

NEVADA COUNTY, CALIFORNIA
NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND NOTICE OF INTENT TO ADOPT A PROPOSED
MITIGATED NEGATIVE DECLARATION

TO:

Building Department
Department of Public Works – Surveyor
Assessor Bear Yuba Land Trust
Environmental Health Department
County Council*
Fire Protection Planner
Higgins Fire District
Tyler Barrington, Principal Planner
Commissioner Mastrodonato, District IV
Supervisor Hoek, District IV
CA Fish & Wildlife
Native American Heritage Commission

US Fish & Wildlife
Property Owners within 500-feet

Nevada Irrigation District
CA Native Plant Society Redbud
Comcast
Federation of Neighborhoods
Kevin Johnston
General Plan Defense Fund
Friends of Nevada City
United Auburn Indian Community
Shingle Springs Band of Miwok Indians

**receives full report; all others receive NOA only with the full report available online*

Date: March 10, 2022
File Number(s): PLN21-0008, TPM21-0001, COC22-0001, EIS22-0002
Applicant: Rob Wood/ Millennium Planning & Engineering
471 Sutton Way, Suite 210
Grass Valley, California 95945
Telephone: (530) 446-6765
Project Location: 15252 Macdonald Road, Grass Valley, approximately 0.4 miles east of Perimeter Road. **APN:**
054-140-005

Project Description: A Tentative Parcel Map application (TPM21-0001) proposing to divide a 40.39-acre parcel zoned AG-20 into two parcels of 20.20 and 20.19 acres in size. Proposed Parcel 1 would take access from MacDonald Road and Proposed Parcel 2 would take access from Cabrera Road. Both parcels will be accessed from existing gravel driveways. Both parcels are already developed with residences, are served by on-site wells, and have existing septic systems for sewage disposal. Electrical service will be provided by PG&E. All proposed building envelopes and designated sewage disposal areas are designed to avoid sensitive resources to the greatest extent possible. Prior to approval of any development permit, a parcel needs to establish that it was created legally, therefore, a Certificate of Compliance is being processed with the application to legally establish the Downes parcel.

PUBLIC REVIEW: As a lead agency, in accordance with CEQA, Nevada County is distributing the Draft Initial Study/Mitigated Negative Declaration IS/MND to interested public and regulatory authorities for review and comment for a period of 20-days. Nevada County is inviting comments and concerns regarding the IS/MND during the public review period spanning **March 10, 2022 to March 30, 2022 at 5:00 p.m.** Final action on the proposed MND will be taken by the Nevada County Zoning Administrator after the completion of the public review period at a duly noticed public hearing.

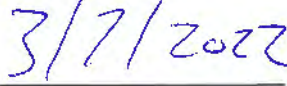
DOCUMENT AVAILABILITY: The Draft Initial Study/Mitigated Negative Declaration is available for review on Nevada County's website at <https://www.mynevadacounty.com/994/Environmental-Documents>. Hardcopies may be reviewed at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, CA 95959.

Written comments should be sent to the following address: David Nicholas, Assistant Planner, Nevada County Planning Department, 950 Maidu Avenue Suite 170, Nevada City, CA 95959 - Email: david.nicholas@co.nevada.ca.us; on or before **March 30, 2022 at 5:00 p.m.**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date, a Draft Mitigated Negative Declaration has been prepared because no substantial evidence exists, as indicated in the attached Initial Study, that the proposed project may have a significant environmental effect that is not mitigated to a level of less than significance.

Prepared by:

David Nicholas, Assistant Planner


Date

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

To:

Building Department
Department of Public Works – Surveyor
Assessor
Environmental Health Department
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Fire Protection Planner
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Shingle Springs Band of Miwok Indians

Date: March 10, 2022

Prepared by: David Nicholas, Assistant Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1257
Email: david.nicholas@co.nevada.ca.us

File Number(s): PLN21-0008, TPM21-0001, EIS22-0002, COC22-0001

Assessor's Parcel Numbers: 054-140-005

Applicant/Representative: Rob Wood/ Millennium Planning and Engineering
471 Sutton Way, Suite 210
Grass Valley, California 95945
Telephone: (530) 446-6765

Property Owner: Jaquina Pilgard and Joseph Downes

Zoning District: AG-20 (General Agricultural, 20-acre minimum parcel size)

General Plan Designation: RUR-20 (Rural, 20-acre minimum parcel size)

Project Location: 15252 MacDonald Road, Grass Valley, approximately 0.4 miles east of Perimeter Road.

Project Description: A Tentative Parcel Map application (TPM21-0001) proposing to divide a 40.39-acre parcel zoned AG-20 into two, separate 20.19-acre parcels. Proposed Parcel 1 would take access from MacDonald Road and Proposed Parcel 2 would take access from Cabrera Road. Both parcels will be accessed from existing gravel driveways. Both parcels are already developed with residences, are served by on-site wells, and have existing septic systems for sewage disposal. Electrical service will be provided by PG&E. All proposed building envelopes and designated sewage disposal areas are designed to avoid sensitive resources to the greatest extent possible. Figure 1 shows the property and the proposed new property lines. A Certificate of Compliance is being processed with the application to legally establish the parcel so that the Tentative Parcel Map can be approved.

