

**NEVADA COUNTY, CALIFORNIA  
INITIAL STUDY**

<b>To:</b> CEO – Alison Lehman COB – Jeff Thorsby COB – Barbara Price Building Department Environmental Health Department DPW Engineering DPW Sanitation Northern Sierra AQMD Fire Protection Planner Penn Valley Fire District Penn Valley Union School District Native American Heritage Commission Nevada City Rancheria Nisenan Tribe Shingle Springs Band of Miwok Indians Tsi Akim Maidu United Auburn Indian Community Principal Planner, Tyler Barrington	Supervisor Hoek, District IV Commissioner Mastrodonato, District IV Resource Conservation District Caltrans Highways CA Dept. of Fish and Wildlife Central Valley WQCB CA Department of Water Resources U.S. Army Corps of Engineers U.S. Fish and Wildlife Service Federal Emergency Management Agency Nevada County Association of Realtors Nevada County Contractors' Association Penn Valley Chamber of Commerce Penn Valley Municipal Advisory Council Federation of Neighborhoods Western Gateway Park and Recreation Dist. Nevada Irrigation District
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**Date:** February 18, 2022

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**File Number(s):** PLN21-0212; CUP21-0003; EIS21-0006; MGT21-0037

**Assessor's Parcel Numbers:** 051-200-004; 051-200-006; 051-200-015; 051-200-016

**Applicant/Representative:** Andrew Cassano  
Nevada City Engineering  
505 Coyote Street, Suite B  
Nevada City, CA 95959

**Property Owner:** Little Lake Trust

**Zoning District:** RA-PD (Residential Agricultural – Planned Development)

**General Plan Designation:** PD (Planned Development)

**Project Location:** 18159, 18065, 18121, and 18093 Lasso Loop in Penn Valley, CA approximately 0.3 miles South of Highway 20

**Project Description:**

An application to the Zoning Administrator requesting a Conditional Use Permit to allow for future residential construction on Nevada County Assessor's Parcels 051-200-004; 051-200-006; 051-200-015; and 051-200-016, that will set the standards, conditions, and mitigations to be applied to future development. The project does not propose any grading, construction, land development, or any other land disturbance. A Management Plan is included to mitigate the impact of future development on floodplains and to protect development and downstream users from the potential for hazards associated with flooding. Figure 1 shows the property lines for each of the four parcels and flood hazard areas.

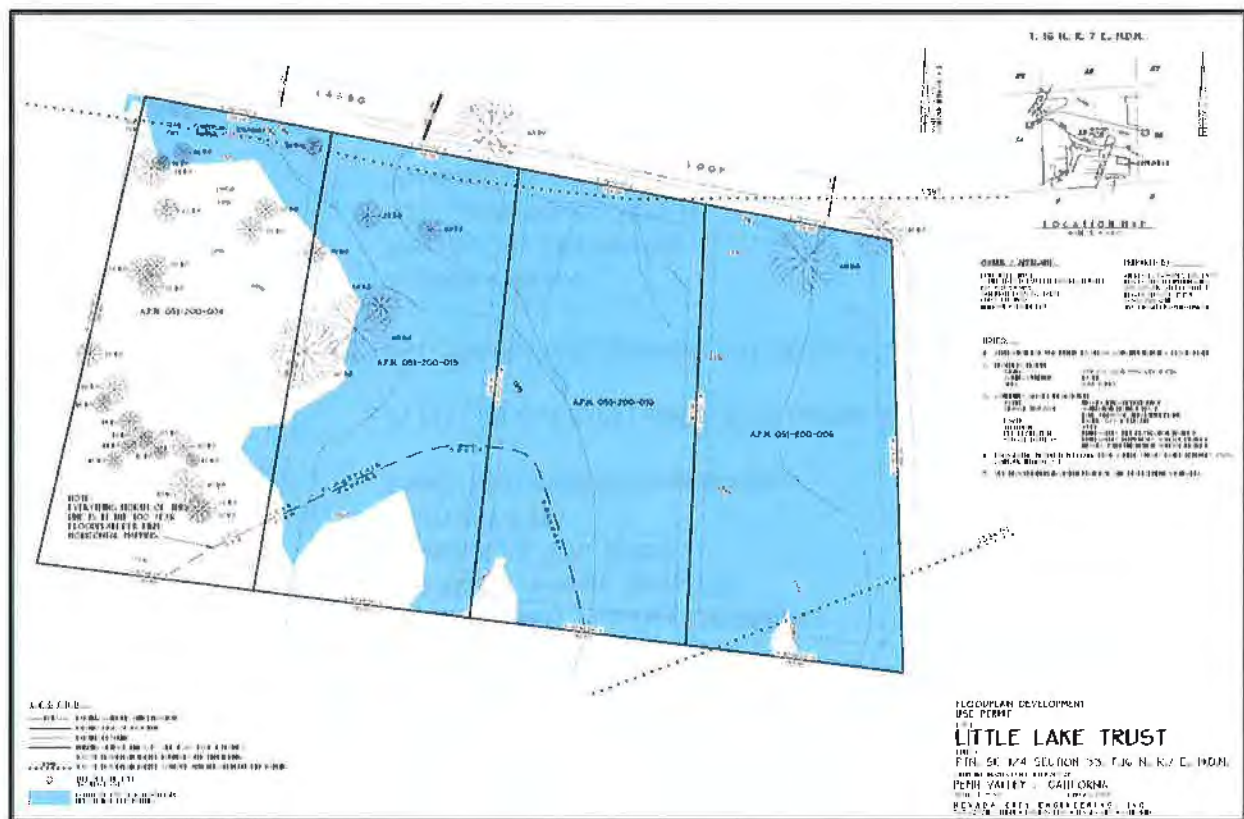


Figure 1 - Site Plan

**Project Location Description and Surrounding Land Zoning & Uses:**

The four (4) subject parcels are located approximately one-quarter (0.3) mile South of Highway 20 and approximately one-tenth (0.1) mile South of Western Gateway Park. The subject parcels are approximately 1.53-, 1.49-, 1.43-, and 1.41-acres in size for a total of approximately 5.88-acres of project area. The project biologist describes the land as relatively flat with the drainage patterns moving from south to north within and adjacent to the Project area connecting to Squirrel Creek approximately 1,000 feet to the north of the Project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL). The western end of the Project area is a couple of feet higher in elevation than the rest of the Project area (-1,394 MSL). There are FEMA regulated floodways adjacent to the west and east of the Project area, which connect to the north before entering into Squirrel Creek, which connects downstream with the Yuba River.

The subject properties have legal access from Lasso Loop, a County maintained road, and no access points currently exist for any of the subject parcels. The Nevada Irrigation District maintains an eight-inch water main all along the frontage on Lasso Loop, but the subject parcels do not currently have a connection to the water main. The Nevada County Sanitation District No. 1 maintains a collection pipe located in Lasso Loop,

but the subject parcels do not currently have a connection to the collection pipe. Pacific Gas and Electric Company (PG&E) maintains existing transmission infrastructure along Lasso Loop, but the subject parcels do not currently have a connection to the utility. There are no existing improvements on any of the properties, and no improvements are proposed for this project. Figure 2, right, shows the zoning and configuration of the project parcel and surrounding parcels.

The subject parcels have a General Plan Designation of Planned Development: Residential with an allowable density of up to six (6) dwelling units across the four parcels (PD:RES [6DU]) and are zoned Residential Agricultural with a Planned Development Combining District (RA-PD), allowing density of up to six (6) dwelling units across the four parcels. The subject parcels are located within the Penn Valley Community Region and outside of the Penn Valley Village Center.

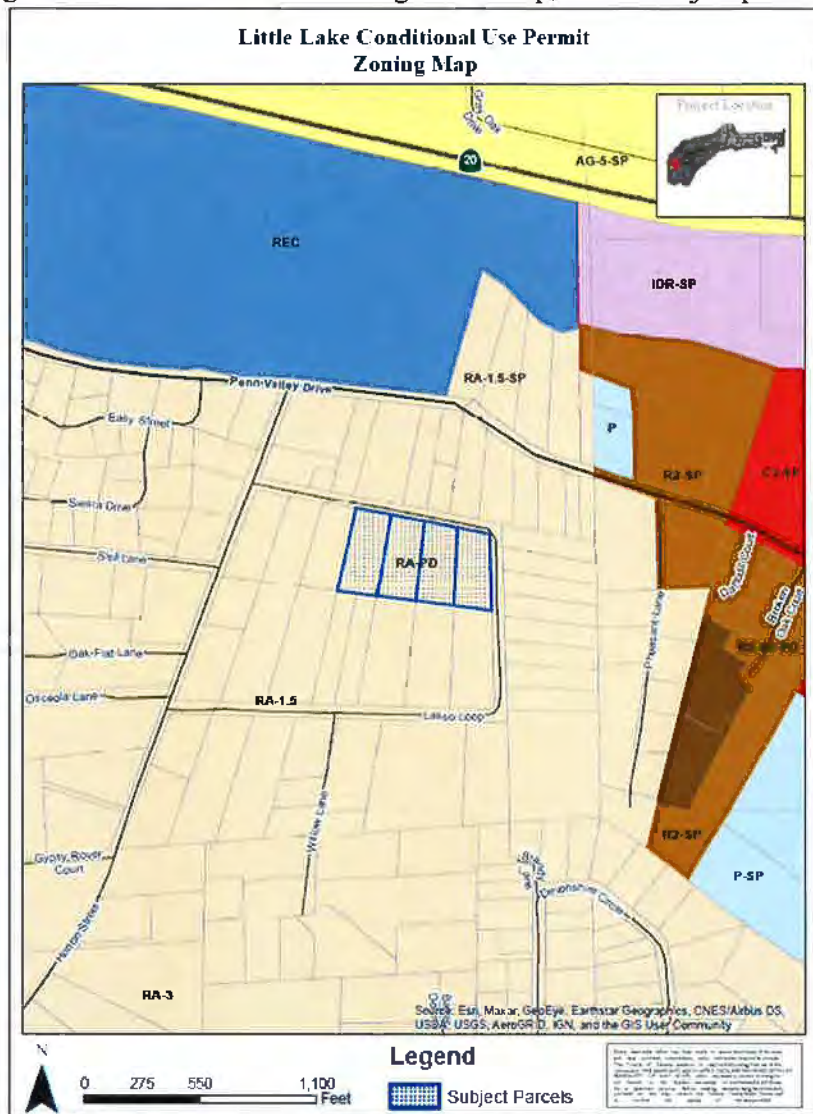
Surrounding parcel designations vary as follows: parcels immediately surrounding the subject parcels are designated as Residential Agricultural with a 1.5-acre minimum parcel size RA-1.5) and Residential Agricultural with a 3-acre minimum parcel size RA-3); the Western Gateway Park is located approximately 0.1 mile to the North of the subject parcels and has a Recreation (REC) zoning designation;

