

**NEVADA COUNTY, CALIFORNIA  
INITIAL STUDY**

**TO:**

Building Department  
Department of Public Works - Eng.  
Department of Public Works – Surveyor  
Department of Public Works - Sanitation  
Department of Public Works - Transit  
Environmental Health Department  
County Counsel  
Nevada County Transportation Commission  
NSAQMD  
Agricultural Commissioner  
Housing/Community Services  
LAFCO  
CEO – Alison Lehman  
Commissioner Duncan – District II  
Supervisor Scofield, District II  
Principal Planner – Tyler Barrington  
COB – J. Thorsby  
Higgins Fire Protection District  
Pleasant Ridge Union School District  
Nevada Joint Union High School District  
Nevada Irrigation District  
Bear River Recreation and Park District  
Resource Conservation District  
Placer County Planning  
US Army Corps of Engineers  
US Fish and Wildlife Service  
Bureau of Land Management  
U.S. Forest Service  
Caltrans Highways  
Fire Protection Planner  
CAL FIRE – Timber  
CA Department of Fish and Wildlife  
CVWQCB

CA Public Utilities Commission  
Native American Heritage Commission  
CA Air Resources Control Board  
CA Department of Parks and Recreation  
CA State Clearinghouse  
Bear Yuba Land Trust  
NC Assn. of Realtors  
NC Contractors’ Association  
Greater GV Chamber of Commerce  
FREED  
General Plan Defense Fund  
Community Environmental Advocates  
Federation of Neighborhoods  
Golden Oaks Association  
Hidden Ranch Road Association  
Hidden Ranch Road Committee  
John Festermacher  
Kevin Johnston  
Keep Nevada County Rural  
Lake Combie Estates HOA  
Lake of the Pines HOA  
Lake of the Pines Ranchos CSD  
PG&E  
Sierra Nevada Group/Sierra Nevada Club  
West Hacienda Road Association  
Wolf Creek Community Alliance  
South County MAC  
Tsi Akim Maidu  
United auburn Indian Community  
Nevada City Rancheria Nisenan Tribe  
Shingle Springs Band of Miwok Indians  
Property Owners Within Plan Area

**Date:** September 23, 2022

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**File Number(s):** PLN22-0190; GPA22-0002; RZN22-0002; ORD22-3; EIS22-0014

**Applicant/Representative:** County of Nevada

**Zoning District:** Various

**General Plan Designation:** Various

**Project Location:** The Greater Higgins Corner Area, an unincorporated community in Western Nevada County.

**Project Description:**

The proposed project is an Area Plan for the Greater Higgins Corner area, with land use regulations focused on the Lake of the Pines Village Center as established by the County of Nevada General Plan, but also extending to the surrounding area to assist in establishing a connection from the Greater Higgins Corner area to the Southern boundary of Nevada County. The project builds upon and overhauls the existing 2000 Higgins Corner Area Plan as a comprehensive Area Plan that is more than just an update to the prior planning policy document. The Area Plan utilizes the 2020 Penn Valley Area Plan as the starting point and template for this Plan. The 2022 Greater Higgins Area Plan (Area Plan) is a focused policy and design document that supplements the Nevada County General Plan and Zoning Ordinance. It serves as the comprehensive land use and zoning plan for the community of the Greater Higgins Corner area and embodies the expressed goals of residents and business owners to help shape the future of their community. The Area Plan will provide objectives and recommendations to guide the area’s future development, access to housing, community character, and recreational opportunities. The Plan focuses on areas where future development can be focused and which may have potential for more-compact residential and commercial development.

The Greater Higgins Area Plan is comprised of the following land use entitlements and discretionary actions:

- **General Plan Text Amendment:** To Adopt the Greater Higgins Area Plan.
- **Zoning Map Amendment:** Parcel rezoning to correspond with the proposed expansion of the Area Plan boundaries to add the Site Performance (SP) Combining District zoning to specific parcels to reflect the applicability of the Area Plan (479-parcels).
- **Zoning Ordinance Amendment:** Amending Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to add a reference to the proposed Greater Higgins Area Plan design guidelines and standards.

**Project Location and Surrounding Land Uses:**

The Greater Higgins Corner area is an unincorporated community in Western Nevada County. The Lake of the Pines Village Center is located across California State Highway 49, twelve miles South of Grass Valley and two miles North of the Nevada-Placer County line (Figure 1).

