number, placement, infrastructure needs and potential disturbance from future residential development. After the 10-year roll out period required for a TPZ rezone has elapsed, the property owner may apply to subdivide one or both parcels consistent with the new zoning designations (RA-10 and AG-30) which will be consistent with the General Plan Land Use Designation (RUR-10 and RUR-30). The 306 acre project area will be eligible for the density allowed under the new zoning, that is one (1) unit per minimum of 10 acres (Parcel #1 152 acres = 15 units) and one (1) unit per minimum of 30

acres (Parcel #2 154 acres = 5 units). The General Plan has already assumed these potential build-out numbers based on the General Plan Land Use designations of RUR-10 and RUR-30.

A discretionary action is required for any subdivision of land. An environmental analysis prepared pursuant to the CEQA guidelines, a public hearing and permit with conditions of approval will be required for any future discretionary project. Any future project will be required to document whom will be providing utility and services and how the applicant will transmit the services. Any modification to existing utility transmission services would also require appropriate building permits and would be completed for each individual site, so no offsite extension of any public utilities would be required that have the potential to cause significant environmental effects. The impacts to utilities and service systems will be a consideration for the CEQA environmental analysis and Nevada County findings of consistency. The proposed action to rezone from TPZ-40 to RA-10 and AG-30 has NO IMPACT on utilities and service systems.

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?				✓	See Appendix A
b. Does the project have environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)				✓	See Appendix A
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				✓	See Appendix A
d. Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?				✓	See Appendix A

Impact Discussion 19a-h:

As repeated throughout this Initial Study, the proposed project is a legislative action only, consisting of a rezoning of 306 acres of land designated as TPZ to RA-10 and AG-30 which is consistent with the Land Use designations currently found on the 306 acres (RUR-10 and RUR-30). If the proposed rezone is approved, the approval will initiate the ten-year roll-out process. Sections 51120 and 51121 of the TPZ Act regulate this process. Under Section 51120(c), the State requires the approval by the County of a rezoning to an alternate zone district. If approved, the new zoning district becomes effective ten (10) years from the date of the approval. A 10-year roll out rezoning proposal is subject to the California Environmental Quality Act and the Board of Supervisors may approve, modify or disapprove the rezoning request.


There are no actual development projects being proposed with this project nor does this legislative project grant any discretionary land use entitlements as a result of the proposed change. Future development of the project area will be subject to applicable local, state and federal codes, standards, permitting requirements and regulations that are applicable to the type of redevelopment that might be proposed. This Initial Study

does make assumptions for the future use of the project area based on the proposed land use and zoning designations. Further this Initial Study makes no attempt to comprehensively analyze and mitigate the potential development of the project area, because at this time the type, size and scope of what might be developed is undetermined and future development of the project area would in almost all cases require a discretionary action. The review of a discretionary action would be subject to additional review pursuant to the California Environmental Quality Act Guidelines. With that being said, no significant impacts have been identified within this Initial Study as a result of this project and therefore the proposed change to the Zoning District Map designations that are being requested by the applicant are anticipated to have no impact to environmental resources.

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.

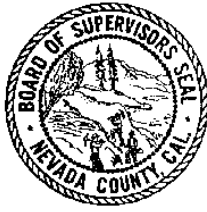

Coleen L. Shade, Senior Planner


Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Natural Resource Conservation Service/Resource Conservation District
 - F. Northern Sierra Air Quality Management District
 - G. Caltrans
 - H. Regional Water Quality Control Board (*Central Valley Region*)
 - I. North Central Information Service, Anthropology Department, California State University, Sacramento
 - J. California Department of Fish & Wildlife
 - K. Nevada County Geographic Information Systems
 - L. California Department of Forestry and Fire Protection
 - M. Nevada County Transportation Commission
 - N. Nevada County Agricultural Advisor Commission
 - O. Nevada Irrigation District
1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
 4. CalFire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 7. California Department of Conservation, Division of Land Resource Protection. 2010. *Nevada County Important Farmland Data*. Available at: <http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp>.
 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 11. Natural Resources Conservation Service. 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. Available at: http://soildatamart.nrcs.usda.gov/manuscripts/CA619/0/nevada_a.pdf.
 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 and Mitigating Air Quality Impacts of Land Use Projects (Draft)*. August 19, 2009.
 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*. 1993.
 16. Nevada County. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA. 1991.
 17. Nevada County. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Nevada County, CA. 1995.
 18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.