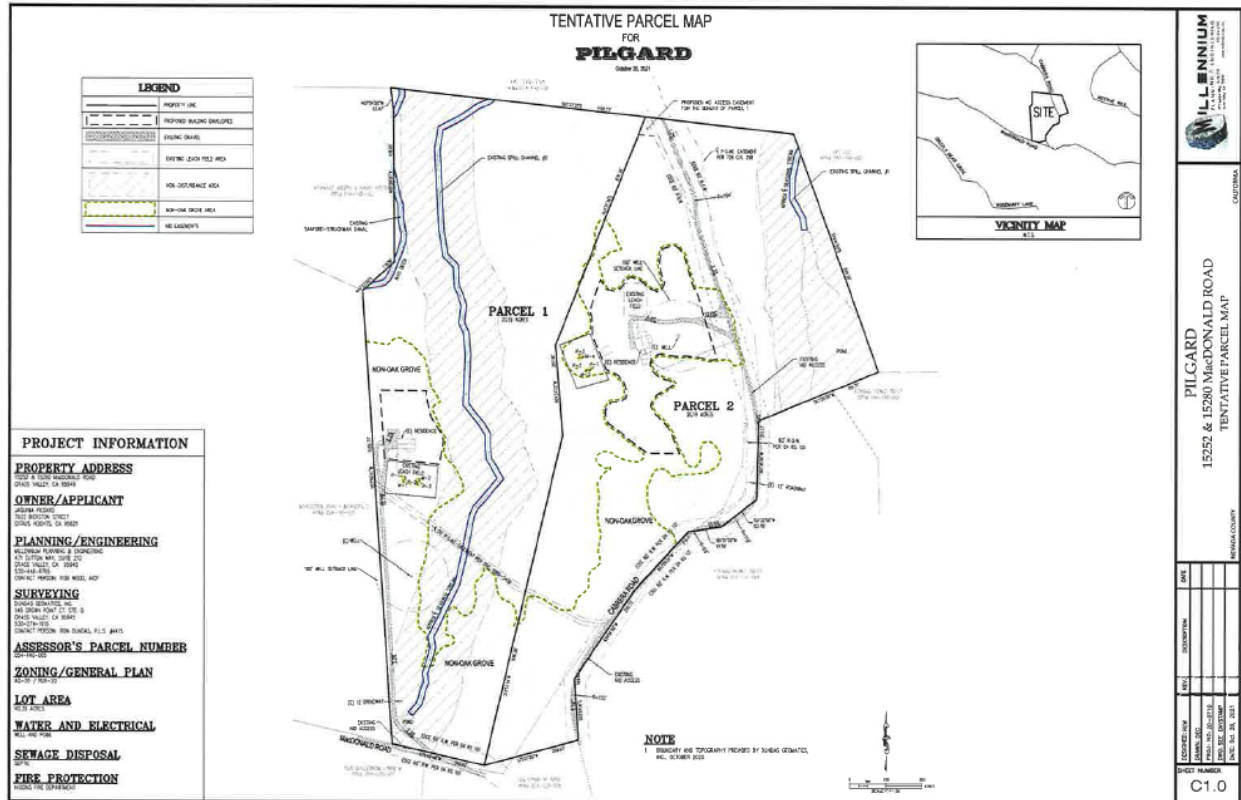
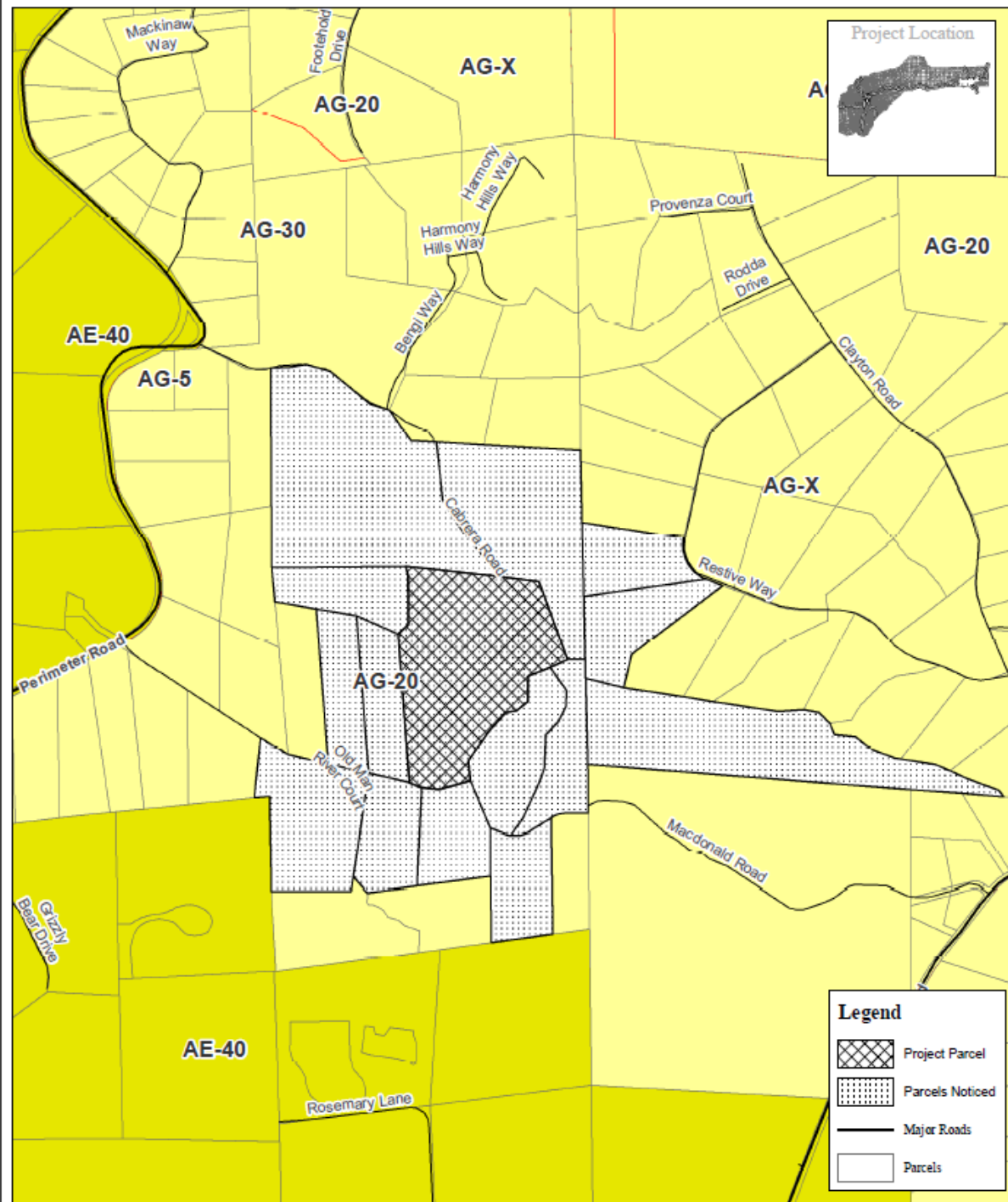






Figure 1: Tentative Parcel Map

Project Location Description and Surrounding Land Zoning & Uses: The subject 40.39-acre property is located on MacDonald Road and is approximately one-half mile north from Perimeter Road in Grass Valley. The Project area is surrounded by large rural parcels. The Project area is located in an area best characterized as a Foothill Pine – Blue Oak Woodland and Annual Grassland plant communities. In addition, areas of non-native annual grassland species also occur within the Project area as well as in open areas where fewer trees and shrubs remain and more open areas are prevalent. The central section of the Project area is where the perennial stream drains from north to south. A large lake is located within the northeastern section of the Project area and a small pond is located within the southwestern section of the Project area, both of which contain associated wetland vegetation. The Project area is relatively flat ranging between 1,260 feet above MSL in the northwestern section of the Project area and 1,750 feet above MSL in the southwestern section of the Project area.

PLN21-0008; TPM21-0001 Downes Tentative Parcel Map Zoning, Vicinity and Public Notice Map



Legend

-  Project Parcel
-  Parcels Noticed
-  Major Roads
-  Parcels

Every reasonable effort has been made to ensure the accuracy of the maps and data provided, nevertheless, some information may not be accurate. The County of Florida assumes no responsibility using these maps or the information. THIS MAP AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, unless expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Before making decisions using the information provided on this map, contact the Florida County Public Counselor to evaluate the validity of the data provided.

Figure 2: Zoning, vicinity, and public notice map

The project parcel is zoned General Agricultural, allowing density at one unit per 20 acres (AG-20) and has a Rural General Plan designation, also allowing density at one unit per 20 acres (RUR-20). Surrounding parcels are all designated as RUR-20 by the General Plan and are zoned as AG-20.

However, zoning and designations of parcels that are not immediately adjacent vary as follows: parcels 160 feet east of the subject property are zoned as Agriculture that cannot be subdivided further (AG-X) and have a General Plan designation of RUR-20. Parcel 0.2 miles to the south are zoned as Exclusive Agriculture (AE-40) with a General Plan designation of RUR-40. Parcels 0.7 miles to the west are zoned as Exclusive Agriculture (AE-40) with a General Plan designation of RUR-40. Parcels 0.2 miles to the north are zoned as Agricultural 30 (AG-30) with a General Plan designation of RUR-30

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. Dust Control Plan – Northern Sierra Air Quality Management 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 January of 2021. The Shingle Springs Band of Miwok Indians are not aware of any known cultural resources on the project site. However, the tribe would like to have continued consultation through updates as the project progresses. The tribe also requests to review the cultural resources report and be informed if any new information or human remains are found during the development of the project. 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	<u>✓</u>	3. Air Quality
<u>✓</u>	4. Biological Resources	<u>✓</u>	5. Cultural Resources	—	6. Energy
<u>✓</u>	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:

- AIR QUALITY:** To offset potentially adverse air quality impacts associated with the project 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 3A: Prepare a Dust Control Plan. Prior to issuance of improvement plan or grading permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department

Mitigation Measure 3B: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This note shall be included on the Supplemental Map.