the Penn Valley Village Center is located approximately 0.3 miles to the West and has a variety of zoning designations including Public (P), Public with Site Performance Combining District (P-SP), Medium-Density Residential with a Site Performance Combining District (R2-SP), Medium-Density Residential with Regional Housing and Site Performance Combining Districts (R2-RH-SP), High-Density Residential with Regional Housing and Site Performance Combining Districts (R3-RH-SP), Interim Development Reserve with Site Performance Combining District (IDR-SP), and Community Commercial with a Site Performance Combining District (C2-SP).

Immediately adjacent parcels range in size from approximately 0.57-acres in size to approximately 2.37-acres. Parcels within the greater vicinity of the subject parcels range in size between 0.23-acres residential parcels and the approximately 80-acre Western Gateway Park parcel.

#### Other Permits Which May Be Necessary:

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



1. **Building and Grading Permits – Nevada County Building Department**
2. **Encroachment Permit – Nevada County Department of Public Works**
3. **Sewer Connection Permits – Nevada County Sanitation District**
4. **Treated Water Variance and Permit – Nevada Irrigation District**

**Relationship to Other Projects:**

None.

**Tribal Consultation:**

California Native American Tribes with ancestral land within the project area were routed the project during distribution in July of 2021. The United Auburn Indian Community (UAIC) requested to review the cultural resources report and photographs of the proposed project area on August 18, 2021 and conducted a site visit of the subject parcels on October 6, 2021. Additional consultation occurred in December 2021 and January 2022 regarding additional project data received. The California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

## 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. Energy
✓	7. Geology / Soils		8. Greenhouse Gas Emissions		9. Hazards / Hazardous Materials
✓	10. Hydrology / Water Quality		11. Land Use / Planning		12. Mineral Resources
✓	13. Noise		14. Population / Housing		15. Public Services
	16. Recreation		17. Transportation	✓	18. Tribal Cultural Resources
✓	19. Utilities / Service Systems	✓	20. Wildfire	✓	21. Mandatory Findings of Significance

### Summary of Impacts and Recommended Mitigation Measures:

#### 4. BIOLOGICAL RESOURCES:

To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation Measure 4A: Nesting raptors and migratory birds.** The following note shall be added to all improvement/grading/construction plans:

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

- a) If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- b) Tree removal and construction shall not take place during the breeding season (March 1 –July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.

- c) If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
- d) If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
- e) Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

**Reporting:** Approval of future grading/improvement permit

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

**Mitigation Measure 4B: Oak Protection Measures & Compensatory Oak Mitigation.** The Landmark Oak trees identified as shown on the Comprehensive Master Plan Site Plan, shall be mapped and identified as Landmark Oak trees on all future improvement/grading/construction plans to ensure their protection from future disturbance. The following note shall be included: "No disturbance is allowed within the driplines of Landmark Oak trees, unless a Management Plan is approved." The Oak Resources Management Plan shall detail the proposed impacts and the compensatory mitigation strategy to fully compensate for the impacts and/or removal of such protected oak resources. Additionally, the Oak Resources Management Plan shall include protection measures for work immediately adjacent to protect oak resources.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

**Reporting:** Approval of future grading/improvement permit

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

## 5. CULTURAL RESOURCES:

To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction.** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:



Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

*Timing: Prior to issuance of grading/improvement/building permits and throughout construction.*

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

*Responsible Agency: Planning Department and Building Department*

## **7. GEOLOGY / SOILS:**

To offset potentially adverse geological impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation: See Mitigation Measure 5A.**

## **10. HYDROLOGY / WATER QUALITY**

To reduce potential impacts to hydrology and water quality resources, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

### **Mitigation Measure 10A: Design of Future Development.**

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

- a) Project development shall be located outside the mapped limits of the regulatory floodway. The Project Site is entirely outside of the active stream channel and designated regulatory floodway.
- b) The 100-year flood plain limits utilized for this analysis are obtained from the published FIRM dated February 2, 2010, which has been adopted by the County of Nevada. This is the latest available mapping in the vicinity of the Project Site. Finished floor elevations of any future construction shall be based on this data or any future updates.
- c) Creation of additional impervious surfaces within 100 feet of the 100-year floodplain boundary should be minimized. To avoid increasing the floodplain hazard, impervious areas on each lot shall be limited to 6000 square feet of impervious area with the following standard:
  - a. Development of this project will not increase the flood hazard on other properties. due to the relatively small footprint of proposed structures and the minimal amount of additional site disturbance which will occur as a result of development of the Project Site. The additional impervious surface added by development of the Project will also have negligible effect on peak flows in the tributaries and Squirrel Creek.
- d) Grading and land disturbance within the limits of the SFHA (100-year floodplain) of the tributaries should be limited to a maximum of three (3) feet of cut or fill.
- e) Areas within, or within 100 feet of the 100-year floodplain, which are disturbed due to construction activity will be regraded to a smooth, natural contour resembling their pre-development configuration. Grading will be done in such a manner as to smoothly convey flows through the property without accelerating their transit to downstream areas. Sediment

and erosion control measures, in accordance with industry accepted Best Management Practices (BMPs), should be maintained during the grading operation and permanent erosion control measures should be installed upon completion of grading in order to stabilize any disturbed soil, thus eliminating the likelihood of increased erosion exiting the site toward downstream properties. Typical BMPs include seeding, mulch, straw with jute netting, tackifiers, fiber rolls, silt fences, rock/log check dams and sediment traps.

- f) Existing vegetation should be preserved to the extent practical, and exposed soil should be protected from wind and water erosion. Any necessary or required removal of vegetation within, or within 100 feet of the 100-year floodplain, due to construction disturbance will be remediated by appropriate replacement plantings as part of the homeowners' future landscape improvements to the property.
- g) Limit construction to periods of extended dry weather and the dry summer season

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

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

**Responsible Agency:** Planning Department, Building Department, Department of Public Works

#### **Mitigation Measure 10B: Construction of Future Development.**

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

- a) All Standards for Conventional Construction and Manufactured Homes outlined in Sec. L-XII 1.5 Provisions for Flood Hazard Reduction of Nevada County Land Use & Development Code shall be adhered to.
- b) A pre- and post-construction flood certificate verifying the finished floor elevation for any future development is required. The finished floor of all new habitable building spaces shall be constructed a minimum of 1.00 foot above the 100-year floodplain. A LOMA may be necessary for APN: 051-200-004 to prove that the building area is outside of the floodplain boundary based on the field derived topographic data.
- c) All stem walls and crawl spaces shall be equipped with floating vents, installed to the manufacturer's specifications to reduce flooding pressure and to drain crawl spaces. Areas within, or within 100 feet of the 100-year floodplain, which are disturbed due to construction activity will be regraded to a smooth, natural contour resembling their pre-development configuration. Grading will be done in such a manner as to smoothly convey flows through the property without accelerating their transit to downstream areas. Sediment and erosion control measures, in accordance with industry accepted Best Management Practices (BMPs), should be maintained during the grading operation and permanent erosion control measures should be installed upon completion of grading in order to stabilize any disturbed soil, thus eliminating the likelihood of increased erosion exiting the site toward downstream properties. Typical BMPs include seeding, mulch, straw with jute netting, tackifiers, fiber rolls, silt fences, rock/log check dams and sediment traps.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

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

**Responsible Agency:** Planning Department, Building Department, Department of Public Works

### **13. NOISE:**

To offset potential construction related noises, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:



**Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00 PM:**

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

*Timing: Prior to Issuance of grading/improvement/building permits and throughout construction*

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

*Responsible Agency: Planning Department and Building Department*

**18. TRIBAL CULTURAL RESOURCES:**

To offset potentially adverse tribal cultural resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation: Mitigation Measure 18A: Unanticipated Tribal Cultural Resources.**

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

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

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

*Timing: Prior to Issuance of grading/improvement/building permits and throughout construction*

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

*Responsible Agency: Planning Department & United Auburn Indian Community of the Auburn Rancheria*

**19. UTILITIES/SERVICE SYSTEMS:**

To offset potentially adverse utility and service system impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

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

*Timing: Prior to Issuance of grading/improvement/building permits and throughout construction*

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

*Responsible Agency: Planning Department and Building Department*

**20. WILDFIRE:**

To offset potentially adverse wildfire impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation: See Mitigation Measure 10A and 10B.**

**Mitigation Monitoring Matrix:**

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
4A	Planning Department and Building Department	Prior to issuance of grading/improvement/building permits and throughout construction.
4B	Planning Department and Building Department	Prior to issuance of grading/improvement/building permits and throughout construction.
5A	Planning Department and Building Department	Prior to issuance of grading/improvement/building permits and throughout construction.
10A	Planning Department, Building Department, Department of Public Works	Prior to issuance of grading/improvement/building permits and throughout construction.
10B	Planning Department, Building Department, Department of Public Works	Prior to issuance of grading/improvement/building permits and throughout construction.
13A	Planning Department and Building Department	Prior to issuance of grading/improvement/building permits and throughout construction.
18A	Planning Department & United Auburn Indian Community of the Auburn Rancheria	Prior to issuance of grading/improvement/building permits and throughout construction.
19A	Planning Department and Building Department	Prior to issuance of grading/improvement/building permits and throughout construction.

