

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

| | | |
|------------|--|---------------------------------------|
| To: | Building Department | Nevada Irrigation District |
| | Department of Public Works – Surveyor | CA Native Plant Society Redbud |
| | Department of Public Works – Eng. | Comcast |
| | Nevada County Agricultural Commissioner | PG&E |
| | Environmental Health Department | AT&T |
| | Fire Protection Planner | Federation of Neighborhoods |
| | Higgins Fire District | General Plan Defense Fund |
| | Tyler Barrington, Principal Planner | Central Valley WQCB |
| | County Counsel* | US Army Corps of Engineers |
| | Bear River Park District | Wolf Creek Community Alliance |
| | Commissioner Duncan, District II | Bear Yuba Land Trust |
| | Supervisor Scofield, District II | NAHC |
| | CA Fish & Wildlife | NCIC |
| | Northern Sierra Air Quality Management Dist. | Nevada City Nisenan Tribe |
| | Native American Heritage Commission | Tsi Akim Maidu |
| | US Fish & Wildlife | United Auburn Indian Community |
| | Property Owners within 500-feet | Shingle Springs Band of Miwok Indians |

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

Date: March 11, 2022

Prepared by: Kyle Smith, Associate Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1345
Email: kyle.smith@co.nevada.ca.us

File Number(s): PLN21-0070; TPM21-0003; EIS21-0003; MGT21-0049; MGT21-0054

Assessor’s Parcel Numbers: 055-170-018

Applicant/Representative: **Millennium Planning and Engineering**
Rob Wood, AICP
471 Sutton Way Suite 210
Grass Valley, California 95949
Telephone: (530) 446-6765

Property Owner: Sanford Ballou

Zoning District: AG-10 (General Agricultural, 10-acre minimum parcel size)

General Plan Designation: RUR-10 (Rural, 10-acre minimum parcel size)

Project Location: 16503 Duggans Road, Grass Valley - approximately one-half mile north of Wolf Road and one mile south of Lime Kiln Road in Grass Valley in unincorporated western Nevada County.

Project Description:

A Tentative Parcel Map application (TPM21-0003) proposing to divide a 74.3-acre parcel zoned AG-10 with two existing residences, an existing covered arena, and four agriculture support structures into four parcels. The parcels would range in size from 13-acres to 23-acres as follows: Lot 1 – 12.7 acres; Lot 2 – 20.2 acres; Lot 3 – 20.3 acres, and; Lot 4 – 21.1 acres. The project includes two (2) Management Plans; one Management Plan to minimize the conversion of important agricultural areas to non-agricultural uses, (MGT21-0049) and one Management Plan to allow disturbance within an ephemeral stream and the setback thereto (MGT21-0054).

Proposed parcels would take access from Duggans Road through three access points; Parcel 1 would take access from an existing 12-foot-wide paved driveway, Parcels 2 and 3 would take access from 40-foot wide access easement at the shared boundary line, and Parcel 4 would take access from an existing 34-foot access easement and an existing 12-foot gravel driveway. Proposed Parcel 1 and 4 are currently developed with single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Building envelopes are designed to avoid sensitive resources to the greatest extent possible. Figure 1 shows the property and the proposed new property lines.

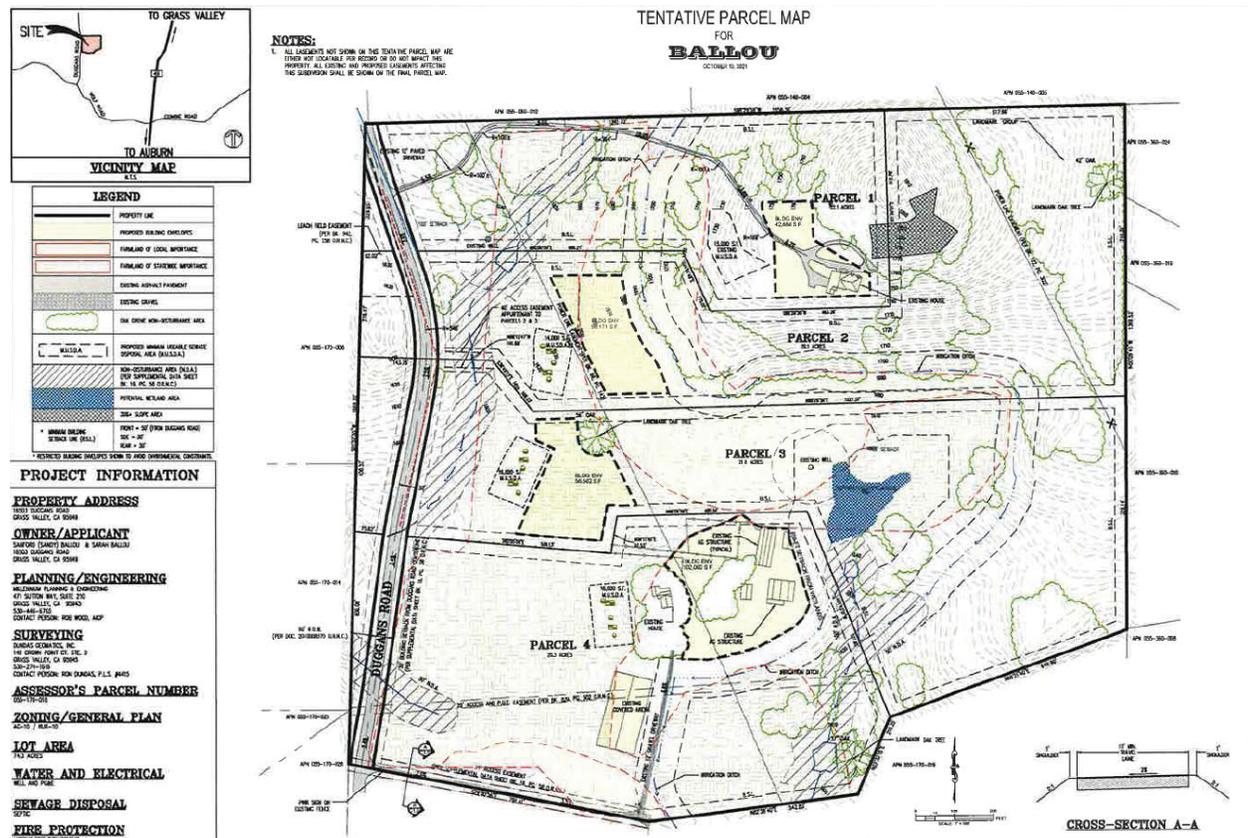


Figure 1: Tentative Parcel Map

Project Location Description and Surrounding Land Zoning & Uses:

The subject 74.3-acre property is located approximately one-half mile north of Wolf Road and one mile south of Lime Kiln Road in Grass Valley in unincorporated western Nevada County. The project biologist describes the land as located in an area best characterized as a Foothill Pine- Blue Oak Woodland and Annual Grassland plant communities. The subject parcel includes a Nevada Irrigation District (NID) canal and two larger drainage areas contain wetland plant communities. The Project area is located at approximately 1,600 feet above Mean Sea Level (MSL). The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern section of the Project area. Therefore, general drainage within the Project area is from east to west and north to south. The subject property currently takes access from Duggans Road through two existing driveways. There are existing improvements on the property including single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Two of the proposed parcels that would be created upon approval of the Tentative Parcel Map are undeveloped.