19. Nevada County. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). *Nevada County General Plan, Volume 2: Background Data and Analysis*, Table 10- Daily Planning Service Volume Criteria Table. Nevada County, CA. 1995.
20. Chaney-Davis Biological Consulting. *Biological Inventory Paye Rezoning*, Nevada County, CA 2017
21. California Department of Toxic Substances Control. *EnviroStor Database*. 2018



RESOLUTION NO. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**A RESOLUTION ADOPTING A NEGATIVE DECLARATION
IN CONNECTION WITH THE ADOPTION OF AN
ORDINANCE AMENDING ZONING DISTRICT MAPS NO.
064a AND 077 TO REZONE TWO PARCELS (SIX ASSESSOR
PARCEL NUMBERS) FROM TIMBER PRODUCTION ZONE-
40 (TPZ-40) TO RESIDENTIAL AGRICULTURE-10 (RA-
10)(APNS 38-330-01, 02, 03, 04, & 87) AND GENERAL
AGRICULTURE-30 (AG-30) (APN 38-330-86). (FILE NOS.
PLN17-0051, RZN17-0002 AND EIS17-0030)**

WHEREAS, Mark H. Paye, the property owner, is proposing zoning map amendment (RZN17-0002); and,

WHEREAS, on April 13, 2018, the Planning Department staff prepared an Initial Study and Negative Declaration ("IS/ND") for the Project (EIS17-0030) a copy of which is attached to this Resolution as Exhibit A; and,

WHEREAS, the IS/ND was submitted directly to affected local, regional, state, and federal agencies, and was released for a 20-day public review period, commencing on April 13, 2018 and ending May 2, 2018 at 5:00 p.m.; and,

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

WHEREAS, on May 10, 2018, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed IS/ND together with all comments received during the public review period, and recommended on a majority vote adoption of this same Negative Declaration before making a recommendation to the Board on the rezone.

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors has reviewed and considered the recommendation of the Planning Commission and has independently reviewed the Initial Study and proposed Negative Declaration (EIS17-0030), together with all comments received during the public review period, and pursuant to the

California Environmental Quality Act Guidelines Sections 15073 and 15074, hereby finds and determines as follows:

1. The above recitals are true and correct.
2. That there is no substantial evidence in the record supporting a fair argument that the proposed project might have any significant adverse impact on the environment;
3. That the proposed Negative Declaration reflects the independent judgment of the Board of Supervisors; and
4. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Negative Declaration (EIS17-0030) for the ***Mark H. Paye Rezone from TPZ-40 to RA-10 (APNs 38-330-01, 02, 03, 04 & 87) and AG-30 (APN 38-330-86)*** Project, to allow for the rezoning of the project parcels to Initiate the TPZ Ten-Year Roll-Out process.



ORDINANCE No.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ZONING DISTRICT MAP NOS. 064a AND 077, TO REZONE TWO PARCELS (SIX ASSESSOR PARCEL NUMBERS) FROM TIMBER PRODUCTION ZONE-40 (TPZ-40) TO RESIDENTIAL AGRICULTURE-10 (RA-10) (APNS 38-330-01, 02, 03, 04, & 87) AND GENERAL AGRICULTURE-30 (AG-30) (APN 38-330-86). (FILE NOS. PLN17-0051, RZN17-0002 AND EIS17-0030) (MARK H. PAYE, PROPERTY OWNER)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

That Assessor's Parcel Numbers 38-330-01, 02, 03, 04, 87 and 86, which are located within Section 14, Township 16N, Range 9E, to Township 16N, Range 10E., Red Dog, Quaker Hill, Banner Quaker Hill area of unincorporated Nevada County, California, approximately 4 miles southeast of downtown Nevada City, California, to be rezoned from Timber Production Zone with 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) based on the following findings A-E:

- A. That the proposed amendment is consistent with and furthers the goals, objectives, policies, programs and implementation measures of the General Plan and the provisions of the Land Use and Development Code Chapter II Zoning Regulations, including Land Use and Development Code Section L-II 2.3 C.6.a, to allow for the TPZ zone ten-year roll-out to RA-10 and AG-40 on 306 acres currently bordered by RA and AG zoning; and
- B. That the project site is physically suitable for the requested RA-10 and AG-30 zoning; and
- C. That the proposed amendment for the project site will not conflict with uses and zoning that surround the subject parcels as the proposed zoning is consistent with those established uses; and

- D. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and
- E. That the Nevada County Planning Commission after taking public testimony and deliberating on the project recommended that the Board of Supervisors adopt this Ordinance by a majority vote as required by Nevada County Land Use and Development Code Section L-II 5.9.E.

SECTION II:

Pursuant to Section L-II 1.3.D of Article 1 of Chapter II of the Land Use and Development Code of the County of Nevada, Zoning District Map Nos. 064a and 077 is hereby amended as follows:

Zoning District Map Nos. 064a and 077 are hereby amended as shown on Exhibit “A” attached hereto and made a part of this Ordinance. Said property comprises approximately 306-acres combined and is located in unincorporated Nevada County, California; and

All that certain property described on Exhibit “A”, is hereby rezoned as follows: From Timber Production Zone 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) as defined in Chapter II of the Land Use and Development Code of the County of Nevada, and is hereby subject to the restrictions and allowable uses set forth therein.