## INITIAL STUDY AND CHECKLIST

### Introduction

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

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

### Impact Analysis

#### 1. AESTHETICS

##### Existing Setting:

The four (4) subject parcels are approximately 1.53-, 1.49-, 1.43-, and 1.41-acres in size for a total of approximately 5.88-acres of project area. The project biologist describes the land as relatively flat with the drainage patterns moving from south to north within and adjacent to the Project area connecting to Squirrel Creek approximately 1,000 feet to the north of the Project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL). The subject parcels contain mostly open non-native annual grassland species with a few individual oaks and no mapped contiguous landmark oak groves. Adjacent land uses are low density rural residential. The site is not visible from a scenic highway or other scenic corridors.

Except as provide in Public Resources Code Section 21099, 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 on a scenic vista?				✓	A, L
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, L,27
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible				✓	A

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?					
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓	A, 18

**Impact Discussion:**

1a,b This project consists of a Conditional Use Permit to allow for future residential construction on Nevada County Assessor's Parcels 051-200-004; 051-200-006; 051-200-015; and 051-200-016, that will set the standards, conditions, and mitigations to be applied to future development. The project does not propose any grading, construction, land development, or any other land disturbance. The project is not anticipated to result in significant negative aesthetic impacts. The subject property is not located within or near a state scenic highway, no historic buildings are located on the property, nor is the property within a designated historic district and therefore, the project would result in *no impact* to these resources.

1c,d The subject parcels have frontage on Lasso Loop and future single-family residential development on the proposed parcels would likely be visible from Lasso Loop and from surrounding properties. Views into the proposed parcels are anticipated to mimic views into the surrounding residential environs with similar residential improvements. Similar to the surrounding properties, the project does not propose streetlights. Light and glare impacts from future residential development are anticipated to be minimal and may include daytime reflection from windows or nighttime illumination from residential exterior lighting. The proposed project would not create a significant new source of light or glare, only that as anticipated with typical rural residential improvements and uses. Therefore, the project would result in *no impacts* to visual character or nighttime views in the area.

**Mitigation:**

None required.

**2. AGRICULTURAL/FORESTRY RESOURCES**

**Existing Setting:**

The subject parcels are all entirely designated "Grazing Land" by the Farmland Mapping and Monitoring Program of the California Department of Conservation. Although both the zoning designations for the property are Residential Agricultural with a Planned Development Combining district (RA-PD), the project parcel is not being used for agriculture. The 5.88-acre subject area is mostly undisturbed, with most of the existing improvements clustered in one area of the property.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. 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				✓	A, L, 7

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
California Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?					
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, L, 18
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 (as defined by Government Code Section 51104(g))?				✓	A, L, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A, L, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A, L, 7

**Impact Discussion:**

2a,b The subject parcels are located in an area that is entirely designated “Grazing Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Additionally, the proposed project will not conflict with or convert existing zoning for agricultural use. California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves and offer preferential taxation based on a property’s agricultural-use value rather than on its market value. Neither the subject properties nor adjacent properties are under a Williamson Act contract. With no Williamson Act contracts on or near the property the proposed project is anticipated to have *no impact* on a Williamson Act contract(s) or conversion of farmlands to a non-agricultural use.

2c,d,e The land division does not propose a change in zoning or result in the loss or conversion of forest land to non-forest use. The property is not zoned Forest or Timber Production Zone. The proposed three-way land division will introduce residential uses in agricultural zoning, but due to the property’s designation by the Farmland Mapping and Monitoring Program as “Grazing Land”, potential impacts to farmland uses are anticipated to have *no impact*.

**Mitigation:**

None required.

**3. AIR QUALITY**

**Existing Setting:**

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

The Northern Sierra Air Quality Management District has responsibility for controlling air pollution emissions including “criteria air pollutants” and “toxic air pollutants” from direct sources (such as factories) and indirect sources (such as land-use projects) to improve air quality within Nevada County. To do so, the

District adopts rules, regulations, policies, and programs to manage the air pollutant emissions from various sources, and also must enforce certain statewide and federal rules, regulations and laws.

The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed “criteria” pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

A nonattainment area is an area where a criteria air pollutant’s concentration is above either the federal and/or state ambient air quality standards. Depending on the level of severity, a classification will be designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM<sub>2.5</sub>, and ozone) and the fire station in downtown Truckee (PM<sub>2.5</sub> only).

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

For particulate matter, ambient air quality standards have been established for both PM<sub>10</sub> and PM<sub>2.5</sub>. California has standards for average PM<sub>10</sub> concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m<sup>3</sup>, respectively. (The notation “µg/m<sup>3</sup>” means micrograms of pollutant per cubic meter of ambient air.) For PM<sub>2.5</sub>, California only has a standard for average PM<sub>2.5</sub> concentrations over a year, set at 12 µg/m<sup>3</sup>, with no 24-hour-average standard.

Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM<sub>10</sub> standards. Particulate-matter is identified by the maximum particle size in microns as either PM<sub>2.5</sub> or PM<sub>10</sub>. PM<sub>2.5</sub>, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.



Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A, G
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?			✓		A, G, 21
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A, G, L
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✓	A,G

**Impact Discussion:**

- 3a The proposed Conditional Use Permit would not conflict with or obstruct implementation of an applicable air quality plan; therefore, *no impact* is anticipated on the potential adoption or implementation of an air quality plan.
- 3b The project is not anticipated to result in a cumulatively considerable net increase of criteria pollutants. The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. Therefore, with implementation of these mitigation measures, the potential for this project to violate any air quality standards during either the construction or the operational phases would be *less than significant*.
- 3c,d The four subject parcels could be developed with up to six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. Rural residential uses are not anticipated to generate substantial pollutant concentrations, nor are there sensitive receptors in the immediate area of the proposed parcels. The Ready Springs Elementary School and Vantage Point Charter School are the closest sensitive receptor, located approximately 0.5 mile from the closest property line. The closest residence is approximately 50-feet from the Western property boundary line. The project would allow development on four parcels to contain rural residential improvements and uses similar to those currently found both on- and offsite. Therefore, *no impacts* related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this project and *no impacts* related to the generation of emissions that could affect a substantial amount of people are anticipated.

**Mitigation Measures:**

None Required.

**4. BIOLOGICAL RESOURCES**

**Existing Setting:**

The project biologist, Greg Matuzak, describes the 5.88-acre subject properties as relatively flat with the drainage patterns moving from south to north within and adjacent to the Project area connecting to Squirrel Creek approximately 1,000 feet to the north of the Project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL). The western end of the Project area is a couple of feet higher in elevation than the rest of the Project area (1,394 MSL). There are FEMA regulated floodways adjacent to the west and east of the Project area, which connect to the north before entering into Squirrel Creek, which connects downstream with the Yuba River. The subject parcels contain mostly open non-native annual grassland species with five (5) oak trees that meet the Nevada County definition of a landmark oak tree and no mapped contiguous landmark oak groves. Two of the oak trees are considered hazard trees given they are dying, and the other three landmark oak trees are in moderate health and would require compensatory mitigation under the Nevada County Land Use and Development Code for the removal of or impacts to such designated trees. The Project area native oaks consist of valley oak and blue oak.

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?				✓	A, K, 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?				✓	A,K,L,19
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A,K,L, 10, 19
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			A, L, 19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A,16,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,18,19

**Impact Discussion:**

4a,b,c The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling

Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code.

A Biological Resources Inventory was prepared by the project biologist, Greg Matuzak, a Nevada County prequalified biologist, including the findings from reconnaissance-level biological resources survey and required background research related to biological resources. Reconnaissance-level biological field surveys were conducted on foot of the entire 5.88-acre Project area by Greg Matuzak on January 12th and February 2nd, 2021. The biological inventory included a records search of the California Department of Fish and Wildlife's California Natural Diversity Database, U.S. Fish and Wildlife Service and the California Native Plant Society Electronic Inventory for special-status species with potential to occur in the vicinity of the project area. No state- or federally-listed threatened or endangered plant species or other special-status plant species were found during the field survey. The database searches did reveal four (4) special-status species, including Brandegees' clarkia, Stebbins' morning-glory, California black rail, and foothill yellow-legged frog, that have been previously identified within 3 miles of the subject parcels. None of the species was observed during field surveys. There is no mapped Designated Critical Habitat (DCH) by the USFWS within 3 miles of the Project area. The subject parcels do not contain suitable habitat for any aquatic or semi aquatic special status species given the lack of streams, ponds, wetlands, and other aquatic habitats within the project area. The proposed project is anticipated to have *no impact* on the loss of any special-status plant or animal species in this area.

There are no named or mapped streams or waterways within the subject parcels. However, the subject parcels have been developed to keep drainage along the western and eastern edges of the parcels where the FEMA regulated floodways have been mapped on Figure 1. Additionally, the Project area does contain mapped 100-year and 500-year mapped floodplain elevations. The northern border of the subject parcels along Lasso Lane includes several culverts, which cross under the road. During Reconnaissance Surveys, the project biologist recorded the presence of plant species that potentially associate with jurisdictional wetlands, and several soil data points were taken to identify the presence of indicators of wetland hydrology and/or hydric soils within the low-lying drainage patterns. The soil data did not exhibit any primary indicators of wetland hydrology such as surface water, saturation, water marks, etc. or indicators of hydric soils. Therefore, the results of the soil data points reflect the lack of jurisdictional wetlands within the subject parcels/Project area. As a result, the proposed project is anticipated to have *no impact* on the loss of any wetland or riparian ecosystems.