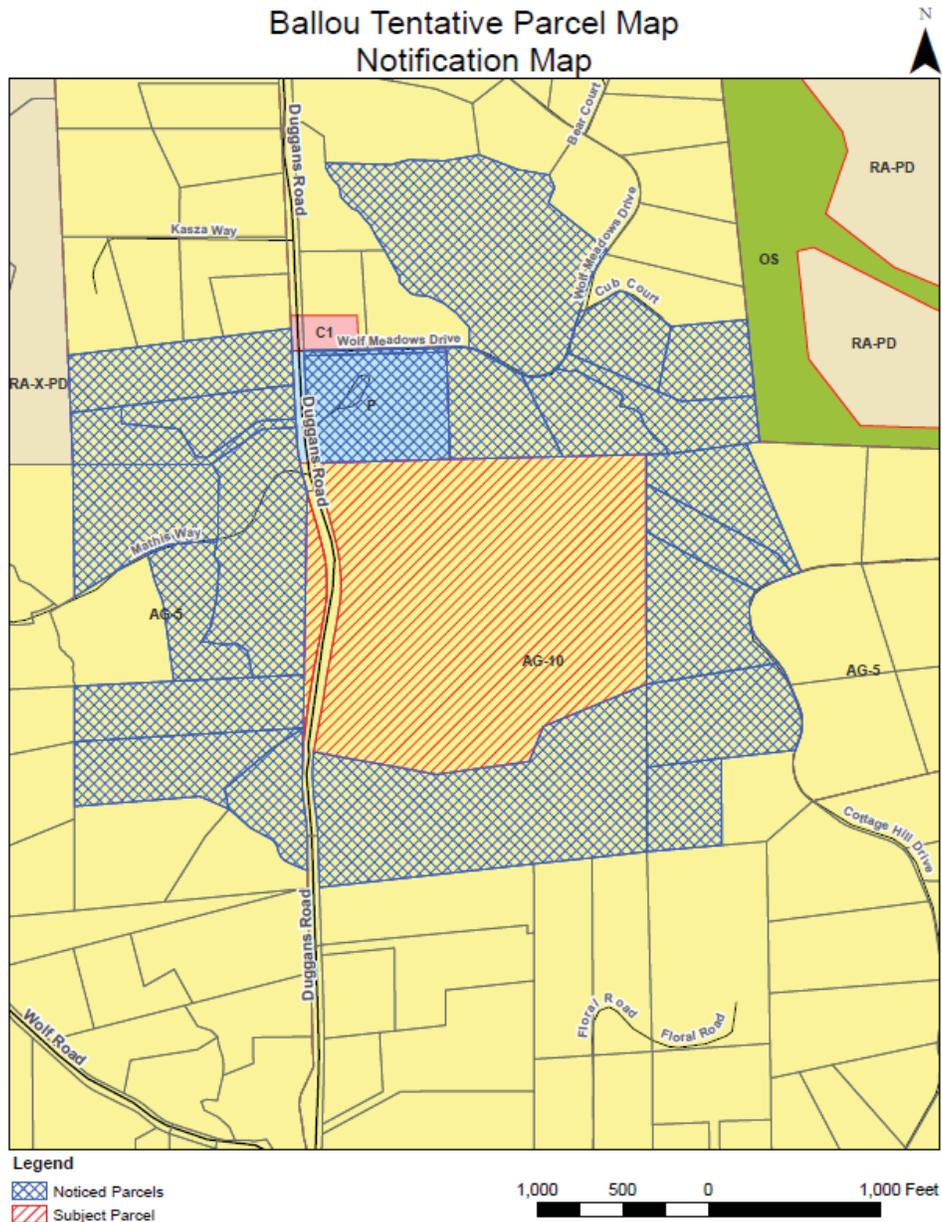


Figure 2: Notification Map

Figure 2, above, shows the zoning and configuration of the project parcel and surrounding parcels. The project parcel is zoned General Agricultural, allowing density at one unit per 10 acres (AG-10) and has a Rural General Plan designation, also allowing density at one unit per 10 acres (RUR-10). Surrounding parcel designations vary as follows: parcels immediately surrounding the subject property to the North, East, and South have AG-10 base zoning and RUR-10 General Plan designation; parcels west and south of the property are zoned RUR-5 with RUR-5 General Plan Designation, allowing a density of one unit per 5 acres. There are also parcels to the North of the subject parcel with Zoning Designations of Public (P) and Neighborhood Commercial (C1).

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. Septic System and Well Permits – Nevada County Environmental Health Department
4. Treated Water Variance and Permit – Nevada Irrigation District

Relationship to Other Projects:

None.

Tribal Consultation:

California Native American Tribes with ancestral land within the project area were routed the project during distribution on March 21, 2021. The California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected:

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

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

Summary of Impacts and Recommended Mitigation Measures:

2. AGRICULTURE/FORESTRY RESOURCES

To offset potentially adverse impacts to important farmland 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 2A: Mitigate impacts to important agricultural areas and protect resources. To minimize impacts to important agricultural areas and protect resources, the following mitigation measures are recommended to meet the purpose of this Plan:

- Restrict future development of structures to the building envelopes shown on the Tentative Parcel Map and/or within close proximity to existing structures
- Limit grading or disturbance within non-disturbance areas (ie. Setbacks from existing drainage courses, wetlands, riparian areas, etc.), unless a Management Plan is approved.

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

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

Responsible Agency: Planning Department / Agricultural Commissioner

3. **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.

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 and throughout construction

Reporting: Approval of the Parcel Map for 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 and throughout construction*

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

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: *Approval of the Parcel Map for 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 and throughout construction*

Reporting: *Approval of the Parcel Map for 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 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 and throughout construction*

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

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Aquatic Resources Management Plan. This Aquatic Resources Management Plan includes measures to minimize potential direct and indirect sedimentation and other grading and erosion related impacts to the seasonal stream and include the measures outlined

below. This will be accomplished by implementing the following during and following construction:

- Limit construction to periods of extended dry weather and/or the dry summer season;
- Establish the area around the seasonal stream as an Environmentally Sensitive Area (ESA) where the area will not be impacted by construction;
- No fill or dredge material will enter or be removed from the seasonal stream except for the placement of the two culverts at the crossing locations of the seasonal stream given there will be no other disturbance within or directly adjacent to the seasonal stream during construction;
- Use appropriate machinery and equipment to limit disturbance in this area;
- Placement of straw and/or other soil erosion control devices between the seasonal stream and the areas where vegetation removal will occur to limit potential runoff and sedimentation into the seasonal stream;
- No dewatering of the seasonal stream will occur as part of the proposed construction; and
- Implement Best Management Practices during construction.

BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.