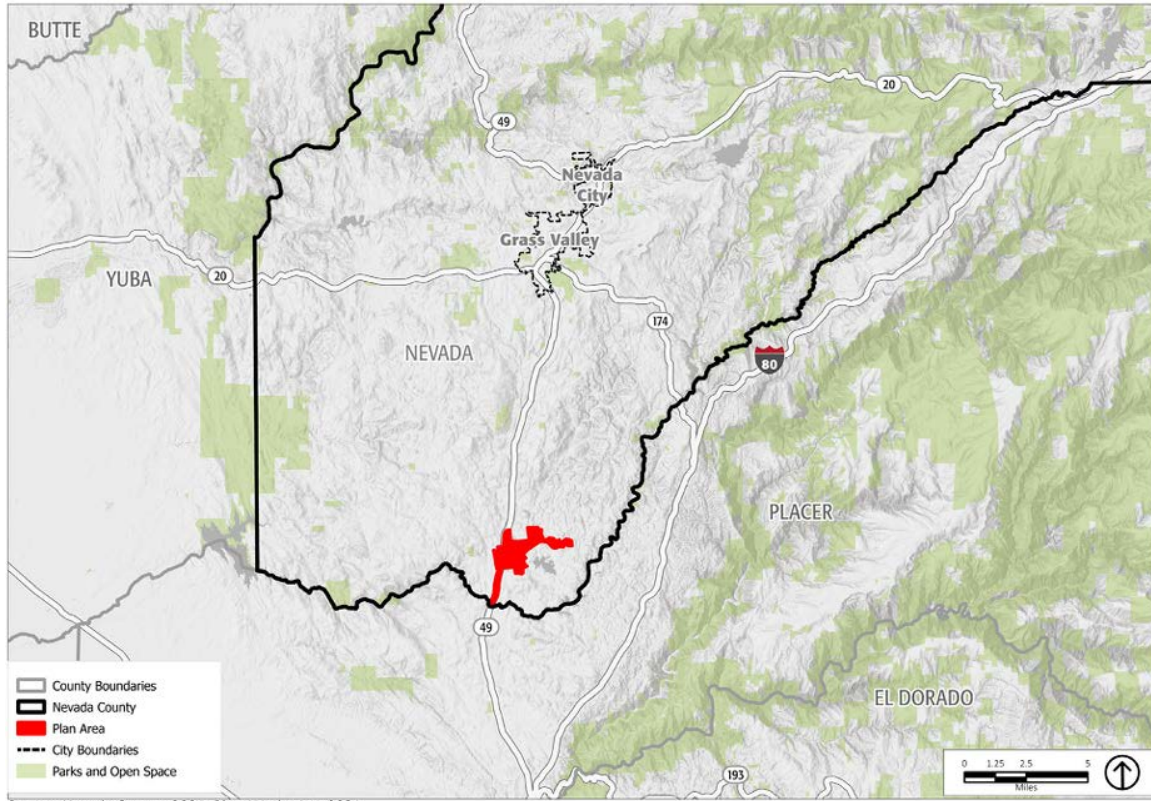


Figure 1: Regional Context Map

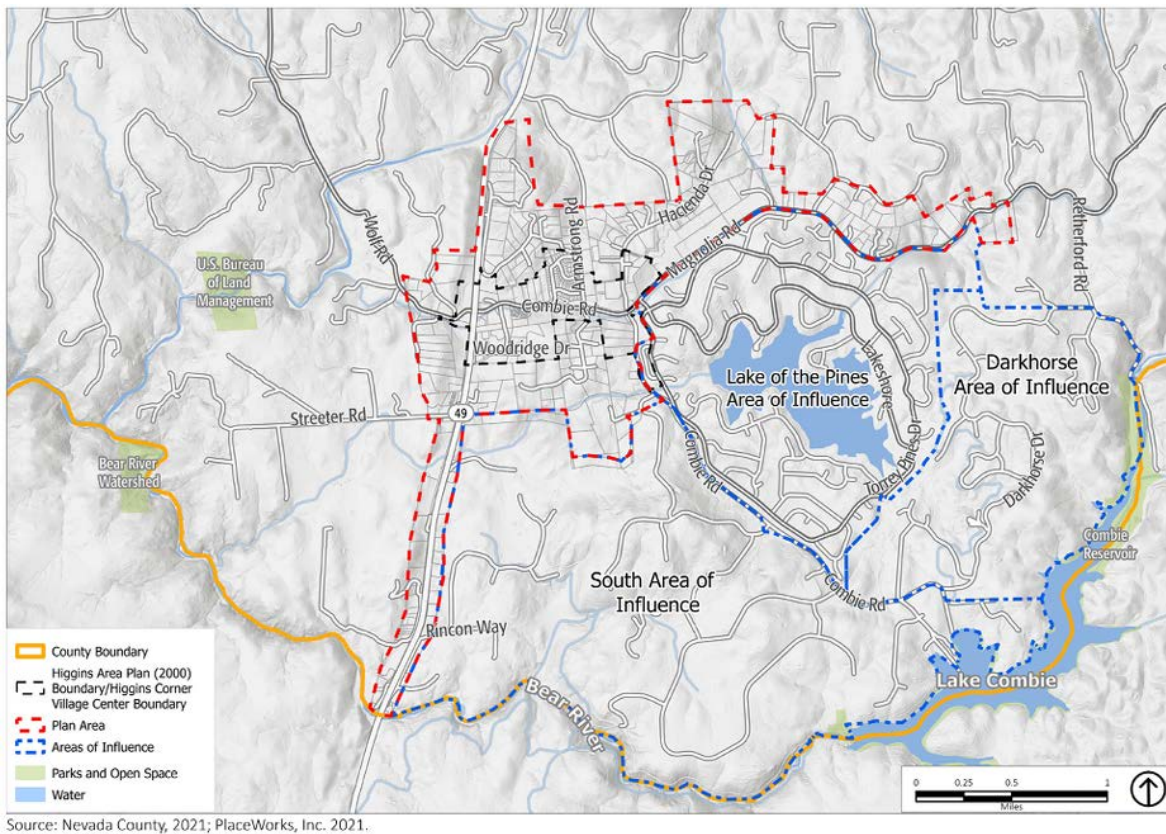


Figure 2: Greater Higgins Plan Area

Most of the Plan Area is located east of Highway 49 (or State Route 49), which is the main route for north/south ingress and egress. Magnolia Road, which turns into Dog Bar Road, also provides north/south access. The Area Plan incorporates a larger area into the Plan boundaries with the intention to guide the area's future development, access to housing, community character, and recreational opportunities. An additional 479-parcels have been added to the Plan boundary (Figure 2). Topography within the Higgins Area varies from gentle-to-moderate slopes along the northern and southern boundaries to sloping and relatively flat terrain along the Combi Road corridor; prominent ridgelines generally parallel Combie Road north and south.

This area is the most visible and commonly frequented area for residents and visitors, as it includes the commercial establishments to the north and south of Combie Road. It includes the major intersection of Combie Road at Highway 49 and extends until the intersection of Combie Road/ Hacienda Road/Magnolia Road. Higgins Corner is located at the intersection of Highway 49/Combie Road and has commercial land uses at every corner of the intersection. Additionally, the Higgins Fire Protection District Station 21 is located at the northeast corner. Higgins Village is a significant commercial shopping center on the south side of Highway 49 and includes a commercial center with CVS as the anchor at the southeast corner. Higgins Marketplace shopping center is located south of Higgins Village with the Holiday Market.

Along Combie Road to the east, there are occasional commercial buildings and a small shopping center (Combie Plaza) along Combie Road, with Armstrong Road serving as its entry drive. There is also a single-family residential community (Cascade Crossing), with 80 homes ranging between 1,500 and 3,000 square feet, within the Plan Area off Combie Road. The area along Combie Road runs south from the intersection of Combie Road/Hacienda Road/Magnolia Road to Timber Ridge Road. It includes the Lake Center, which is an older shopping center on the east side of Combie Road. South of Lake Center, the backs of houses in Lake of the Pines are visible. There is no access to those houses or to Lake of the Pines along south Combie Road. The area continues south to the entrance to Timber Ridge Drive and the entry to the Lake of the Pines Sewage Treatment Plant, which is surrounded by low density residential and rural land.

A 200-foot-wide section on either side of Highway 49 (a County-designated scenic corridor) from the Bear River to Higgins Corner is included in the Plan Area. In this area, Highway 49 is a fast-moving four-lane highway with a center turn lane. Although almost all property bordering the highway is zoned for agricultural land, there are some areas zoned Residential Agriculture and a single parcel for commercial at the southern County border. Visible development is mostly intermittent residential or agricultural buildings along the highway.

**Other Permits Which May Be Necessary:**

This IS/ND is intended to provide a program-level review of the Area Plan. The project also includes adding the Site Performance (SP) combining district to 479-parcels that have been added to the Area Plan boundaries, this action will only recognize the applicability of the Area Plan to these parcels and does not result in environmental impacts. Future project-level environmental review within the Plan boundaries would be based on consistency with the County General Plan, Land Use and Development Code, applicable local, state and federal laws and regulations and the Greater Higgins Area Plan. No specific development projects are proposed at this time or analyzed herein.

All future projects within the Plan boundaries and any parcel affected with the proposed amendments would be subject to project-level environmental review and permitting by Nevada County. Project-level environmental documents would require identification of, and mitigation for any potentially significant environmental impacts.