- 4d Known migratory deer ranges outlined in the Nevada County General Plan was reviewed for deer migration corridors, critical range, and critical fawning areas. The subject parcel is not located in any known major deer corridors, known deer holding areas, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the subject parcels are located in an area identified as an area containing Resident Deer Herd. In addition, the greater Penn Valley area may also include areas of migratory deer winter range. The field survey did not record any observations of deer. The subject parcels do not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas. There is a low potential for nesting raptors and other nesting migratory bird species protected under the Migratory Bird Treaty Act (MBTA) to occur within the Project area. The Project area represents marginal potential habitat for bird species protected under the MBTA, such as tree nesting species (raptors) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*). In addition, active and inactive nests within and adjacent to the Project area were not identified during the field survey. The project biologist suggested that if development or ground disturbing activities within the subject parcels will occur during the nesting season for raptors and ground nesting MBTA protected birds (between March 1<sup>st</sup> and August 31<sup>st</sup>), a pre-construction nesting survey-

should be conducted if such development activities pose a risk to nest abandonment prior to the fledging of young from such nests. Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and nesting birds and would reduce potential impacts on nesting songbirds and raptors to *less than significant with mitigation*.

- 4e The project does not propose any grading, construction, land development, or any other land disturbance and is not anticipated to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The subject parcels include A total of five (5) oak trees were determined to meet the Nevada County definition of a landmark oak tree. Two of the oak trees are considered hazard trees given they are dying, and large branches have fallen off of and trunk decay is obvious on both hazard trees. The other three landmark oak trees are in moderate health and would require compensatory mitigation under the Nevada County Land Use and Development Code for the removal of or impacts to such designated trees. Section L-II 4.3.15 of the Land Use and Development Code Nevada County Resource Standards require that sensitive resources, as outlined therein, be protected to the greatest extent possible while allowing reasonable development of the land. Avoidance of a resource is the preferred method of protection with impact minimization and impact compensation following in successive order, a Management Plan prepared by a qualified professional is required if the project would result in removal or disturbance to these defined trees or any other oak trees determined to meet the Nevada County definition of a landmark oak tree.

To minimize impacts to the greatest extent possible, the project biologist prescribed mitigation to ensure their protection from future disturbance. Mitigation Measure 4B would require the Landmark Oak trees be identified as shown on the Comprehensive Master Plan Site Plan and mapped and identified as Landmark Oak trees on all future improvement/grading/construction plans to ensure their protection from future disturbance. The following note shall be included: "No disturbance is allowed within the driplines of Landmark Oak trees, unless a Management Plan is approved." The Oak Resources Management Plan shall detail the proposed impacts and the compensatory mitigation strategy to fully compensate for the impacts and/or removal of such protected oak resources. Additionally, the Oak Resources Management Plan shall include protection measures for work immediately adjacent to protect oak resources. With these proposed measures, conflicts with local policies and ordinances are expected to be *less than significant with mitigation*

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

**Mitigation:**

To reduce potential impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation Measure 4A: Nesting raptors and migratory birds.** The following note shall be added to all improvement/grading/construction plans:

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

- a) If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by

- a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- b) Tree removal and construction shall not take place during the breeding season (March 1 –July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
  - c) If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
  - d) If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
  - e) Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

**Reporting:** Approval of future grading/improvement permit

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

**Mitigation Measure 4B: Oak Protection Measures & Compensatory Oak Mitigation.** The Landmark Oak trees identified as shown on the Comprehensive Master Plan Site Plan, shall be mapped and identified as Landmark Oak trees on all future improvement/grading/construction plans to ensure their protection from future disturbance. The following note shall be included: "No disturbance is allowed within the driplines of Landmark Oak trees, unless a Management Plan is approved." The Oak Resources Management Plan shall detail the proposed impacts and the compensatory mitigation strategy to fully compensate for the impacts and/or removal of such protected oak resources. Additionally, the Oak Resources Management Plan shall include protection measures for work immediately adjacent to protect oak resources.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.

**Reporting:** Approval of future grading/improvement permit

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

## 5. CULTURAL RESOURCES

### **Existing Setting:**

The project site is situated within relatively flat lands, with Squirrel Creek trending generally east-west a short distance north of the APE, before merging with Deer Creek, miles west of the project property. According to the project Archaeologist, virtually all of the subject parcels have been affected by past ranching and logging activities over the past 150 years. The project area is located within territory occupied

by the Nisenan at the time of initial contact with European Americans. The Nisenan are Native American peoples also referred to as "Southern Maidu" who occupied the drainages of the southern Feather River and Honcut Creek in the north, through Bear River and the Yuba and American River drainages in the south. Villages were frequently located on flats adjoining streams, and were inhabited mainly in the winter as it was usually necessary to go out into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall).

In addition to Native American presence within Nevada County and northern California, there is historic documentation that Euro-Americans were arriving to northern California in substantial numbers in the mid-1820's with evidence of Euro-American presence in the Grass Valley area in 1846. Euro-American presence within Nevada County was generally associated with the gold rush.

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 pursuant to § 15064.5?		✓			A,J,22, 30,31
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓			A,J,22, 30,31
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A,J,22, 30,31

**Impact Discussion:**

5a-c At the request of the project representative, the project archaeologist examined existing records at NCIC document and found that none of the subject parcels had been subjected to previous archaeological investigation, and that no cultural resources had been documented within the subject parcels. Fieldwork was undertaken on December 18, 2020 by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, architectural historian and historian. No special problems were encountered and all survey objectives were satisfactorily achieved. An intensive-level pedestrian survey of the entire APE resulted in the identification and documentation of one prehistoric site (Little Lake 1). The site extends approximately 60 meters in diameter and is characterized by dark brown-black midden soils, fire affected rock, lithics, and possible house pit depressions. The identified prehistoric site was subjected to California Register of Historic Resources (CRHR) eligibility evaluation by the project archaeologist. Mr. Jensen found that since there are categories of data at this site that remain unevaluated (subsurface component or midden development, including possible buried features such as fire hearths, living floors), this site is recommended potentially significant per CEQA's Criterion 4, and possibly as a "unique archaeological resource" to the extent that the site may possess data classes of potential value in answering scientific research questions for which there is a demonstrable public interest. Thus, Mr. Jensen suggested this site would appear to be potentially significant per the CEQA criterion under PRC SS5024. 1. Site Little Lake 1 represents a prehistoric habitation site and is recommended eligible for inclusion in the CRHR under Criterion 4.

At the applicant's request, two additional Cultural Resource examinations were conducted that refute Mr. Jensen's analysis. Fieldwork undertaken by Mark Selverston, MA, RPA, and Chris Ward, BS, both professional archaeologists inspected the subject area of land on Lasso Loop Road, Penn Valley, Nevada County, California, on October 30, 2021. Field inspection by Selverston and Ward and included scraping vegetation and duff away in 30-centimeter diameter circles approximately every 5 meters across the knoll top. Additionally, boulders along the southeastern



edge of the knoll were scraped. Finally, very close 3 meter transects were used where ground visibility was good. In addition to inspecting the site area using these methods, the rest of the two parcels beyond the site area were also traversed. No cultural resources were observed during the inspection. No lithics and no house pits were observed. Two irregularly-shaped shallow depressions on the knoll top that may have been perceived as possible house pits appeared to be undulations with very irregular sides and nothing characteristic to commonly observed house depressions, such as noticeable rims and consistent sizes and spacing. A single, unmodified water-worn cobble was observed within the site area that appeared to be carried onto the knoll. The soil was wet at the time of survey and appeared somewhat dark. It did not have any other of the characteristics of midden soil, such as a "greasy" feel, or other contributing constituents. The rock observed included some angular clasts of local stone, but no definitive fire affected rock was observed. Given the lack of any cultural indications during the inspection, Mr. De Lasaux was advised that it was impossible to verify an exclusion zone boundary. The archaeological observations reported in the previous study could not be verified upon considerable effort. It is unknown why extensive search over a relatively small area and for an extended period of time could not replicate prior observations.

The second Cultural Resource examination was conducted by Brian S. Marks, Ph.D., RPA on January 6, 2022. The purpose of the visit was to perform a peer review of the two separate prior studies with conflicting results prepared by Mr. Jensen and Mrs. Selverston and Ward. Dr. Marks conducted a pedestrian inspection of the knoll at 3-meter intervals and inspected any observed rodent burrows and exposed boulders. Lastly, Dr. Marks dug two 50-cm by 50-cm square test pits to a depth of 20 cm, and extended a 25-cm by 25-cm corner of the test pit to a depth of 50 cm. Dr. Marks screened the excavated material through 0.25-inch mesh and then returned it to the hole. Dr. Marks did not observe any cultural resources during the investigation. The depressions Jensen described as house pits did not exhibit any characteristics common to house pits. The inspection of the granite boulders found them to be angular in nature with a rough texture, suggesting a lack of weathering. There were no indications of looting or damage to the ground surface. Dr. Marks cleared off approximately 10 of the scrapings by Selverston and Ward, and observed some angular rocks that did not exhibit any indications of human modification. Dr. Marks did not observe any definitive fire affected rock. The test pits did not reveal any stratigraphy in the side walls and no indications of the midden soil as described by Jensen. Dr. Marks did not observe any pre-contact artifacts from the test pits or other evidence of pre-contact human occupation, and recovered only one dime-sized fragment of green glass that appeared to be from a modern beer bottle. Based on a review of the two reports and observations in the field, Dr. Marks found existing conditions at the location in question to be consistent with what was reported by Selverston. Had there been a site, as described by Jensen, at this location, Dr. Marks would expect to observe both surface and subsurface archaeological deposits, including artifact scatters and features described in the site record; however, none were observed. Because the photograph on the form prepared by Jensen matches environmental conditions, Dr. Marks believes that Jensen was present on the subject property, but the site coordinates plot on a different property. One possible explanation for the lack of site constituents on this property is the removal of artifacts at or after the time of original recording. Another possible explanation is simple human error, and that the site observed by Jensen is actually located on a different parcel nearby as part of a separate project. Regardless, Dr. Marks confirmed the findings of Selverston that there is no archaeological or cultural resource present at the location of the reported site.