- At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).
- All architectural coatings shall comply with the California Air Resources Board’s 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
- Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer’s specifications.” Clear signage shall be provided for construction workers at all access points.
- The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits
Reporting: Agency approval of the Parcel Map recordation and future permit issuance
Responsible Agency: Planning Department / NSAQMD

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

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits
Reporting: Agency approval of the Parcel Map recordation and future permit issuance
Responsible Agency: Planning Department / NSAQMD

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

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

Timing: Prior to map recordation and prior to issuance of the residential building permits
Reporting: Agency approval of the Parcel Map recordation and building permits
Responsible Agency: Planning Department / NSAQMD

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

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits
Reporting: Agency approval of the Parcel Map recordation and future permit issuance
Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3F: Mitigate any asbestos discovered during construction. If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits
Reporting: Agency approval of the Parcel Map recordation and future permit issuance
Responsible Agency: Planning Department / NSAQMD

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 the supplemental data sheets that record concurrently with the parcel map:

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 offsetting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with the CDFW and the extent of any necessary compensatory mitigation shall be determined by the 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 map recordation and prior to issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Oak Species as well as Resident and Migratory Deer Populations. Delineate building envelopes, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the parcel map and on all future

grading/improvement/building permit plans with a Note stating “All habitable structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement or driveways.” Disturbance related to driveways shall follow Oak Protection Measures, as outlined in Mitigation Measure 4E.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department*

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

Timing: *Prior to map recordation*

Reporting: *Approval of the Parcel Map for recordation*

Responsible Agency: *Planning Department*

Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA’s). Sensitive biological resources, as shown on the tentative parcel map, shall be mapped and identified as ESAs on the recorded parcel map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include an ephemeral stream, a lake, and protected oak groves. The setback from the perennial stream, pond, and the lake shall be delineated as 100-feet from the highwater mark. The following note shall be included: “No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department*

5. **CULTURAL RESOURCES:** 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 a note on the supplemental data sheets that record concurrently with the parcel map:

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:

All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. 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, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

Timing: *Prior to Issuance of Building Permit or Grading Permit and throughout construction*

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

Responsible Agency: *Planning Department*

7. **GEOLOGY / SOILS:** To offset potentially adverse geological impacts associated with the construction activities, the following mitigation measure shall be required:

Mitigation: See Mitigation Measures 4D and 5A.

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

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

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

18. **TRIBAL CULTURAL RESOURCES:** 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 permits for road or driveway construction tied to the map recordation*

Reporting: *Approval of construction permits*

Responsible Agency: *Nevada County Planning Department and United Auburn Indian Community (UAIC)*

Mitigation: *See Mitigation Measure 5A.*

19. **UTILITIES/SERVICE SYSTEMS:** To offset potentially adverse impacts related to construction waste, 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 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 map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

Mitigation Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3B	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3C	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3D	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3E	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation
4D	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4E	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
5A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
13A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
18A	Planning Department & United Auburn Indian Community of the Auburn Rancheria	Prior to map recordation and issuance of grading/improvement/building permits
19A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits

INITIAL STUDY AND CHECKLIST

Introduction

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

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

1. AESTHETICS

Existing Setting: The Downes property is a 40.39-acre parcel containing two residences. Elevation of the property ranges from approximately 1,260 to 1,1750 feet above mean sea level. The Project area is located in an area best characterized as a Foothill Pine - Blue Oak Woodland and Annual Grassland plant communities. In addition, areas of non-native annual grassland species also occur within the Project area as well as in open areas where fewer trees and shrubs remain, and more open areas are prevalent. Due to the size of Proposed Parcel 1, the location of structures, topography, and the dense vegetation, the existing structures on both proposed parcels are visible from the access roads, but the structures are consistent with the aesthetics of the area. Additionally, MacDonald and Cabrera roads are private roads that are behind locked gates, so the structures on both parcels are not easily viewable to the public.

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 vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓		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)
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A, 18

Impact Discussion:

1a,c,d The Downes Parcel Map is not anticipated to result in an adverse effect on a scenic vista, degrade the visual character of the site or its surroundings, or to create a new source of substantial light or glare. The project proposes to divide a 40.39-acre parcel, resulting in a 20.20-acre parcel and a 20.19-acre parcel. The subject property contains existing improvements including two single family homes. Existing improvements are only visible from the most immediately adjacent properties, and the private access roads that have controlled access through locked gates. The aesthetics are similar to other rural residential type improvements located within other parcels in the area. The project proposes building envelopes within each parcel to contain both existing and future development of habitable space. These building envelopes are designed to ensure that development will not damage scenic resources. Future development within the proposed building envelopes would be somewhat concealed by the topography and vegetation. The proposed two-way land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a two-way land division proposing large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes that are screened due to location, vegetation and topography, the project would result in *less than significant* impacts to public views, scenic vistas and the general character of the area.

1b The proposed two-way land division is anticipated to result in no damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County, the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This is northeasterly of Nevada City, not in the vicinity of the project parcel. State Highway 49 is considered an eligible state scenic highway by the California Department of Transportation (2011). State Highway 49 is approximately 4.6 direct miles east (as the crow flies) from the project area; there is no visibility of the property from the highway. Therefore, the proposed project would have *no impact* on scenic resources within a state scenic highway.

Mitigation: None required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: The Downes property is designated “Grazing Land” by the Farmland Mapping and Monitoring Program of the California Department of Conservation. Although both the zoning and General Plan designations for the property are General Agricultural with a 20-acre minimum density, the project parcel is not being used for agriculture. The 40.39-acre parcel is mostly undisturbed, with most of the existing improvements clustered in two areas 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 California Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?				✓	A, L, 7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, 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?				✓	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 Downes two-way land division is located in an area that is entirely designated “Grazing Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. 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 Downes property nor adjacent properties are under a Williamson Act contract. Should the Downes property or a surrounding property seek a Williamson Act contract in the future, rural residential improvements within building envelopes on the resultant large parcels would not prevent or conflict with farming activities. Further, the Nevada County Right-to-Farm Notice would be required to be part of all future sales of the properties as a disclosure to future buyers as a standard condition of approval. With no Williamson Act contracts on or near the property and building envelopes to contain rural residential development within the two proposed parcels, 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 Downes 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 two-way land division will introduce residential uses in agricultural zoning, but due to the property’s designation by the Farmland Mapping and Monitoring Program of the California Department of Conservation as “Grazing Land”, potential impacts to farmland uses are anticipated to have *no impact*.

Mitigation: None required.

3. AIR QUALITY

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_{2.5}, and ozone) and the fire station in downtown Truckee (PM_{2.5} 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 PM₁₀ and PM_{2.5}. California has standards for average PM₁₀ concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m³, respectively. (The notation “µg/m³” means micrograms of pollutant per cubic meter of ambient air.) For PM_{2.5}, California only has a standard for average PM_{2.5} concentrations over a year, set at 12 µg/m³, 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 PM₁₀ standards. Particulate-matter is identified by the maximum particle size in microns as either PM_{2.5} or PM₁₀. PM_{2.5}, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires,

and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

Table 1: Attainment Status by Northern Sierra Air Quality Management District		
of State and Federal Air Quality Standards. In addition, the entire district is either Attainment or Unclassified for all State and federal NO ₂ , SO ₂ , Pb, H ₂ S, visibility reducing particles, sulfates, and vinyl chloride standards.		
<u>Pollutant</u>	<u>State Designation</u>	<u>Federal Designation</u>
Ozone (O ₃)	Nevada County: Non-attainment (due to overwhelming transport)	2008 O ₃ Standard (75 ppb) Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
		2015 O ₃ Standard (70 ppb) Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
PM ₁₀	Nevada County: Non-attainment	Unclassified
PM _{2.5}	Nevada County: Unclassified	2012 Annual Standard (12µg/m ³) Nevada County: Unclassifiable/Attainment
		2012 24-hour Standard (35µg/m ³) Unclassifiable/Attainment
CO	Nevada: Unclassified	Unclassifiable/Attainment

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County; however, the area of the project site is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2000). The property is underlain with predominantly Sobrante-Rock Outcrop Complex, Rescue-Rock Outcrop Complex, and Auburn-Argonaut Complex rather than soils known to contain ultramafic rock.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A,G

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Result in a 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
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
e. Generate substantial smoke ash or dust?			✓		A,G

Impact Discussion:

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

Regulation 226 of the Northern Sierra Air Quality Management District (NSAQMD) requires a dust control plan if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. The construction phase to improve MacDonald Road to meet Fire Standard Access Road Standards from Perimeter to the driveway of proposed Parcel 2, as required by the Nevada County Department of Public works will not result in more than one acre of natural surface being disturbed. Therefore, a dust control plan is not required by the NSAQMD. Mitigation Measure 3A is proposed to reduce dust impacts during construction if the amount of grading exceeds the NSAQMD threshold of 1- acre. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval.