A note will be included on the Zoning District Maps 064a and 077 and shall include a description of the zone change, the date the change will be in full effect and when the note is no longer warranted. Said note shall be in reference to the aforementioned parcels only and written as follows: “NOTE #1: The Rezone from 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) for APNs 38-330-01, 02, 03, 04 & 87 and to General Agriculture with 30-acre minimum density (AG-30) for APN 38-33-86 shall become effective ten (10) years after the date of approval by the Board of Supervisors in accordance with the California Government Code Section 51100 et. seq., and Nevada County Land Use and Development Code Section L-II 2.3.C 6.a. This rezone will be effective and operative on the _____ day of _____, 20____. As such, on the effective date with the Rezone fully operative, this note will be removed and Ordinance will be automatically terminated.”

SECTION III:

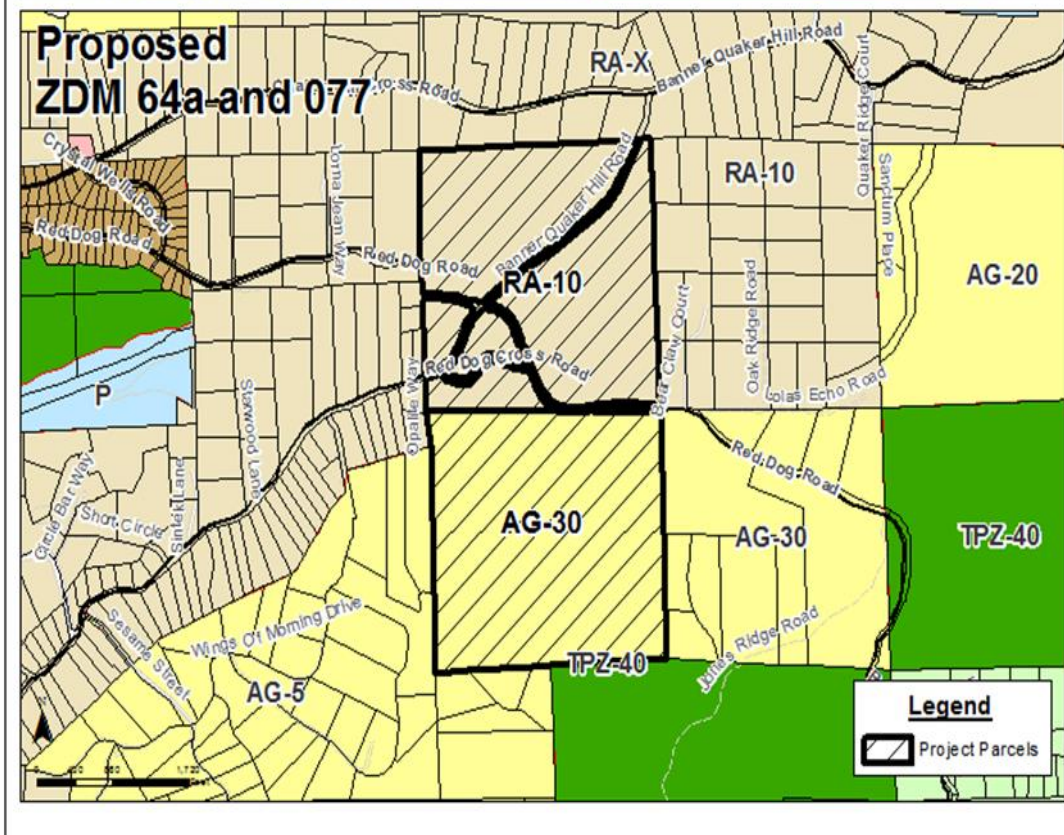
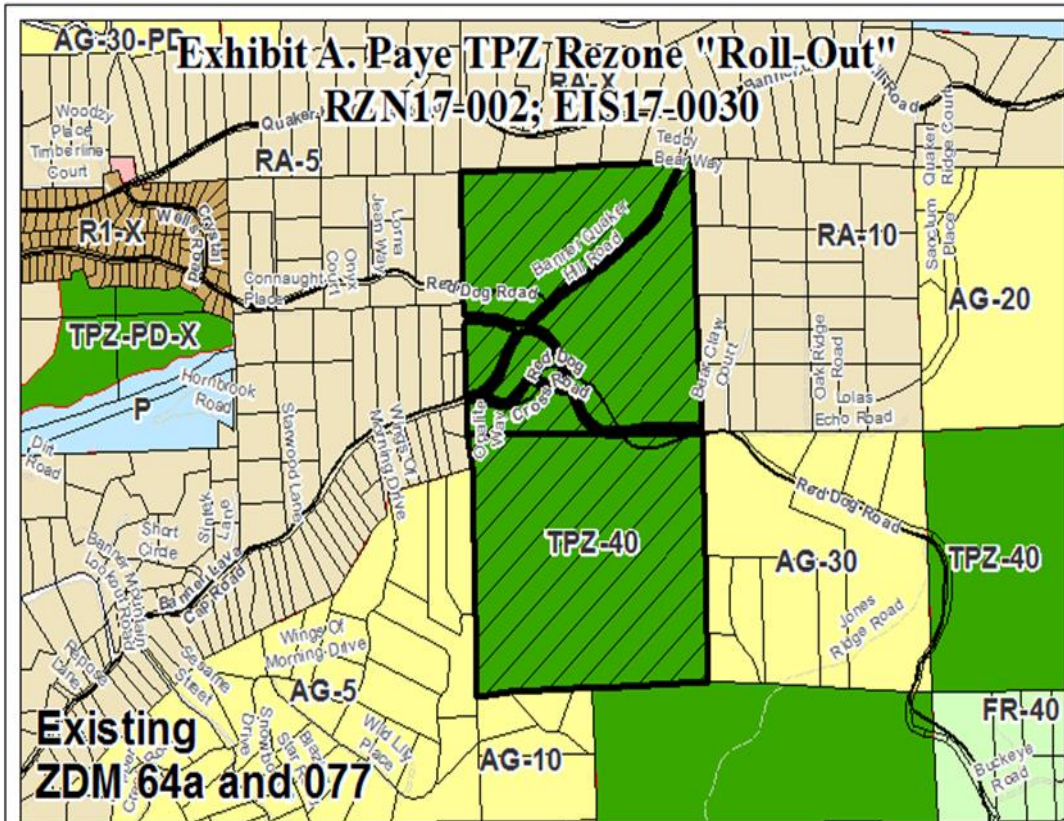
If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION IV:

