

**NEVADA COUNTY, CALIFORNIA  
INITIAL STUDY**

**TO:**

Building Department  
Department of Public Works - Eng.  
Environmental Health Department  
County Counsel  
NSAQMD  
Agricultural Commissioner  
Transit Services  
CEO – Alison Lehman  
Commissioner Milman – District I  
Supervisor Hall, District I  
Principal Planner – Tyler Barrington  
COB – J. Thorsby  
NCCFD  
Nevada City School District  
Nevada Irrigation District  
Resource Conservation District  
City of Nevada City  
US Army Corps of Engineers  
US Fish and Wildlife  
Caltrans Highways  
Fire Protection Planner  
CA Fish and Wildlife

CVWQCB  
Native American Heritage Commission  
CA Department of Parks and Recreation  
Friends of Nevada City  
CA NPS – Redbud Chapter  
NC Assn. of Realtors  
NC Contractors' Association  
Greater GV Chamber of Commerce  
FREED  
General Plan Defense Fund  
Community Environmental Advocates  
Greater Champion Neighborhood  
Association  
Sierra Nevada Group/Sierra Club  
Federation of Neighborhoods  
Tsi Akim Maidu  
United auburn Indian Community  
Nevada City Rancheria  
Shingle Springs Band of Miwok Indians  
Property Owners Within 500 Feet

**Date:** September 23, 2022

**Prepared by:** Kyle Smith, Senior Planner  
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**File Number(s):** PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009

**Assessor's Parcel Numbers:** 004-140-067

**Applicant/Representative:** County of Nevada

**Property Owner:** County of Nevada

**Zoning District:** RA-3-PD  
(Residential Agricultural – 3-acre minimum parcel size – Planned  
Development)

**General Plan Designation:** EST (Estate)

**Project Location:** 16782 State Highway 49 in Nevada City, CA. The site fronts State  
Highway 49 and is just southeast of the intersection of Newtown Road and  
State Highway 49 west of Nevada City.

**Project Description:**

The project is a combined application proposing 1) A Rezone from RA-3-PD to RA-1.5 (Residential Agriculture-1.5 acres minimum) to allow for higher density housing development, and 2) a Use Permit to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments, as well as the demolition of an existing single-family residence that exists on the project site.

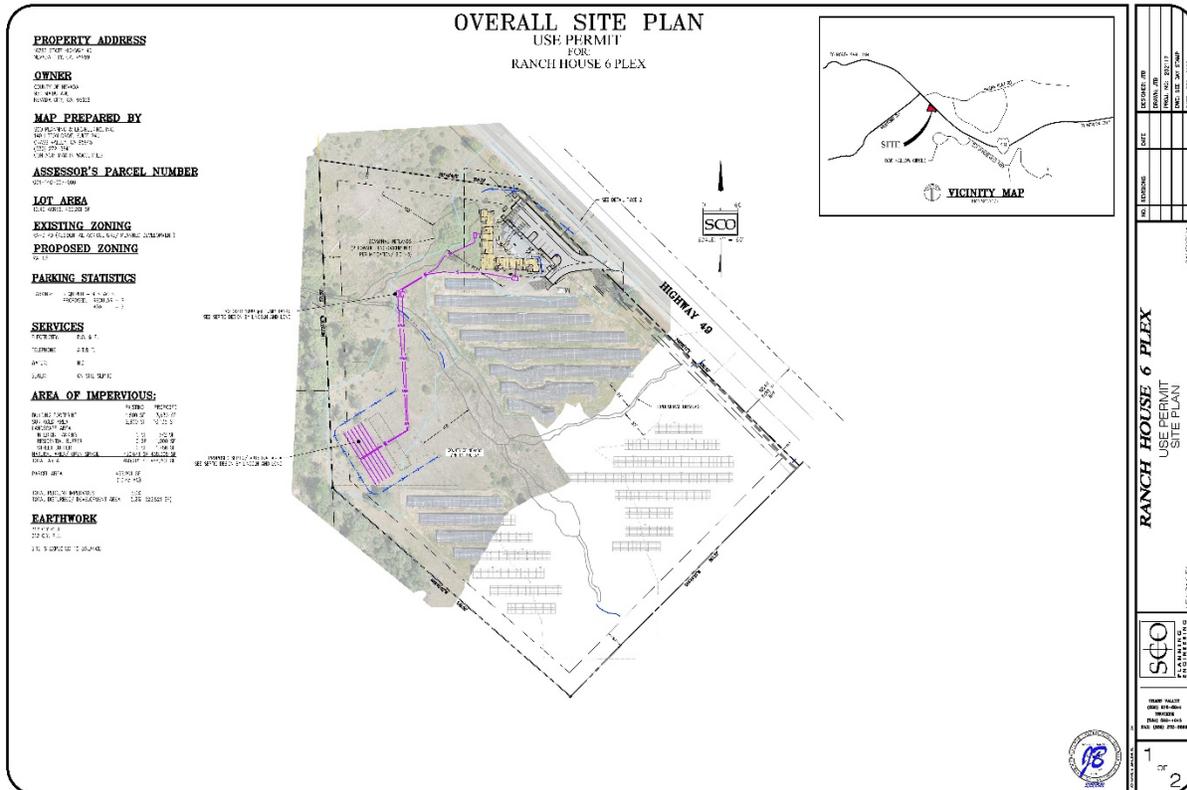


Figure 1: Site Plan

Rezone

The applicant proposes a Zoning Map Amendment from RA-3-PD to RA-1.5 in order to accommodate the proposed density of the 6-unit multifamily residential development containing six (6) one-bedroom apartments. The 10.45 Project site can currently support up to three (3) units given the existing maximum density of one (1) unit per every three (3) acres, per Table L-II 2.2.1.C of the Nevada County Land Use and Development Code. The proposed rezone to a maximum density of one (1) unit per every one and one-half (1.5) acres would allow for a maximum density of up to six (6) units.

Use Permit

The project applicant proposes a Use Permit to allow development and use of approximately 0.6-acre of the approximately 10.45-acre site as a 6-unit multifamily residential development containing six (6) one-bedroom apartments, and to demolish an existing single-family residence on the project site. The subject parcel has a Use Permit approved in 2015 which allowed a solar farm on the County-owned parcel, which currently operates.

Access to the site is via State Highway 49, a state highway operated and maintained by the California Department of Transportation (Caltrans). The proposed 6-unit multifamily residential development containing six (6) one-bedroom apartments (the Project) would have one vehicular and one pedestrian access point from State Highway 49 in Figure 1, above. The Project will utilize the existing driveway

connection to State Highway 49, but once into the project site will be improved to have a parking area, sidewalks, trash enclosure, mail-box cluster, and sidewalks for ADA path of travel from the proposed new building to a public way.

The Project consists of demolition of the existing 1,791 S.F. Ranch House and replacing it with a new 6-plex consisting of six (6) one-bedroom per unit apartment complex. The proposed new structure is 3,631 S.F. in size and would continue to be used for supportive housing. The new structure is a single-story “L” shaped building with three units on each side and a common area in the middle. Unit sizes range from 400 S.F. to 410 S.F. The new structure is basically in the same location as the existing residence.



*Figure 2: Building Elevations*

The build area for the Project is approximately 26,500 S.F. (0.6 acre). Grading/earthwork for the site involves excavating approximately 312 c.y. of cut and fill and the site is expected to balance. Ten new parking stalls are proposed consisting of 4 standard stalls, 3 compact stalls, and 2 ADA stalls. It is anticipated the project would take approximately six to nine months to complete.

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

The 10.45 Project site is located in unincorporated Nevada County. The subject parcel is designated as Estate by the General Plan and zoned as Residential Agriculture-3-acre minimum-Planned Development “RA-3-PD.” The subject parcel is currently developed with a County-owned single-family residence, driveway, as well as electrical transmission lines along a recently constructed Solar Farm. The site fronts State Highway 49 and is just southeast of the intersection of Newtown Road and State Highway 49 west of Nevada City.

The subject parcel is bounded by State Highway 49 to the northeast and surrounded by residential areas with the exception of a small Commercial node to the north and a parcel designated as Open Space to the southeast as depicted in Figure 3, below. The nearest established community is Nevada City, located approximately 2 miles east of the site. Existing roads, residences and other developments are located between the Ranch Property site and Nevada City.



**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. Construction NPDES Storm Water Pollution Prevention Permit – Central Valley Regional Water Quality Board
4. Public Water Connection Permit– Nevada Irrigation District
5. Timberland Conversion Permit and Timber Harvest Plan – CAL FIRE
6. Encroachment Permit – Caltrans

**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 December 30, 2021. Tribes include the T’si Akim Maidu of the Taylorsville Rancheria, the United Auburn Indian Community (UAIC), the Nevada City Rancheria, and the Shingle Springs Band of Miwok Indians. The UAIC requested to review the cultural resources report and photographs of the proposed project area on January 19, 2022. 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.

**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:

### 1. AESTHETICS

**Mitigation:** To offset potentially adverse aesthetic impacts associated with public vantage points, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 1A: Minimize light and glare from light fixtures.** All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. This will include the use of shielding devices to orient the light downward and reduce glare. In addition, all external light fixtures shall utilize low-pressure sodium lamps, or other similar low intensity lights, to reduce light spillage. This condition shall be shown on all improvement/building plans prior to permit issuance.

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

*Reporting:* Planning Department Approval of grading/improvement/building permits

*Responsible Agency:* Planning Department and Building Department

**Mitigation Measure 1B: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents, or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls shall be low reflectivity. This condition shall be implemented prior to issuance of the building permit.

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

*Reporting:* Planning Department Approval of grading/improvement/building permits

*Responsible Agency:* Planning Department and Building Department

### 3. AIR QUALITY

**Mitigation:** To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 3A: Implement NSAQMD Mitigation Measures for Significance Level A.**

The construction contractors shall comply with the following applicable NSAQMD emission measures during Project construction:

- a. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the district. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- b. Grid power shall be used (as opposed to diesel generators) for job site power needs, where feasible, during construction.
- c. 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).
- d. 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](http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf)).

- e. 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.
- f. 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 Issuance of grading/improvement/building permits and throughout construction*

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

**Mitigation Measure 3B: Implement NSAQMD Dust Control Mitigation Measures.** The construction contractors shall comply with the following applicable NSAQMD dust control measures during Project construction:

Prior to issuance of grading and improvement 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 issuance of grading/improvement/building permits and throughout operation.*

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

**Mitigation Measure 3C: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: 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.)