There are already two existing single-family dwellings on the parcel, but the lot split could allow each newly created parcel to build an Accessory Dwelling Unit (ADU) which would result in air quality impacts from operation and construction. The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects such as the construction of two ADUs. Estimated construction impacts were determined using the parameters specific to this proposed two-way land division and conservative CalEEMod defaults (CalEEMod Version 2016.3.2 2016). The Northern Sierra Air Quality Management District (NSAQMD) established thresholds of significance for assessing and mitigating air quality impacts of land use projects, as shown in the tables provided below. Level A requires the most basic mitigations, projects falling within the Level B range require more extensive mitigation and Level C requires the most extensive mitigations. Table 1, below, shows that

estimated project construction related pollution levels would fall within NSAQMD Level A thresholds.

Table 1. Project Construction Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NO_x	< 24 lbs/day	2.26 lbs/day (0.41 tons/yr)
ROG	< 24 lbs/day	0.33 lbs/day (0.06 tons/yr)
PM₁₀	< 79 lbs/day	0.13 lbs/day (0.02 tons/yr)
CO	N/A	2.26 lbs/day (0.41 tons/yr)
*These thresholds are “Level A” in NSAQMD’s <i>Guidelines</i> . CalEEMod Version 2016.3.2 2016		

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

Table 2. Project Operational Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NO_x	< 24 lbs/day	0.29 lbs/day (0.05 tons/yr)
ROG	< 24 lbs/day	0.77 lbs/day (0.14 tons/yr)
PM₁₀	< 79 lbs/day	0.23 lbs/day (0.04 tons/yr)
CO	N/A	1.41 lbs/day (0.25 tons/yr)
*These thresholds are “Level A” in NSAQMD’s <i>Guidelines</i> . CalEEMod Version 2016.3.2 2016		

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

3c,d The Downes land division proposes to divide 40.39-acres into two parcels that would each contain rural residential improvements. Each resultant parcel could be developed with a primary residential dwelling and a variety of accessory structures could be added within the proposed building envelopes. 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 closest sensitive receptors are approximately 300 feet from the closest proposed building envelope site. The closest residence is approximately 90-feet from the westerly property boundary line. The two-way land division would result in two parcels to contain rural residential improvements and

uses similar to those currently found both on- and offsite. Therefore, *less than significant impacts* related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and *less than significant impacts* related to the generation of emissions that could affect a substantial amount of people are anticipated.

Mitigation Measures: To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 3A: Prepare a Dust Control Plan. Prior to issuance of improvement plan or grading permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department*

Mitigation Measure 3B: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This note shall be included on the Supplemental Map.

1. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).
2. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
3. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
4. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department / NSAQMD*

Mitigation Measure 3C: Comply with open burning prohibitions. Use alternatives to open burning of vegetative material on the project site, unless deemed infeasible by the Air Pollution Control Officer. Treat cleared vegetation by legal means other than open burning, such as chipping, shredding, grinding, use as firewood, and conversion to biomass fuel. Open burning of site-cleared vegetation shall be permitted only upon Northern Sierra Air Quality Management District (NSAQMD) approval of documentation showing alternatives are unobtainable or economically

infeasible. Obtain an approval letter from NSAQMD prior to approval of improvement or grading plans for road, driveway or future residential construction indicating the approved method of cleared vegetation disposal. Note such methods on any project plans prior to approval. At no time shall open burning of materials generated by this project occur at another site unless approved in advance by the NSAQMD.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department / NSAQMD*

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

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

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

Reporting: *Agency approval of the Parcel Map recordation and building permits*

Responsible Agency: *Planning Department / NSAQMD*

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

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department / NSAQMD*

Mitigation Measure 3F: Mitigate any asbestos discovered during construction. If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

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

Responsible Agency: *Planning Department / NSAQMD*

4. **BIOLOGICAL RESOURCES**

Existing Setting: The project biologist, Greg Matuzak, describes the 40.39-acre parcel as an area best characterized as a Foothill Pine - Blue Oak Woodland and Annual Grassland plant communities. In addition, areas of non-native annual grassland species occur within the Project area in open areas where fewer trees and shrubs remain and more open areas are prevalent. The central section of the Project area is where the perennial stream drains from north to south. A large lake is located within the northeastern section of the Project area and a small pond is located within the southwestern section of the Project area, both of which support wetland vegetation. The 40.39-acre parcel lies in the Sierra Nevada foothills. The Project

area is relatively flat ranging between 1,250 feet above MSL in the northwestern section of the Project area and 1,290 feet above MSL in the southern section of the Project area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	K,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,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?		✓			19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,19
g. Introduce any factors (light, fencing, noise, human presence and/or domesticated animals) which could hinder the normal activities of wildlife?			✓		A,19

Impact Discussion:

4a,d The proposed land division would divide a 40.39 acre parcel into two residential parcels of approximately 20.19 acres each, both of which contains a residence and various associated improvements. The project is not anticipated to result in any adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Similarly, the project is not anticipated to substantially interfere with the movement of any native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

A project specific biological report was prepared by Greg Matuzak, based on field review of the property on October 1, 2020, a review of the California Natural Diversity Data Base (CNDDDB), and database information provided by the United States Fish and Wildlife Service for the Project area. The database searches did reveal three (3) species, including Brandegees clarkia, dubious pea, and California black rail that have been previously identified within 3 miles of the Project area. None of these species were observed during field surveys. In addition, there is no Designated

Critical Habitat (DCH) for any plant or wildlife species protected by USFWS within 3 miles of the Project area. Known occurrences of special-status plants have been documented within 3 miles of the Project area and though the Project area does contain marginal suitable habitat for special-status plant species, no special-status plant species were documented within the Project area during site surveys conducted on October 1, 2020. The project area is within the range of a number of special-status animal species that are of concern to the United States Fish and Wildlife Service and California Department of Fish and Wildlife, however, none of these species have been recorded within or near the project area. Loss of limited numbers of common species of plants or animals, as could occur due to further development of the property, is not a significant impact under current CEQA guidelines pertaining to biological resources. However, the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §3513 prohibit take of migratory birds, which is defined to include destruction of active nests (presumed to contain eggs or nestlings). Compliance with the MBTA requires that no grading, brush clearing (mechanized or otherwise), or tree removal occur during the nesting season without a nesting bird survey that confirms that no occupied nests are present. Further, the MBTA requires contingent mitigation actions if nests are present, so Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds.

According to the Nevada County Geographic Information System, the property is located within the range of a resident herd of deer. However, the Project Area is not located within any known major deep corridor, known deer holding areas, or critical deer fawning area. The field survey conducted by Greg Matuzak did not record any observations of deer. Deer populations throughout the state are characterized by the California Department of Fish and Wildlife and the Tahoe National Forest as unstable and declining, with the 2017 population at nearly two-thirds that of 1990, from 850,000 to 532,621 deer (California Department of Fish and Wildlife 2017). Mitigation Measure 4B would require clustered development and preservation of oak groves which are used as habitat for resident deer herds, through the prescribed building envelopes. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas and animal enclosures to continue to allow free movement of deer through the area. With implementation of these mitigation measures, the proposed project is anticipated to have *no impact* on the loss of any special-status plant or animal species in this area, and impacts related to wildlife movement and disturbance of local wildlife would be *less than significant with mitigation*.

- 4b,c The Downes two-way land division is anticipated to result in a less than significant impact on riparian habitat, wetlands or other sensitive natural communities. The field survey conducted by the project biologist identified a perennial stream flowing from a pond to the north and draining towards the southwest where an existing pond is located. There is a lake within the northeastern section of the Project area that is fringed with wetlands. No additional wetlands within or adjacent to the subject parcel were documented. The closest building envelope is approximately 130 feet west of the perennial stream. The aquatic resources of the project area are subject to the Nevada County Land Use and Development Code, requiring non-disturbance buffers and will not be encroached upon. Due to the distance of the features from the nearest potential disturbance area in combination with the quantity of intervening vegetation that stabilizes soils and filters runoff, no project related impacts to the aquatic resources are anticipated. Further, Mitigation Measure 4D is proposed, requiring aquatic resources to be delineated as Environmentally Sensitive Areas with non-disturbance buffers (100 feet from the perennial stream, lake, and pond) on the supplemental data sheets that will record with the parcel map. With the implementation of standard conditions of approval in combination with Mitigation Measure 4D, project impacts to riparian habitat, wetlands or other sensitive natural communities are anticipated to be *less than significant with mitigation*. There is no proposed work within the buffers of the wetlands surrounding the pond and lake,

therefore the project will have *no impact* through direct removal, filling, or hydrological interruption of these resources.