To protect the seasonal stream and its non-disturbance buffer area, as well as water quality and downstream water resources, the contractor shall implement standard Best Management Practices during and directly after construction. These measures should include, but are not limited to:

- Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the seasonal stream. Place staging areas and other work areas outside of the SO-foot non-disturbance buffers to the seasonal stream within the subject parcel.
- The contractor shall exercise reasonable precaution to protect the seasonal stream as well as adjacent non-disturbance buffers from pollution such as fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near the seasonal stream and its aquatic resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- No equipment for vehicle maintenance or refueling shall occur within the SO-foot non-disturbance buffers to the seasonal stream. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

POST CONSTRUCTION EROSION CONTROL

Exposed bare soil along the road embankment within the SO-foot non-disturbance buffer should be protected against loss from erosion by the placement of straw within the area where vegetation will be removed. Once revegetation is completed the erosion control within the SO-foot non-disturbance buffer areas can be removed.

PROVIDE COPIES OF MITIGATION MEASURES TO CONTRACTORS

To ensure the proper and timely implementation of all mitigation measures contained in this Aquatic Resources Management Plan, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and permit requirements to the contractors prior to grading and construction within the non-disturbance

buffers. All contractors shall be completely familiar with the mitigation measures contained above and with the terms and conditions of all permits.

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

***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 in coordination with qualified cultural resources specialists and Native American Representatives from interested California Native American Tribes. If such resources are encountered or suspected, work within 200-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified Tribal resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for tribal cultural resource treatment.

If human remains, in any condition, or associated grave goods and burial soils 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 map recordation and prior to issuance of grading/improvement/building permits and throughout construction*

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

***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 Measure 5A.

10. HYDROLOGY/WATER QUALITY

To offset potentially adverse hydrology and/or water quality impacts associated with the construction activities, the following mitigation measure shall be required:

Mitigation: See Mitigation Measure 4B.

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

***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 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 & United Auburn Indian Community of the Auburn Rancheria

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: Approval of the Parcel Map for recordation and future permit issuance
Responsible Agency: Planning Department

Mitigation Monitoring Matrix:

| MEASURE # | MONITORING AUTHORITY | IMPLEMENTATION TIMING |
|-----------|---|---|
| 2A | Planning Department & Agricultural Commissioner | Prior to map recordation and issuance of grading/improvement/building permits |
| 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 |
| 3F | 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 |
| 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 subject parcel is a 74.3-acre parcel containing existing single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Elevation of the property ranges from approximately 1,490 to 1,750 feet above mean sea level. The subject parcel is adjacent to/nested within Foothill Pine - Blue Oak Woodlands and Annual Grassland habitat. Due to the size and topography of the property, existing improvements are visible from neighboring properties and Duggans Road.

| 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 proposed Tentative 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 74.3-acre parcel zoned AG-10, resulting in four (4) parcels ranging in size from 13-acres to 23-acres as follows: Lot 1 – 12.7 acres; Lot 2 – 20.2 acres; Lot 3 – 20.3 acres, and; Lot 4 – 21.1 acres. The subject property contains existing single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Existing improvements are visible from adjacent property and from Duggans Road due to topographical changes. The project proposes building envelopes within each parcel to contain both existing and future improvements. Future development within the proposed building envelopes would be similarly visible, and views would be of similar rural residential type improvements to those found within other parcels in the area. The proposed land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a land division proposing large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes to allow similar rural residential type improvements to those found within other parcels in the area, the project would result in *less than significant* impacts to public views, scenic vistas and the general character of the area.

1b The proposed land division is not anticipated to result in significant damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County, the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This is northeasterly of Nevada City, not in the vicinity of the project parcel. State Highway 49 is considered an eligible state scenic highway by the California Department of Transportation (2011). State Highway 49 is approximately 1.1 direct miles (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 subject parcel property is mapped within important agricultural lands, including . approximately 34.13% of the subject parcel as "Farmland of Statewide Importance", and approximately 13.12% as "Farmland of Local Importance". Both the Zoning and General Plan designations for the property are General Agricultural with a 10-acre minimum density and the project parcel is has historically used for agricultural and residential activities. The subject 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, L, 18 |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | | | | ✓ | A, L, 18 |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | | | | ✓ | A, L, 18 |
| e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | | ✓ | | | A, L, 7 |

Impact Discussion:

2a,e Approximately 47% of the project site is mapped within important agricultural lands, including . approximately 34.13% of the subject parcel as "Farmland of Statewide Importance", and approximately 13.12% as "Farmland of Local Importance". Consistent with the provisions set forth in Section L-II 4.3.3.B of the Nevada County Land Use and Development Code, the project applicant submitted an Agricultural Management Plan to the Nevada County Agricultural Commissioner to identify conditions of project approval to minimize impacts to important agricultural areas and protect resources. The Nevada County Agricultural Commissioner would restrict future development of structures to the building envelopes shown on the Tentative Parcel Map, and limit grading or disturbance within non-disturbance areas unless a Management Plan is approved, pursuant to the Nevada County Land Use and Development Code. Due to the strategic placement of a small building envelope to minimize the loss of farmlands, and with Mitigation Measure 2A defined by the Nevada County Agricultural Commissioner, the proposed project is anticipated to have *less than significant impact with mitigation* on farmlands or conversion of farmlands to a non-agricultural use.

2b The proposed project will not propose a change in zoning or conflict with or convert existing zoning for agricultural use. California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves and offer preferential taxation based on a property's agricultural-use value rather than on its market value. Neither the subject property nor adjacent properties are under a Williamson Act contract. Should the subject property or a surrounding property seek a Williamson Act contract in the future, rural residential improvements within building envelopes on the resultant large parcels would not prevent or conflict with farming activities. Further, as mentioned above, the Nevada County Right-to-Farm Notice would be required to be part of all future sales of the properties as a disclosure to future buyers as a standard condition of approval. With no Williamson Act contracts on or near the property and building envelopes to contain rural residential development within the three proposed parcels, the proposed project is anticipated to have *less than significant impact* on a Williamson Act contract(s).

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

Mitigation:

To offset potentially adverse impacts to important farmland 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 2A: Mitigate impacts to important agricultural areas and protect resources. To minimize impacts to important agricultural areas and protect resources, the following mitigation measures are recommended to meet the purpose of this Plan:

- Restrict future development of structures to the building envelopes shown on the Tentative Parcel Map and/or within close proximity to existing structures
- Limit grading or disturbance within non-disturbance areas (ie. Setbacks from existing drainage courses, wetlands, riparian areas, etc.), unless a Management Plan is approved.

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

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

Responsible Agency: *Planning Department / Agricultural Commissioner*

3. AIR QUALITY

Existing Setting:

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

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

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

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

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM2.5, and ozone) and the fire station in downtown Truckee (PM2.5 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 PM2.5. 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 PM2.5, California only has a standard for average PM2.5 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 PM2.5 or PM10. PM2.5, 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.

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 |
| b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard? | | ✓ | | | A, G, 21 |
| c. Expose sensitive receptors to substantial pollutant concentrations? | | | | ✓ | A, G, L |
| d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | | | | ✓ | A,G |

Impact Discussion:

- 3a The proposed 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 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.

The resultant parcels would contain residential improvements and would gain access via driveway alignments off Duggans Road. Driveway improvements serving the proposed parcels are not anticipated to exceed one acre, thus not trigger the requirement for a Dust Control Plan. However, Mitigation Measure 3C is proposed to reduce dust impacts during construction commensurate with the amount of grading being proposed. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval.