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

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

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

#### 4. BIOLOGICAL RESOURCES

**Mitigation:** To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 4A: Environmental Awareness Training.** During construction of the Project, before any work occurs on the Project sites, including grading, vegetation removal, and equipment staging, all construction personnel shall participate in environmental awareness training regarding special-status species and sensitive habitats present on the Project site. Any additional construction personnel that are employed following the initial start of construction shall receive the mandatory training before starting work. As part of the training, an environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (i.e., waters of the U.S. and state, special-status species and habitat, nesting birds/raptors) to be avoided during proposed project construction and lists measures to be followed by personal for the protection of biological resources. Such measures shall include, but are not limited to:

- Procedures to follow if a special-status species is found within the work area.
- Checking under equipment and staging areas for special-status species each morning prior to work.
- Staying within designated work areas.
- Maintaining exclusion/silt fencing.
- Reduced Project speed limits.
- No pets or firearms on-site.
- Contain trash/food waste and remove daily to avoid encouraging predators onto the Project site.
- Following Project BMPs (Mitigation Measures BIO-3 and BIO-4)

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

**Mitigation Measure 4B: Conduct Nesting Bird Surveys.** The following note shall be added to all improvement/grading/construction plans:

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

- a) If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- b) Tree removal and construction shall not take place during the breeding season (March 1 –July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
- c) If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
- d) If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the

- temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
- e) Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for offsetting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW, and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

**Mitigation Measure 4C: Best Management Practices:** To protect water quality and aquatic life in downstream aquatic resources, the contractor shall implement the following BMPs during construction, which shall also be shown as a note on all improvement and grading plans:

Best Management Practices shall include, but not be limited to, the following:

- Septic line casing shall extend 20-feet on either side of the existing intermittent watercourse to prevent accidental disturbance to this feature. The feature and 20-foot setback thereto shall be identified and delineated as an Environmentally Sensitive Area to prevent accidental dig up.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and storm events. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Disruption of soils and native vegetation shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
- If straw is used for erosion control, only certified weed-free straw shall be used to minimize the risk of introducing noxious weeds such as yellow star thistle.
- Hazardous materials such as fuels and solvents used on construction sites shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All fuels and solvents shall be stored in an area with an impervious surface and a containment capacity equal to the volume of the stored materials. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.
- Existing vegetation will be retained where possible. To the extent feasible, grading activities will be limited to the immediate area required for construction.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (October 1st to April 30th).
- Maintain sediment and erosion control measures during construction. Inspect the control measures before, during, and after a rain event.
- Fuel and maintain vehicles in a specified area that is designed to capture spills. This area cannot be near any ditch, stream, or other body of water or feature that may convey water to any Waters of the U.S.

- Provide construction workers with training in stormwater pollution prevention practices.

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

*Reporting: Planning Department Approval of grading/improvement/building permits*

*Responsible Agency: Planning Department and Building Department*

**Mitigation Measure 4D: Environmental Sensitive Areas:** Prior to the start of construction, establish the seasonal wetlands and ephemeral channels that occur in close proximity to project-related work activities as Environmentally Sensitive Areas (ESAs) during construction. These include areas that occur within 100 feet of development. Work shall not begin until the ESAs are delineated on the ground, in accordance with wetland delineation provided to the County. The ESA signs shall be installed wherever activity will occur within 20 feet of these resources and remain in place for the entire duration of construction.

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

*Reporting: Planning Department Approval of grading/improvement/building permits*

*Responsible Agency: Planning Department and Building Department*

**Mitigation Measure 4E Waters of the United States:** Avoid impacts to waters of the U.S. and state, either through avoidance, restoration, or compensation: The project and project construction shall avoid impacts to any jurisdictional features to the maximum extent possible. If total avoidance is not possible, as part of the proposed project, the County would obtain the following permits (as required) prior to the implementation of construction activities: a Clean Water Act Section 404 Nationwide Permit from the USACE; a Clean Water Act Section 401 Water Quality Certification from the Regional Water Quality Control Board; and a Streambed Alteration Agreement (SAA) California Fish and Game Code 1600-1603, 5650F from the CDFW. All permit requirements, such as restoration for temporary impacts or compensation for permanent impacts, would be implemented to mitigate for the loss of waters of the U.S. or state and reduce impacts to water quality during construction.

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

*Reporting: Planning Department Approval of grading/improvement/building permits*

*Responsible Agency: Planning Department and Building Department*

## 5. CULTURAL RESOURCES

**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 in the notes on the improvement plans for the project:

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

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the

event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

## 7. GEOLOGY/SOILS

**Mitigation:** To offset potentially adverse geology or soils impacts associated with the construction activities, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 7A:** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any expansive soils discovered during project construction are properly managed. These requirements including the following:

To successfully mitigate expansive soil, where encountered, soil shall be over-excavated to a minimum depth of 3 feet below building pad subgrade and at least 2 feet below slabs-on-grade and pavement sections. Over-excavations shall extend a minimum of 5 feet laterally from the edge of foundation elements and approved non-expansive soil, placed, and compacted in accordance with the following grading recommendations. Mixing of expansive soil with granular soil in order to utilize the material onsite is an option but would be evaluated by a registered engineer at time of construction.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

## 9. HAZARDS/HAZARDOUS MATERIALS

**Mitigation:** To offset potentially adverse hazards or hazardous materials impacts associated with the construction and operational activities, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 9A:** Per the Fire Protection and Evacuation Plan as prepared in March 2022, the following provisions shall be integrated into the project.

**Emergency Water Supply:** Install fire hydrant and sprinklers in new building pursuant to CalFire and the Nevada County Consolidated Fire District standards.

**Fuels Management Plan:** Maintain defensible space of at least 100 feet from each side, front, and rear of the structures, or to the property line whichever is closer. The amount of vegetation modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Vegetation shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of the vegetation management may vary

within the 100-foot perimeter of the structure, with the most intense being within the first 30 feet around the structure.

- a. Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- b. Maintain all trees adjacent to or overhanging a building to maintain a minimum of 10 feet of clear space between the tree and roof.
- c. Maintain the roof and gutters to be clear of leaves, needles, or other vegetative materials.
- d. Create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

## 10. HYDROLOGY/WATER QUALITY

**Mitigation:** See Mitigation Measure 4C

## 13. NOISE

**Mitigation:** To mitigate potential construction related noises, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 13A: Construction Noise Reduction.** The construction contractors shall notify local residents within 300 feet of the Ranch Property site property line at least 10 days in advance of the start of construction. This notice shall include information about the project schedule and how to contact the County of Nevada with any noise complaints. The County of Nevada shall ensure that mufflers on heavy construction equipment used on this site shall be in proper operation form. Construction hours shall be limited to 7 am to 7 pm Monday through Friday.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

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

## 18. TRIBAL CULTURAL RESOURCES

**Mitigation:** To offset potentially adverse tribal cultural resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

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

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place,

including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

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

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

*Reporting: Planning Department Approval of grading/improvement/building permits*

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

## 19. UTILITIES / SERVICE SYSTEMS

**Mitigation:** To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included as notes on the improvement, grading, and building plans for the project:

**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. Inert waste, such as rock or concrete should be retained "on-site" and incorporated into the development as much as possible. Such methods shall be noted on the grading and improvement plans.

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

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

*Responsible Agency: Planning Department and Building Department*

## 20. WILDFIRE

**Mitigation: See Mitigation Measure 9A**

**Mitigation Monitoring Matrix:**

<b>MEASURE</b>	<b>MONITORING AUTHORITY</b>	<b>WHEN IMPLEMENTED</b>
1A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
1B	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
3A	Planning Department and Northern Sierra Air Quality Management District	Prior to Issuance of grading/improvement/building permits and throughout construction
3B	Planning Department and Northern Sierra Air Quality Management District	Prior to Issuance of grading/improvement/building permits and throughout construction
3C	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
3D	Planning Department and Northern Sierra Air Quality Management District	Prior to Issuance of grading/improvement/building permits and throughout construction
4A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
4B	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
4C	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
4D	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
4E	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
5A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
7A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
9A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
13A	Planning Department and Building Department	Prior to Issuance of grading/improvement/building permits and throughout construction
18A	Planning Department & United Auburn Indian Community of the Auburn Rancheria	Prior to Issuance of grading/improvement/building permits and throughout construction

## INITIAL STUDY AND CHECKLIST

### Introduction

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

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

### 1. AESTHETICS

#### **Existing Setting:**

The Project site is located at 16782 Highway 49 just easterly of the intersection of Newtown Road and State Highway 49 west of Nevada City. The site is 10.46 acres in size and developed with a solar farm and has a single-family residence used for supportive housing for Nevada County. The existing residence and solar farm are both highly visible from State Highway 49 as no landscaping and minimal natural vegetation exists along this stretch of the highway. The surrounding land use consists of a local market, restaurant and rural residential to north. Residential to the south. Rural residential to the east. Rural residential to the west. The terrain consists of mild to moderate slopes “rolling foothills”.

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,29
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

d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		✓			A, 18
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**Impact Discussion:**

1a,c. The subject area is not a scenic vista; the parcel is currently developed with a solar farm and surrounding parcels are developed as a commercial node. In addition, State Highway 49 through the project area is not a State-designated scenic highway. Therefore, the proposed project would have *no impact* on scenic vistas or scenic resources within a state scenic highway.

1 b,d. The Project includes a proposed multifamily development with visibility from State Highway 49 is proposed with architectural features such as the proposed color palette of neutral colors and natural facades. The remaining frontage is proposed to be landscaped as shown in Figure 4 below, which would obstruct views of the project along its SR 49 frontage.

The project includes a proposal for lighting on the front and sides of the building to support access and provide security, and some materials, such as the roofing, could be reflective. Given the proposed lighting and the project’s high visibility on a public thoroughfare, the project nonetheless has the potential to have adverse impacts on the visual quality of public views. Impacts would be *less than significant with mitigation* as identified below in Mitigation Measures 1A and 1B, which would minimize light and glare from lighting fixtures, as well as reflectivity from building materials.

**Mitigation:**

To offset potentially adverse aesthetic impacts associated with public vantage points, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 1A: Minimize light and glare from light fixtures.** All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. This will include the use of shielding devices to orient the light downward and reduce glare. In addition, all external light fixtures shall utilize low-pressure sodium lamps, or other similar low intensity lights, to reduce light spillage. This condition shall be shown on all improvement/building plans prior to permit issuance.

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

*Reporting:* Approval of future grading/improvement permit

*Responsible Agency:* Planning Department and Building Department

**Mitigation Measure 1B: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents, or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls shall be low reflectivity. This condition shall be implemented prior to issuance of the building permit.

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

*Reporting:* Approval of future grading/improvement permit

*Responsible Agency:* Planning Department and Building Department

2. AGRICULTURAL/FORESTRY RESOURCES

**Existing Setting:**

The subject property is designated “Grazing Land” by the Farmland Mapping and Monitoring Program of the California Department of Conservation, and the property is currently zoned and designated for Residential uses. The site does contain some pine trees, predominantly located in the southwestern regions of the property and outside the proposed development area. The 10.46-acre parcel is partially improved, with an existing single-family residence and a solar farm.

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 nonagricultural use or conversion of forest land to nonforest use?		✓			A, L, 7

**Impact Discussion:**

2a,b. The Project and the existing residence and solar farm are located in an area that is entirely designated “Grazing Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Additionally, the proposed project will not conflict with or convert existing zoning for agricultural use. Neither the subject property nor adjacent properties are under a Williamson Act contract, and surrounding lands are zoned and designated for commercial and residential uses. The proposed project is anticipated to have *no impact* on a Williamson Act contract(s) or conversion of farmlands to a non-agricultural use.

2c,d,e. The Project and the existing residence and solar farm do not propose a change in zoning out of a Forest or Timber Production Zone and would not result in the loss or conversion of land zoned Forest or Timber Production Zone. The project would have *no impact* related to Forest or Timber Production Zone zoning.

**Mitigation:**

None Required.

### 3. AIR QUALITY

#### **Existing Setting:**

The Project site is located at 16782 Highway 49 just easterly of the intersection of Newtown Road and State Highway 49 west of Nevada City. The site is 10.46 acres in size and developed with a solar farm and has a single-family residence used for supportive housing for Nevada County. The site is currently well vegetated primarily with grasses and some trees, predominantly in the southwestern portions of the property. The surrounding land use consists of a local market, restaurant and rural residential to north. Residential to the south. Rural residential to the east. Rural residential to the west. The site falls within the Northern Sierra Air Quality Management District (NSAQMD).