Other potential permits and/or approvals that may be required for development of the project could include,

but are not limited to, the following:

- County Road Encroachment Permits (Nevada County Department of Public Works)
- Grading and Building Permits (Nevada County Building Department)
- Sewer Connection Permits (Nevada County Department of Public Works, Sanitation Division)
- Septic and Well Permits (Nevada County Department of Environmental Health)
- Water Connection Permits (Nevada Irrigation District)
- Storm Water Pollution Prevention Plan and National Pollutant Discharge Elimination System (Central Valley Regional Water Quality Control Board)
- Dust Control and Operations Permits (Northern Sierra Air Quality Control District)
- Section 1602 Streambed Alteration Agreement and obtaining permits associated with take and loss of habitat for California special status species (CA Department of Fish and Wildlife)
- State Highway Encroachment Permits (California Department of Transportation)
- Biological permits associated with take of federal special-status species (U.S. Fish & Wildlife Services)
- Section 404 permit (U.S. Army Corps of Engineers)

**Relationship to Other Projects:**

The 2022 Greater Higgins Area Plan will supersede the previously adopted 2000 Higgins Corner Area Plan.

**Tribal Consultation:**

On October 7, 2021, the Planning Department sent an invitation to the United Auburn Indian Community of the Auburn Rancheria (UAIC), the Shingle Springs Band of Miwok Indians, the Tsi-Akim Maidu Tribe, and the Nevada City Rancheria Nisenan Tribe to begin AB52 and SB18 consultation for the proposed Area Plan. On November 29, 2022 a Notice of Availability and Notice of Intent to adopt a Negative Declaration was provided to the same entities. The project is a comprehensive update/rewrite of an existing policy document that does not result in physical change to a specific site. Subsequently, cultural surveys and records searches were not conducted for the project but are required for future development projects by the Nevada County Zoning Regulations. This project is only a legislative action that will not result in physical disturbance or negative environmental impacts, the Nevada County Planning Department will continue consultation, will send the California Native American Tribes a Notice of Availability for public review and a Notice of Intent for all future project level environmental documents in the Plan area as required by state law.

**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:**

No mitigation measures are required for this project.

## 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 aesthetic character of the Greater Higgins Corner area (Plan Area) is generally rural with vistas of rolling hills and pasture lands studded with oaks and oak woodlands. Farms and ranches, rural residential to high density residential development and nodes of commercial development make up the developed environment of the Plan Area. In 2000, the Nevada County Board of Supervisors adopted an Area Plan for the Higgins Corner/Lake of the Pines Village Center that included a robust set of design guidelines. These design guidelines have influenced the aesthetic character of commercial, industrial and multi-family development within the Village Center and surrounding environs for 20 years.

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-d. The Area Plan carries forward the 2000 Higgins Corner Area Plan design guidelines with a few additions based on community input, including the development of multifamily design guidelines. As a result of the expanding boundaries, the Plan incorporates the surrounding area and will influence future discretionary development to allow the Greater Higgins community to flourish while retaining its unique, rural, small-town character and natural landscape and views. The Plan’s design guidelines augment the Western Nevada County Design Guidelines that apply to the Plan Area. The primary goal of the Plan is to retain the rural, small-town character of the Greater Higgins area, while serving the basic needs of the surrounding community and providing a gateway to those entering western County of Nevada. As it develops, the Plan Area will continue to function as the crossroads of southwestern county and as a gateway to the county from the Sacramento Valley. Several specific polices of the Area Plan are intended to ensure future development is consistent with the existing community rural character and complement the community setting. These policies including Land Use Policy LU-1.1- preserve the existing rural setting, LU-3.1 complement the community setting, and ED-2.9 - improve the visitor experience by creating attractive and inviting community gateways. The proposed Area Plan is the adoption of a policy document intended to guide future development within the region. It is not applied retroactively nor is it a capital improvement plan that will make any immediate changes to the aesthetic character of the area.

The project also includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in aesthetic impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

The adoption of the proposed Area Plan will not grant any entitlements for development projects, and all future development projects will require site/project-specific environmental review at the time of project submittal, including design review for consistency with the Area Plan. The adoption of the Area Plan will not have any effects on scenic vistas, scenic resources, or visual character, and it will not create new sources of light or glare that would affect views in the area; therefore, *no impact* would result from the adoption of the Area Plan.

**Mitigation:**

None Required.



2. AGRICULTURAL/FORESTRY RESOURCES

**Existing Setting:**

Important farmlands are scattered throughout western Nevada County however much of the Plan Area is defined as Urban and Built Up Land and Other Land not suitable for agricultural development. A few small areas of Farmlands of Local Importance fall nearby the Plan boundaries on either side of State Highway 49 south of the Village Center. In addition, there are vast areas mapped as Grazing Lands throughout the South County region. A 200-foot-wide section on either side of Highway 49 (a County-designated scenic corridor) from the Bear River to Higgins Corner is included in the Plan Area with a General Agriculture (AG) zoning designation with a corresponding Rural (RUR) General Plan Land Use designation. These parcels include developed and undeveloped lands that are rural residential in nature complimented by agricultural and grazing uses. There are no areas mapped or designated as forest lands within the Plan boundaries.

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-e. The Nevada County Land Use and Development Code Chapter II Section L-II 4.3.4 and General Plan Chapter 16 provide regulations and standards for the protection of agricultural resources and important farmlands. The adoption of the Area Plan will not result in impacts to Important Farmlands (Prime, Unique, Statewide or Local Important Farmlands), nor will it conflict with existing zoning or result in the conversion of agricultural, timberland, timberland uses, or a Williamson Act contract. The proposed Area Plan consists only of text amendments to a policy document, which is intended to guide development within the Plan Area. The themes of the Area Plan focus on the rural nature of the area to allow the Greater Higgins community to flourish while retaining its unique, rural, small-town character and natural landscape and views. Several policies of the Plan, primarily within the Land Use Chapter and Economic Development Chapter are focused on maintain the areas rural beauty and agricultural roots. These policies include but are not limited to LU-1.1-preserve the rural setting; ED-1.2- capitalize on the rural and agricultural charger of the

area by focusing economic development or growing business in agriculture, agricultural technology and agritourism; ED-2.3 encourages a western theme in development consistent with the existing build environment. No physical construction or changes to the existing land uses would result from the Area Plan. Any future development projects would require a site/project-specific environmental review and approval.

The project also includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County's practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in aesthetic impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

The adoption of the proposed Area Plan will not grant any entitlements for development projects, and all future development projects will require site/project-specific environmental review at the time of project submittal, including design review for consistency with the Area Plan. The adoption of the Area Plan will not have any effects on agriculture or forestry resources; therefore, *no impact* would result from the adoption of the Area Plan.

**Mitigation:**

None Required.