The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects. Estimated construction impacts were determined using the parameters specific to this proposed land division and conservative CalEEMod defaults (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 | | |
|--|--------------------------|------------------------------|
| Pollutant | NSAQMD Threshold* | Project Impact |
| NOx | < 24 lbs/day | 13.40 lbs/day (2.45 tons/yr) |
| ROG | < 24 lbs/day | 1.26 lbs/day (0.23 tons/yr) |
| PM10 | < 79 lbs/day | 1.86 lbs/day (0.34 tons/yr) |
| CO | N/A | 9.80 lbs/day (1.79 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, as well as from vegetative burning. 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 | | |
|---|--------------------------|-----------------------------|
| Pollutant | NSAQMD Threshold* | Project Impact |
| NOx | < 24 lbs/day | 0.50 lbs/day (0.09 tons/yr) |

| | | |
|--|--------------|-----------------------------|
| ROG | < 24 lbs/day | 1.26 lbs/day (0.23 tons/yr) |
| PM10 | < 79 lbs/day | 3.94 lbs/day (0.72 tons/yr) |
| CO | N/A | 2.27 lbs/day (0.41 tons/yr) |
| *These thresholds are "Level A" in NSAQMD's Guidelines. 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 3C and 3D reduce operational emissions, minimizing impacts through energy-efficient requirements and a limitation on wood stoves. Further, while mapping does not indicate that the site is likely to contain serpentine, ultramafic rock or naturally occurring asbestos, Mitigation Measure 3E requires NSAQMD notification in the event of their discovery. Therefore, with implementation of these mitigation measures, the potential for this project to violate any air quality standards during either the construction or the operational phases would be *less than significant with mitigation*.

3c,d The proposed land division would divide 74.3-acres into four 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 Arete Charter Academy is the closest sensitive receptor, located on the parcel directly adjacent to North of the subject parcel. The proposed land division would result in parcels that contain rural residential improvements and uses similar to those currently found both on- and offsite. Therefore, *no impacts* related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and *no impacts* related to the generation of emissions that could affect a substantial amount of people are anticipated.

Mitigation Measures:

To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included 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 and throughout construction*

Reporting: *Approval of the Parcel Map for 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 and throughout construction*

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

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: Approval of the Parcel Map for 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 and throughout construction

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

Responsible Agency: Planning Department / NSAQMD

4. BIOLOGICAL RESOURCES

Existing Setting:

The project biologist, Greg Matuzak, describes the 74.3-acre subject property as located in an area best characterized as a Foothill Pine- Blue Oak Woodland and Annual Grassland plant communities. In addition, two larger drainage areas contain wetland plant communities. These two larger drainage areas would be considered perennial wetland drainages that connect to the west and downstream to navigable waterways. The subject parcel includes a Nevada Irrigation District (NID) canal that daylight within the eastern section of Parcel #3 and flows north into Parcel #2 where it turns south and eventually enters into Parcel # 1 and exits the subject parcel to the north. The existing NID canal leakage and potential springs have created a perennial drainage and wetland area that is located within the southeastern section of Parcel #3 and enters the eastern section of Parcel #4 before leaving the subject parcel to the south within the southeastern section of the subject parcel. The NID canal and potential springs have also created a drainage area containing a pond and wetlands within the western section of Parcel # 1 and Parcel #2 before exiting the subject parcel to the west within Parcel #3. The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern 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? | | | | ✓ | A, K, 19 |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? | | ✓ | | | A,K,L,19 |
| c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through | | ✓ | | | A,K,L, 10, 19 |

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| direct removal, filling, hydrological interruption, or other means? | | | | | |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | ✓ | | | A, L, 19 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | ✓ | | A,16,19 |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | ✓ | A,18,19 |

Impact Discussion:

4a,d The proposed land division would divide a 74.3-acre property with two existing residences, an existing covered arena, and four agriculture support structures into four parcels. According to the project biologist, the subject parcel contains the potential for some wildlife species to move through the area given the size of the subject parcel and the less dense development adjacent to the large parcel. Overall, the proposed Tentative Map Project has a very low likelihood of impacting sensitive habitats and special-status species given the overall lack of such habitats and suitability of the subject parcel for the use by species-status species. See 4e,f, below, for a discussion regarding the Management Plan, which addresses Oak resources onsite. 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 and included a records search of the California Department of Fish and Wildlife’s California Natural Diversity Database, U.S. Fish and Wildlife Service and the California Native Plant Society Electronic Inventory for special-status species with potential to occur in the vicinity of the project area. The database searches did reveal four (4) species, including Brandegee's clarkia, dubious pea, western pond turtle, 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. Furthermore, the parcel was found to be an unsuitable habitat for any special-status plants due to the soil conditions on the property.

There is a low to moderate potential for nesting raptors and other nesting migratory bird species protected under the MBTA and by CDFW to occur within and adjacent to the subject parcel. The subject parcel represents potential habitat for bird species protected under the MBTA and by CDFW, such as tree nesting species (raptors) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*). However, active and inactive nests within and adjacent to the proposed areas to be developed within the subject parcel were not identified during field surveys. If development within the subject parcel will occur during the nesting season for raptors and ground nesting MBTA and CDFW protected birds, a pre-construction survey should be conducted if such development activities pose a risk to nest abandonment prior to the fledging of young from such nests. Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds.

Known migratory deer ranges outlined in the Nevada County General Plan was reviewed for deer migration corridors, critical range, and critical fawning areas. The subject parcel is not located in any known major deer corridors, known deer holding areas, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the subject parcel is located in an area of potential Deer Winter Range. The field survey did not record any observations of deer. The subject parcel does not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas. 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 proposed 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 two drainage areas with associated wetlands; therefore, the subject parcel includes "waters of the U.S.," including wetlands, defined by the Corps criteria for being jurisdictional wetlands and regulated under the Clean Water Act. An Aquatic Resources Management Plan was prepared for two proposed culvert crossings to be located within Parcels #2 and #3 where access into the Project area off of Duggans Road will be required. Mitigation measures to minimize potential impacts to the seasonal stream are recommended to limit potential indirect impacts of the proposed Project on the seasonal stream and its aquatic resources located within 50 feet of the aquatic resource. These measures are intended for inclusion into the proposed development of the two culvert crossings and the non-disturbance buffers to the seasonal stream during construction to minimize direct and indirect impacts to water quality before, during, and after construction (mitigation Measure 4B).

With the implementation of standard conditions of approval in combination with Mitigation Measure 4B, project impacts to riparian habitat, wetlands or other sensitive natural communities are anticipated to be *less than significant with mitigation*.

- 4e The proposed 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) and Mitigation Measures 4B as discussed above (4a,d) are proposed to protect watercourses and wetlands.