As such, consistent with Nevada County Land Use Code Section L-II 4.3.6.C.5., all future improvement/grading/construction plans on the subject parcels are required to include the following:

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

While cultural resource discovery has been determined to be unlikely on the subject parcels, Mitigation Measure 5A has been included, which requires that work shall be halted, and proper notification and consultation shall be required if any artifacts or cultural resources are discovered during construction. With the implementation of Mitigation Measure 18A, impacts to cultural resources are expected to be *less than significant with mitigation*.

**Mitigation:**

To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required and shall be included as notes on all grading and construction plans:

**Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction.** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

*Timing: Prior to issuance of grading/improvement/building permits and throughout construction.*

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

*Responsible Agency: Planning Department and Building Department*

**6. ENERGY**

**Existing Setting:**

The four (4) subject parcels are approximately 1.53-, 1.49-, 1.43-, and 1.41-acres in size for a total of approximately 5.88-acres of project area. All of the parcels are currently undeveloped and the project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and

Development Code. The parcels do not currently have electrical service, however PG&E electrical lines are available along Lasso Loop, which would also provide for future development.

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 potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation?			✓		A
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓	A,D

**Impact Discussion:**

6a The project is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources. The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. Electricity is currently available to the property, and there are existing public utility easements along the Lasso Loop roadway alignment to provide for future connection to electricity. Operationally, energy needs for four existing rural residential parcels is low. Future improvements, if any, would be required to meet energy standards in place at the time of their construction. Similarly, grading required for driveway improvements is relatively minor and equipment will be required to meet current standards. The scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a *less than significant impact*.

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

**Mitigation:**

None Required.

**7. GEOLOGY / SOILS**

**Existing Setting:**

The 5.88-acre parcel lies in the Sierra Nevada foothills. The general topography of the subject parcels is characterized as relatively flat with the drainage patterns moving from south to north within and adjacent to the Project area connecting to Squirrel Creek approximately 1,000 feet to the north of the Project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL). The western end of the Project area is a couple of feet higher in elevation than the rest of the Project area (1,394 MSL). There are FEMA regulated floodways adjacent to the west and east of the Project area, which connect to the north before entering into Squirrel Creek, which connects downstream with the Yuba River.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone; it is located approximately 3-miles easterly and 2.7-miles westerly of Pre-Quaternary faults, which are older than 1.6 million years (California Department of Conservation). The project site is located within Seismic Zone I—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion (Nevada County, 1991).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?				✓	A,L,12,16,29
b. Result in substantial soil erosion or the loss of topsoil?				✓	A,D,25
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,D,12,25
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?				✓	A,D,25
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A,C,11
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A,L,22,30,31

**Impact Discussion:**

7a-d The proposed project is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The project site is not within an Alquist-Priolo Earthquake Fault Zone. The project site is located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, meaning the site has a low risk for strong ground motion and thus the project is not anticipated to result in earthquake related impacts. Additionally, Boomer Loam soils, which underlies the entirety of the project site is described by the USDA Soil Conservation Service as being unstable or expansive. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code

(CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be *no impacts*.

- 7e The property does not have soils incapable of adequately supporting septic systems. Wastewater disposal for future residential improvements will be provided by Nevada County Sanitation District Number 1 by connection to their collection pipe located on Lasso Loop. Based on the availability of wastewater service, the project would have *no impact* relative to a lack of soils for sewage disposal.
- 7f There are no unique archaeological resources identified on the site, as discussed in Section 5: Cultural Resources. While cultural resource discovery has been determined to be, Mitigation Measure 5A has been included, which requires that work shall be halted, and proper notification and consultation shall be required if any artifacts or cultural resources are discovered during construction. With the implementation of Mitigation Measure 5A, direct or indirect damage to paleontological resources is anticipated to be *less than significant with mitigation*.

**Mitigation:**

See Mitigation Measures 5A.

## **8. GREENHOUSE GAS EMISSIONS**

**Existing Setting:**

Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>) and nitrous oxide (NO<sub>2</sub>). CO<sub>2</sub> emissions are largely from fossil fuel combustion. In California, approximately 43 percent of the CO<sub>2</sub> emissions come from cars and trucks. Electricity generation is another important source of CO<sub>2</sub> emissions. Agriculture is a major source of both methane and NO<sub>2</sub>, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents and industrial processes, and persist in the atmosphere for longer time-periods and have greater effects at lower concentrations compared to CO<sub>2</sub>. The adverse impacts of global warming include impacts to air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and an increase in health related problems.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction will be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions.

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

**Impact Discussion:**

8a-b Carbon dioxide (CO<sub>2</sub>) is the main component of greenhouse gases, and vehicles are a primary generator of CO<sub>2</sub>. The project is not expected in generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in a rural area surrounded by low-density residential properties and overall GHG outputs are expected to be minimal. The overall GHG impact is expected to remain at a level that is *less than significant*, due to several factors including but not limited to: the proposed development of residential improvements will apply standard building permit requirements ensuring any new structures meet energy efficiency standards; and because the proposed development is a low density residential use which will result in the potential for development on four residential properties that are consistent with existing General Plan and zoning densities in this area.

**Mitigation:**

None required.

**9. HAZARDS/HAZARDOUS MATERIALS**

**Existing Setting:**

The subject parcels are not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The project area is in a moderate fire hazard severity zone as designated by CalFire. The Ready Springs Elementary School and Vantage Point Charter School are the closest sensitive receptor, located approximately 0.5 mile from the closest property line. The closest residence is approximately 50-feet from the Western property boundary line. The project is located approximately two-miles from the nearest airport.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓		C
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓		C
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	A,L



Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?				✓	C,24
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓	A,L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H,M
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H,M

**Impact Discussion:**

- 9a-b The proposed project does not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could be stored, used, and handled during construction. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Therefore, project related hazard impacts relative to routine transport, use, disposal or emission of hazardous substances to the public or environment would be *less than significant*.
- 9c The Ready Springs Elementary School and Vantage Point Charter School are the closest sensitive receptor, located approximately 0.5 mile from the closest property line. The closest residence is approximately 50-feet from the Western property boundary line. Additionally, as noted above, hazardous materials are anticipated to be those associated with typical household uses and those small quantities that could be utilized during construction. Due to the type and amount of materials associated with this three-way land division in conjunction with the distance to the nearest school, *no impact* relative to transport, use, or emissions of hazardous materials within proximity of a school is anticipated.
- 9d The subject property is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact*.
- 9e The project site is not located within an airport land use plan and is approximately two miles from the nearest airport – the Limberlost Ranch Airport, located South of the project site. In addition, the project site is located approximately 10 miles from the Nevada County Airport. The private airstrip is restricted to use by the property owner. Because the potential rural residential use of the

newly created parcels is not anticipated to interfere with air traffic patterns or aircraft safety, safety hazard impacts on people residing or working in the project area are anticipated to have *no impact*.

9f There is currently no adopted emergency response plan for the project area. The project would not impair implementation of, or physically interfere with, adopted emergency response plans, and *no impact* on any emergency response plan would occur as a result of the project.

9g As a condition in the project Conditions of Approval, the applicant would be required to provide defensible space around all structures consistent with California Public Resources Code 4291, which requires up to 100 feet of fuels treatment or to the property line, whichever is closer. The proposed project would not expose people or structures to wildland fires and would improve access to the site, and therefore there would be a *less than significant impact*.

**Mitigation:**

None required.

**10. HYDROLOGY / WATER QUALITY**

**Existing Setting:**

The Project Site topography is characterized as relatively flat with drainage generally flowing from the south to the north. Multiple drainage swales flow through the subject parcels as shown on the Site Plan (Figure 2). Two FEMA regulated floodways flow approximately 100 feet to the east and west of the outer parcels, parallel to the Project Site eventually connecting and entering Squirrel Creek approximately 1000 feet north of the Project Site. Squirrel Creek eventually discharges into the Yuba River. The Project Site is between two tributaries that connect and feed Squirrel Creek. The elevation of the site ranges from approximately 1,388 to 1,395 feet above mean sea level (MSL). The regulated floodways per the FIRM and the drainage swales per the site survey are not named or mapped streams or waterways according to Nevada County. The FEMA Flood Insurance Rate Map (FIRM) identifies Special Flood Hazard Areas along the two tributaries that flow into Squirrel Creek, extending from south to north, adjacent to the Project Site. The SFHA encompasses approximately 4.78 acres on the Project Site, as shown on Figure 1. The identified SFHA is in "Zone AE" which indicates that hydraulic analysis has been performed and base flood elevations have been determined by FEMA.

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 or otherwise substantially degrade surface or ground water quality?			✓		A,C,I
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓	A,C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: i. result in substantial erosion or siltation on- or off-site;		✓			A,D,9,19

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv. impeded or redirect flood flows?					
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?		✓			L,9,13
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			✓		A,D

**Impact Discussion:**

10a,e The proposed project is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated obstruct implementation of a water quality control plan or sustainable groundwater management plan. Any future grading plans and residential improvements will be conducted under permits issued by the Nevada County Building Department. Any work conducted within the right of way of Lasso Loop will require an encroachment permit from the Nevada County Department of Public Works. There is a potential for construction related water quality impacts that could violate water quality standards or waste discharge requirements as the Project work involves direct filling, excavation, and modification of ephemeral, intermittent, and perennial stream courses. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features. Therefore, there would be *less than significant impacts* associated with the proposed project on water quality standards. The subject parcels are not part of a water quality control plan or sustainable groundwater management plan, therefore, there would be *no impacts* on water quality control plans

10b The proposed project would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. The subject parcels and all future improvements will rely on treated water from a nearby Nevada Irrigation District eight-inch water main located on Lasso Loop. All future residential improvements would each be required to have a new meter installed and potable water service will be available upon processing each application and payment of the applicable fees. The Nevada Irrigation District has adequate capacity for the consumptive needs of the newly created parcels. The proposed project is anticipated to have *no impact* on the existing wells on this, or on adjacent properties.