- 4e The proposed two-way land division is not anticipated to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Nevada County has a number of local policies and ordinances that protect sensitive resources, including deer habitat; rare, threatened, and endangered species and their habitats; timber resources; and watercourses, wetlands, and riparian areas and steep slopes. Several of these protected resources are present in the project area: migratory birds would be protected through proposed Mitigation Measure 4A as discussed above (4a,d); Mitigation Measures 4B and 4C as discussed above (4a,d) are proposed to protect the resident deer herd; and, watercourses, wetlands, riparian areas and steep slopes would be protected through proposed Mitigation Measure 4D, as discussed above (4b,c).

Within the subject parcel and the Project area several species of native trees were identified, including foothill pine (*Pinus sabiniana*), blue oak (*Quercus douglassi*), and interior live oak (*Quercus wislizeni*). This habitat is most dominant outside of the annual grassland and areas containing aquatic resources within the Project area. Foothill Pine and Blue Oak Woodlands is the dominant tree habitat in the greater Project area. No landmark oak trees or oak trees associated with the landmark grove will be removed or impacted by the Project; however, some areas within the subject parcel would meet the 33%+ canopy of native oak and other hardwood dominated habitat, but they will not be disturbed or impacted by the Project. 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. With the establishment of building envelopes outside of the Landmark Oak Groves, the project avoids the resource to the greatest extent possible. Therefore, conflicts with local policies and ordinances are expected to be *less than significant with mitigation*.

- 4f The Downes property is not part of a Habitat Conservation Plan or any other adopted conservation plans; therefore, the project would have *no impacts* or conflicts with adopted conservation plans.
- 4g The Downes project proposes to divide a 40.39-acre property into two parcels such that each would contain single-family residences and accessory structures. Existing noise and light disturbances resulting from the existing residences on proposed Parcels 1 and 2 are anticipated to continue and are typically associated with single-family residential uses. The resultant parcels would be large, approximately 20.19-acres in size, with clustered development through the use of building envelopes such that large portions of the properties would remain in a natural state. The highly vegetated state of the property is such that there is space within each parcel that is undisturbed by any noises and light associated with the residential uses thereon. With limited use and the modest project area, impacts to normal wildlife activities would be *less than significant*.

Mitigation: To reduce potential construction impacts to biological resources, 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 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 CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
- 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 offsetting 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 map recordation and prior to issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Oak Species as well as Resident and Migratory Deer Populations. Delineate building envelopes, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the parcel map and on all future grading/improvement/building permit plans with a Note stating "All habitable structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement or driveways." Disturbance related to driveways shall follow Oak Protection Measures, as outlined in Mitigation Measure 4E.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department

Mitigation Measure 4C: Protect and Facilitate the Free Movement of Wildlife. The Supplemental Data Sheet for the recorded map shall include the following note: To protect agricultural and domestic use of this property while still facilitating the free movement of wildlife, no solid fence shall be placed on any parcel except around the single-family dwelling, cultivated

areas and animal enclosures. Perimeter fencing shall be limited to three or four-strand barbed-wire type, open material, with the lowest strand being barb-less and a minimum of 18” from the ground.

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA’s). Sensitive biological resources, as shown on the tentative parcel map, shall be mapped and identified as ESAs on the recorded parcel map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include an ephemeral stream, a lake, and protected oak groves. The setback from the perennial stream, pond, and the lake shall be delineated as 100-feet from the highwater mark. The following note shall be included: “No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department

5. CULTURAL RESOURCES

Existing Setting:

The project site incorporates approximately 40.39-acres of land comprised of moderately sloping to flat land situated adjacent to the north side of MacDonald Road (15252 MacDonald Road), approximately 3-miles east of Camp Far West, and approximately 3.5- miles northwest of Higgins Corner and State Route 49, within Nevada County, California.

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). As with all northern California Indian groups, economic life for the Nisenan revolved around hunting, fishing and the collecting of plant foods. These people were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources that could be used in manufacturing an immense array of primary and secondary tools and implements.

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, with one of the earliest mining efforts undertaken within approximately one-mile of the subject property at the Cherokee mine.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		✓			J,22

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

Impact Discussion:

5a-c At the request of the project representative, the North Central Information Center (NCIC) conducted a records search of the California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in Nevada County within a ¼-mile radius of the proposed project area. The NCIC letter dated September 25, 2020 notes that no prehistoric or historic-period resources exist in the project area. One cultural resources study report on file covers a portion of the broader search area with no resources found, but no reports on file cover a portion of the proposed project area. However, given that there is anticipated ground disturbance for this project including the required improvements of MacDonald Road and Cabrera Road to meet County Road Standards, there is a potential for unanticipated discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources, during project construction. Therefore, 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, 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:

All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. 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, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

Timing: *Prior to Issuance of Building Permit or Grading Permit and throughout construction*

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

Responsible Agency: *Planning Department*

6. ENERGY

Existing Setting: The Downes project proposes to divide 40.39 acres into two parcels (20.19 acres, and 20.20 acres in size). Proposed Parcels 1 and 2 are developed with single-family residential improvements including a residence and septic system. The property currently has electrical service from PG&E, which would also provide service for future development. The building envelope on Proposed Parcels 1 and 2 contains existing improvements.

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 proposed two-way land division is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. The two proposed parcels are developed with single-family dwellings, and there is potential for the development of accessory structures such as Accessory Dwelling Units. Electricity is currently available to the property, and there are existing public utility easements that cross both proposed parcels. Operationally, energy needs for two 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 two-way land division would not conflict with any state or local plans for renewable energy or energy efficiency. Permits would be required in order to construct any improvements. 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 subject 40.39-acre property is located in an unincorporated rural area of Nevada County. Elevation of the property ranges from approximately 1,250 to 1,290-feet above mean sea level, with portions of the property constrained by steep slopes. The property is underlain with predominantly Sobrante-Rock Outcrop Complex, Rescue-Rock Outcrop Complex, and Auburn-Argonaut Complex (USDA Soil Conservation Service, 1993). Specifically, the majority of the soil of the proposed building envelopes is classified as the Auburn – Sobrante series, which has a moderate to very high erosion hazard potential and moderate to severe dwelling limitations (Nevada County, 1991). There are moderate landslide hazards on the steeper slopes of the property, but those areas are outside of the proposed building envelopes for habitable structures.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone and it is located between two areas of Late Quaternary fault displacement that occurred during the past 700,000 years, which are 4.6 miles to the east and 3.5 miles to the southwest. There are also Pre-Quaternary faults, which are older than 1.6 million years, 1.6 miles to the southwest (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,12,29
b. Result in substantial soil erosion or the loss of topsoil?			✓		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?			✓		D,12,25, 30
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		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
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
g. Result in substantial grading on slopes over 30 percent?			✓		A,L,9

Impact Discussion:

7a,c,d The proposed two-way land division 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; it is located approximately 1.6-miles northeast of Pre-Quaternary faults, which are older than 1.6 million years. The project site is located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, meaning the site has a low risk for strong ground motion and thus the project is not anticipated to result in earthquake related impacts. The majority of the proposed parcels are not considered to be have landslide hazards, but there are sections of moderate hazard that are on steeper slopes that are outside of the proposed building envelopes. 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 *less than significant*.

- 7b,g The project is a proposal to divide 40.39-acres with existing single-family residences and accessory structures into two separate parcels. Work along portions of MacDonald Road and Cabrera Road to meet fire standards, or work associated with potential future development within building envelopes is not anticipated to result in substantial soils erosion, or in grading on steep slopes. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Additionally, proposed building envelopes and work areas are located outside of steep slopes. Further, any future non-habitable structures will require building permits and will not be able to be constructed on slopes steeper than 30% without a management plan. Therefore, impacts relative to soils erosion, or to disturbance within steep slopes resulting from the proposed two-way land division to separate existing improvements are anticipated to be *less than significant*.
- 7e Per Nevada County On-Site Sewage Disposal Regulations, all proposed parcels must have satisfactory site approval for a Minimum Useable Sewage Disposal Area (M.U.S.D.A.) prior to recordation of the map. Soil testing to establish the MUSDAs, following previous map representation without them, occurred September 28, 2021. Site Evaluation Reports, now with updated soil test site information will be reviewed by the Nevada County Environmental Health Department for MUSDAs meeting sewage disposal standards. Based on Conditions of Approval from the Nevada County Health Department, the project would have *no impact* relative to a lack of soils for sewage disposal.
- 7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because it is anticipated that there will be ground disturbance during road improvements and potentially within project building envelopes, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be *less than significant with mitigation*.