The Board of Supervisors’ approval shall initiate the ten-year roll-out process to Rezone approximately 306 acres of Timber Production Zone with 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) effecting 152 and 154 acres respectively, pursuant to Government Code § 51120. Upon the operative date of the ten year roll-out rezone of the 306 acres, this Ordinance shall no longer be in effect and will automatically terminate.

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the _____ day of _____, 2018, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

DRAFT





**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

May 10, 2018

TO: Planning Commission

FROM: Coleen Shade, Senior Planner

HEARING DATE: May 10, 2018

SUBJECT: PLN17-0051, RZN17-0002 & EIS17-0030: Mark H. Paye Timber Production Zone Rezone Correction to Notice of Availability and Initial Study Zoning Map EIS17-0030 with Additional CEQA Finding

Dear Commissioners,

A comment letter on the CEQA Initial Study/Negative Declaration received from the Nevada County Agricultural Commissioner, Chris DeNijs, has brought to our attention a mistake that was made in the Notice of Availability (NOA) and on a zoning map included in the Initial Study. Attached is the letter, the highlighted mistakes and the corrections. In both highlighted areas, Residential Agriculture-30 (RA-30) appears where the proposed zoning should have read General Agriculture-30 (AG-30).

As a result of these modifications, staff would request that should the Planning Commission choose to approve the project requested rezone, that your action reflect these modifications and when taking action on the proposed Rezone to follow the recommended action provided below.

-
- I. After reviewing and considering the proposed Negative Declaration (EIS17-0030), adopt the proposed Negative Declaration pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act, and make Findings A through D:
- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project might have any significant adverse impact on the environment;
 - B. That the proposed Negative Declaration reflects the independent judgment of the Planning Commission;
 - C. Pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the project specific Initial Study/Negative Declaration (EIS17-0030) is not required as result

of the new information added to correct a mistake regarding the proposed zoning of APN 38-330-86 in the Notice of Availability/Notice of Intent to Adopt a Negative Declaration (NOI/NOA) and Figure 1. Location and Vicinity Map of the Initial Study/Negative Declaration dated April 13, 2018 on page 3 of the Initial Study. The NOA/NOI and Initial Study/Negative Declaration have been amended to provide the accurate proposed zoning of General Agricultural 30-acre density minimums (AG-30) for APN 38-330-86 and the reference to RA-30 has been removed. This new information merely clarifies and makes insignificant modifications to the proposed Negative Declaration and because the rest of the document reflects the appropriate proposed zoning for APN: 38-330-86 recirculation is not required.

- D. 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.