10c,d The four (4) subject parcels fall in between two separate tributaries to Squirrel Creek. The actual regulatory floodway to the west (Squirrel Creek Tributary 2) barely crosses through the northwest corner of APN: 051-200-004. All four (4) parcels largely fall within the limits of the 100-year floodplain or SFHA and the remainder falls within the 100-foot floodplain setback, as required by Nevada County. The floodplain area is referred to as "Zone AE" meaning a Base Flood Elevation has been determined as shown on the Flood Insurance Rate Map (FIRM), an official map for the community, developed for Nevada County and Penn Valley in the vicinity of the Project Site with

an effective date of February 03, 2010. The FIRM delineates both the Special Flood Hazard Areas (SFHA) and the risk premium zones applicable.

The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. As there is no development proposed at this time, the specifics regarding construction will not be known until plans are presented for the Project Site. Instead, acceptable development and construction techniques are outlined to present the variability of building options for potential future residential development. In general, there are two options for the residence foundations: pad grading or step foundation. Building an elevated floor with a step foundation will inherently reduce the impact to the land in comparison to pad grading; however, since the site is already relatively level, minimal grading would be required for a slab on grade. Either option is viable, as long as the finished floor elevation is a minimum of one (1) foot above the floodplain elevation.

At this time, there is no access from Lasso Loop onto any of the subject parcels. Any proposed residence will also require construction of a Nevada County Standard Driveway. All four (4) parcels are relatively flat, so minimal grading will be required to construct the fire standard driveways. The location of the driveway should be designed to minimize grading, associated with all aspects of development. The three westerly parcels can only gain access from the north; however, the east parcel (APN:051-200-006) can gain access from the north or east. Depending on the location of the proposed residence, the driveway should access from the shortest distance off Lasso Loop to minimize disturbance. The driveway can be surfaced with impervious or pervious materials; however, maintaining a pervious surface such as gravel will have the least impact on the existing drainage pattern. The driveway cross slope should facilitate drainage downhill, in accordance with the natural direction of flow. All driveways will require a culvert crossing along the existing flowline adjacent to Lasso Loop. The culvert will need to be appropriately sized by a licensed civil engineer to ensure adequate flow capacity.

Through analysis of general FEMA Strategies, Rules, and Assessment Considerations, the project engineer who developed the Floodplain Management Plan for this project, Robert M. Rourke, P.E., Principal Engineer with Nevada City Engineering, Mitigation Measure 10A is proposed to mitigate the design of development on floodplains, preserve the functions of the floodplains, and maintain the existing drainage pattern of the site or area. Further, Mitigation Measure 10B is proposed to be incorporated into the construction and development of the Little Lake Trust Project Site, which assist in protecting development and downstream users from the potential for hazards associated with flooding. Together, the proposed mitigation will ensure that development adjacent to or within the floodplain does not impact the floodplain or cause increased runoff. Additionally, practical measures have been incorporated so that potential flood activities do not impact the project infrastructure. In addition, the undisturbed natural areas on the remainder of the Project Site will further protect the floodplain environment via the minimization of impacts to the existing natural environment. Installation of standard erosion control measures required by the Nevada county Land Use and Development Code within areas disturbed by construction will minimize impacts related to any future development. Any subsequent installation of landscaping in addition to proposed mitigation measures will further protect the floodplain of the tributaries and would reduce potential impacts on to *less than significant with mitigation*.

**Mitigation:**

To reduce potential impacts to hydrology and water quality resources, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation Measure 10A: Design of Future Development.** The following mitigation measures shall be added to all improvement/grading/construction plans:

- a) Project development shall be located outside the mapped limits of the regulatory floodway. The Project Site is entirely outside of the active stream channel and designated regulatory floodway.
- b) The 100-year flood plain limits utilized for this analysis are obtained from the published FIRM dated February 2, 2010, which has been adopted by the County of Nevada. This is the latest available mapping in the vicinity of the Project Site. Finished floor elevations of any future construction shall be based on this data or any future updates.
- c) Creation of additional impervious surfaces within 100 feet of the 100-year floodplain boundary should be minimized. To avoid increasing the floodplain hazard, impervious areas on each lot shall be limited to 6000 square feet of impervious area with the following standard:
  - a. Development of this project will not increase the flood hazard on other properties. due to the relatively small footprint of proposed structures and the minimal amount of additional site disturbance which will occur as a result of development of the Project Site. The additional impervious surface added by development of the Project will also have negligible effect on peak flows in the tributaries and Squirrel Creek.
- d) Grading and land disturbance within the limits of the SFHA (100-year floodplain) of the tributaries should be limited to a maximum of three (3) feet of cut or fill.
- e) Areas within, or within 100 feet of the 100-year floodplain, which are disturbed due to construction activity will be regraded to a smooth, natural contour resembling their pre-development configuration. Grading will be done in such a manner as to smoothly convey flows through the property without accelerating their transit to downstream areas. Sediment and erosion control measures, in accordance with industry accepted Best Management Practices (BMPs), should be maintained during the grading operation and permanent erosion control measures should be installed upon completion of grading in order to stabilize any disturbed soil, thus eliminating the likelihood of increased erosion exiting the site toward downstream properties. Typical BMPs include seeding, mulch, straw with jute netting, tackifiers, fiber rolls, silt fences, rock/log check dams and sediment traps.
- f) Existing vegetation should be preserved to the extent practical, and exposed soil should be protected from wind and water erosion. Any necessary or required removal of vegetation within, or within 100 feet of the 100-year floodplain, due to construction disturbance will be remediated by appropriate replacement plantings as part of the homeowners' future landscape improvements to the property.
- g) Limit construction to periods of extended dry weather and the dry summer season

*Timing: Prior to issuance of grading/improvement/building permits and throughout construction.*

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

*Responsible Agency: Planning Department, Building Department, Department of Public Works*

**Mitigation Measure 10B: Construction of Future Development.** The following mitigation measures shall be added to all improvement/grading/construction plans:

- a) All Standards for Conventional Construction and Manufactured Homes outlined in Sec. L-XII 1.5 Provisions for Flood Hazard Reduction of Nevada County Land Use & Development Code shall be adhered to.

- b) A pre- and post-construction flood certificate verifying the finished floor elevation for any future development is required. The finished floor of all new habitable building spaces shall be constructed a minimum of 1.00 foot above the 100-year floodplain. A LOMA may be necessary for APN: 051-200-004 to prove that the building area is outside of the floodplain boundary based on the field derived topographic data.
- c) All stem walls and crawl spaces shall be equipped with floating vents, installed to the manufacturer's specifications to reduce flooding pressure and to drain crawl spaces. Areas within, or within 100 feet of the 100-year floodplain, which are disturbed due to construction activity will be regraded to a smooth, natural contour resembling their pre-development configuration. Grading will be done in such a manner as to smoothly convey flows through the property without accelerating their transit to downstream areas. Sediment and erosion control measures, in accordance with industry accepted Best Management Practices (BMPs), should be maintained during the grading operation and permanent erosion control measures should be installed upon completion of grading in order to stabilize any disturbed soil, thus eliminating the likelihood of increased erosion exiting the site toward downstream properties. Typical BMPs include seeding, mulch, straw with jute netting, tackifiers, fiber rolls, silt fences, rock/log check dams and sediment traps.

**Timing:** Prior to issuance of grading/improvement/building permits and throughout construction.  
**Reporting:** Planning Department Approval of Grading and Construction Permits  
**Responsible Agency:** Planning Department, Building Department, Department of Public Works

## **11. LAND USE / PLANNING**

### **Existing Setting:**

The four (4) subject parcels are located approximately one-quarter (0.3) mile South of Highway 20 and approximately one-tenth (0.1) mile South of Western Gateway Park. The subject parcels are approximately 1.53-, 1.49-, 1.43-, and 1.41-acres in size for a total of approximately 5.88-acres of project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL).

The subject properties have legal access from Lasso Loop, a County maintained road, but no access points currently exist for any of the subject parcels. There are no existing improvements on any of the properties, and no improvements are proposed for this project.

The subject parcels have a General Plan Designation of Planned Development: Residential with an allowable density of up to six (6) dwelling units across the four parcels (PD:RES [6DU]) and are zoned Residential Agricultural with a Planned Development Combining District (RA-PD), allowing density of up to six (6) dwelling units across the four parcels. The subject parcels are located within the Penn Valley Community Region and outside of the Penn Valley Village Center.

Surrounding parcel designations vary as follows: parcels immediately surrounding the subject parcels are designated as Residential Agricultural with a 1.5-acre minimum parcel size RA-1.5) and Residential Agricultural with a 3-acre minimum parcel size RA-3); the Western Gateway Park is located approximately 0.1 mile to the North of the subject parcels and has a Recreation (REC) zoning designation; the Penn Valley Village Center is located approximately 0.3 miles to the West and has a variety of zoning designations including Public (P), Public with Site Performance Combining District (P-SP), Medium-Density Residential with a Site Performance Combining District (R2-SP), Medium-Density Residential with Regional Housing and Site Performance Combining Districts (R2-RH-SP), High-Density Residential with Regional Housing and Site Performance Combining Districts (R3-RH-SP), Interim Development Reserve with Site Performance Combining District (IDR-SP), and Community Commercial with a Site Performance Combining District (C2-SP).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				✓	A,L,17,18
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓		A,B,18,19

**Impact Discussion:**

- 11a The proposed project would not physically divide an established community. The subject property is within the Penn Valley Community Region and outside of the Penn Valley Village Center. The project, a proposal to allow for development within a floodplain would not physically divide an established community, and thus *no impact* is anticipated.
- 11b The subject parcels have a General Plan Designation of Planned Development: Residential with an allowable density of up to six (6) dwelling units across the four parcels (PD:RES [6DU]) and are zoned Residential Agricultural with a Planned Development Combining District (RA-PD), allowing density of up to six (6) dwelling units across the four parcels. The RA zoning district allows single-family residential improvements and uses, along with a variety of other uses. There are no existing improvements on the property.