Mitigation: See Mitigation Measures 4D.

8. GREENHOUSE GAS EMISSIONS

Existing Setting: Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related concept, is the observed increase in the average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from industrial, commercial, transportation, domestic, forestry, and agriculture activities. CO₂ emissions are largely from fossil fuel combustion and electricity generation. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. Global warming

adversely impacts air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and causes an increase in health-related problems.

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

In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions when necessary.

Continuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state, but especially for the state’s most disadvantaged communities, as those communities are affected first, and, most frequently, by the adverse impacts of climate change, including an increased frequency of extreme weather events, such as drought, heat, and flooding.

Would the 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 (CO₂) is the main component of greenhouse gases, and vehicles are a primary generator of CO₂. The project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in a rural area surrounded by low-density residential properties and overall GHG outputs are expected to be minimal. Pursuant to provisions and precedents stemming from AB32, greenhouse gas (GHG) emissions should be quantified for decision-makers and the public to consider, however the Northern Sierra Air Quality Management District has not established a threshold of significance. Therefore, 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 land division and residential improvements will apply standard building permit requirements ensuring any new structures meet energy efficiency standards; adherence to Mitigation Measure 3B which requires 50% of equipment to utilize Tier 1 engines or clear, and equipment idle times to be less than 5 minutes; and because the proposed development is a low

density residential use.

Mitigation: None required.

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting: The Downes property is not near or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The closest site is the Stockton Hill Mine, which is approximately 4.6 miles away. The project area is in a moderate fire hazard severity zone as designated by CalFire. The Sierra Montessori Academy is the closest sensitive receptor; approximately 3.3-direct miles from the project boundary. There are no public or private airports near the project site, with the closest airport being approximately 10 air-miles southeast of the project site.

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
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?				✓	L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H

Impact Discussion:

9a-b The Downes project proposes to divide a 40.39-acre parcel, separating existing single-family residential improvements into two parcels (20.19 and 20.20-acres). The 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 Sierra Montessori Academy is the closest sensitive receptors, which is located approximately 3.3-direct miles from the project boundary. 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 two-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 Downes 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 There are no public or private airports near the project site, with the closest airport being approximately 10 air-miles southeast of the project site. Therefore, the project is not anticipated to result in a safety hazard for people residing or working in the project area and there would be *no impact*.
- 9f The Downes two-way land division is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The subject property is served by the Higgins Fire Protection District, in an area designated by CalFire as a Moderate Fire Danger area. The Nevada County Office of the Fire Marshal has reviewed the project proposal and did not comment on any adverse impacts to emergency response or evacuation plans. The County Office of Emergency Services does not publish emergency evacuation plans; however, the Nevada County Sheriff's Department has verified that there are no emergency response plans or emergency evacuation plans for the project area. The proposed project would not impair or physically interfere with emergency response and evacuation plans, resulting in *no impact*.
- 9g All proposed improvements would require Building Permits and conformance with Chapter 5 of the Nevada County Land Use and Development Code for building and grading standards. The proposed project would not alter any allowable residential density in the nearby area or change any of the existing road networks. Several standard conditions of approval would be applied to the project that would improve fire safety including vegetation clearance for defensible space and the upgrades to Macdonald and Cabrera roads. Therefore, the project potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires is *less than significant*.

Mitigation: None required.

10. HYDROLOGY / WATER QUALITY

Existing Setting: The site is within the Wolf Creek watershed. The biological inventory identified a perennial stream flowing from a pond to the north and draining towards the southwest where an existing

pond is located. There is a large lake within the northeastern section of the Project area that is fringed with wetlands. No additional wetlands within or adjacent to the subject parcel were documented.

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,D
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; 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?			✓		A,D,9,19
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
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	L,9,13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	L,13

Impact Discussion:

10a,c The proposed two-way land division is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity or alter existing drainage patterns. The land division is intended to divide existing single-family residences and various accessory structures into two stand-alone parcels.

Building envelopes on the proposed parcel map are designed to keep the construction of habitable structures outside of the non-disturbance buffers of waterways and waterbodies. Non-disturbance setbacks reduce the chance that development will impact nearby waterbodies by requiring physical separation. Both parcels are already developed with single family residences and the approval of

the land division will not authorize any additional development, however the construction of an Accessory Dwelling Unit on each proposed parcel is possible. Both parcels will be used for residential dwelling so significant discharges or pollution are not expected. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features.

There are several onsite water features including a pond, a lake, and a perennial stream. The lake is 260-feet away from the closest building envelope, and the pond is 680 feet away. The building envelopes on Proposed Parcel 1 and Proposed Parcel 2 meet the requirements of Nevada County Code Sec. L-II by maintaining 100-foot setbacks from the water courses. Standard erosion control measures and intervening vegetation would adequately protect these features from any project related construction impacts. There are no proposed plans to alter the course of the perennial stream on Proposed Parcel 1, and any future plan to modify any waterway or waterbody will require permitting and review. Additionally, further protection is afforded by proposed Mitigation Measure 4D which requires the water courses to be shown as Environmentally Sensitive Areas with a 100-foot non-disturbance buffer on the supplemental data sheets that will record with the parcel map. The limited amount of work with the protective measures would not alter drainage patterns, degrade water quality, or violate water quality standards. Additionally, development of the relatively small building envelopes on the large parcels (20.19-acres and 20.20-acres) would not result in a substantial increase in surface runoff that could result in flooding.

Based on the above discussion, project related impacts to water quality standards or waste discharge requirements, including contributing amounts that could exceed drainage system capacity or alter existing drainage patterns would be *less than significant*.

- 10b,e The proposed two-way land division of 40.39-acres would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. Existing improvements will continue to rely on two existing wells. The proposed project to divide existing single-family residential improvements into two parcels (20.19-acres and 20.20-acres), is anticipated to have *no impact* on the existing wells on this, or on adjacent properties.
- 10d,f,g There is no flood hazard or designated flood zone on the Downes parcel; nor is the property within a tsunami or seiche zone. Therefore, there would be *no impact* associated with flooding, tsunamis or seiches.

Mitigation: None required.

11. LAND USE / PLANNING

Existing Setting: The Downes property is 40.39-acres located approximately 0.4 miles east of Perimeter Road, in an unincorporated area of Nevada County. The property is situated on the north side of MacDonald Road, a private roadway. The subject property takes access from MacDonald Road and Cabrera Road. There are existing improvements on the property including two residences, and a detached garage.

The project parcel is zoned General Agricultural, allowing densities at one unit per 20-acres (AG-20) and has a Rural General Plan designation, also allowing densities at one unit per 20-acres (RUR-20). Surrounding parcel designations vary as follows: parcels immediately east of the subject property are zoned as General Agriculture that cannot be subdivided further (AG-X) and have a General Plan designation of RUR-20. Parcel 0.2 miles to the south are zoned as Exclusive Agriculture (AE-40) with a General Plan

designation of RUR-40. Parcels 0.7 miles to the west are zoned as Exclusive Agriculture (AE-40) with a General Plan designation of RUR-40. Parcels 0.2 miles to the north are zoned as Agricultural 30 (AG-30) with a General Plan designation of RUR-30. Adjacent parcel sizes vary from just over 10-acres up to approximately 50-acres. Single-family rural residential uses are found on the majority of the surrounding parcels, but some parcels are undeveloped. The Nevada County Surveyor has determined through the review of the property’s chain of title that the parcel in question was not legally created pursuant to the Subdivision Map Act. Prior to approval of any development permit, a parcel needs to establish that it was created legally, therefore, a Certificate of Compliance is being processed with the application to legally establish the parcel so that the Tentative Parcel Map can be approved.