**3. AIR QUALITY**

**Existing Setting:**

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

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

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

include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

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

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

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

For particulate matter, ambient air quality standards have been established for both PM10 and PM2.5. California has standards for average PM10 concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m3, respectively. (The notation “µg/m3” means micrograms of pollutant per cubic meter of ambient air.) For PM2.5, California only has a standard for average PM2.5 concentrations over a year, set at 12 µg/m3, with no 24-hour-average standard.

Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM10 standards. Particulate-matter is identified by the maximum particle size in microns as either PM2.5 or PM10. PM2.5, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

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 Plan Area is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2022).

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-d. The General Plan contains an Air Quality Element (Chapter 14), which establishes specific goals, objectives and policies related to air quality in Nevada County. No amendments are currently proposed to the Air Quality Element. The project also includes adding the Site Performance (SP) zoning combining district to 479- parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in aesthetic impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

The adoption of the proposed Area Plan will not grant any entitlements for development projects, and all future development projects will require site/project-specific environmental review at the time of project submittal, including design review for consistency with the Area Plan. The adoption of the Area Plan will not result in impacts to air quality in Nevada County as the project does not issue any development entitlements that would result in air quality impacts. The proposed Area Plan consists only of text amendments to a policy document, which is intended to guide development within the Plan area. The Area Plan does not revise, replace or attempt to supersede any existing air quality standards or plans adopted by the County, State, or Federal government. The text amendment does not include any physical construction or changes that would contribute to a cumulative increase of pollutants, or that would impact sensitive receptors. Any future development or projects would require a site/project-specific environmental review and approval. Due to there being no physical changes, the Area Plan would not have an impact on emissions, and it would not generate ash or dust; therefore, there would be *no impact* to air quality from the adoption of the Area Plan.

**Mitigation:**

None Required.

4. BIOLOGICAL RESOURCES

**Existing Setting:**

The Plan Area contains a wide range of plants, animals, and habitat types. The treasured oak studded landscape that is prevalent in the Plan Area hosts an incredible array of wildlife habitat, including creeks and ponds, wetlands and vast areas of open grasslands woven into areas of landmark oak groves and woodlands. The region boasts some of the most significantly sized landmark or heritage oak trees in Western Nevada County. The primary water feature in the Plan Area is Ragsdale Creek which runs generally in an east/west orientation through the Village Core. Lake of the Pines, while manmade, provides a large water body in the area for recreation (to residents of Lake of the Pines and their guests), but also habitat value for migratory birds and other aquatic species.

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-f. The General Plan contains a Wildlife and Vegetation Element (Chapter 13), which establishes specific goals, objectives and policies related to sensitive biological resources in Nevada County. No amendments are being proposed to the Wildlife and Vegetation Element, or to any other ordinances regarding the protection of biological resources. In addition, the County’s Zoning Regulations provide resource protection standards to address impacts to sensitive plant and animal species and their habitats. The Area Plan does not change the applicability of these requirements.

The proposed Area Plan is a policy document, which are intended to guide development within this area of the County.

The project includes adding the Site Performance (SP) zoning combining district to 479- parcels that have been added to the Area Plan boundaries as a result of community input. It is the County's practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in aesthetic impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

The adoption of the proposed Area Plan will not grant any entitlements for development projects, and all future development projects will require site/project-specific environmental review at the time of project submittal, including design review for consistency with the Area Plan. The adoption of the Area Plan will not result in impacts to biological resources in Nevada County as the project does not issue any development entitlements that would result in biological resource impacts. The proposed Area Plan consists only of text amendments to a policy document, which is intended to guide development within the Plan area. The Area Plan does not revise, replace or attempt to supersede any existing biological resource standards or plans adopted by the County, State, or Federal government. Due to there being no physical changes, the Area Plan would not have an impact on sensitive habitats, wetlands, or other biological resources and therefore there would be *no impact* to these resources from the adoption of the Area Plan.

**Mitigation:**

None Required.

**5. CULTURAL RESOURCES**

**Existing Setting:**

The Greater Higgins area was occupied during the pre-European period by the southern Maidu, or Nisenan Tribe, who resided in permanent winter villages and occupied the drainages of the southern Feather River and Honcut Creek in the north, through Bear River and the Yuba and American River drainages in the south. In 1848, gold was discovered at Sutter's Mill in Coloma which led to tens of thousands of Euroamerican immigrant gold seekers descending into the homelands of the Nisenan Tribe, displacing the Tribe and its members.

Non-native American use of the region began in earnest with the discovery of placer deposits in Wolf Creek in 1848. The Greater Higgins area appears to have been largely bypassed by the intensive mining that occurred on the Bear River to the south and near Grass Valley to the north. Historic use of the area centered on animal husbandry, homesteading, and ranching, lasting well into the twentieth century. The Greater Higgins area community retained its rural and agricultural identity until development of Lake of the Pines (LOP) began in 1966. This large residential subdivision served as the starting point for a shift to the community's current suburban character.

The locale of Higgins Corner itself was acquired by Mr. M.J. Higgins in the 1860s. Mr. Higgins was born in Ireland in 1833. He came to California in search of gold, settling in Nevada County in 1860 to raise cattle on a 160-acre ranch near this area with his wife Mary Driscoll and his four daughters and two sons. He acquired approximately 400 acres at this location, which includes what is now the intersection of Highway 49 and Wolf Road. This area was gradually developed for commercial use and included construction of a residence and barn southwest of the intersection. Mr. Higgins passed away at age 80 in 1913. Subsequent land transactions involving the Higgins property were conducted primarily by his son, William, who had earlier expanded the commercial operations to include a blacksmith’s shop and a gas station.

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 adoption of the proposed Area Plan would not impact cultural resources, and there are no changes being proposed to the Chapter 19 of the General Plan, which establishes policies for Cultural Resources. Chapter 6 of the Area Plan: Historic, Cultural and Natural Resources include goals and policies intended to protect and preserve the areas cultural resources and are supported by Goal RP-2 which recommends protection of sensitive cultural and historic resources in the area. Pursuant to Nevada County Land Use and Development Code as well as the Nevada General Plan, all applicable projects require an applicant to initiate a North Central Information Center (NCIC) records search to provide the most current information about the sensitivity of a particular parcel to contain cultural resources and to assess the need for a cultural resource study. As part of the review by NCIC, a recommendation will be made as to the determination if a Cultural Resource Study is required based on if there are known cultural, historical or traditional resources within the project area. If the NCIC recommendation determines that a cultural resource is recommended then a qualified professional will be required to submit an archeological survey that will review site-specific cultural resources and the proposed project’s impact to those resources, if present.

The project includes adding the Site Performance (SP) zoning combining district to 479- parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in cultural resources impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000



Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy document and a legislative action would have *no impact* on cultural resources.

**Mitigation:**

None Required.

6. ENERGY

**Existing Setting:**

Electricity is provided by Pacific Gas & Electric Company (PG&E) in the Greater Higgins area. Electrical service is primarily transmitted over existing overhead lines along collector and local streets. Propane is supplied by multiple providers.