The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. The proposed project includes a Comprehensive Master Plan as required by the PD Combining District which would include standards, conditions, and mitigation measures to be applied to future residential construction. All future residential development is required to be in compliance with the density allowed by the currently adopted Zoning and General Plan designations. Therefore, impacts related to land use policy inconsistency and land use incompatibility are considered *less than significant*.

**Mitigation:**

None required.

**12. MINERAL RESOURCES**

**Existing Setting:**

The project area is not mapped within a Mineral Resource Zone (MRZ), or area of known valuable mineral deposits.

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,1

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

**Impact Discussion:**

12a-b The proposed project is not mapped within a known mineral resource area or MRZ and would not change existing single-family residential land uses on the project site. Therefore, the project would have **no impact** on mineral resources.

**Mitigation:**

None Required.

**13. NOISE**

**Existing Setting:**

The four (4) subject parcels are located approximately one-quarter (0.3) mile South of Highway 20 and approximately one-tenth (0.1) mile South of Western Gateway Park. The subject parcels are approximately 1.53-, 1.49-, 1.43-, and 1.41-acres in size for a total of approximately 5.88-acres of project area. Average elevation within the subject parcels is approximately 1,390 feet above mean sea level (MSL).

The subject parcels are located within the Penn Valley Community Region and outside of the Penn Valley Village Center. Parcels immediately surrounding the subject parcels are designated as Residential Agricultural with a 1.5-acre minimum parcel size (RA-1.5) and Residential Agricultural with a 3-acre minimum parcel size (RA-3). The subject properties are relatively flat with the drainage patterns moving from south to north within and adjacent to the project area connecting to Squirrel Creek approximately 1,000 feet to the north of the Project area.

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

**Impact Discussion:**

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



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

- 13c The project site is not located within an airport land use plan and is approximately 2-miles from the nearest airport – the Limberlost Ranch Airport, located Northwest of the project site. The private airstrip is restricted to use by the property owner. Given the restricted use of the Limberlost Ranch Airport, the project would result in *no impacts* related to airport noise.

**Mitigation Measures:**

To reduce potential construction-related noise impacts, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

**Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00 PM:** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.

*Timing: Prior to issuance of grading/improvement/building permits and throughout construction.*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Planning Department and Building Department*

**14. POPULATION / HOUSING**

**Existing Setting:**

The subject parcels have a General Plan Designation of Planned Development: Residential with an allowable density of up to six (6) dwelling units across the four parcels (PD:RES [6DU]) and are zoned Residential Agricultural with a Planned Development Combining District (RA-PD), allowing density of up to six (6) dwelling units across the four parcels. The subject parcels are located within the Penn Valley Community Region and outside of the Penn Valley Village Center.

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 unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for				✓	A,17,18

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
example, through extension of roads or other infrastructure)?					
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A,17,18

**Impact Discussion:**

14a-b The proposed project would not result in an inducement of unplanned population growth or to displace existing people or housing. Property zoning and General Plan designations allow a maximum density of up to six (6) dwelling units across the four parcels. The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. The proposed project includes a Comprehensive Master Plan as required by the PD Combining District which would include standards, conditions, and mitigation measures to be applied to future residential construction. All future residential development is required to be in compliance with the density allowed by the currently adopted Zoning and General Plan designations. The proposed project requires water infrastructure extensions from the existing NID water main and sewer infrastructure extensions from the existing Nevada County Sanitation District collection pipe. Therefore, the proposed project would have *no impact* related to these issues.

**Mitigation:**

None required.

**15. PUBLIC SERVICES**

**Existing Setting:**

The following public services are provided to this site:

Fire: The Penn Valley Fire District provides fire protection services to this area.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: Nevada Joint Union School District provides education for the area.

Parks: The project is within the Western Gateway Recreation district.

Water & Sewer: Water is provided by the Nevada Irrigation District. Sewage disposal is provided by the Nevada County Sanitation District Number 1.

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

**Impact Discussion:**

15a (1-2) The proposed three-way division is not anticipated to have significant impacts on fire protection or law enforcement services because of the low-density nature of this project, which is anticipated with the zoning and General Plan designations and therefore, this impact is considered *less than significant*.

15a (3-5) The proposed land division would not impact schools, or public recreational facilities because the project would not result in a substantial increase in population that would require schools, parks and other public services and facilities. School, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. These impact fees were collected for existing residences during the permitting process. School and fire mitigation impact fees would also be applied to dwelling units on both parcels if future owners choose to build them. Recreation impact fees would apply to a new homes proposed on any parcel, if the new home was proposed as the ‘primary’ (larger than 1,200 square foot home) such that the existing home would become the ‘accessory dwelling unit’ (less than 1,200 square feet). Recreation impact fees would also be applicable to additions to the existing residence, based on square footage of the addition.

The properties are intended for single-family residential improvements and will be served by treated Nevada Irrigation District (NID) water through the existing water main on Lasso Loop. The Nevada Irrigation District has adequate capacity for the consumptive needs of the existing parcels. Electrical service will be provided by PG&E through existing power lines on Lasso Loop. Sewer service would be provided by Nevada County Sanitation District Number 1 through an existing collector pipe on Lasso Loop. The Nevada County Sanitation District Number 1 has adequate capacity for the needs of the existing parcels. Therefore, there would be *a less than significant impact* as a result of the project approval of this three-way land division.

**Mitigation Measures:**

No mitigation is required.

**16. RECREATION**

**Existing Setting:**

The subject property is located within the Western Gateway Recreation district. The Western Gateway Park is located approximately 0.1 mile North of the property. This 87-acre park provides developed recreation opportunities such as ball fields, playgrounds, and a disc golf course to the Penn Valley area. No recreational facilities occur on the subject property. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

**Impact Discussion:**

16a,b The proposed project is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. The minimal potential increase in population resulting from future development would not result in negative impacts to existing recreational facilities, nor trigger the need for new facilities. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a (3-5 above). Nevada County collects a Recreation Development Fee from new single-family residential development in the unincorporated Western County as a means of providing park and recreation facilities needed to serve increased population resulting from new development. Recreation impact fees would apply to a new homes proposed on any parcel, if the new home was proposed as the ‘primary’ (larger than 1,200 square foot home) such that the existing home would become the ‘accessory dwelling unit’ (less than 1,200 square feet). Recreation impact fees would also be applicable to additions to the existing residence, based on square footage of the addition. There are no existing recreational facilities on the subject parcel. Western Gateway Park, an existing park that provides developed recreation opportunities to the Penn Valley area, is located approximately 0.1 mile North of the subject parcels. Due to the minimal potential increase to population and existing impact fee program, the proposed project would have *less than significant impact* related to recreational facilities.

**Mitigation:**

None required.

**17. TRANSPORTATION**

**Existing Setting:**

The four (4) subject parcels are located approximately one-quarter (0.3) mile South of Highway 20 and approximately one-tenth (0.1) mile South of Western Gateway Park. The subject properties have legal access from Lasso Loop, a County maintained road, but no access points currently exist for any of the subject parcels.

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

**Impact Discussion:**

- 17a The proposed three-way land division would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities, or with review of traffic impacts. The subject parcels all take access from Lasso Loop, a County-maintained roadway. Transit services are not currently available in this area and would not be affected by the project. Lasso Loop is functioning at a high level; the potential increase in traffic resulting from future development would be insignificant in nature and there would therefore be *no impacts* relative to conflicts with traffic review.
- 17b,c The project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. The Department of Public Works will require an encroachment permit for future driveway improvements that gain access from Lasso Loop. Encroachment permits include review of traffic control plans and/or other safety measures to ensure the work does not result in hazards during construction. With the application of these standard conditions of approval, project impacts due to geometric design would be *less than significant*.
- 17d The project would not result in impacts to emergency access. The County Fire Marshal will require all future residential improvements to provide fire-standard access driveways to within 50-feet of all residences. Therefore, the project would have *no impact* relative to resulting in inadequate emergency access.

**Mitigation:**

None required.

**18. TRIBAL CULTURAL RESOURCES**

**Existing Setting:**

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

The United Auburn Indian Community of the Auburn Rancheria (UAIC), the Shingle Springs Band of Miwok Indians, the T'si Akim Tribal Council, and the Nevada City Rancheria California Native American have contacted the County to request consultation on projects falling within their delineated ancestral lands. The subject parcels are within UAIC lands.

The United Auburn Indian Community (UAIC) is a federally recognized Tribe comprised of both Miwok and Maidu (Nisenan) Tribal members and are traditionally and culturally affiliated with the project area. The Tribe possess the expertise concerning Tribal cultural resources in their area of geographic and cultural affiliation and are contemporary stewards of their culture and the landscapes. The Tribal community represents a continuity and endurance of their ancestors by maintaining their connection to their history and culture. It is the Tribe's goal to ensure the preservation and continuance of their cultural heritage for current and future generations.

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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> <li>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</li> <li>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</li> </ul>		✓			J,22,30,31

**Impact Discussion:**

18a The proposed project is anticipated to result in less than significant impacts to tribal cultural resources. The project parcels were determined to fall within the areas identified by the United Auburn Indian Community (UAIC), Tsi Akim Maidu, Nevada City Rancheria Nisenan Tribe, and Shingle Springs Band of Miwok Indians as ancestral lands. An initial distribution of the project application, the records search results from the North Central Information Center, and the Cultural Resources Inventory Survey prepared by the project biologist were sent to all organizations and the Native American Heritage Commission on August 2, 2021.