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
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,18,19

Impact Discussion:

11a The proposed two-way land division would not physically divide an established community. The subject property is located in a rural area, approximately 4.5 miles west of Lake of the Pines. The project parcel is in a rural area rather than an established community and does not propose any development that could cause community divisions. Therefore, the Downes project, a proposal to divide 40.39-acres into a 20.19-acre and 20.20-acre parcel in a rural part of Nevada County would not physically divide an established community, and thus *no impact* is anticipated.

11b The Downes property is designated as General Agricultural, with a Rural General Plan designation, both of these prescribing density at one unit per 20-acres (AG-20, RUR-20). The AG zoning district, allows single-family residential improvements and uses, along with a variety of other uses. There are many existing single-family improvements on the property as is allowed by the zoning. The proposed land division would result in a 20.20-acre parcel and a 20.19-acre parcel, each containing a residence, well and septic system such that each would be an independent stand-alone parcel. These parcel sizes are in compliance with the density allowed by the zoning and General Plan designations. The Nevada County Surveyor has determined through the review of the property’s chain of title that the parcel in question was not legally created pursuant to the Subdivision Map Act. Prior to approval of any development permit, a parcel needs to establish that it was created legally, therefore, a Certificate of Compliance is being processed with the application to legally establish the parcel so that the Tentative Parcel Map can be approved. A Certificate of Compliance is a recorded document determining whether a property or properties were created in accordance with State and County subdivision regulations. For properties not created in compliance with all applicable subdivision regulations, a public hearing before the Nevada County Zoning Administrator is required. The Zoning Administrator may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or local ordinances enacted pursuant to the Map Act. The Certificate of

Compliance that is being processed with this Tentative Parcel map is a legislative action that does not result in physical impacts to the environment. Potential conflicts with applicable land use plans, policies, or regulations that could result in physical impacts are identified within this Initial Study and are found to be less than significant. 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
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 Downes project proposes to divide a 40.39-acre parcel into two parcels (20.19-acres and 20.20-acres in size). The property is located approximately 4.5 miles west of Lake of the Pines, in an unincorporated area of Nevada County, 0.4 miles away from Perimeter Road. The property is developed with single-family residential improvements that will be separated by the creation of the two new parcels.

Adjacent parcel sizes vary from just over 10-acres up to approximately 50-acres. Single-family rural residential uses are found on the majority of the surrounding parcels, but some parcels are undeveloped. Ambient noise levels in the area are generally those generated by the traffic on MacDonald Road and those noises that commonly accompany rural and residential uses.

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

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Generation of excessive ground borne vibration or ground borne noise levels?			✓		A
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 two-way land division would separate an existing lot with two single-family residences into two and allow for uses consistent with those allowed within the General Agricultural (AG) zoning district. Generally, these land uses are compatible with other residential land uses and are not expected to generate significant noise impacts thereto.

The exception to this would be noises and potential vibration generated during the required construction to improve Cabrera and MacDonald Road, and during any future construction of additional improvements on the new individual parcels. Vibration is typically sensed at nearby properties when it causes objects within the structures to vibrate such as rattling windows. Construction noises and construction related vibration are not an ongoing land use and as they are short term in nature, they are exempt from the County noise standards. While the County’s Zoning Code does not apply its noise standards to temporary construction (Nevada County 2012), nonetheless there could be a temporary exposure of nearby uses to noise in excess of County thresholds. Therefore, Mitigation Measure 13A is recommended to limit construction work to the hours of 7 AM to 7 PM Monday through Saturday. Ambient noise levels in the area those typical noises commonly accompanying the aforementioned uses found on and within the general area along with the noise generated by traffic along MacDonald and Cabrera Roads. 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 subject Downes property is not located within an airport land use plan and there are no public or private airports near the project site, with the closest airport being approximately 10 air-miles south east of the project site. Given the distance to these airports, the project would result in *no impacts* related to airport noise.

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

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

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

14. POPULATION / HOUSING

Existing Setting: The project site is zoned as General Agricultural (AG), a rural district intended to provide areas for agricultural uses such as farming, with agricultural support facilities and services, low intensity uses and open space. The maximum density for the parcel is one unit per 20-acres (AG-20). These are in support of the Rural-20 (RUR-20) General Plan designation of the property.

The site has single-family residential improvements including two residences and accessory structures such as a detached garage. The closest residences are located along the westerly boundary of the property, the nearest being approximately 90-feet away.

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 example, through extension of roads or other infrastructure)?				✓	A
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A

Impact Discussion:

14a-b The proposed two-way land division would not result in an inducement of unplanned population growth or a displacement of existing people or housing. Property zoning and General Plan designations allow a minimum density of one parcel per 20-acres; as a 40.39-acre parcel, the property could support two parcels. The proposed division would separate the two existing residences, such that each would be a stand-alone parcel. Each parcel would be allowed to construct an accessory dwelling unit and a junior accessory dwelling unit. Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans. In the most recent Housing Element Chapter of the Nevada County General Plan, a 2% annual growth is predicted. If two accessory dwelling units are constructed, it would not exceed the assumed growth rate. The land division would not require the demolition of any housing so no replacement housing would need to be constructed. The minor upgrades to the roads do not create any clear opportunities for additional population growth. 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 Higgins Fire District provides fire protection services to this area.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: The Pleasant Ridge Union and Nevada Joint Union School Districts provides education for the area.

Parks: The project is within the Bear River Community Park and Recreation district.

Water & Sewer: Water is provided by wells. Sewage disposal is by individual septic systems.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in 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, P
4. Parks?				✓	A
5. Other public services or facilities?				✓	A

Impact Discussion:

15a (1-2) The proposed two-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 impact fees would also be applied to accessory dwelling units over 500 square feet on both parcels if future owners choose to build them. Fire impact fees would be applied to all ADUs. Public Works Traffic Impact Fees would be applied to ADUs over 750 square feet. Recreation impact fees would apply to new homes proposed on either parcel. Recreation impact fees would also be applicable to additions to existing residences, based on square footage of the addition. Therefore, there would be *a less than significant impact* as a result of the project approval of this two-way land division.

Mitigation Measures: No mitigation is required.

16. RECREATION

Existing Setting: The Downes property is located within the Bear River Community Park and Recreation district. The Bear River Recreation and Park District owns 32 acres of park land at the Kimler Ranch Park site and holds a trail easement for about 6 miles of the Emigrant Trail alignment. Neither of these resources has been developed yet for public use. The District does, however, share the 6.5 acre Magnolia Sports Complex under a joint use agreement with Pleasant Ridge School District. No recreational facilities occur

on the Downes 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
c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?				✓	A,L, 31

Impact Discussion:

16a-c The proposed two-way land division is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities because of the small potential increase in population. The residential density established by the General Plan for the area would allow two parcels, equal to the two-way land division proposes. 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). There are no existing recreational facilities on the Downes parcel and the recreational facilities nearby are limited. The Spenceville Wildlife area is 4.7 miles to the west, but it is in the Western Gateway Park and Recreation District rather than the Bear River District. Proposed building envelopes would contain existing and future improvements within the central portions of the property such that there would be significant separation from use areas to property boundaries. Due to the minimal potential increase to population and the lack of existing facilities onsite or in close proximity, the proposed project would have *no impact* related to recreational facilities.

Mitigation: None required.

17. TRANSPORTATION

Existing Setting: The Downes land division proposes to divide a 40.39-acre parcel into two parcels (20.19-acres and 20.20-acres in size). The property is located approximately 4.5 miles west of the Lake of the Pines Community Region, in an unincorporated area of Nevada County. The property is situated on the corner of the north side of MacDonald Road and the west side of Cabrera Road, which are private gravel/dirt local that have 60’ wide Right of Ways. Both roads connect to Perimeter Road, which is a collector road.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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,H,M
d. Result in inadequate emergency access:				✓	H,M
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A,H,M

Impact Discussion:

17a,b The proposed two-way land division would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities, or with review of traffic impacts. The properties take access MacDonald and Cabrera; private roadways that are both local roads that experience low traffic. Local roads are defined as roads that have the lowest speed limits and carry low volumes of traffic. In some areas, these roads may be unpaved. The potential increase in traffic resulting from the proposed two-way land division would be insignificant in nature and there would therefore be *no impacts* relative to conflicts with traffic review.