The subject property also includes Landmark Oak Groves throughout the property. Landmark Oaks are defined as those that have a diameter at breast height (dbh) of thirty-six or more inches. Landmark Oak Groves are groves having a canopy cover of thirty-three (33) percent or more canopy coverage. 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. Three mapped landmark oak trees are located within the attached Tentative Map with an approximate 42-inch interior live oak tree located within the northeastern section of Parcel #2, an approximate 56-inch interior live oak within the western section of Parcel #3, and an approximate 37-inch interior live oak within the southeastern section of Parcel #4. None of the landmark oak trees are proposed for removal. The mapped landmark groves are located within Parcel # 1 adjacent to the existing residence. Landmark groves are also mapped within the central and northeastern sections of Parcel #2. Parcel #3 contains some landmark groves within the eastern section of that proposed parcel as well as some smaller

landmark groves adjacent to the mapped drainage area within the southeastern section of that proposed parcel. Parcel #4 contains mapped landmark groves within and adjacent to the existing residence and development within that proposed parcel as well as adjacent to the drainage wetland area within the eastern section of that proposed parcel. Building envelopes ensure proposed development areas associated with each of the newly created four parcels within the subject parcel will be located outside the canopy of the mapped landmark groves and therefore, they will not be impacted by the proposed Project. As a result, the potential conflicts with local policies and ordinances are expected to be *less than significant*.

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

Mitigation:

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.

- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) 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 and throughout construction*

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

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Aquatic Resources Management Plan. This Aquatic Resources Management Plan includes measures to minimize potential direct and indirect sedimentation and other grading and erosion related impacts to the seasonal stream and include the measures outlined below. This will be accomplished by implementing the following during and following construction:

- Limit construction to periods of extended dry weather and/or the dry summer season;
- Establish the area around the seasonal stream as an Environmentally Sensitive Area (ESA) where the area will not be impacted by construction;
- No fill or dredge material will enter or be removed from the seasonal stream except for the placement of the two culverts at the crossing locations of the seasonal stream given there will be no other disturbance within or directly adjacent to the seasonal stream during construction;
- Use appropriate machinery and equipment to limit disturbance in this area;
- Placement of straw and/or other soil erosion control devices between the seasonal stream and the areas where vegetation removal will occur to limit potential runoff and sedimentation into the seasonal stream;
- No dewatering of the seasonal stream will occur as part of the proposed construction; and
- Implement Best Management Practices during construction.

BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.

To protect the seasonal stream and its non-disturbance buffer area, as well as water quality and downstream water resources, the contractor shall implement standard Best Management Practices during and directly after construction. These measures should include, but are not limited to:

- Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the seasonal stream. Place staging areas and other work areas outside of the 50-foot non-disturbance buffers to the seasonal stream within the subject parcel.
- The contractor shall exercise reasonable precaution to protect the seasonal stream as well as adjacent non-disturbance buffers from pollution such as fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near the seasonal stream and its aquatic resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- No equipment for vehicle maintenance or refueling shall occur within the 50-foot non-disturbance buffers to the seasonal stream. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

POST CONSTRUCTION EROSION CONTROL

Exposed bare soil along the road embankment within the 50-foot non-disturbance buffer should be protected against loss from erosion by the placement of straw within the area where

vegetation will be removed. Once revegetation is completed the erosion control within the 50-foot non-disturbance buffer areas can be removed.

PROVIDE COPIES OF MITIGATION MEASURES TO CONTRACTORS

To ensure the proper and timely implementation of all mitigation measures contained in this Aquatic Resources Management Plan, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and permit requirements to the contractors prior to grading and construction within the non-disturbance buffers. All contractors shall be completely familiar with the mitigation measures contained above and with the terms and conditions of all permits.

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

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

Responsible Agency: Planning Department

5. CULTURAL RESOURCES

Existing Setting:

The project site is moderately sloping to flat land situated adjacent to the east side of Duggans Road (16503 Duggans Road), approximately 1.5-miles northwest of Higgins Comer, and approximately one mile west of State Route 49. Biologically, the study area is located in a transition zone between the lower foothill elevations and the higher Sierra Nevada mountains. This transition zone is considered the Yellow Pine Belt (Storer and Usinger 1963). Because it is a transition zone, or ecotone, a variety of flora and fauna species occur in the area that typically occur at zones of either higher or lower elevations. As a transition area, the Yellow Pine Belt in the Grass Valley area is comprised of a number of specific habitat types (Holland 1986). The numerous habitats give rise to a wide variety of flora and fauna. Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with particular emphasis given to stream confluences and to ecotones created at the interface of foothill/valley lands, elements of which are located within and/or near the present study area. Generally, environmental conditions within the region have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these may have influenced prehistoric patterns of land use and settlement.

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

Impact Discussion:

5a-c At the request of the project 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 4, 2020 notes that one prehistoric or historic-period resource exists in the project area. Existing records at the NCIC document that all

of the present subject area had been subjected to previous archaeological investigation, and that one historic-era site had been documented within the subject area. This site (P-29-2182) was originally identified and recorded by Compas and Bakic in 1999 and consists of a residential/ranch complex. Compas and Bakic recommended the site not eligible for inclusion in the California Register of Historical Resources. Nevada County concurred with this finding as part of their authorization of a parcel split, effectively placing the site components on two separate parcels. As the site is not eligible for inclusion in the CRHR, no treatment is recommended or warranted. As well, the present effort included an intensive-level pedestrian survey. Aside from P-29-2182, the pedestrian survey failed to identify any prehistoric or historic-era sites within the subject area. Based on the specific findings detailed above under Cultural Resources Survey and Cultural Inventory, no significant historical resources, or unique archaeological resources are located within the subject area.

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

Mitigation:

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 in coordination with qualified cultural resources specialists and Native American Representatives from interested California Native American Tribes. If such resources are encountered or suspected, work within 200-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified Tribal resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for tribal cultural resource treatment.

If human remains, in any condition, or associated grave goods and burial soils 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 map recordation and prior to issuance of grading/improvement/building permits and throughout construction

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

Responsible Agency: Planning Department

6. ENERGY

Existing Setting:

The subject project proposes to divide 74.3 acres into four parcels. Proposed Parcels 1 and 4 are developed with residential and agricultural improvements including a residence and septic system and Proposed Parcels 1 and 2 anticipate similar development. The property currently has electrical service from PG&E, which would also provide for future development. The building envelopes on Parcels 1 and 4 contains existing improvements and all proposed building envelopes on Proposed Parcels 1 and 2 are sized to allow potential future additional 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 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 proposed parcels are intended to be developed with single-family dwellings and accessory structures. Electricity is currently available to the property, and there are existing public utility easements along the Duggans Road roadway alignment to provide for future connection to electricity. Operationally, energy needs for four rural residential parcels is low. Future improvements, if any, would be required to meet energy standards in place

at the time of their construction. The scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a *less than significant impact*.

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

Mitigation:

None Required.

7. GEOLOGY / SOILS

Existing Setting:

The subject 74.3-acre property is located at approximately 1,600 feet above Mean Sea Level (MSL). The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern section of the Project area. Therefore, general drainage within the Project area is from east to west and north to south. The soils of the project site are mapped as Dubakella, shallow variant-Rock outcrop complex, 2 to 50 percent slopes, Rescue-Rock outcrop complex, 5 to 30 percent slopes, Sobrante loam, 2 to 15 percent slopes, and Sobrante loam, 15 to 30 percent slopes.

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; however it is located approximately 0.1-miles westerly of Pre-Quaternary faults, which are older than 1.6 million years (California Department of Conservation). The project site is located within Seismic Zone I—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion (Nevada County, 1991).