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 adoption of the proposed Area Plan would not result in an impact to energy resources. The Plan does not increase residential density or create new areas for commercial or industrial growth. The Plan does incorporate areas with the potential for development into the Plan area, but these areas are already designated for specific land uses by the Nevada County General Plan and Zoning Regulations. The Plan does not change the existing Land Use Map Designations, nor does it change the allowed or permitted uses within those zones as allowed for by the Nevada County Zoning Regulations. The Area Plan is strictly a policy document and does not provide entitlements to any specific land use projects. The Area Plan does not propose any changes to plans or policies for energy efficiency or renewable energy. Any future development or projects would be subject to an environmental review, which will analyze energy impacts. All future development would also be subject to the California Energy Code (Title 24) requirements. Therefore, the Area Plan would have *no impact* on energy resources, or to state or local plans for renewable energy or energy efficiency.

**Mitigation:**

None required.

7. GEOLOGY / SOILS

**Existing Setting:**

At approximately 1,500 feet above mean sea level, the Greater Higgins area is located on the western edge of the foothills of the Sierra Nevada Mountains, a geologic block approximately 400 miles long and 80

miles wide which extends in a north-south band along the eastern portion of California. The Greater Higgins area is comprised of rolling foothills with areas of valleys.

The geologic substructure of the Greater Higgins area is indicative of the Western Foothill broad group, which are reflected in the surface soils. This area, extending from the Yuba County border to just northeast of the Grass Valley/Nevada City area, is generally comprised of metavolcanic and granitic formations. According to the Nevada County Soil Survey there are a wide variety of soils types in the Plan Boundary. In general, the Greater Higgins area soils are variable; the soil permeability ranges from very slow to very rapid, and the erosion hazard ranges from light to very high. The soil erosion hazard ratings of moderate to high are typically associated with slopes that are fifteen percent (15%) or greater.

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-f. The Greater Higgins Area Plan is strictly a policy document that applies to future growth in the Plan Area. It will not result in any physical changes or ground disturbance as it does not issue any specific development entitlements. Potential geological hazards, including avalanches, landslides, debris, mud flows, earthquakes, and subsidence are addressed in the General Plan Safety Element. The Area Plan does not propose any changes or relax any building codes or standards for any future construction. All future development projects would be reviewed on a project-by-project

basis for geological hazards. Geological and seismic hazards will be analyzed in the site-specific environmental review for future development projects and will be required to meet all local and State building codes.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County's practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result impacts to geology or soils in the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy document and a legislative action would have *no impact* on geology or soil resources.

**Mitigation:**

None Required.

**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. Adoption of the Greater Higgins Area Plan would not result in impacts to greenhouse gas emissions in Nevada County. The Area Plan is strictly to a policy document that does not provide entitlements to any specific land use projects. The Area Plan does not revise, replace or attempt to supersede any existing greenhouse gas emission standards adopted by the County, the Northern Sierra Air Quality Management District or the State of California. The Plan strongly encourages the development of alternative modes of non-motorized transportation through its goals and policies including several policies found in the Public Services and Infrastructure Chapter and the Recreation and Trails Chapter. The County General Plan Air Quality Element provides policies to reduce air quality impacts (Chapter 14) and the County’s Safety Element of the General Plan (Chapter 10) provided goals and policies for climate change resiliency. The Area Plan does not change the applicability of these policies in the Plan area. Individual future development proposals will be subject to project-specific environmental review to ensure that the project will follow local and regional standards and procedures for minimizing short-term and long-term impacts related to increases in greenhouse gas emissions.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in air quality impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy document and a legislative action would have *no impact* from greenhouse gas emissions.

**Mitigation:**

None Required.

9. HAZARDS/HAZARDOUS MATERIALS

**Existing Setting:**

The interface of the natural and manmade environments creates potential safety hazards associated with avalanches, landslides, earthquakes, floods, and wildfires. Other potential safety hazards, such as airport operations and transportation of hazardous materials, arise from the potential for accidents during the transport of goods and people. Each of these hazards has characteristics that affect the future development of the County. Some of these safety hazards can be minimized with emergency planning, while other hazards are reduced by development standards and land use planning. Hazards in the Plan boundary include but are not limited to primarily wildfire and flooding along the area’s waterways.

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-g. Adoption of the Area Plan would not result in an impact to, or the creation of, potential hazards or hazardous materials for the residents and visitors to the Plan Area or to the environment. The Nevada County General Plan Safety Element identifies and discusses hazards in Nevada County, with the intent to create goals, policies and programs that would reduce short-term and long-term damage and injuries from natural and human-caused safety hazards. The Safety Element provides and/or references current data associated with each hazard and incorporates the Local Hazard Mitigation Plan (LHMP), which is an implementing tool of the County’s Safety Element.

Properties and development within the Plan boundary are subject to these regulatory documents and this Area Plan does not result in any amendments to these documents. The Plan includes policies in support of the Higgins Fire Protection District, who provide emergency services and fire protection for the region. Future projects will be reviewed on a project-by-project basis for hazards and hazardous materials by the Higgins Fire Protection District, the Office of the Nevada County Fire Marshal, the Nevada County Department of Environmental Health and other applicable state and federal regulatory agencies, such as the State Department of Toxic Substances and Control. Any future projects will undergo a project-specific environmental review to ensure that the project will follow local and state requirements for hazardous materials, and to address significant hazards to the public or the environment.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in hazards or hazardous materials impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy document and a legislative action would have *no impact* due to hazards or hazardous materials.

**Mitigation:**

None Required.

**10. HYDROLOGY / WATER QUALITY**

**Existing Setting:**

The Plan Area is located within the watershed the Bear River. Traversing in a general east-to-west direction through the Plan boundary is Ragsdale Creek which feeds Wolf Creek which, in turn feeds the Bear River. Many natural and man-made ponds dot the landscape and located within the Plan Area are areas of seasonal and perennial wetlands.

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-e. The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in hydrology or water quality impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

Adoption of the Area Plan would not result in an impact to hydrology and water quality. The General Plan contains a Water Element (Chapter 11), which establishes specific goals, objectives and policies related to water resources in Nevada County, and no amendments are being proposed to the Water Element. The County Land Use and Development Code provides for protection of water resources including watercourse, wetlands and riparian areas (LUDC Sec. L-II 4.3.18) and to reduce impacts to floodplains (LUDC Sec. L-II 4.3.10 and Chapter XII Floodplain Management Regulations). The Area Plan is a document that contains goals and policies to guide land use decisions that relies upon existing regulations, laws and standards to reduce impacts to water quality and hydrology. The Plan does not propose to amend any water quality control plans or sustainable groundwater management plans. The Area Plan does not involve any physical changes or impacts to water quality, groundwater or drainage patterns. In addition, the Plan includes



specific goals and policies intended to protect water quality and minimize the impact of future develop on natural aquatic resources in the Plan Area. Any future development projects would require a site-specific environmental review and would be reviewed for impacts to hydrology and water quality. Therefore, the Area Plan would have **no impact** on hydrology/water quality.