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

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

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

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

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

For eight-hour average ozone concentrations, Nevada County is serious nonattainment for both the 2008 and 2015 state and federal ozone standards of 75 and 70 parts per billion, respectively (Table 1). Unlike other pollutants, ozone is not typically released directly into the atmosphere from any sources. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. The major sources of Nitrogen Oxides and Reactive Organic Gases, known as ozone precursors, are combustion sources such as factories, automobiles and evaporation of solvents and fuels. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, when the days are longest, especially in the late afternoon and evening hours. Ozone is considered by the California Air Resources Board to be overwhelmingly transported to Nevada County from the Sacramento Metropolitan area and, to a lesser extent, the San Francisco Bay Area. This recognition of overwhelming transport relieves Nevada County of

CAAQS-related requirements, including the development of CAAQS attainment plan with a “no-net-increase” permitting program or an “all feasible measures” demonstration.

For particulate matter, ambient air quality standards have been established for both 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/m<sup>3</sup>, respectively. (The notation “µg/m<sup>3</sup>” 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/m<sup>3</sup>, with no 24-hour-average standard.

Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state 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.

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County; however, the area of the project site is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2022). As shown in Figure 15 below, the property is underlain by Sites Loam (SID), 15 to 30 percent slopes and Boomer Loam (BoC), 5 to 15 percent slopes.

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, 22, 23
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 project 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. 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 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 Project 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 2, below, shows that estimated project construction related pollution levels would fall within NSAQMD Level A thresholds.

<b>Table 2. Project Construction Air Quality Impacts</b>		
<b>Pollutant</b>	<b>NSAQMD Threshold*</b>	<b>Project Impact</b>
<b>NO<sub>x</sub></b>	< 24 lbs/day	0.4036 lbs/day
<b>ROG</b>	< 24 lbs/day	0.7547 lbs/day
<b>PM<sub>10</sub></b>	< 79 lbs/day	0.1209lbs/day
*These thresholds are "Level A" in NSAQMD's <i>Guidelines</i> . CalEEMod Version 2020.4.0 2022		

Mitigation Measures 3A and 3B are proposed to reduce emissions during project construction (increased particulate matter from diesel and dust and increased 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. The proposed project does not involve the disturbance of more than one acre, however if additional disturbance at the project site is required and will trigger the requirement for a Dust Control Plan to mitigate construction impacts on air quality, Mitigation Measure 3A is included to require a Dust Control Plan if thresholds are met. 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.

Table 3, 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.

<b>Table 3. Project Operational Air Quality Impacts</b>		
<b>Pollutant</b>	<b>NSAQMD Threshold*</b>	<b>Project Impact</b>
<b>NO<sub>x</sub></b>	< 24 lbs/day	0.4714 lbs/day
<b>ROG</b>	< 24 lbs/day	0.9203 lbs/day
<b>PM<sub>10</sub></b>	< 79 lbs/day	0.3528 lbs/day
*These thresholds are "Level A" in NSAQMD's <i>Guidelines</i> . CalEEMod Version 2020.4.0 2022		

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 Measure 3C reduces operational emissions, minimizing impacts through energy-efficient requirements. While mapping does not indicate that the site is likely to contain serpentine, ultramafic rock or naturally occurring asbestos, Mitigation Measure 3D requires NSAQMD notification in the event of their discovery. With implementation of Mitigation Measures 3A through 3D, 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. 4 The closest sensitive receptors are located at the commercial node approximately 350-feet from the northeastern property boundary line; however, the proposed Project are not anticipated to generate substantial pollutant concentrations or result in other emissions such as odors that could substantially affect a large number of people. Therefore, it is anticipated that the project would result in *less than significant* impacts related to exposing sensitive receptors to substantial pollutant concentrations and the generation of emissions that could affect a substantial amount of people.

**Mitigation:**

To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included in the improvement plans for the project:

**Mitigation Measure 3A: Implement NSAQMD Mitigation Measures for Significance Level A.**

The construction contractors shall comply with the following applicable NSAQMD emission measures during Project construction:

- a. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the district. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- b. Grid power shall be used (as opposed to diesel generators) for job site power needs, where feasible, during construction.
- c. 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).
- d. 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](http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf)).
- e. 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.
- f. 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 issuance of grading/improvement/building permits and throughout operation.*

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

**Responsible Agency:** *Planning Department*

**Mitigation Measure 3B: Implement NSAQMD Dust Control Mitigation Measures.** The construction contractors shall comply with the following applicable NSAQMD dust control measures during Project construction:

Prior to issuance of grading and improvement 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 issuance of grading/improvement/building permits and throughout operation.*  
**Reporting:** *Approval of future grading/improvement permit*  
**Responsible Agency:** *Planning Department*

**Mitigation Measure 3C: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: 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.)

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout operation.*  
**Reporting:** *Approval of future grading/improvement permit*  
**Responsible Agency:** *Planning Department*

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

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*  
**Reporting:** *Approval of future grading/improvement permit*  
**Responsible Agency:** *NSAQMD and Planning Department*

#### 4. BIOLOGICAL RESOURCES

##### **Existing Setting:**

A biological inventory and Water Resources Management Plan was prepared for the subject property in 2015 by ESA. Due to the age of that report, an updated memorandum was prepared for the proposed project by Greg Matuzak on in 2021, in order to review and confirm the adequacy of the original inventory relative to current conditions and provide any new information, impacts, and mitigation measures that may be needed. Mr. Matuzak conducted a site visit on November 16, 2021 and ran a new California Natural Diversity Database (CNDBB) query to determine whether the 2007 list of species was still accurate.

Riparian habitat and seasonal wetlands including potential waters of the U.S. and the state, were identified at the Ranch Property site during a field reconnaissance survey. A formal wetland delineation was conducted by ESA in October 2015. This wetland delineation identified 0.457 acres of potentially jurisdictional features within the study area. Potentially jurisdictional features include 0.396 acres of wetlands and 0.061 acres of other waters of the U.S. Potentially jurisdictional features within the study area include seasonal wetlands and ephemeral channels.

Mr. Matuzak determined that the proposed Project will be constructed within an area containing no sensitive biological resources, but it will be constructed adjacent to an area mapped as a seasonal wetland by ESA in 2015 (see attached Site Plan with aerial). Furthermore, any required access within the property for the proposed septic system would potentially cross an area mapped as ephemeral channel by ESA 2015.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓			A, K, 19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A,K,L,19
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓			A,K,L, 10, 19
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			A, L, 19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A,16,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,18,19

**Impact Discussion:**

4a. According to both the 2015 Biological Inventory by ESA, and the 2021 Biological Memorandum prepared by Greg Matuzak, fourteen special-status plant species could occur or have been documented in the vicinity of the Project site. The majority of these species are restricted to specific habitats (e.g., vernal pools, marsheserpentine soils) which are not found within the Project site. The Project site does not provide suitable habitat for any special-status plant species. Based on Project design and site plans, lack of suitable habitat for special-status plant species, and field observations, it is considered extremely unlikely that construction of the Project will affect any special-status plant species. Therefore, implementation of the Project will have **no impact** on special-status plant species.

4b,c The 2015 Management Plan prepared by ESA and the 2021 Biological Memorandum prepared by Greg Matuzak both confirm that the project site contains seasonal wetlands and an intermittent stream channel. The Project design proposes to avoid all direct impacts to the seasonal wetland through avoidance, although required improvements for the proposed septic system would cross an area mapped as ephemeral channel by ESA and Greg Matuzak. Although the project would propose impacts within the 50-foot setback from the intermittent stream as defined by the Nevada County Land Use and Development Code, a new management plan was not required as the impacts from installing the septic line were determined to essentially be the same as those impacts that were identified in the 2015 Solar farm project for underground electrical transmission lines and

management plan (MGT16-0002) and the recommendations in the form of BMPs is carried forward through Mitigation Measure 4C for this project and therefore the adoption of a new management plan is not required for this project.

The project biologist has concluded in the 2021 Biological Memorandum prepared by Greg Matuzak that direct impacts to the intermittent watercourse would be avoided through the encasement of proposed septic line connections. In order to avoid direct impacts, the project proposes extending casing for the proposed septic line at least 20-feet on either side of the intermittent water course and identifying the setback for the proposed septic line to prevent accidental disturbance. However, demolition and construction activities could have minor and temporary impacts to the identified resources and downstream aquatic resources if proper Best Management Practices (BMPs) are not installed and construction workers appropriately trained to prevent erosion and sedimentation from the site. As a result, Mitigation Measure 4C is required in order to ensure that BMPs are properly installed. In addition, Mitigation Measure 4A would require environmental awareness training for all construction workers and Mitigation Measure 4D would require all environmentally sensitive areas to be delineated on the ground to facilitate identification to further ensure indirect impacts do not impact the resources. With implementation of standard erosion control practices as shown in Mitigation Measure 4E, as well as Mitigation Measures 4A and 4D to ensure that contractors are aware of biological mitigation and Mitigation Measure 4A requiring BMPs, the project would have impacts that are *less than significant with mitigation*.

- 4d. Deer populations throughout the state are characterized by the California Department of Fish and Wildlife and the Tahoe National Forest as unstable and declining, with the 2017 population at nearly two-thirds that of 1990, from 850,000 to 532,621 deer (California Department of Fish and Wildlife 2022). The site is located within the Resident Deer Herd range noted on the Nevada County Master Environmental Inventory, with migratory movement noted in the general project vicinity as occurring in a northeasterly to southwesterly direction. State Route 49 is an impediment to movement in the migratory direction, but deer continue to use the same routes across SR 49 regardless of the automobile traffic.

Loss of limited numbers of common species of plants or animals, as could occur due to further development of the property, is not a significant impact under current CEQA guidelines pertaining to biological resources. However, the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §3513 prohibit take of migratory birds, which is defined to include destruction of active nests (presumed to contain eggs or nestlings). Compliance with the MBTA requires that no grading, brush clearing (mechanized or otherwise), or tree removal occur during the nesting season without a nesting bird survey that confirms no occupied nests are present, or contingent mitigation actions if nests are present. Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds. With implementation of Mitigation Measures 4B, impacts related to wildlife movement and disturbance of local wildlife would be *less than significant with mitigation*.

- 4e. The proposed project 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. The project site does not contain steep slopes that would be disturbed (above 30 percent in grade), or any special-status species. The property does not have any landmark oak trees, which are defined as those oak groves that have a diameter at breast height (dbh) of thirty-six or more inches. There are likewise no landmark oak groves, which

are groves having a canopy cover of thirty-three (33) percent or more canopy coverage. However, the project could indirectly impact sensitive watercourses or migratory birds as defined by the Nevada County Land Use and Development Code Section L-II 4.3. Mitigation Measures 4A-4E as described herein would limit impacts to *less than significant with mitigation*.