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides? | | | ✓ | | A,L,12,16,29 |
| b. Result in substantial soil erosion or the loss of topsoil? | | | ✓ | | A,D,25 |

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | ✓ | | A,D,12,25 |
| d. Be located on expansive soil creating substantial direct or indirect risks to life or property? | | | ✓ | | A,D,25 |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | | | | ✓ | A,C,11 |
| f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | ✓ | | | A,L |

Impact Discussion:

- 7a-d The proposed 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 adjacent to 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. Additionally, neither Dubakella rock outcrop complex, Rescue-Rock outcrop complex, or Sobrante loam, which underlies the majority of the project site, are described by the USDA Soil Conservation Service as being unstable or expansive. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be *less than significant*.
- 7b The project is a proposal to divide 74.3-acres with existing single-family residences and accessory structures into four stand-alone parcels. Work needed to bring the proposed driveways up to required standards, or that 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. Therefore, impacts relative to soils erosion, or to disturbance within steep slopes resulting from the proposed land division to separate existing improvements are anticipated to be *less than significant with mitigation*.
- 7e The property does not have soils incapable of adequately supporting septic systems. The existing residences on the subject property utilize individual septic systems. Additionally, recent soils testing for each proposed parcel has confirmed onsite soils are capable of adequate sewage disposal. A typical condition of approval requires Minimum Useable Sewage Disposal Areas to be delineated around existing leach-fields sized with adequate room for a 100 percent repair area should the initial system ever fail. Based on use of existing systems along with recent soils testing confirmation, the project would have *no impact* relative to a lack of soils for sewage disposal.

7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because ground disturbance is anticipated to bring the proposed driveways up to required standards, or that associated with potential future development within building envelopes, Mitigation 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 5A and 18A.

8. GREENHOUSE GAS EMISSIONS

Existing Setting:

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

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

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

significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in a rural area surrounded by low-density residential properties and overall GHG outputs are expected to be minimal. The overall GHG impact is expected to remain at a level that is *less than significant*, due to several factors including but not limited to: the proposed 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 which will result in the potential for two residential properties that are consistent with existing General Plan and zoning densities in this area.

Mitigation:

None required.

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting:

The subject parcel is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The project area is in a high fire hazard severity zone as designated by CalFire. The Arete Charter Academy is the closest sensitive receptor, located approximately 300-feet to the Northwest from the closest proposed building envelope site. The closest residence is approximately 90-feet from the Northern property boundary line. The project is located approximately 3.8-miles from the nearest airport.

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

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | | | ✓ | | H,M |

Impact Discussion:

- 9a-b The proposed land division 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 Arete Charter Academy is the closest sensitive receptor, located approximately 300-feet from the closest proposed building envelope site. 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 land division, *no impact* relative to transport, use, or emissions of hazardous materials within proximity of a school is anticipated.
- 9d The subject property is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact*.
- 9e The project site is not located within an airport land use plan and is approximately 3.8 miles from the nearest airport – the Alta Sierra Airport, located Northeast of the project site. In addition, the project site is located more than 10 miles from the Nevada County Airport. The private airstrip is restricted to use by property owners. Because the potential rural residential use of the newly created parcels is not anticipated to interfere with air traffic patterns or aircraft safety, safety hazard impacts on people residing or working in the project area are anticipated to have *no impact*.
- 9f There is currently no adopted emergency response plan for the project area. The project would not impair implementation of, or physically interfere with, adopted emergency response plans, and *no impact* on any emergency response plan would occur as a result of the project.
- 9g As a condition in the project Conditions of Approval, the applicant would be required to provide defensible space around all structures consistent with California Public Resources Code 4291, which requires up to 100 feet of fuels treatment or to the property line, whichever is closer. The proposed project would not expose people or structures to wildland fires and would improve access to the site, and therefore there would be a *less than significant impact*.

Mitigation:

None required.

10. HYDROLOGY / WATER QUALITY

Existing Setting:

The Project area is located at approximately 1,600 feet above Mean Sea Level (MSL). The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern section of the Project area. Therefore, general drainage within the Project area is from east to west and north to south. The subject parcel includes a Nevada Irrigation District (NID) canal that daylight within the eastern section of Parcel #3 and flows north into Parcel #2 where it turns south and eventually enters into Parcel # 1 and exits the subject parcel to the north. The existing NID canal leakage and potential springs have created a perennial drainage and wetland area that is located within the southeastern section of Parcel #3 and enters the eastern section of Parcel #4 before leaving the subject parcel to the south within the southeastern section of the subject parcel. The NID canal and potential springs have also created a drainage area containing a pond and wetlands within the western section of Parcel # 1 and Parcel #2 before exiting the subject parcel to the west within Parcel #3. A large culvert along Duggans Road crosses the road to the west and generally all drainage within the western section of the subject parcel drains to the south and through the large culvert.

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | | | ✓ | | A,C,I |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | | | | ✓ | A,C |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: i. result in substantial erosion or siltation on- or off-site; 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 |

Impact Discussion:

- 10a,c The proposed 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 one existing parcel with a single-family residence into four stand-alone parcels. Proposed Parcels 2 and 3 would take access from a proposed shared access from Duggans Road, and Parcels 1 and 4 take access from existing driveways. Any work conducted within the right of way will require an encroachment permit from the Nevada County Department of Public Works. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features.

The subject parcel does include two drainage areas with associated wetlands; therefore, the subject parcel includes "waters of the U.S.," including wetlands, defined by the Corps criteria for being jurisdictional wetlands and regulated under the CWA. However, such "waters of the U.S.," including wetlands, are not going to be encroached upon or impacted directly or indirectly by the proposed Project. Two proposed culvert crossings to be located within Parcels #2 and #3 where access into the Project area off of Duggans Road will be required. As detailed in Mitigation Measure 4B, measures to minimize potential impacts to the seasonal stream are recommended to limit potential indirect impacts of the proposed Project on the seasonal stream and its aquatic resources located within 50 feet of the aquatic resource. These measures are intended for inclusion into the proposed development of the two culvert crossings and the non-disturbance buffers to the seasonal stream during construction to minimize direct and indirect impacts to water quality during and directly following construction and would adequately protect these features from any project related construction impacts. Furthermore, the subject parcel aquatic habitats would be subject to the Nevada County Land Use and Development Code, requiring non-disturbance buffers to such aquatic resources. Additionally, further protection is afforded by the proposed building envelopes which would avoid all watercourses and other aquatic resources. 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 relatively large parcels 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 with mitigation*.

- 10b The proposed land division of 74.3-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 existing wells. The newly created Parcels 2 and 3 would each be required to have a well drilled and permitted by the Nevada County Environmental Health Department, or to provide a Will-Serve Letter from the Nevada Irrigation District. The proposed land division is anticipated to have *no impact* on the existing wells on this, or on adjacent properties.

- 10d,e There is no flood hazard or designated flood zone on the project site. Furthermore, the project is not in a tsunami or seiche zone, and it does not conflict or obstruct the implementation of a water quality control plan. It does not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, there would be *no impact* associated with the proposed subdivision on flood zones or water quality control plans.

Mitigation:

See Mitigation Measure 4B.