**Mitigation:**

None Required.

11. LAND USE / PLANNING

**Existing Setting:**

All lands within the Area Plan boundaries are assigned to a general land use category. Thirteen separate land use designations are Area Plan Boundary, and each designation is intended to serve a specific purpose, has a defined land use theme, permits specific land uses, and has specific development standards. The individual land use categories are implemented through an associated Zoning District which are intended to be consistent and compatible with a land use designation. In total there are 479 parcels within the Plan Area with twelve separate base zoning designations and three combining districts. The properties within the Plan boundaries are primarily developed, but some are vacant and have the potential to support future growth as outlined in the Area Plan.

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-b. The General Plan contains a Land Use Element (Chapter 1), which establishes specific goals, objectives and policies related to land use planning and community development in Nevada County. As part of this Area Plan, there are no amendments being proposed to the Land Use Element of the General Plan. The Area Plan serves as the comprehensive land use and zoning plan for the Plan Area and community of the greater Higgins Corner. It embodies the expressed goals of residents, business owners, and elected officials and establishes concrete and achievable actions. The Area Plan provides long-term guidance that is intended to retain the rural, small-town character of the Greater Higgins area, while serving the basic needs of the surrounding community and providing a gateway to those entering southern Nevada County.

The Area Plan is designed to meet State of California requirements for specific plans and to facilitate the implementation of development goals and policies by establishing zoning districts, standards and criteria for development, and to set the distribution, location and extent of planned land uses consistent with the adopted Nevada County General Plan. The authority for preparing Area Plans is founded in California Government Code §65301(b) which allows the general plan to be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area, and in Government Code §65303 which allows the general plan to include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county. Local authority is founded in the goals and

policies of the Nevada County General Plan. The existing 2000 Higgins Corner Area Plan has outlived its lifespan and as a result the Greater Higgins Area Plan was prepared at the direction of the County Board of Supervisors. The Plan utilized the 2000 Higgins Corner Area Plan and the Board of Supervisors adopted 2020 Penn Valley Area Plan as the starting point, formatting template and guide for the Greater Higgins Area Plan.

The adoption of the Area Plan will not have any physical changes or environmental impacts on a community as it does not issue entitlements for specific development that could impact the physical environment. Further, it would not conflict with land use plans, policies or regulations as it has been prepared to be consistent with existing plans and regulations. Any future development projects would require a site-specific environmental review and would be reviewed on a project-by-project basis for impacts to land use and consistency with land use plans, policies, and regulations, including the Area Plan. The Plan is an update and expansion to County of Nevada’s 2000 Higgins Area Plan, building upon and superseding the 2000 Plan and augmenting the countywide General Plan. This Area Plan identifies community goals related to different topics such as land use, circulation, and economic development that will be used to help implement private and public projects and programs within the Plan Area to address those needs.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in land use or planning impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Therefore, the Area Plan would have *no impact* on physically dividing a community or causing a significant environmental impact due to conflicts with land use plans, policies or regulations.

**Mitigation:**

None required.

12. MINERAL RESOURCES

**Existing Setting:**

The Plan 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
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**Impact Discussion:**

12a-b. The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in mineral resource impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified.

The General Plan contains a Mineral Management Element (Chapter 17), which establishes specific goals, objectives and policies related to mineral resources in Nevada County. There are no amendments being proposed to the Mineral Management Element of the General Plan as a part of this Area Plan update. Adoption of the Area Plan would not result in an impact to mineral resources. Any future development project would be assessed for potential impacts to mineral resources at the site where the project is being proposed, and it would be under the California Environmental Quality Act (CEQA) Guidelines. The proposed Area Plan does not revise, replace or attempt to supersede any existing mineral resource protection standards adopted by the County or the State of California. Therefore, the Area Plan would have *no impact* on mineral resources.

**Mitigation:**

None required.

13. NOISE

**Existing Setting:**

The General Plan and Land Use and Development Code have established maximum allowable noise levels for land use projects and encourages future sensitive land uses to be located in areas where noise generation is limited. Given the rural character of the area, the ambient noise level is quite low. Daytime ambient noise levels are typical of rural and low-density residential areas. Significant noise sources in the Plan Area include traffic on major roadways, primarily from State Highway 49, and localized noise sources related to commercial, agricultural, and residential uses.

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

**Impact Discussion:**

13a-c. The General Plan contains a Noise Element (Chapter 9), which establishes specific goals, objectives and policies related to noise in Nevada County and the County Land Use and Development Code Sec. L-II 4.1.7 Noise provides exterior noise level limits and standards for discretionary development to minimize impacts as a result of that development. There are no amendments being proposed to the Noise Element of the General Plan, and there are no amendments to the noise standards that are identified in the Land Use and Development Code. Future development will remain subject to these standards. The Area Plan is strictly a policy document that addresses future development in the Greater Higgins Corner area, focused on allowing for future development while maintaining the rural nature of the area.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in noise impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. The adoption of the proposed Area Plan would not result in the generation of any noise or violate any applicable noise standards. Any future development projects would require a site-specific environmental review and would be reviewed on a project-by-project basis for impacts to noise levels or excessive ground borne vibrations. Due to the Area Plan being a policy document that would not change or conflict with noise standards, and there being no physical changes or development from the Area Plan, there would be *no impact* on noise levels or ground borne vibrations.

**Mitigation:**

None Required.

14. POPULATION / HOUSING

**Existing Setting:**

which 1,106 are single-family units and five are multi-family units, as identified by the County’s GIS assessor parcel data.

The total number of housing units in the Unincorporated County in 2018 included 29,464 single-family units, 435 multi-family units, and 2,283 mobile homes. The Plan Area contains a portion of these mobilehomes as there is a mobilehome community called the Lake Combie Mobile Home Village on the south side of Combie Road. Between 2009 and 2018, the Unincorporated County’s housing stock increased by an additional 957 single-family homes, 115 multi-family dwelling units, and 157 mobile homes. The Unincorporated County is made up of primarily of owners, totaling 21,910 owners and only 5,213 renters. The State’s Department of Housing and Community Development’s (HCD) regional housing needs assessment projected the housing needs in Unincorporated Nevada County for the years 2019-2027 as follows: 475 very-low-income units, 367 low-income units, 346 moderate- income units, and 874 above-moderate-income units.