- 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 in the notes on the improvement plans for the project:

**Mitigation Measure 4A: Environmental Awareness Training.** During construction of the Project, before any work occurs on the Project sites, including grading, vegetation removal, and equipment staging, all construction personnel shall participate in environmental awareness training regarding special-status species and sensitive habitats present on the Project site. Any additional construction personnel that are employed following the initial start of construction shall receive the mandatory training before starting work. As part of the training, an environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (i.e., waters of the U.S. and state, special-status species and habitat, nesting birds/raptors) to be avoided during proposed project construction and lists measures to be followed by personal for the protection of biological resources. Such measures shall include, but are not limited to:

- Procedures to follow if a special-status species is found within the work area.
- Checking under equipment and staging areas for special-status species each morning prior to work.
- Staying within designated work areas.
- Maintaining exclusion/silt fencing.
- Reduced Project speed limits.
- No pets or firearms on-site.
- Contain trash/food waste and remove daily to avoid encouraging predators onto the Project site.
- Following Project BMPs (Mitigation Measures BIO-3 and BIO-4)

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

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

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

**Mitigation Measure 4B: Conduct Nesting Bird Surveys.** . 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 issuance of grading/improvement/building permits and throughout construction.*

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

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

**Mitigation Measure 4C: Best Management Practices:** To protect water quality and aquatic life in downstream aquatic resources, the contractor shall implement the following BMPs during construction, which shall also be shown as a note on all improvement and grading plans:

Best Management Practices shall include, but not be limited to, the following:

- Septic line casing shall extend 20-feet on either side of the existing intermittent watercourse to prevent accidental disturbance to this feature. The feature and 20-foot setback thereto shall be identified and delineated as an Environmentally Sensitive Area to prevent accidental dig up.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and storm events. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Disruption of soils and native vegetation shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
- If straw is used for erosion control, only certified weed-free straw shall be used to minimize the risk of introducing noxious weeds such as yellow star thistle.
- Hazardous materials such as fuels and solvents used on construction sites shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All fuels and solvents shall be stored in an area with an impervious surface and a containment capacity equal to the volume of the stored materials. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.
- Existing vegetation will be retained where possible. To the extent feasible, grading activities will be limited to the immediate area required for construction.

- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (October 1st to April 30th).
- Maintain sediment and erosion control measures during construction. Inspect the control measures before, during, and after a rain event.
- Fuel and maintain vehicles in a specified area that is designed to capture spills. This area cannot be near any ditch, stream, or other body of water or feature that may convey water to any Waters of the U.S.
- Provide construction workers with training in stormwater pollution prevention practices.

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

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

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

**Mitigation Measure 4D: Environmental Sensitive Areas:** Prior to the start of construction, establish the seasonal wetlands and ephemeral channels that occur in close proximity to project-related work activities as Environmentally Sensitive Areas (ESAs) during construction. These include areas that occur within 100 feet of development. Work shall not begin until the ESAs are delineated on the ground, in accordance with wetland delineation provided to the County. The ESA signs shall be installed wherever activity will occur within 20 feet of these resources and remain in place for the entire duration of construction.

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

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

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

**Mitigation Measure 4E Waters of the United States:** Avoid impacts to waters of the U.S. and state, either through avoidance, restoration, or compensation: The project and project construction shall avoid impacts to any jurisdictional features to the maximum extent possible. If total avoidance is not possible, as part of the proposed project, the County would obtain the following permits (as required) prior to the implementation of construction activities: a Clean Water Act Section 404 Nationwide Permit from the USACE; a Clean Water Act Section 401 Water Quality Certification from the Regional Water Quality Control Board; and a Streambed Alteration Agreement (SAA) California Fish and Game Code 1600-1603, 5650F from the CDFW. All permit requirements, such as restoration for temporary impacts or compensation for permanent impacts, would be implemented to mitigate for the loss of waters of the U.S. or state and reduce impacts to water quality during construction.

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

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

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

## 5. CULTURAL RESOURCES

### **Existing Setting:**

Records search at the North Central Information Center (NCIC) of the California Historical Resources Information System on September 29 and October 5, 2015. The review included the Ranch Property site and a 0.5-mile radius around it. Records were also reviewed in the Historic Property Data File for Nevada County, which contains information on places of recognized historical significance including those evaluated for listing in the National Register of Historic Places, the California Register of Historical Resources, the California Inventory of Historical Resources, California Historical Landmarks, and California Points of Historical Interest. The purpose of the records search was to (1) determine whether

known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites, and (3) develop a context for the identification and preliminary evaluation of cultural resources.

Base maps at the NCIC indicate that one cultural resources study has been completed which partially encompasses the project area (Jensen 2008) and eight additional studies were completed within a half-mile of the Ranch Property site (Jensen 1992, 1996a, 1996b, 1997, 2005; Leach-Palm 2008; PAR 2011; Storm 1979). These studies identified one resource (CA-NEV-312H) immediately north of the Ranch Property site, across Highway 49, and another (CA-NEV-259) just south of the project area. The former is the remains of historic placer mining activities (Darcangelo 2007), and the latter is a possible prehistoric house pit although no artifacts were observed (Storm and Clark 1978). There are an additional six resources within a half-mile of the site. The buildings and solar structures are not considered historical resources as defined by CEQA Section 15064.5.

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,19
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓			A,J,19
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A,J,19

**Impact Discussion:**

5a,b,c. The MND for the Solar Farm included an archaeologist field review and surface survey of the Ranch Property site on October 6, 2015. The survey did not identify any prehistoric or historic-period archaeological resources. Based on the results of the surface survey, nearby site distribution, previous disturbance, and the environmental context, it does not appear that the project has the potential to impact archaeological resources. Despite the low potential, the discovery of archaeological materials during ground-disturbing activities cannot be entirely discounted. The inadvertent discovery of archaeological resources during project implementation could be a potentially significant impact. This impact would be reduced to a level of *less than significant with mitigation* with the implementation of Mitigation Measure 5A, which requires avoidance measures or the appropriate treatment of archaeological resources if accidentally discovered during project implementation.

**Mitigation:**

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

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

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

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

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

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

## 6. ENERGY

### Existing Setting:

The subject property, including the existing automotive repair shop, currently has electrical service from PG&E, which would also provide for future development of the proposed multifamily development.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation?				✓	A
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓	A,D

### Impact Discussion:

- 6a,b. The existing residence is currently served by PG&E electricity as well as a Liquefied Propane tank. The proposed project although incorporating six (6) studio units will incorporate the same energy sources (electricity and propane).

Construction techniques and contractors likely to construct the project will be consistent with area and state practices. Typical construction activities require the use of energy (e.g., electricity and fuel) for various purposes such as the operation of construction equipment and tools, as well as excavation, grading and construction travel. The size and scope of the project is not likely to require extraordinary, or non-typical construction equipment, or techniques resulting in a wasteful, or inefficient construction operation. Additionally, the new construction requirements including materials, specifications, lighting, automated switches, and insulation requirements as mandated by the State of California under Title 24 will result in a highly efficient new structure, being far more energy-efficient than the existing residence onsite.

Post-Construction energy needs predominantly will be from minor electrical outlet needs, lighting as well as water and living space heating consistent with the existing residence onsite. This project site was approved as a solar farm in 2016 and as such produces far more electricity supplied to the local electrical grid than the small amount of electrical usage anticipated for the proposed (6) studio unit project. The proposed building is being replaced with more bedrooms, but similar use, but

being constructed with current much more extensive Title 24 Energy requirements the net energy usage will be similar and is, therefore, bio *impact* is anticipated.

**Mitigation:**

None required.

**7. GEOLOGY / SOILS**

**Existing Setting:**

The subject parcel underlying soil primarily comprises Boomer loam (5 to 15 percent slopes) (NRCS, 2015b). The terrain consists of mild to moderate slopes “rolling foothills” with no slopes greater than 30%. At the time of the field soils investigation, the site contained an existing driveway, residence, and solar array structures. The most recent field review and Soil Geotechnical Report prepared by NV-5 dated January 11, 2022, identifies expansive soil which has the ability to undergo volume change (shrink/swell). It may result in unacceptable settlement or heave of structures.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is located within a quaternary fault (younger than two million years old) near the Wolf Creek Fault Zone but is not within a designated Fault Hazard Zone (California Department of Conservation), as shown in Figure 16 below. The project site is located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, which has a low risk for strong ground motion (Nevada County, 1991).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?		✓			A,L,12,16, 30
b. Result in substantial soil erosion or the loss of topsoil?			✓		A,D, 27,28,29
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		✓			A,D,12,27,28,29
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?		✓			A,D,27,28,29

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,c,d. The most recent field review and Soil Geotechnical Report prepared by NV-5 dated January 11, 2022, identifies expansive soil which has the ability to undergo volume change (shrink/swell). It may result in unacceptable settlement or heave of structures. To successfully mitigate expansive soil, where encountered, Mitigation Measure 7A has been included to require soil be over-excavated to a minimum depth of 3 feet below building pad subgrade and at least 2 feet below slabs-on-grade and pavement sections. Over-excavations shall extend a minimum of 5 feet laterally from the edge of foundation elements and approved non-expansive soil, placed, and compacted in accordance with the following grading recommendations. Mixing of expansive soil with granular soil in order to utilize the material onsite is an option but would be evaluated by NV-5 at time of construction. With the inclusion of Mitigation Measure 7A, impacts to future users due to expansive soils would be *less than significant with mitigation*.
- 7b. Project construction is not anticipated to result in substantial soils erosion, or in grading on steep slopes, as all work would be required to be in compliance with Nevada County grading standards and the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. There are also no steep slopes on the site. Therefore, impacts relative to soil erosion, or to disturbance within steep slopes resulting from the proposed project are anticipated to be *less than significant*.
- 7e. The property has soils capable of adequately supporting septic systems. The existing residence utilizes a permitted septic system, and recent soils testing confirms a new septic area and repair area has been identified for a new system which will require permitting with the Nevada County Environmental Health Department. 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 there would be ground disturbance with, 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* with implementation of Mitigation Measure 5A.

**Mitigation:**

To offset potentially adverse geology or soils 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 7A:** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any expansive soils discovered during project construction are properly managed. These requirements including the following:

To successfully mitigate expansive soil, where encountered, soil shall be over-excavated to a minimum depth of 3 feet below building pad subgrade and at least 2 feet below slabs-on-grade and pavement sections. Over-excavations shall extend a minimum of 5 feet laterally from the edge of foundation elements and approved non-expansive soil, placed, and compacted in accordance with the following grading recommendations. Mixing of expansive soil with granular soil in order to utilize the material onsite is an option but would be evaluated by a registered engineer at time of construction.

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

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

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

## 8. GREENHOUSE GAS EMISSIONS

### Existing Setting:

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

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

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

**Impact Discussion:**

8a-b. Carbon dioxide (CO<sub>2</sub>) is the main component of greenhouse gases, and vehicles are a primary generator of CO<sub>2</sub>. The project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in a rural community area surrounded by commercial and residential properties. The overall GHG impact is not anticipated to be substantially adverse due to several factors, including the fact that the proposed Project will apply standard building permit requirements, ensuring any new structures meet energy efficiency standards.

Because construction-related emissions would be temporary and finite and would be well below the minimum standard for reporting requirements under Assembly Bill (AB) 32 (more than 25,000 metric tons of CO<sub>2</sub>), the Project’s GHG emissions would have a negligible cumulative contribution towards statewide GHG emissions and are not determined to be a considerable contribution to the cumulative global impact. Operation of the Project would not conflict with the objectives of AB 32, or any other applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions because these emissions would typically result from infrequent site visits for maintenance from mobile sources (worker vehicles) and the solar array would be a clean source of electrical energy potentially offsetting some or all of the operational GHG emissions. Thus, project-related impacts as a result of GHG emissions would be *less than significant* and no mitigation would be required.