11. LAND USE / PLANNING

Existing Setting:

The subject 74.3-acre property is located approximately one-half mile north of Wolf Road and one mile south of Lime Kiln Road in Grass Valley in unincorporated western Nevada County. The project biologist describes the land as located in an area best characterized as a Foothill Pine- Blue Oak Woodland and Annual Grassland plant communities. The subject parcel includes a Nevada Irrigation District (NID) canal and two larger drainage areas contain wetland plant communities. The Project area is located at approximately 1,600 feet above Mean Sea Level (MSL). The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern section of the Project area. Therefore, general drainage within the Project area is from east to west and north to south. The subject property currently takes access from Duggans Road through two existing driveways. There are existing improvements on the property including single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Two of the proposed parcels that would be created upon approval of the Tentative Parcel Map are undeveloped.

The project parcel is zoned General Agricultural, allowing density at one unit per 10 acres (AG-10) and has a Rural General Plan designation, also allowing density at one unit per 10 acres (RUR-10). Surrounding parcel designations vary as follows: parcels immediately surrounding the subject property to the North, East, and South have AG-10 base zoning and RUR-10 General Plan designation; parcels west and south of the property are zoned RUR-5 with RUR-5 General Plan Designation, allowing a density of one unit per 5 acres. There are also parcels to the North of the subject parcel with Zoning Designations of Public (P) and Neighborhood Commercial (C1).

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

Impact Discussion:

11a The proposed land division would not physically divide an established community. The subject property is located in a rural area off Duggans Road. The project, a proposal to divide 74.3-acres into four parcels in a rural part of Nevada County would not physically divide an established community, and thus *no impact* is anticipated.

11b The subject property is designated as AG-10, with a RUR-5 General Plan designation. The AG zoning district allows single-family residential improvements and uses, along with a variety of other uses. There are existing single-family improvements on the property as is allowed by the zoning. Any unpermitted improvements would be removed prior to recording or gain proper permitting approval. The proposed land division would result in four parcels larger than 10-acres which are in compliance with the density allowed by the currently adopted Zoning and General Plan designations. The proposed land division would be in compliance with minimum design standards and requirements set forth in the Nevada County Land Use and Development Code.

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 residential agricultural land uses on the project site. Therefore, the project would have *no impact* on mineral resources.

Mitigation:

None Required.

13. NOISE

Existing Setting:

The subject 74.3-acre property is located approximately one-half mile north of Wolf Road and one mile south of Lime Kiln Road in Grass Valley in unincorporated western Nevada County. The project biologist describes the land as located in an area best characterized as a Foothill Pine- Blue Oak Woodland and Annual Grassland plant communities. The subject parcel includes a Nevada Irrigation District (NID) canal and two larger drainage areas contain wetland plant communities. The Project area is located at approximately 1,600 feet above Mean Sea Level (MSL). The Project area ranges between 1,750 feet above MSL in the northeastern section of the Project area and 1,490 feet above MSL in the southwestern section of the Project area. Therefore, general drainage within the Project area is from east to west and north to south. The subject property currently takes access from Duggans Road through two existing driveways. There are existing improvements on the property including single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Two of the proposed parcels that would be created upon approval of the Tentative Parcel Map are undeveloped.

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

Impact Discussion:

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

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

13c The project site is not located within an airport land use plan and is approximately 3.8-miles from the nearest airport – the Alta Sierra Airport, located Northeast of the project site. The private airstrip is restricted to use by the property owners. In addition, the project site is located more than 10 miles from the Nevada County Airport. Given the restricted use of the Alta Sierra Airport, and the distance to the Nevada County Airport, 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: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

14. POPULATION / HOUSING

Existing Setting:

The project parcel is zoned General Agricultural, allowing density at one unit per 10 acres (AG-10) and has a Rural General Plan designation, also allowing density at one unit per 10 acres (RUR-10). Surrounding parcel designations vary as follows: parcels immediately surrounding the subject property to the North, East, and South have AG-10 base zoning and RUR-10 General Plan designation; parcels west and south of the property are zoned RUR-5 with RUR-5 General Plan Designation, allowing a density of one unit per 5 acres. There are also parcels to the North of the subject parcel with Zoning Designations of Public (P) and Neighborhood Commercial (C1).

Proposed parcels would take access from Duggans Road through three access points; Parcel 1 would take access from an existing 12-foot-wide paved driveway, Parcels 2 and 3 would take access from 40-foot wide access easement at the shared boundary line, and Parcel 4 would take access from an existing 34-foot access easement and an existing 12-foot gravel driveway. Proposed Parcel 1 and 4 are currently developed with single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Building envelopes are designed to avoid sensitive resources to the greatest extent possible.

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

Impact Discussion:

14a-b The proposed land division would not result in an inducement of unplanned population growth or to displace existing people or housing. Property zoning and General Plan designations allow a minimum density of one parcel per 10-acres; as a 74.3-acre parcel, the property could support seven parcels and be consistent with the currently adopted Nevada County General Plan and Zoning Ordinance. 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: Pleasant Ridge Union School District provides education for the area.

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

Water & Sewer: Water is provided by individual 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,L,P |
| 4. Parks? | | | ✓ | | A,L |
| 5. Other public services or facilities? | | | ✓ | | A,B,L |

Impact Discussion:

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

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

The properties are intended for single-family residential improvements and will be served by on-site wells for water. The project would not impact sewer services because the project does not require these services, as new parcels will be served by on-site septic systems. Therefore, there would be *a less than significant impact* as a result of the project approval of this land division.

Mitigation Measures:

No mitigation is required.

16. RECREATION

Existing Setting:

The subject property is located within the Bear River Recreation district. The District provides a variety of recreation programs and cooperative management of several recreation facilities in the Southern Nevada County region. The Magnolia Sports Complex is located 2.5 miles to the Southeast of the property. This facility provides developed recreation opportunities such as ball fields and playgrounds to the South County area. No recreational facilities occur on the subject property. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

Impact Discussion:

16a,b The proposed land division is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. The minimal potential increase in population resulting from the proposed land division would not result in negative impacts to existing recreational facilities, nor trigger the need for new facilities. The residential density established by the General Plan for the area would allow four parcels, equivalent to what the land division proposes and is consistent with the currently adopted Nevada County General Plan and Zoning Ordinance. 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 subject parcel. Due to the minimal potential increase to population and the lack of existing facilities onsite or in close proximity, the proposed project would have *less than significant impact* related to recreational facilities.

Mitigation:

None required.

17. TRANSPORTATION

Existing Setting:

The proposed land division would result in four proposed parcels would take access from Duggans Road through three access points; Parcel 1 would take access from an existing 12-foot-wide paved driveway, Parcels 2 and 3 would take access from 40-foot wide access easement at the shared boundary line, and Parcel 4 would take access from an existing 34-foot access easement and an existing 12-foot gravel driveway. Proposed Parcel 1 and 4 are currently developed with single-family residential and agricultural accessory improvements which are served by existing septic systems and well water. Building envelopes are designed to avoid sensitive resources to the greatest extent possible. Figure 1 shows the property and the proposed new property lines.