As discussed in Section 5, the four archaeologists across three review teams examined existing records and came to conflicting findings. The first review was undertaken on December 18, 2020 by Principal Investigator, Sean Michael Jensen, M.A. An intensive-level pedestrian survey of the entire APE resulted in the identification and documentation of one prehistoric site (Little Lake 1).

At the applicant's request, two additional Cultural Resource examinations were conducted that refute Mr. Jensen's analysis. Fieldwork undertaken by Mark Selverston, MA, RPA, and Chris Ward, BS, both professional archaeologists found the cultural observations reported in the previous study could not be verified upon considerable effort. It is unknown why extensive search over a relatively small area and for an extended period of time could not replicate prior observations. The second Cultural Resource examination was conducted by Brian S. Marks, Ph.D., RPA on January 6, 2022. Based on a review of the two reports and observations in the field, ECORP found existing conditions at the location in question to be consistent with what was reported by Selverston.

UAIC conducted a records search for the identification of Tribal Cultural Resources for this project which included a review of pertinent literature and historic maps, and a records search using UAIC's Tribal Historic Information System (THRIS). UAIC's THRIS database is composed of UAIC's areas of oral history, ethnographic history, and places of cultural and religious significance, including UAIC Sacred Lands that are submitted to the Native American Heritage Commission (NAHC). The THRIS resources shown in this region also include previously recorded indigenous resources identified through the California Historic Resources Information System Center (CHRIS) as well as historic resources and survey data.

Additional consultation with the four identified California Native American Tribes was conducted in December 2021 and January 2022 and the UAIC responded with appreciation that the extra effort was made to identify whether a cultural site was present, and it appears that no cultural site exists on the subject parcels. Due to the chance that future onsite grading could uncover cultural resources of importance to the UAIC, as recommended by the UAIC, Mitigation Measure 18A has been included, which requires work to halt if cultural resources are discovered and for local tribes to be notified. With this protection in place, impacts to Tribal Cultural Resources would be *less than significant with mitigation*.

**Mitigation:**

To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

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

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

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not

limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

**Timing:** Prior to Issuance of grading/improvement/building permits and throughout construction  
**Reporting:** Planning Department Approval of Grading and Construction Permits  
**Responsible Agency:** Planning Department & United Auburn Indian Community of the Auburn Rancheria

**19. UTILITIES / SERVICE SYSTEMS**

**Existing Setting:**

The subject parcels are currently undeveloped. The project does not propose any grading, construction, land development, or any other land disturbance. Future land improvements on the subject parcels could result in the construction of six (6) dwelling units pursuant to the General Plan designation, in addition to Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and a variety of accessory structures allowed under the Nevada County Land Use and Development Code. The Nevada Irrigation District maintains an eight-inch water main all along the frontage on Lasso Loop, but the subject parcels do not currently have a connection to the water main. The Nevada County Sanitation District No. 1 maintains a collection pipe located in Lasso Loop, but the subject parcels do not currently have a connection to the collection pipe. Pacific Gas and Electric Company (PG&E) maintains existing transmission infrastructure along Lasso Loop, but the subject parcels do not currently have a connection to the utility.

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



**Impact Discussion:**

- 19a-c The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. The Nevada Irrigation District has adequate capacity for the consumptive needs of the newly created parcels. Electrical service will be provided by PG&E. There are existing transmission lines along Lasso Loop for future electrical connection. No extension of natural gas, or wastewater treatment facilities, or the expansion of existing facilities is proposed or required for this project. Any additional storm drainage runoff generated by the project would be required to be kept on site and would not affect any off-site drainage facilities. Therefore, the proposed project is anticipated to have a *less than significant* impact related to utility/service extension.
- 19c,d The project would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. Future construction activities could result in solid waste in the form of construction materials or vegetative debris. Nevada County provides solid waste collection through a franchise for collection and disposal of waste and recyclables for both residential and non-residential areas. There are no known capacity issues with any Waste Management facilities.

Any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Mitigation Measure 19A requires solid waste debris generated during construction activities including vegetation and industrial waste such as glues, paint and petroleum products to be appropriately disposed of to avoid potentially adverse landfill and solid waste disposal impacts. Therefore, impacts related to disposal of construction debris would be *less than significant with mitigation*.

**Mitigation Measures:**

To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included as notes on all future grading, development, or improvement plans:

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

*Timing: Prior to Issuance of grading/improvement/building permits and throughout construction*

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

*Responsible Agency: Planning Department and Building Department*

**20. WILDFIRE**

**Existing Setting:**

The project parcel is in the Penn Valley Fire District and is in a Moderate fire hazard severity zone. The project site takes access from Lasso Loop, a County-maintained roadway. The project site is also located approximately 0.8 mile East of an existing Penn Valley Fire District fire station 43, which is located off of Spenceville Road.

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓		A,H,M,23

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?			✓		A,B,H,M, 18
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			✓		A,H,M
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			✓		A,H,M,12

**Impact Discussion**

20a,b,c The proposed project is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Safety Element of the Nevada County General Plan addresses wildlife hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in August 2017. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. Access routes to any future residential development would be improved to typical driveway standards, providing greater fire safety. Project impacts relative to compliance with emergency plans, impacts relative to increased fire risk, and impacts to the environment through the minimal work along these existing routes would be *less than significant*.

20d Due to the proposed project’s location within and directly adjacent to a floodplain, future residential structures they may be expose people or structures to downstream flooding as a result of drainage changes. As discussed in Section 7, through analysis of general FEMA Strategies, Rules, and Assessment Considerations, the project engineer who developed the Floodplain Management Plan for this project, Robert M. Rourke, P.E., Principal Engineer with Nevada City Engineering, Mitigation Measure 10A is proposed to mitigate the design of development on floodplains, preserve the functions of the floodplains, and maintain the existing drainage pattern of the site or area. This includes a requirement that future development will not increase the flood hazard on other properties due to the restriction that no more than 6,000 square feet of impervious surface be added to each lot for future development to ensure a negligible effect on peak flows in the tributaries and Squirrel Creek.

Further, Mitigation Measure 10B is proposed to be incorporated into the construction and development of the Little Lake Trust Project Site, which assist in protecting development and downstream users from the potential for hazards associated with flooding. Together, the proposed mitigation will ensure that development adjacent to or within the floodplain does not impact the floodplain or cause increased runoff. Additionally, practical measures have been incorporated so that potential flood activities do not impact the project infrastructure. In addition, the undisturbed

natural areas on the remainder of the Project Site will further protect the floodplain environment via the minimization of impacts to the existing natural environment. Installation of standard erosion control measures required by the Nevada county Land Use and Development Code within areas disturbed by construction will minimize impacts related to any future development. Any subsequent installation of landscaping in addition to proposed mitigation measures will further protect the floodplain of the tributaries and would reduce potential impacts on to less than significant with mitigation.

Additionally, all future improvements would require building permits and conformance with requirements with such things as maximum impervious surface coverage on each of the parcels, the prohibition of increasing stormflow onto offsite parcels, and adequate erosion control measures. Therefore, the proposed project is anticipated to have *a less than significant impact* relative to exposing people and structures to significant risks.

**Mitigation:**

See Mitigation Measures 10A and 10B.

**21. 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 substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?		✓			A,19
b. Does the project have environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)			✓		A
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			A

**Impact Discussion:**

21a,c As discussed in Sections 1 through 20 above, the proposed three-way land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to biological resources, cultural resources, geology/soils, noise, tribal cultural resources, utility and service systems, and wildfire. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Mitigation has also been included to prevent impacts to protected sensitive resources including Landmark Oak Groves and Landmark Oak Trees. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are

discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit construction to daytime hours on Monday through Saturday. And, mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are *less than significant levels with mitigation*, as outlined in each section.

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

**Mitigation Measures:**

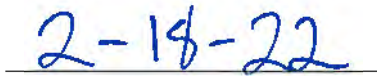
To offset potentially adverse impacts to air quality, biological and cultural resources, geological resources, noise, tribal cultural resources, and utilities/services systems, see Mitigation Measures 4A, 4B, 5A, 10A, 10B, 13A, 18A, and 19A.

### RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

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

  
\_\_\_\_\_  
Kyle Smith, Associate Planner

  
\_\_\_\_\_  
Date

## APPENDIX A – REFERENCE SOURCES

- A. Planning Department
  - B. Department of Public Works
  - C. Environmental Health Department
  - D. Building Department
  - E. Nevada Irrigation District
  - F. Natural Resource Conservation Service/Resource Conservation District
  - G. Northern Sierra Air Quality Management District
  - H. Penn Valley Fire Protection District
  - I. Regional Water Quality Control Board (*Central Valley Region*)
  - J. North Central Information Service, Anthropology Department, CSU Sacramento
  - K. California Department of Fish & Wildlife
  - L. Nevada County Geographic Information Systems
  - M. California Department of Forestry and Fire Protection (Cal Fire)
  - N. Nevada County Transportation Commission
  - O. Nevada County Agricultural Advisor Commission
  - P. Penn Valley Union School District/ Nevada Joint Union School District
  - Q. Nevada County Connects
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. Cal Fire. *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](http://www.fire.ca.gov/wildland_zones_maps.php)>.
  5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
  6. State Division of Mines and Geology. *Fault Map of California*, 1990.
  7. California Department of Conservation, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nev16.pdf>.
  8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
  9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
  10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
  11. Natural Resources Conservation Service, 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. <https://sdmdataaccess.nrcs.usda.gov/>
  12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
  13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
  14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
  15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
  16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
  17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
  18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.
  19. Greg Matuzak, *Biological Resources Inventory*, February, 2021.
  20. California Attorney General's Office. "Addressing Climate Change at the Project Level." January 6, 2010.
  21. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. [www.epa.gov/oaqps001/greenbk/ancl.html](http://www.epa.gov/oaqps001/greenbk/ancl.html).

22. Sean Michael Jensen, M.A. Cultural Resources Inventory Survey, January 12, 2021.
23. Nevada County. *Local Hazard Mitigation Plan Update*. August 2017.  
<https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
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