**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, 2022). The project area is in a very high fire hazard severity zone as designated by CAL FIRE. Commercial businesses on State Highway 49 are the closest sensitive receptors, located approximately 350-feet from the northeastern boundary line.

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,26
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓	A,L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H,M
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H,M

**Impact Discussion:**

9a. Construction of the Project would involve the use of hazardous materials, such as fuels, oils and lubricants, paints and thinners, solvents, and other chemicals. Impacts could occur if construction-related activities were to result in hazards, or the release of hazardous materials and could be considered potentially significant. The use, storage, transport, and disposal of hazardous material used during construction, operation, and decommissioning of the Project would be carried out in accordance with federal, state, and county regulations. These requirements would ensure that hazardous materials used for construction would be stored in appropriate containers, with secondary containment to contain a potential release. Therefore, impacts associated with the potential to create a significant hazard to the public or the environment would be less than significant. The operation would use negligible amounts of hazardous materials and any such materials would be properly stored and disposed of in accordance with applicable regulations. This impact would be *less than significant*.

9b. Construction and occupancy would require the use of limited quantities of hazardous materials that could result in potentially adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents, spills, or leaks. Implementation of construction BMPs, discussed in greater detail in Section 2.9 (Hydrology and Water Quality), would reduce the potential for accidental releases and ensure quick response to any spills to minimize impacts to the environment. Impacts would be *less than significant*.

During the review of the Nevada County Solar Farm project on this 10.45-acre site in 2015, the potential for the Project to encounter contaminated soil and groundwater was evaluated utilizing database searches of the State Water Resources Control Board (SWRCB) GeoTracker (SWRCB, 2015a and b) and the California Environmental Protection Agency (Cal EPA) Department of Toxic Substances Control (DTSC) EnviroStor databases (DTSC, 2015). These databases were reviewed to identify known environmental cases listed within 0.25-mile of the Project sites. A review of the databases did not identify any known environmental cases within this distance. Thus, it is unlikely that Project construction would intercept or release contaminated soils or groundwater into the environment during construction. However, in the unlikely event that contaminated soil and groundwater were encountered during construction, implementation of the Project BMPs for erosion control would control runoff from leaving the Project sites and limit the potential spread of contaminants. The use, storage, transport, and disposal of hazardous materials used during

construction, operation, and decommissioning of the Project would be carried out in accordance with federal, state, and county regulations, ensuring that there would be no risk of potential risks to construction workers, or the public associated with the release of hazardous materials. The impacts associated with the potential to create a significant hazard involving the release of hazardous materials into the environment would be less than significant.

- 9c. There are no schools located within 0.25-mile of the Project site. Therefore, there would be *no impact* related to the potential exposure of hazardous emissions or acutely hazardous materials, substances, or wastes within 0.25-mile of a school.
- 9d. The Project site is not included on any of the environmental databases maintained by the SWRCB GeoTracker (2015a and b) or the DTSC (2015a and b) nor are there any active sites within 0.25-mile. Therefore, the Project would not cause a significant hazard to the public or the environment related to a known release of hazardous materials, and *no impact* would occur.
- 9e. There are no airports or private airstrips within 2 miles of the Project, and the Project is not located within the boundaries of any Airport Land Use Compatibility Plan. The nearest airports to the Project sites include the Milhous Ranch Airport (which is not in use), located approximately 4 miles north of the Ranch Property site; Alta Sierra Airport, approximately 11 miles south of the Ranch Property site; and the Nevada County Airport approximately 4-air miles from the project site. Therefore, due to the proximity of the Project site to a private airstrip or airport, the Project would not result in a safety hazard to people working or residing in the area; and *no impact* would occur.
- 9f. The Project would not interfere with an emergency response plan or emergency evacuation plan; therefore, *no impact* would occur.
- 9g. According to California Department of Forestry (CAL FIRE) fire hazard mapping, the Project site is located within an area designated as a very-high fire hazard zone (CAL FIRE, 2007a and b). Construction and decommissioning of the Project would include the use of mechanized equipment, fuels, and other potentially flammable substances. With the adherence to existing laws and regulations governing the use of hazardous materials (see criterion b), risks of the Project causing a wildland fire, or exposing people or structures to a significant risk of loss, injury, or death, as a result of a wildfire, would be lessened. Additionally, with the inclusion of the Fire Protection and Evacuation Plan as prepared March 2022 and identified as Mitigation Measure 9A, impacts would be *less than significant with mitigation*.

**Mitigation:**

To offset potentially adverse hazards or hazardous materials impacts associated with the construction and operational activities, the following mitigation measure shall be required and shall be included as notes on all grading and construction plans:

**Mitigation Measure 9A:** Per the Fire Protection and Evacuation Plan as prepared in March 2022, the following provisions shall be integrated into the project.

***Emergency Water Supply:*** Install fire hydrant and sprinklers in new building pursuant to CalFire and the Nevada County Consolidated Fire District standards.

***Fuels Management Plan:*** Maintain defensible space of at least 100 feet from each side, front, and rear of the structures, or to the property line whichever is closer. The amount of vegetation modification necessary shall take into account the flammability of the structure

as affected by building material, building standards, location, and type of vegetation. Vegetation shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of the vegetation management may vary within the 100-foot perimeter of the structure, with the most intense being within the first 30 feet around the structure.

- a. Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- b. Maintain all trees adjacent to or overhanging a building to maintain a minimum of 10 feet of clear space between the tree and roof.
- c. Maintain the roof and gutters to be clear of leaves, needles, or other vegetative materials.
- d. Create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire.

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

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

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

## 10. HYDROLOGY / WATER QUALITY

### **Existing Setting:**

The Project site is located at 16782 Highway 49 just easterly of the intersection of Newtown Road and State Highway 49 west of Nevada City. The site is 10.46 acres in size and developed with a solar farm and has a single-family residence used for supportive housing for Nevada County. The Ranch Property site is located within the Yuba River Watershed, which encompasses 1,340 square miles from the west slope of the Sierra Nevada at Donner Pass to the Feather River near Yuba City. Most of the Yuba River's flow comes from its three main tributaries: North Yuba, Middle Yuba, and South Yuba Rivers. Average monthly precipitation within the watershed ranges 20 inches in the lower watershed to 80 inches in the upper watershed (Sacramento River Watershed Program, 2015b).

The Ranch Project site supports two ephemeral channels that traverse the upland annual and perennial grasslands, as well as the seasonal wetlands. The channels both originate as upland vegetated swales, which eventually become channelized. The northernmost channel is fed from a culvert flowing under Highway 49. The stream channels are a mix of unvegetated areas and annual grassland species in their upper reaches, while in the lower reaches the channels support seasonal wetland species. Riparian habitat and seasonal wetlands including potential waters of the U.S. and the state, were identified at the Ranch Property site during a field reconnaissance survey. A formal wetland delineation was conducted by ESA in October 2015. This wetland delineation identified 0.457 acres of potentially jurisdictional features within the study area. Potentially jurisdictional features include 0.396 acres of wetlands and 0.061 acres of other waters of the U.S. Potentially jurisdictional features within the study area include seasonal wetlands and ephemeral channels.

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 Project will not change any existing pattern on the site. The Project is replacing an existing structure, and construction activities at the Project sites would include earthmoving, trenching, and minimal grading. If not effectively managed, these activities could dislodge soil particles and wash into adjacent water bodies. As discussed in Section 4, direct impacts to the intermittent watercourse would be avoided through the encasement of proposed septic line connections. In order to avoid direct impacts, the project proposes extending casing for the proposed septic line at least 20-feet on either side of the intermittent water course and identifying the setback for the proposed septic line to prevent accidental disturbance. However, demolition and construction activities could have minor and temporary impacts to the identified resources and downstream aquatic resources if proper Best Management Practices (BMPs) are not installed and construction workers appropriately trained to prevent erosion and sedimentation from the site. As a result, Mitigation Measure 4C is required in order to ensure that BMPs are properly installed. In addition, Mitigation Measure 4A would require environmental awareness training for all construction workers and Mitigation Measure 4D would require all environmentally sensitive areas to be delineated on the ground to facilitate identification to further ensure indirect impacts do not impact the resources. Therefore, the project drainage would not impact drainage pattern or increase surface runoff beyond the pre-construction condition.

Upon Project completion, the site would maintain the existing storm drainage patterns. All roads and other areas compacted during original construction would be tilled to restore the sub-grade material to a density and depth consistent with pre-construction conditions. Furthermore, the site would be re-seeded/re-vegetated with low-growing, appropriate species to lessen soil erosion. Therefore, the Project would not contribute significantly to new overland flows that would cause or contribute to an exceedance of applicable receiving water quality objectives. During operation, the Project would not be a point-source generator of water pollutants; therefore, no quantifiable water quality standard would apply to the Project. Therefore, the Project would not violate any water quality standards, waste discharge requirements, or otherwise, substantially degrade water quality and impacts would be *less than significant with mitigation*.

10b.e. The Project footprint of the Ranch Property site would be a maximum of approximately 0.6-acre portion of a 10.45 site. The new development is served public water by the Nevada Irrigation District (NID). Site construction and operation would not affect groundwater supplies, aquifer, or the groundwater table in the area or affect surrounding wells. The Project does not encroach upon or impact any areas on the site that are developed with the solar farm and therefore, there would be *no impacts* to existing groundwater conditions.

10d. There are no federal flood hazard areas or flood hazards delineations on the site. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the Ranch Property site is within Zone X, which is an area between the limits of a 100- and 500-year flood. However, no part of the Project site is within the FEMA 100-year flood hazard zone (FEMA, 2010a and b). Therefore, the Project would not place structures within a 100-year flood hazard area that would result in impeding or redirecting flood flows. There will be no housing placed within 100 feet of any flood hazard area, therefore, there would be no impact related to this criterion. There are no bodies of water of sufficient size in the vicinity of the Project site that would pose a risk of inundation by tsunami or seiche waves. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow and *no impact* would occur.

**Mitigation:**

See Mitigation Measure 4C

11. LAND USE / PLANNING

**Existing Setting:**

The Ranch Property site is designated as Estate (EST) by the Nevada County General Plan. The Estate land use designation is intended to provide low-density residential development at a minimum lot size of 3 acres per dwelling unit in areas which are essentially rural in character but are adjacent to community regions and, therefore, are more accessible to shopping, employment, and services. In keeping with the rural character, agricultural operations, and natural resource-related uses, including the production of timber, are also appropriate in this designation, Nevada County General Plan Land Use Policy 1.2.4e.

The Ranch site is zoned Residential Agriculture -Three Acre Minimum (RA-3). This zoning designation established provisions for low-density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area. For lands zoned for Residential Agriculture within the Estate land use designation such as this one, the single-family dwelling is of primary importance and agricultural uses are secondary. The minimum density/parcel size for lands in the Estate designation is three acres if public water or sewer is not available. If public water or sewer is available, the minimum density /parcel

size is 1.5 acres per unit. The Ranch site is served with public water provided by the Nevada Irrigation District (NID).

The subject parcel is bounded by State Highway 49 to the northeast and surrounded by residential areas with the exception of a small Commercial node to the north and a parcel designated as Open Space to the southeast. The commercial node located to the north has General Plan and Zoning designations of Rural Center (RC) and Neighborhood Commercial (C1), respectively. Surrounding residential areas to the west and east have General Plan and Zoning Designations of Estate (EST) and Residential Agricultural – 3-acre minimum parcel size (RA-3). The Eden Ranch subdivision to the south has a General Plan Designation of Planned Development and Zoning Designations of Single-Family Residential-Planned Development (R1-PD) and Open Space-Site Performance (OS-SP). The nearest established community is Nevada City, located approximately 2 miles east of the site. Existing roads, residences and other developments are located between the Ranch Property site and Nevada City.