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

Impact Discussion:

- 17a The proposed land division would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities, or with review of traffic impacts. The property takes access from Duggans Road, a County-maintained roadway. Transit services are not currently available in this area and would not be affected by the project. Duggans Road is functioning at a high level; the potential increase in traffic resulting from the proposed land division would be insignificant in nature and there would therefore be *no impacts* relative to conflicts with traffic review.
- 17b,c The project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. Two of the proposed parcels take access off of existing driveways, while the other two would take access from a shared driveway from Duggans Road between the two existing driveways, The Department of Public Works will require an encroachment permit for sight distance improvements, if required for the new encroachment. Encroachment permits include review of traffic control plans and/or other safety measures to ensure the work does not result in hazards during construction. With the application of these standard conditions of approval, project impacts due to geometric design would be *less than significant*.
- 17d The proposed land division would improve emergency access. A condition of approval for the proposed private access driveways would require improvements to including turnouts and hammerhead turnarounds. 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.

Mitigation:

None required.

18. TRIBAL CULTURAL RESOURCES

Existing Setting:

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

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

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

| Would the proposed project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> 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 land division is anticipated to result in less than significant impacts to tribal cultural resources. The project parcel was determined to fall within the areas identified by the United Auburn Indian Community (UAIC), Tsi Akim Maidu, Nevada City Rancheria Nisenan Tribe, and Shingle Springs Band of Miwok Indians as ancestral lands. An initial distribution of the project application and the records search results from the North Central Information Center were sent to all organizations and the Native American Heritage Commission on March 10, 2021.

As discussed in Section 5, 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 4, 2020 notes that one prehistoric or historic-period resource exists in the project area. Existing records at the NCIC document that all of the present subject area had been subjected to previous archaeological

investigation, and that one historic-era site had been documented within the subject area. This site (P-29-2182) was originally identified and recorded by Compas and Bakic in 1999 and consists of a residential/ranch complex. Compas and Bakic recommended the site not eligible for inclusion in the California Register of Historical Resources. Nevada County concurred with this finding as part of their authorization of a parcel split, effectively placing the site components on two separate parcels. As the site is not eligible for inclusion in the CRHR, no treatment is recommended or warranted. As well, the present effort included an intensive-level pedestrian survey. Aside from P-29-2182, the pedestrian survey failed to identify any prehistoric or historic-era sites within the subject area. Based on the specific findings detailed above under Cultural Resources Survey and Cultural Inventory, no significant historical resources, or unique archaeological resources are located within the subject area.

The project Archaeologist describes the project area as 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. Unfortunately, only fragmentary evidence of the material culture of these people remains, due in part to perishability and in part to the impacts to archaeological sites resulting from later (historic) land uses (mining, timber harvest, and ranching).

The project archaeologist found that no evidence of prehistoric use or occupation was observed within the subject parcel. The absence of such materials might best be explained by the degree of disturbance to which all of the property has been subjected, and to more suitable habitation locales situated near, but outside of the subject property. As previously discussed, one historic-era resource (P-29-2182) has been recorded within the present project property. Identified and recorded by Compas and Balde in 1999, the site consists of a residential/ranch complex. Compas and Bakic recommended the site not eligible for inclusion in the California Register of Historical Resources. Nevada County concurred with this finding as part of their authorization of a parcel split, effectively placing the site components on two separate parcels. As the site is not eligible for inclusion in the CRHR, no treatment is recommended or warranted.

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

Due to the chance that onsite grading could uncover cultural resources of importance to the UAIC, as recommended by the UAIC, Mitigation Measures 18A has been included, which requires work

to halt if cultural resources are discovered and for local tribes to be notified. With this protection in place, impacts to Tribal Cultural Resources would be *less than significant with mitigation*.

Mitigation:

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

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

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

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

Timing: Prior to 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 & United Auburn Indian Community of the Auburn Rancheria

19. UTILITIES / SERVICE SYSTEMS

Existing Setting:

The subject property is currently developed with single-family dwellings and accessory structures. Electricity is currently available to the property, and the parcel is served by private wells for water service; additional wells may be necessary to provide water to future development. Current improvements rely on existing septic systems and the proposed parcels have MUSDA areas defined for future improvements.

| 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 | | | ✓ | | A,D |

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

Impact Discussion:

19a-c The proposed land division is anticipated to have no impact relative to extension of utilities to serve the project. Currently the proposed parcel relies on existing private wells and has existing septic systems. The properties are intended for single-family residential improvements and will be served by either existing or new on-site wells. Electrical service will be provided by PG&E. No extension of natural gas, or wastewater treatment facilities, or the expansion of existing facilities is proposed or required for this 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 land division designed to separate existing single-family residential improvements is anticipated to have a *less than significant* impact related to utility/service extension.

19c,d The proposed 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 to provide private driveway access to proposed Parcels 2 and 3. 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. 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: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

20. WILDFIRE

Existing Setting:

The project parcel is in the Higgins Fire District and is in a high fire severity zone. The project site takes access from Duggans Road, a County-maintained roadway end existing and proposed driveways. The project site is also located approximately 3.5 miles East of an existing Higgins Fire District fire station 23, which is located off of McCourtney Road.

| If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A) |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|-------------------------------|
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan? | | | ✓ | | A,H,M,23 |
| 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 Safety Element of the Nevada County General Plan addresses wildlife hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in August 2017. Objective 3.6 of the LHMP is to improve communities' capabilities to prevent/mitigate hazards by increasing the use of technologies. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. Access routes to proposed parcels within the property would be improved to typical driveway and access standards, 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 land division 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 land division that would result in four 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? | | ✓ | | | A,19 |
| b. Does the project have environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.) | | | ✓ | | A |
| c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | | ✓ | | | A |

Impact Discussion:

21a,c As discussed in Sections 1 through 20 above, the proposed 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. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit construction to daytime hours

on Monday through Saturday. And, mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are *less than significant levels with mitigation*, as outlined in each section.

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

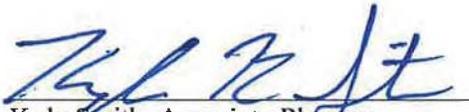
Mitigation Measures:

To offset potentially adverse impacts to air quality, biological resources, cultural resources, geological resources, noise, tribal cultural resources, and utilities/services systems, see Mitigation Measures identified in Sections 3, 4, 5, 13, 18 and 19.

RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

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



Kyle Smith, Associate Planner

3/11/22

Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. Penn Valley Fire Protection District
 - I. Regional Water Quality Control Board (*Central Valley Region*)
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. Nevada County Transportation Commission
 - O. Nevada County Agricultural Advisor Commission
 - P. Penn Valley Union School District/ Nevada Joint Union School District
 - Q. Nevada County Connects
1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
 4. Cal Fire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 7. California Department of Conservation, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nev16.pdf>.
 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 11. Natural Resources Conservation Service, 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. <https://sdmdataaccess.nrcs.usda.gov/>
 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.
 19. Greg Matuzak, *Biological Resources Inventory and Aquatic Resources Management Plan*, October 2021.
 20. California Attorney General's Office. "Addressing Climate Change at the Project Level." January 6, 2010.

21. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. www.epa.gov/oagps001/greenbk/ancl.html.
22. North Central Information Center, CHRIS search, 9/4/2020.
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 April 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*. September 7, 2011. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm
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 April 2021 <https://maps.conservation.ca.gov/cgs/fam/>