Although there are no designated affordable housing sites within the Plan Area, the Plan Area contains several parcels within the Regional Housing Need Combining District (RH), which are sites designated for development at 16 to 20 units minimum per acre in order to meet the requirements of the RHNA. Additionally, the approved Rincon Del Rio project will provide 345 units of senior housing within the Plan’s Areas of Influence and this new development’s residents could help support new commercial, mixed use, and office development within the Plan Area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓	A,17,18
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A,17,18

**Impact Discussion:**

14a-b. The General Plan contains a Housing Element (Chapter 8) that lists goals, policies and programs that are focused on maintaining and improving the existing housing stock, and the Housing Element provides guidance to assist in minimizing potential environmental impacts of population growth. No amendments to the Housing Element are included as part of this project or through the adoption of the Area Plan. The proposed Area Plan is strictly a policy document, intended to guide development within Plan Area. Policies of the Area Plan are intended to help support the future development of quality housing in the Plan Area that can serve all factions of the community. The Plan does not increase the residential density or development potential of the area and does not provide for upgrades to infrastructure that could be considered growth including. The project will not establish any new housing, nor will it displace people or housing requiring replacement elsewhere. The Plan only identifies growth potential of residential properties that are based on existing and longstanding General Plan Land Use and Zoning densities. The adoption of the proposed Area Plan will not grant any entitlements for development projects and any future

development project would be subject to CEQA analysis and a site-specific review including for consistent with specific policies of the County Housing Element and this Area Plan.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in housing or population impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Due to the Area Plan being a policy document that would not change or conflict with noise standards, and there being no physical changes or development from the Area Plan, there would be *no impact* on housing or population.

**Mitigation:**

None required.

**15. PUBLIC SERVICES**

**Existing Setting:**

Public services within the Plan Area are provided by the County of Nevada, state and federal agencies, and numerous special districts, including the Higgins Fire Protection District, Pleasant Ridge Union School District, Nevada Joint Union High School District, Bear River Recreation and Park District, and the Nevada Irrigation District. Properties within the outlying areas are severed by private wells and septic systems.

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

**Impact Discussion:**

15a. The General Plan contains a Public Facilities and Services Element (Chapter 3), which establishes specific goals, objectives and policies related to public services in Nevada County. No amendments are currently proposed to the Public Facilities and Services Element of the General Plan; however, the Area Plan includes a Public Services and Infrastructure Chapter that documents the public services available in the area and provides goals and policies in support of providing for future build out within the Plan area. The Area Plan itself is a policy document that does not propose any physical changes, new facilities, or changes to existing facilities or services in the region. It maintains General Plan densities and designations with a few very minor changes to bring the properties into compliance with the existing and planned use.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County's practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in public services impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Due to the Area Plan being a policy document that would not change or conflict with noise standards, and there being no physical changes or development from the Area Plan, there would be *no impact* on public services.

**Mitigation Measures:**

None required.

16. RECREATION

**Existing Setting:**

The Plan Area lies entirely within the boundaries of the Bear River Recreation and Park District (BRRPD), which provides recreation programs, facilities, and park areas for the residents of Nevada County. This District encompasses 120 square miles and residents from Lake of the Pines and Alta Sierra west to the Yuba County line.

The Magnolia Sports Complex and one baseball field are maintained by BRRPD. The Gary D. Clarke Turf Field is a BRRPD facility located within the Plan Area at the Magnolia Sports Complex, which is part of the Magnolia Intermediate School along Magnolia Road. These facilities are situated on a 6-acre parcel owned by Pleasant Ridge Elementary School District. This multi-use athletic field is available by rental and can be used for soccer, lacrosse, softball, and more.

More recently, BRRPD donated 1.23 acres of open space land (Higgins Pond Preserve) at the corner of Combie Road and Armstrong Road to the Bear Yuba Land Trust (BYLT). The land was previously donated by the developer of the Cascade Crossing residential subdivision to BRRPD as part of the subdivision mitigation. The preserve includes the Ragsdale Creek riparian corridor, a pond, and an open space buffer. It is considered sensitive habitat and is used by native foothill yellow-legged frogs, warm water fish, mallards, Canada geese, black phoebe and belted kingfisher, a beaver, and Western pond turtles. There is



also a small neighborhood park north of Higgins Pond Preserve called Dr. Ralph Schaffarzick Park, which is owned and maintained by BRRPD. Both park and open space are accessible to the public.

The BRRPD is the only Recreation and Park District that does not charge/receive parcel charge fees so there is no ongoing revenue available to construct, operate, or maintain parks. Given this constraint, the creation of additional park space needs to be implemented using other sources of funding, such as grants or private funding. Another option would be to implement a parcel charge to create a source of funding.

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 General Plan contains a Recreation Element (Chapter 5) which establishes specific goals, objectives and policies related to recreational uses and facilities in Nevada County. No amendments are currently proposed to the Recreation Element of the General Plan as a part of this Area Plan project. Adoption of the Area Plan would have a positive impact to recreational resources in the Plan Area. The Area Plan strongly encourages the development of a nonmotorized trail to connect commercial and residential land uses and supports other trail improvements in the area. It’s goals and policies within the Recreation Chapter are intended to further support Bear River Recreation and Park District in its mission. The Area Plan is strictly a policy document and does not provide entitlements to any specific land use projects. All future development would be subject to the County’s Recreation Mitigation Fee, which will assist in minimizing potential impacts. This fee will be applied at the appropriate timeframe when the project is being built. Additionally, all future projects will be subject to site-specific environmental review and must comply with all applicable County policies and regulations, including those contained with the Area Plan regarding recreational services.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in recreational resource impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Due to the Area Plan being a policy document that

would not change or conflict with noise standards, and there being no physical changes or development from the Area Plan, there would be **no impact** on recreational resources.

**Mitigation:**

None required.

**17. TRANSPORTATION**

**Existing Setting:**

The existing vehicular network in the Plan Area includes principal arterials, minor arterials, minor collectors, and local roads. There are four major streets within the Plan Area: Highway 49, Wolf Road west of Highway 49, Combie Road east of Highway 49, and Magnolia Road east of Combie Road. Highway 49 bisects the Plan Area from south to north and provides regional access to the Plan Area via the signalized intersection at Combie Road / Wolf Road as well as from other local roads without signals. Most local roads within the Plan Area have dead-ends and do not connect to any other major streets.

Nevada County Connects, formerly known as Gold Country Stage, is the primary provider of bus transit services in the Western Nevada County region. Nevada County Connects operates one bus line in the Plan Area: Route 5, which travels between Tinloy Street Transit Center in Grass Valley in North County to the Auburn Amtrak Station in Placer County via Highway 49 and serves as the regional route for the Plan Area. These buses also accommodate bicycles. Route 5 is a limited service commuter route that provides northbound and southbound transit service along Highway 49 with stops along Highway 49 and off Combie Road.

There are only two existing public sidewalk segments in the Plan Area, both located in the western region, between Combie Road and Highway 49. The Higgins Road segment starts at the intersection of Combie Road and Higgins Road, ending at Woodridge Drive. The Combie Road segment starts the Magnolia Road and Combie Road intersection and continues south along Combie Road for about a half mile.