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 multifamily development and rezone would not physically divide an established community. The subject property is surrounded by residential land uses, with a commercial node to the north and areas of Open Space zoning to the southeast. *No impact* to established communities is anticipated from the rezone or development of the site.

11b. The Project includes a proposed rezone from RA-3-PD to RA-1.5 in order to accommodate the proposed density of the 6-unit multifamily residential development containing six (6) one-bedroom apartments. The 10.45 Project site can currently support up to three (3) units given the existing maximum density of one (1) unit per every three (3) acres, per Table L-II 2.2.1.C of the Nevada County Land Use and Development Code. The proposed rezone to a maximum density of one (1) unit per every one and one-half (1.5) acres would allow for a maximum density of up to six (6) units. compliance with the Nevada County Land Use and Development Code.

The Ranch site is zoned Residential Agriculture-Three Acre Minimum (RA-3). This zoning designation established provisions for low-density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area. For lands zoned for Residential Agriculture within the Estate land use designation such as this one, the single-family dwelling is of primary importance and agricultural uses are secondary. The minimum density/parcel size for lands in the Estate designation is three acres if public water or sewer is not available. Pursuant to the Land Use and Development Code, if public water or sewer is available, the minimum density /parcel size is 1.5 acres per unit. The Ranch site is served with public water provided by the Nevada Irrigation District (NID).

The RA zone is consistent with the Estate General Plan designation (Table 1.2 General Plan Land Use Designation Compatibility Matrix). The Project is requesting to rezone from the RA-3 zoning

designation to a RA 1.5 zoning designation. The RA zoning designation allows for zoning density equivalent of 1.5 units per acre, per unit, if public water or sewer is provided. As stated above, the site is served by public water from NID. With a zoning change to allow density of 1.5-acres per unit rather than the current 3-acres per unit, the Project would be consistent with both zoning and the general plan.

Due to the reasons listed above, including that the proposed rezone is compatible with the General Plan and Land Use and Development Code, environmental 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. According to the Nevada County Mineral Lands Classification Map of Nevada County, the Ranch Property site is classified as MRZ-4, which includes areas of unknown mineral resource potential. In addition, there are no active mines within the vicinity of the Project and there are no mines, mineral plants, oil, gas, or geothermal wells located at the Project site (USGS, 2003). The Project would not involve mining onsite. Therefore, the construction operation would not alter, destroy, or limit access to any existing significant mineral resources and the project would have *no impact* on mineral resources.

**Mitigation:**

None required.

13. NOISE

**Existing Setting:**

The subject parcel is located nearby a commercial node along State Highway 49 outside of the Nevada City community. Surrounding land uses are commercial to the north and residential in all other directions. The existing ambient noise setting is dominated by traffic noise from State Highway 49 to the east. Traffic and other noise from surrounding commercial uses, including noise from the nearby restaurant and market, is part of the ambient setting.

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. The Project, which would generate altered noise conditions only during project construction activities, would follow the Nevada County Noise Ordinance as the applicable local noise standard. This policy restricts construction noise between the hours of 7 p.m. and 7 a.m. Construction of the Project would be temporary and short-term and would not be undertaken during the overnight hours. Thus, implementation of the Project would be consistent with the Nevada County Noise Ordinance and impacts would be *less than significant*.
- 13b. Ground-borne vibration would occur during Project construction activities. However, given the rural nature of the site, the short duration of the construction cycle (less than three months), the expected types of construction equipment (heavy trucks and earth moving equipment, without any pile driving activities), and the distance from the nearest residential receptor (approximately 250-300 feet for the Ranch Property site), project-related ground-borne vibrations would tend to attenuate to a level of insignificance essentially non-detectable from ambient conditions during construction at nearby receptors. During operations, the Project would have no source of ground-borne vibration and the construction activity would be temporary. Although the potential for impacts to neighboring properties due to ground borne vibrations is low, Mitigation Measure 13A would require notification of nearby property owners to ensure potential sensitive receptors in the area are aware of construction activities. As a result, impacts due to the generation of ground borne vibration would be *less than significant with mitigation*.
- 13c. There are no airports or private airstrips within 2 miles of the Project, and the Project is not located within the boundaries of any Airport Land Use Compatibility Plan. The nearest airports to the Project include the Nevada County Airport, located near Grass Valley, approximately 3.75 miles southeast of the Ranch Property site. Therefore, the Project would not expose people residing or working in the area to excessive noise levels from aircraft operations and therefore would result in *no impacts*.

**Mitigation:**

To mitigate potential construction related noises, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**Mitigation Measure 13A: Construction Noise Reduction.** The construction contractors shall notify local residents within 300 feet of the Ranch Property site property line at least 10 days in advance of the start of construction. This notice shall include information about the project schedule

and how to contact the County of Nevada with any noise complaints. The County of Nevada shall ensure that mufflers on heavy construction equipment used on this site shall be in proper operation form. Construction hours shall be limited to 7 am to 7 pm Monday through Friday.

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

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

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

14. POPULATION / HOUSING

**Existing Setting:**

The site is 10.46 acres in size and developed with a solar farm and has a single-family residence used for supportive housing for Nevada County. The three-bedroom house provides housing for up to three individuals. The surrounding land use consists of a local market, restaurant, and rural residential to the north. Residential to the south. Rural residential to the east. Rural residential to the west.

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. In general, the Project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the Project were not implemented. The Project proposes to replace the existing house with a six-unit apartment building. The units are one-bedroom units and would have single occupancy with maybe some couples. This type of specialty housing does not induce growth, primarily because the targeted occupants are most likely to already be residents of the county who lack affordable housing. The Project is not expected to involve employment opportunities beyond what would normally be available to construction workers in the area. It is expected that construction workforce requirements could be met by residents of Nevada County's local surrounding labor force. Therefore, the Project would not induce substantial population growth, either directly or indirectly and the impact would be *less than significant*.

14b. One residential building, owned by the County, is located on the Ranch Project site. That building is proposed to be replaced with the six-unit apartment building. Residents of the existing building may be temporarily displaced or may be housed in the new building. However, change in tenants would be minor and is expected with normal rental housing markets. The creation of additional small one-bedroom units increases housing opportunities in the area and offsets the removal of the existing house. Therefore, no replacement housing would be required to be constructed elsewhere and a *less than significant* impact would occur.

**Mitigation:**

None required.

15. PUBLIC SERVICES

**Existing Setting:**

The following public services are provided to this site:

Fire: The Nevada County Consolidated Fire District provides fire protection services to this area.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: Nevada City School District provides education for the area.

Parks: The project is within the Grass Valley/Nevada City Recreation Benefit Zone.

Water & Sewer: Water is currently provided by the Nevada Irrigation District. Sewage disposal is by septic system.

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. The proposed project is not anticipated to have significant impacts on fire protection, law enforcement services, schools, parks and other public services and facilities because fees are in place for many of these services and the project is not contributing to the local population. Structures will be made with California Building Code compatible materials for structures in the Very High Fire Hazard Severity Zone, and all defensible space requirements will be met. 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. The property is intended for residential use and will be served by treated NID water. The project applicant will be required to obtain a will-serve letter from NID and NID has adequate capacity for the consumptive needs of the project. Electrical service will be provided by PG&E. The project would not impact sewer services because the project does not require these services. The existing residence on the property has a functioning septic system, and a new septic system for the proposed multifamily residence would require permitting by the Environmental Health Department. For all of the reasons listed above, there would be a *less than significant impact* as a result of the project approval.

**Mitigation Measures:**

None required.

16. RECREATION

**Existing Setting:**

The subject property is located within the Nevada City/Grass Valley Recreation Benefit Zone, and no recreational facilities occur on the subject property. Hirschman’s Pond Public Land is located 0.23-mile to the east of the Ranch Property site across Highway 49 and contains 88 acres of land managed by the Bear Yuba Land Trust (in partnership with the City of Nevada), including two trails: the Hirschman’s Trail and the Woods Ravine Trail. Hirschman’s Trail is a 2-mile trail that generally parallels SR 49 and connects to Hirschman’s Pond and is the closest trail to the Ranch Property site, located 0.18-mile to the east across SR 49. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

**Impact Discussion:**

16a,b. The proposed Project is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. With a minimal increase in population from three individuals to six individuals resulting from the proposed project, it would not result in negative impacts to existing recreational facilities, nor trigger the need for new facilities. Due to the lack of significant increase in population from the project 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 subject parcel currently takes access via the existing County-owned residential driveway to State Highway 49. State Highway 49 is a principal arterial roadway serving the site that carries regional traffic and connects the major population centers within the County. According to the latest data available from Caltrans, the ADT volume on SR 49 ranges from 5,100 to 6,300 vehicles. SR 20 is a principal arterial roadway, located approximately 2 miles east of the site that carries regional traffic and connects the major population centers within the County. According to the latest data available from Caltrans, the ADT volume on SR 20 ranges from 7,500 to 13,000 vehicles.

Transit facilities in Nevada County are generally limited and include Nevada County Connects, which is a fixed route system that operates primarily through use of shuttle buses in, and between, Auburn and Grass Valley. The Nevada County Connects Route 7 is a fixed route Grass Valley and North San Juan, stopping

every 1 hour. The Eric Rood Administrative Center is the closest stop to the site, located 1.75 miles to the east.

The number of existing bicycles, pedestrian, and equestrian trails in Nevada County is limited. These trails are primarily oriented toward recreational use and do not typically provide a connection for non-auto transportation within the urbanized areas of Nevada County. The 2013 Nevada County Bicycle Master Plan includes bike lanes within the urbanized areas of the County. There are no alternative transportation corridor facilities within the vicinity of the Ranch Property site.

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
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A,B

**Impact Discussion:**

17a,e. The project would not conflict with transit, roadway, bicycle or pedestrian facilities policies or plans. The project would provide the required number of bicycle racks and carpool and vanpool space per the California Building Code. The project is not expected to contribute any substantial impacts to transit service needs for the route given the distance to the nearest transit facility, which would likely require the use of a vehicle to move to and from the site. Implementation of the Project would neither directly, nor indirectly, eliminate existing or planned alternative transportation corridors or facilities (e.g., bike paths, lanes, etc.), including changes in policies or programs that support alternative transportation, nor construct facilities in locations which future alternative transportation facilities are planned. The Project would not conflict with adopted policies, plans and programs supporting alternative transportation identified in the Nevada County General Plan and the Bicycle Master Plan.

The Project occupancy is anticipated to be 6 tenants. The Project provides 10 off-street parking stalls. The Project would generate limited traffic volumes and would increase traffic not much more than what already exists with existing residences. Because these activities would not conflict with adopted plans or increase traffic hazards to non-motorized road users, impacts associated with these criterion would be *less than significant*.