The Nevada County Non-Motorized Transportation Master Plan does not identify the parcel being within a trail corridor and no trails pass through the parcel so bicycle and pedestrian movement will not be affected. Transit services are not currently available in this area and would not be affected by the project. The project would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities so therefore there would be *no impact*.

17c,e 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 two proposed single-family residential parcels would take access from MacDonald and Cabrera Roads. A condition of approval is proposed to require the construction of three turn-outs on MacDonald and Cabrera. With the application of these standard conditions of approval, project impacts due to geometric design would be *less than significant*.

17d The proposed two-way land division would improve emergency access because the proposed conditions of approval require the improvements to the local roads used to access both parcels, MacDonald and Cabrera. These improvements would provide better access for emergency personnel such that there would be adequate facilities for emergency personnel to arrive and for occupants to exit. Therefore, the project would have *no impact* relative to resulting in inadequate emergency access.

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 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"> i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 		✓			J,22

Impact Discussion:

18a The proposed two-way land division is anticipated to result in less than significant impacts to tribal cultural resources. An initial distribution of the project application and the records search results from the North Central Information Center were sent to both organizations and the Native American Heritage Commission September 24, 2020.

An AB52 consultation request was sent to the Shingle Springs Band of Miwok Indians on January 20, 2021. The tribe is not aware of any cultural resources on the project site, but requested to be informed of the results of record searches and surveys in the area. Nevada County sent an AB52 letter to the United Auburn Indian Community of the Auburn Rancheria on January 20, 2021 but did not receive a response. However, the UAIC has provided standard mitigation measures that will be required. A project specific archaeological survey performed by Sean Jensen (Genesis Society), which included both an intensive pedestrian survey and records review, confirmed that there were no tribal cultural resources located at the project site or within a 1/8 mile search radius. While no resources are documented onsite and none were found during the site survey, as discussed in Section 5, there is a chance that onsite grading could uncover cultural resources of importance. As

recommended by the UAIC and the archaeologist, Mitigation Measure 5A has been included, which requires work to halt if cultural resources are discovered and requires 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 permits for road or driveway construction tied to the map recordation*

Reporting: *Approval of construction permits*

Responsible Agency: *Nevada County Planning Department and United Auburn Indian Community (UAIC)*

See also Mitigation Measure 5A.

19. UTILITIES / SERVICE SYSTEMS

Existing Setting: Both proposed parcels are developed with single-family dwellings. Electricity is provided by Pacific Gas and Electric (PG&E) and there are two PG&E easements that cross the property. Current Both proposed parcels have existing septic systems and wells. This project will not require the recording of a new utility easement.

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. 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?		✓			C
d. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?		✓			C

Impact Discussion:

- 19a The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. The Downes project proposes a two-way land division that would separate existing single-family residential improvements. Currently each proposed parcel relies on PG&E for utilities and they will continue to do so; similarly, each proposed parcel is already developed with individual wells and septic systems. No extension of natural gas, public water or wastewater treatment facilities, the expansion of existing facilities, or additional water supplies is proposed or required for this two-way land division. 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 two-way land division designed to separate existing single-family residential improvements is anticipated to have a *no impact* related to utility/service extension.
- 19b Each of the two proposed parcels have existing wells serving existing single-family residential improvements. No new water service is required and therefore, the proposed two-way land division is anticipated to have *no impact* on water supplies.
- 19c,d The Downes land division would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. Construction is required for improvements Macdonald and Cabrera Roads from Perimeter Road to the driveway of Proposed Parcel 2. These construction activities could result in solid waste in the form of construction materials or vegetative debris. Nevada County provides solid waste collection through a franchise for collection and disposal of waste and recyclables for both residential and non-residential areas. Waste Management is the current holder of this contract; refuse and recyclables in this area of the County are typically hauled to the McCourtney Road Transfer Station located at 14741 Wolf Mountain Road. All solid waste refuse is later hauled to out-of-County landfills, most of which are in the State of Nevada under contract with Waste Management Systems, Inc. There are no known capacity issues with any Waste Management facilities. Any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. 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 the supplemental data sheets that record concurrently with the parcel map:

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 map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

20. WILDFIRE

Existing Setting: The project parcel is in the Higgins Fire District and is in a moderate fire severity zone. Nearby properties to the south are in a very high fire severity zone. The project site takes access from MacDonald Road and Cabrera Road, private gravel driveway. A proposed Condition of Approval will require both local roads to be improved to meet Nevada County Road Standards. There are multiple gates on access roads to the property. MacDonald has a gate about 0.3 miles east of the Perimeter Road Access. Behind the first gate, the driveway to Proposed Parcel 1 has a gate that controls access. Additionally, the access to Proposed Parcel 2 from Cabrera Road is controlled by a gate. The area has dense vegetation with rolling to steep slopes. The Project area is nested within Foothill Pine, Blue Oak Woodlands, and Annual Grassland habitat with moderate rolling slopes. There is a lake on the northeastern side of Proposed Parcel 2 and a small pond near the southern edge of Proposed Parcel 1.

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
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,c The proposed land division is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Downes property is served by the Higgins Fire Protection District, in an area designated by CalFire as a Moderate Hazard Severity

area. There is currently no adopted emergency response plan for this area. The Nevada County General Plan Safety Element 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’s Local Hazard Mitigation Plan (LHMP) includes goals of reducing fire severity and intensity by promoting implementation of fuel management on private and public lands. A condition of approval from the Deputy Fire Marshal will require vegetation clearance around structures that meets the minimum requirements of Public Resources Code Section 4291. MacDonald Road and Cabrera Roads, the onsite access to both proposed parcels will be improved as required by a proposed Condition of Approval providing greater fire safety and thus, 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*.

20b,d The proposed Downes land division seeks to divide 40.39-acres into a 20.19-acre and 20.20-acre parcel essentially dividing the existing single-family residential improvements. The two-way land division separating these existing improvements would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. Proposed building envelopes, which would contain existing and any future structures, avoid areas mapped as steep slopes. 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 two-way land division that would result in two large parcels to contain existing improvements is anticipated to have *a less than significant* relative to the spread of wildfire and fire risks.

Mitigation: None required.

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?		✓			
b. Does the project have environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)			✓		
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			

Impact Discussion:

- 21a,c As discussed in Sections 1 through 20 above, the proposed two-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 air quality, biological resources, cultural resources, geology/soils, noise, tribal cultural resources, and utilities/service systems. 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 aquatic features, Landmark Oak Groves and Landmark Oak Trees, Critical Deer Habitat, and Steep Slopes. 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 possible impacts utilities/services systems, see Mitigation Measures 3A-3E, 4A-4E, 5A, 13A, 18A and 19A.

RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

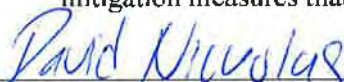
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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.

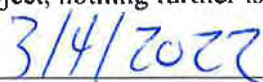
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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.



David Nicholas, Assistant 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. Gold Country Stagecoach
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>.
 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 Inventory*, November, 2020.
 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.

22. North Central Information Center, CHRIS search, 9/25/20 & Genesis Society 10/13/20 *Class III Archaeological Survey*
23. Nevada County. *Local Hazard Mitigation Plan Update*. August 2017.
<https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
24. California Department of Toxic Substances Control. Accessed December, 2021:
<http://www.envirostor.dtsc.ca.gov/public/>
25. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
26. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California -- Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
27. California Department of Transportation. *California Scenic Highway Mapping System*. July, 2019.
[Scenic High](https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways) <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways> | Caltrans
28. Nevada County. *Land Use and Development Code Section 5, Article 13, Grading*. Amended December 2016.
29. California Department of Conservation, California Geological Survey. 2010. Accessed December 2021
<https://maps.conservation.ca.gov/cgs/fam/>
30. California Office of Planning and Research, SiteCheck, Accessed December 2021,
[Site Check ✓ \(ca.gov\)](#)
31. "Master Plan 2003-2018." *Bear River Recreation & Park District*, <https://brrpd.org/content/5985/Our-Master-Plan>.