17b. As described in the Technical Advisory on Evaluating Transportation Impact, CEQA identifies a screening threshold for land use projects where projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant impact. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th ed. (2017), the proposed multifamily residential development would be categorized under Land Use Category 220, “Multi-Family Housing (Low-Rise).” This use type generates 7.32 trips per dwelling unit. With six (6)

dwelling units, the project would result in 43.92 additional Average Daily Trips (ADT). In addition, recent legislation requires an analysis of vehicle miles travelled (VMT) for projects that generate traffic. While Nevada County has yet to adopt VMT thresholds, the proposed residential project is relatively small in scale with six (6) one-bedroom apartments. Further the project is consistent with the planned General Plan and Zoning intensities for the project site and surrounding area. Access is provided from a private driveway off of State Highway 49 and this project once constructed is not anticipated to generate a significant amount of traffic. The project is required to obtain an encroachment permit for the access to State Highway 49 and the project's transportation impacts would be mitigated with traffic impact fees that would be applied to the project as a condition of approval from the Public Works Department. Therefore, the project would result *in less than significant* impacts to daily or peak hour traffic.

- 17c. The project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. The existing residence and proposed development would take access via State Highway 49. Although there is no existing right or left turn lane into State Highway 49, the project would not contribute substantially to traffic that would result in the need for turn lanes, and Caltrans or the Nevada County Public Works Department has not conditioned the project to provide turn lanes. As a result, the proposed project would result in *less than significant* impacts to this criterion.
- 17d. The project would not result in inadequate emergency access during future occupation of the properties. The existing residence and the proposed Project would take access via a private driveway to State Highway 49 and the driveway would be improved to provide closer access to proposed structures as well as enhanced turn radii. Project impacts due to inadequate emergency access are therefore *less than significant*.

**Mitigation:**

None required.

**18. TRIBAL CULTURAL RESOURCES**

**Existing Setting:**

The Project site is located easterly of the intersection of Newtown Road and State Highway 49 west of Nevada City. The site is 10.46 acres in size and the majority of the site is developed with a solar farm with a single-family residence used for supportive housing for Nevada County. The surrounding land use consists of a local market, restaurant and rural residential to north.

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

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

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> <li>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</li> </ul>		✓			J,19

**Impact Discussion:**

18a. The proposed Project 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 was sent to all organizations and the Native American Heritage Commission on December 30, 2021.

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.

As discussed in Section 5 a records search from the North Central Information Center and previous environmental documents identified no known cultural resources on the project site. Similar to the discussion in Section 5, there is still the potential for onsite grading could uncover cultural resources of importance to the California Native American Tribes identified above. Due to the chance that

onsite grading could uncover cultural resources of importance to California Native American Tribes, 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.

The inadvertent discovery of archaeological resources during project implementation could be a potentially significant impact. This impact would be reduced to a less-than-significant level with the implementation of Mitigation Measure 18A described herein, which requires awareness training and avoidance measures or the appropriate treatment of archaeological resources if accidentally discovered during project implementation.

**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 in the notes on the improvement plans for the project:

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

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

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

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

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

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

19. UTILITIES / SERVICE SYSTEMS

**Existing Setting:**

The subject parcel is currently developed with an existing single-family residence. Electricity is available to the property from PG&E. Water is provided to the parcel from NID via existing infrastructure. Current improvements rely on an existing septic system, and a repair area has been defined in the event of a failure.

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

**Impact Discussion:**

19a-c. The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. Public water from NID will be provided to the parcel from State Highway 49 to serve the new improvements. The applicant will be required to provide a Will Serve Letter from NID and NID has adequate capacity for the consumptive needs of the project. Currently the proposed parcel relies on electricity from PG&E and has an existing septic system, and a repair area has been designed under a permit from the Nevada County Environmental Health Department. The proposed multifamily development would not impact sewer services because the project does not require these services. Therefore, the proposed Project is anticipated to have a *less than significant* impact related to utility and service extensions.

19d,e. The Project is anticipated to generate small volumes of solid waste during construction, operation, and decommissioning. Solid waste would be hauled approximately 5 to 35 miles from the Project site and appropriately disposed of at the McCourtney Road Transfer Station in Grass Valley, or to the Western Regional Landfill in Lincoln (Placer County). The Western Regional Landfill is allowed to receive up to 1,900 tons of waste daily and has a capacity of approximately 36,350,000 cubic yards. The landfill has a remaining capacity of approximately 29,093,819 cubic yards and is permitted through 2021. Prior to Project construction, the applicant would prepare material disposal

and solid waste management plan, which would cover construction and operation activities. The plan would require the recycling of 50 percent of all recyclable waste materials from construction, operations, and maintenance activities. Although the Project could increase the total waste generation in the area, the incremental contribution of the Project could be reasonably accommodated by the landfill. Further, 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. Given existing and potential future landfill capacity, the Project would not result in the local landfill exceeding its permitted capacity. Therefore, impacts related to disposal of construction debris would be *less than significant with mitigation*.

**Mitigation:**

To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included in the notes on the improvement plans for the project:

**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. Inert waste, such as rock or concrete should be retained "on-site" and incorporated into the development as much as possible. Such methods shall be noted on the grading and improvement plans.

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

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

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

20. WILDFIRE

**Existing Setting:**

The project parcel is in the Nevada County Consolidated District and is in a very high fire hazard severity zone. The nearest fire stations are the Nevada County Consolidated District Station 84 at State Highway 49 and Coyote Street (2.2 miles away), and Nevada County Consolidated District Station 5 on Providence Mine Road (2.5 miles away).

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,25
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
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**Impact Discussion:**

20a,c. The proposed use permit and rezone project is not anticipated to conflict with emergency plans or result in negative environmental impacts due to project construction or operation. 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, and Policy FP-10.7.2 requires that a condition of development is to maintain private roads, including roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in August 2017. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. The main access road to the site, SR49, would be unaffected and all internal circulation would be required to maintain typical parking lot standards with adequate turning radii and access widths for emergency vehicles. Therefore, project impacts relative to compliance with emergency plans, impacts relative to increased fire risk, and impacts to the environment through the minimal work around new structures would be *less than significant*.

20b,d. According to California Department of Forestry (CAL FIRE) fire hazard mapping, the Project site is located within an area designated as very-high fire hazard zone (CAL FIRE, 2007a and b). Construction and decommissioning of the Project would include the use of mechanized equipment, fuels, and other potentially flammable substances. With the adherence to existing laws and regulations governing the use of hazardous materials (see criterion b), risks of the Project causing a wildland fire, or exposing people or structures to a significant risk of loss, injury, or death, as a result of a wildfire, would be lessened. Additionally, per the Fire Protection and Evacuation Plan as prepared by the Office of the Fire Marshall in March 2022, Mitigation Measure 9A would apply requirements to install fire sprinklers and a new fire hydrant be connected to an existing Nevada Irrigation water main that fronts along with the property. thereby reducing potential impacts to *less than significant with mitigation*.

**Mitigation:**

See Mitigation Measure 9A.

**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 project 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 aesthetics, air quality, biological resources, cultural resources, geology/soils, noise, tribal cultural resources, utilities/service systems, and wildfire. Due to potential impacts associated with light and glare from public vantage points, measures to shield lighting on existing and proposed outdoor light fixtures, as well as to minimize reflectivity from building materials, have been included. Because of the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. To protect water quality and aquatic life in downstream aquatic resources, mitigation has been added to provide appropriate BMPs during and after construction. 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 residents and other sensitive noise receptors during the construction, mitigation has been included to limit noise and ground borne vibrations during construction. Mitigation has also 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 aesthetics, air quality, biological and cultural resources, geological resources, hazards/hazardous materials, noise, tribal cultural resources, and utilities/services systems, see Mitigation Measures identified herein.

**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, Senior Planner

9-23-22  
\_\_\_\_\_  
Date

## APPENDIX A – REFERENCE SOURCES

- A. Nevada County Solar Farm Mitigated Negative Declaration, 2016. State Clearing House Number 2016-052005 and EIS15-022
- B. California Department of Transportation (Caltrans), 2015. California Scenic Highway Mapping System, Nevada County. Available online at: [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm). Accessed September 21, 2015.
- C. Nevada County, 1995. Nevada County General Plan, Vol. 2: Background Data and Analysis, Open Space/Conservation Inventory. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed October 5, 2015.
- D. California Department of Conservation (CDC), 2015. Division of Land Resource Protection, Nevada County Williamson Act Lands FY 2015/2016. Available at: [ftp://ftp.consrv.ca.gov/pub/dlrp/wa/nevada\\_15\\_16\\_WA.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/wa/nevada_15_16_WA.pdf). Accessed September 22, 2015.
- E. California Department of Conservation (CDC) 201a and b. Division of Land Resources Protection, Farmland Mapping and Monitoring Program, Important Farmland Finder, Nevada County, 2014. Available at: <http://maps.conservation.ca.gov/ciff/ciff.html>. Accessed October 2, 2015.
- F. Nevada County, 2014. Zoning Boundaries & Designations Western Nevada County, California. May 13, 2014. Available at: <https://www.mynevadacounty.com/nc/igs/gis/Pages/Zoning.aspx>. Accessed September 23, 2015.
- G. Northern Sierra Air Quality Management District. Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects. 2009.
- H. Argonne National Laboratory, Environmental Science Division, and National Renewable Energy Laboratory (NREL), 2015. *A Review of Avian Monitoring and Mitigation Information at Existing Utility-Scale Solar Facilities*. Prepared for U.S. Department of Energy, SunShot Initiative and Office of Energy Efficiency & Renewable Energy. April 2015.
- I. California Department of Fish and Wildlife (CDFW), 2015. California Natural Diversity Data Base (CNDDB). Accessed September 29, 2015.
- J. California Native Plant Society (CNPS). 2015. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, California. Accessed August 8, 2015.
- K. U.S. Fish and Wildlife Service (USFWS), 2015. Trust Resources List Report, data request for Project Area. Information, Planning, and Conservation System (IPAC). Version 1.4. Accessed September 29, 2015.
- L. Biological Resources CEQA Review Technical Memo by Greg Matusak Environmental Consulting, dated: 11-24-21
- M. Andolina, Darren, 2009. Cultural Resources Inventory for the Nevada Irrigation District (NID) Rodeo Flat Project, Nevada County, California. Report prepared by Farwestern Anthropologica Research Group, Inc.
- N. Darcangelo, Mike. CA-NEV-312H. Site record on file at NCIC.
- O. Jensen, Peter M., 1996a. Archaeological Inventory Survey, Newton Heights Subdivision Project, c. 55 Acres West of Nevada City, Nevada County, California. Prepared by Jensen & Associates for Terence M. Petersen.
- P. Jensen, Peter M., 1996b. Archaeological Inventory Survey, Proposed Common Ground Community Development Project, CA 35 Acres on State Route 49 West of Nevada City, Nevada County, California. Prepared by Jensen & Associates for Common Ground Community.
- Q. Jensen, Peter M., 1997. Archaeological Inventory Survey, c. 2.5-Acre Howell Subdivision Project, Indian Flat Road, Nevada County, California. Prepared by Jensen & Associates for Mark Howell.
- R. Jensen, Peter M., 1992. Archaeological Inventory Survey, Zaller Corp's Proposed Subdivision, c. 25ac, Near State Route 49, West of Nevada City, Nevada County, California. Prepared by Jensen & Associates for Dundas and Dundas Engineers/Planners.

- S. Jensen, Sean Michael, 2005. Archaeological Inventory Survey, Woolmington-Smith Parcel Split, c. 14 acres on Old Downieville Highway, Nevada County, California. Prepared by Genesis Society for Denis P. Kutch, Architect.
- T. Jensen, Sean Michael, 2008. Archaeological Survey, Dial Parcel Split Project, Nevada County, California. Prepared by Genesis Society for Lincoln & Long Civil Engineering. Leach-Palm, Laura, Pat Mikkelsen, Paul Brandy, Jay King, and Lindsay Hartman, 2008. Cultural Resources Inventory of Caltrans District 3 Rural Conventional Highways in Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, and Yuba Counties. Prepared by Farwestern Anthropological Research Group, Inc. for Caltrans.
- U. Maniery, Mary, 1984. Timber Ridge Tank and Pipelines Archeological Survey, Nevada County, California. Report prepared by PAR.
- V. Natural Resources Conservation Service (NRCS), 2014. Web Soil Survey. Available online at: <http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed October 1 and October 8, 2015.
- W. PAR, 2011. Historic Property Survey Report, Newton Road, Class II/III Bicycle Corridor Project, Nevada County, California. Prepared by PAR for the Nevada County Department of Public Works.
- X. Society of Vertebrate Paleontology (SVP), 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee 2010.
- Y. Soule, William E., 1985. Negative Archeological Survey Report for State Water Resources Control Board Application No. 28155, for an On- Stream Earthfill Dam and Reservoir on an Unnamed Stream.
- Z. Storm, Donald J., 1979. Archaeological Investigations of the Champion Mine Property, North Portion, Nevada City, Nevada County, California. Prepared by Oustomah Indian Center for Donald Laidlaw and Associates.
1. Storm, Donald, and R. Clark, 1978. CA-NEV-259. Site record on file at NCIC.
  2. University of California Museum of Paleontology (UCMP), 2015. Collections database, accessed online at <http://www.ucmp.berkeley.edu/science/collections.php>, October 2, 2015.
  3. Wickstrom, Brian, 1998. Supplemental Archeological Survey Report for the Dark Horse Residential and Golf Course Development Project, Nevada County, California.
  4. California Department of Conservation (CDC), 2015. Regulatory Maps Search for Nevada County. Available at: <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>. Accessed September 22, 2015.
  5. CDC, California Geological Survey (CGS), 2007. Fault-Rapture Hazard Zones in California, Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zones Maps, Special Publication 42, Interim Revision 2007. Available at: <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>. Accessed September 22, 2015.
  6. CDC, 2003. Earthquake Shaking Potential for California, spring 2003. Available at: [http://www.conservation.ca.gov/cgs/rghm/psha/Documents/shaking\\_18x23.pdf](http://www.conservation.ca.gov/cgs/rghm/psha/Documents/shaking_18x23.pdf). Accessed September 22, 2015.
  7. Nevada County, 2014. Nevada County General Plan, Chapter 10: Safety. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 22, 2015.
  8. Nevada County, 1995a. Nevada County General Plan, Chapter 12: Soils. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 22, 2015.
  9. Nevada County, 1995b. Nevada County General Plan, Vol.3 General Plan Master Environmental Inventory. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 24, 2015.
  10. Natural Resources Conservation Service (NRCS), 2015. Web Soil Survey. Available at: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed September 24, 2015 and October 5, 2015.
  11. U.S. Geological Survey (USGS), 2008. Forecasting California's Earthquakes – What Can We Expect in the Next 30 Years? USGS Fact Sheet 2008-3027. Available at: <http://pubs.usgs.gov/fs/2008/3027/fs2008-3027.pdf>. Accessed September 22, 2015.

12. CAL FIRE, 2007a. Fire Hazard Severity Zones in State Responsibility Areas, Nevada County, California. November 7, 2007. Available at: [http://frap.fire.ca.gov/webdata/maps/statewide/fhszs\\_map.pdf](http://frap.fire.ca.gov/webdata/maps/statewide/fhszs_map.pdf). Accessed September 23, 2015.
13. CAL FIRE, 2007b. Very High Fire Hazard Severity Zones in Local Responsibility Areas, Nevada County, California. September 17, 2007. Available at: [http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06\\_1\\_map.pdf](http://frap.fire.ca.gov/webdata/maps/statewide/fhszl06_1_map.pdf). Accessed September 23, 2015.
14. California Department of Toxic Substances Control (DTSC), 2015a and b. EnviroStor database. Available at: <http://www.envirostor.dtsc.ca.gov/public/> Accessed September 22, 2015.
15. State Water Resources Control Board (SWRCB), 2015a and b. GeoTracker database. Available at: <http://geotracker.waterboards.ca.gov/> Accessed September 23, 2015
16. Federal Emergency Management Agency (FEMA), 2010a. Flood Insurance Rate Map, Panel 775 of 800. Effective September 24, 2010. Available at: <https://msc.fema.gov/portal/search>. Accessed September 24, 2015.
17. Federal Emergency Management Agency (FEMA), 2010b. Flood Insurance Rate Map, Map Number 06057C0375E.. Effective February 3, 2010. Available at: <https://msc.fema.gov/portal/search>. Accessed October 5, 2015.
18. Nevada County, 1995. Nevada County General Plan, Vol.3 General Plan Master Environmental Inventory. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 24, 2015.
19. Sacramento River Watershed Program, 2015a. Bear River Watershed. Available at: <http://www.sacriver.org/aboutwatershed/roadmap/watersheds/american/bear-river-watershed>. Accessed September 24, 2015.
20. Sacramento River Watershed Program, 2015b. Yuba River Watershed. Available at: <http://www.sacriver.org/aboutwatershed/roadmap/watersheds/american/yuba-river-watershed>. Accessed October 5, 2015.
21. Nevada County, 1995. Nevada County General Plan, 1995 Land Use Maps, Sheets B and F. Available at: <https://www.mynevadacounty.com/nc/igs/gis/Pages/General-Plan-Maps.aspx>. Accessed September 23, 2015.
22. Nevada County, 2014a. Nevada County General Plan, Chapter 1: Land Use. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 23, 2015.
23. Nevada County, 2014b. Zoning Boundaries & Designations Western Nevada County, California. May 13, 2014. Available at: <https://www.mynevadacounty.com/nc/igs/gis/Pages/Zoning.aspx>. Accessed September 23, 2015.
24. Nevada County, 2015. Nevada County Development Code, Title III, Chapter 2: Zoning Regulations. Available at: <http://qcode.us/codes/nevadacounty/view.php?topic=3-ii-2&frames=on>. Accessed September 23, 2015.
25. Nevada County, 2000. Higgins Area Plan. Approved by the Nevada County Board of Supervisors on December 5<sup>th</sup>, 2000. Available at: <https://secure.mynevadacounty.com/nc/cda/planning/docs/Area%20Plans/Higgins%20Area%20Plan.pdf>. Accessed September 23, 2015.
26. California Department of Conservation, Division of Mines and Geology (CDMG), 1990. Mineral Land Classification of Nevada County, Mineral Land Classification Map of Western Nevada County. Available at: [ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR\\_164/SR\\_164\\_Plate5A.pdf](ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_164/SR_164_Plate5A.pdf). Accessed September 24, 2015.
27. California Department of Conservation (CDC), Division of Oil, Gas, and Geothermal Resources (DOGGR) 2015. DOGGR Online Mapping System. Available at: <http://www.conservation.ca.gov/dog/Pages/WellFinder.aspx>. Accessed September 24, 2015.
28. Nevada County, 1995a. Nevada County General Plan, Chapter 17: Mineral Management. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 23, 2015.

29. Nevada County, 1995b. Nevada County General Plan, Vol.3 General Plan Master Environmental Inventory. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 24, 2015.
30. United States Geological Survey (USGS), 2003. Active Mines and Mineral Plants in the U.S. 2003. Available at: <http://mrddata.usgs.gov/mineral-resources/active-mines.html>. Accessed September 24, 2015.
31. Nevada County, 1995. Nevada County General Plan, Chapter 9: Noise. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 30, 2015.
32. Nevada County Land Use Development Code, Chapter II, Zoning Regulations (Section L-II, 4.1.7, Noise).
33. Grass Valley Police Department, 2015. Telephone Correspondence with dispatch officer at the Grass Valley Police Department. September 25, 2015.
34. Nevada County Consolidated Fire District, 2015. Telephone Correspondence with Shauna, Administrative Office. September 25, 2015.
35. Nevada County, 1995a. Nevada County General Plan, 1995. Chapter 3: Public Facilities and Services. Available at: <http://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 25, 2015.
36. Nevada County, 1995b. Nevada County General Plan, 1995. Chapter 7: Education. Available at: <http://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 25, 2015.
37. Placer County Sheriff Department, 2015. Telephone Correspondence with dispatch officer at the Placer County Sheriff Department. September 25, 2015.
38. Placer County Sheriff Department, 2015. Telephone Correspondence with administrative staff at the Placer County Sheriff Department. September 25, 2015.
39. SunPower, Correspondence letter dated March 8, 2016
40. Bear Yuba Land Trust, 2015. Hirschman Trail. Available at: <http://www.bylt.org/trail/hirschman-trail/>. Accessed October 6, 2015.
41. City of Nevada City, 2015. City Trails and Open Space. Available at <http://nevadacityca.gov/content/city-trails-and-open-space>. Accessed October 6, 2015.
42. Lake of the Pines Association, 2015. Amenities. Available at: [http://www.lopp.org/amenities\\_main.asp](http://www.lopp.org/amenities_main.asp). Accessed September 21, 2015.
43. Nevada County, 1995. Nevada County General Plan, Vol. 1: Background and Data Analysis. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 21, 2015.
44. California Department of Transportation (Caltrans), 2015. *2014 Traffic Volumes on California State Highways*.
45. Nevada County, 2010. Nevada County General Plan, Chapter 4: Circulation. Available at: <https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx>. Accessed September 24, 2015
46. Nevada County, 2015. Riders Guide and System Map, Effective July 6, 2015. Available at: <http://www.mynevadacounty.com/nc/cda/pw/transit/Pages/Riders-Guide.aspx>. Accessed September 24, 2015.
47. Nevada County Transportation Commission (NCTC), 2013. Nevada County Bicycle Master Plan Update, Chapter 3: Existing Conditions. July 2013. Available at: <http://www.nctc.ca.gov/Reports/Pedestrian--Bicycle-Reports/>. Accessed September 24, 2015.
48. CalRecycle, 2015. Facility/Site Summary Details: McCourtney Road Large Volume T.S. (29-AA-0010) online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory>. Accessed September 25, 2015.
49. CalRecycle, 2015. Facility/Site Summary Details: Western Regional Landfill (31-AA-0210) online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory>. Accessed September 25, 2015.

50. California Regional Water Quality Control Board, Central Valley Region, Waste Discharge Requirements for the Nevada County Sanitation District No. 1, Lake of the Pines Wastewater Treatment Plant, Nevada County.
51. NV-5 Geotechnical Engineering Report for Ranch House Rehabilitation and Renovation, Accessed Jan 11, 2022
52. Fire Protection and Evacuation Plan, dated 03/21/2022
53. Recommendation for the Tribal Cultural Resources Chapter, Published by: United Auburn Indian Community, Tribal Historic Preservation Department [www.auburnrancheria.com](http://www.auburnrancheria.com)
54. Tribal Cultural Resources- Cultural Awareness Training, Published by: United Auburn Indian Community, Tribal Historic Preservation Department [www.auburnrancheria.com](http://www.auburnrancheria.com)
55. Tribal Resources- Unanticipated Discoveries, Published by: United Auburn Indian Community, Tribal Historic Preservation Department [www.auburnrancheria.com](http://www.auburnrancheria.com)