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 adoption of the proposed Area Plan would not result in potential impacts to transportation and circulation. Traffic and circulation specific goals and policies are integrated into the Circulation Element (Chapter 4) of the County’s General to ensure that local traffic impacts are mitigated to

less than significant levels. In addition, Chapter 4. Public Services and Infrastructure and Chapter 5. Recreation and Trails include goals policies that address circulation and transportation in the Plan Area, with emphasis on providing non-motorized trails and paths to encourage less dependence on vehicles and safety for the pedestrian. The proposed Area Plan does not provide any specific development entitlements, nor does it increase residential densities or intensify commercial/ industrial uses. The Plan retains existing General Plan and Zoning designations throughout the Plan area, with the two minor changes. Any future projects would be subject a review of transportation impacts, including providing an analysis of project specific Vehicle Miles Travelled as required by SB743. For projects that exceed thresholds for peak hour trips, the County's Traffic Study Guidelines will require that a traffic analysis is prepared, and project impacts are mitigated appropriately. The traffic analysis would be reviewed for compliance with County codes and future projects will be subject to project level review as required by the California Environmental Quality Act.

The project includes adding the Site Performance (SP) zoning combining district to 479-parcels that have been added to the Area Plan boundaries as a result of community input. It is the County's practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combining district will not result in any physical disturbance that could be foreseen to result in transportation impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Due to the Area Plan being a policy document that would not change or conflict with noise standards, and there being no physical changes or development from the Area Plan, there would be *no impact* on transportation as a result of adopting the Area Plan.

**Mitigation:**

None required.

**18. TRIBAL CULTURAL RESOURCES**

**Existing Setting:**

The Greater Higgins area was occupied during the pre-European period by the southern Maidu, or Nisenan Tribe, who resided in permanent winter villages and occupied the drainages of the southern Feather River and Honcut Creek in the north, through Bear River and the Yuba and American River drainages in the south. In 1848, gold was discovered at Sutter's Mill in Coloma which led to tens of thousands of Euro-American immigrant gold seekers descending into the homelands of the Nisenan Tribe, displacing the Tribe and its members. On July 18, 1851, representatives of the United States and the Nisenan Tribe signed the Camp Union Treaty agreeing to the ceding of certain Nisenan tribal lands, in exchange for safety and reservation land located in western Nevada County. Unfortunately, because the treaty was never ratified by the United States Senate, the Nisenan was left without land and protection.

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 Plan Area is within ancestral lands.

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

In December 2020, the Nevada County Board of Supervisors adopted a resolution to support the federal recognition of the Nisenan, acknowledging the Nevada City Rancheria Nisenan Tribe's continuous existence as an indigenous tribe in Nevada County; its historical, cultural, and continued significance and importance of the Nevada City Rancheria Nisenan Tribe; and its contributions to the land, community, culture, and history of Nevada County and California.

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

**Impact Discussion:**

18a. The Cultural Resources Chapter (Chapter 19) and Nevada County Land Use and Development Code Sec. L-4.3.6, along with many state and federal laws, provide for the protection of Tribal Cultural Resources. The Area Plan only furthers the goals of the General Plan and does not conflict or propose to amend any applicable laws or regulations. The adoption of the proposed Area Plan, itself, will not impact Tribal Cultural Resources. The Plan is a policy document that does not

change any land uses in the Plan area with two minor changes to bring properties into compliance with their existing, long-term and planned use. The Plan recognizes the importance that cultural history has on the region. It includes goals and policies that emphasize protection of existing cultural sites and features with the goal of protecting significant cultural and historical resources to the maximum extent possible. Any future development project submittal will be reviewed for impacts to Tribal Cultural Resources. These projects would also require future consultation of traditionally and culturally affiliated California Native American tribes on a project-specific basis. Additionally, future projects will be reviewed for compliance with the California Environmental Quality Act, and; any potential impacts will be mitigated accordingly consistent with local, state and federal laws. Therefore, the Area Plan would have *no impact* on tribal cultural resources.

**Mitigation:**

None Required.

**19. UTILITIES / SERVICE SYSTEMS**

**Existing Setting:**

Public utilities serving Nevada County include the Pacific Gas & Electric Company for natural gas and electricity. Propane is a common fuel source used in Nevada County by individual homes and businesses. Many parcels rely on individual septic systems for sewage disposal and individual wells for water.

The Nevada County Department of Public Works oversees County Sanitation District No. 1, which provides sanitation services including collection, treatment, and disposal for ten zones throughout western Nevada County. The LOP wastewater collection and treatment facility is in Zone 2. Administration, maintenance, and operations are performed by County Public Works Department.

Domestic water is provided to the Higgins Area by the Nevada Irrigation District (N.I.D.), whose facilities in the area include Lake Combie, the Magnolia III Canal, and a treatment plant located near the eastern boundary of LOP. All but a small portion of the Plan Area is located within the N.I.D Service Area.

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-e. The adoption of the proposed Area Plan would not result in an impact to County utilities and service systems. The Area Plan is strictly a policy document that does not provide entitlements to any specific land use projects or require any physical changes to services or utilities. Likewise, project does not generate solid waste or conflict with policies or regulations regarding solid waste. Any future development projects would be reviewed for their impact to utilities and services as a part of a project-specific environmental review process at the time of project submittal.

The project includes adding the Site Performance (SP) zoning combining district to 479- parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in utilities or service system impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy document and a legislative action would have *no impact* on utilities or service systems.

**Mitigation:**

None Required.

20. WILDFIRE

**Existing Setting:**

The Plan Area is mapped as both Moderate- and High Fire Hazard Severity Zones as described by the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Maps. Fire protection in the Higgins Area is provided by the Higgins Fire Protection District (HFPD). The HFPD contracts with CAL FIRE for equipment and staff to supplement the HFPD’s staff and equipment. The HFPD also maintains mutual aid agreements with the Nevada County Consolidated Fire District to the north and the Placer County Fire Department to the south. The District maintains its headquarters at the intersection of Combie Road and Highway 49 (Station 21), the entrance to the Higgins Area.

No ambulance services are located within the HFPD. However, all firefighters within the District are trained emergency medical technicians or first responders. CALSTAR and Sierra Nevada Ambulance are the nearest ambulance service providers, with ambulances stationed approximately four miles north of the Plan Area.

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

**Impact Discussion:**

20a-d. The Safety Element of the Nevada County General Plan (Chapter 10) addresses wildfire hazards in Nevada County and has several policies to improve fire safety. In addition, the Nevada County Land Use and Development Code Fire Safety Regulations were updated in 2020 to bring the County into compliance with recent amendments to State Fire Codes. All future development will be subject to the requirements of these codes and applicable regulations. The proposed Area Plan does not influence these regulations or propose any specific changes. The Plan includes policies in support of the local Fire Protection District. The Area Plan does not result in increased density, or the intensification of lands uses in the Plan area.

The project includes adding the Site Performance (SP) zoning combining district to 479- parcels that have been added to the Area Plan boundaries as a result of community input. It is the County’s practice to add the SP district to parcels that are subject to the standards and requirements of an Area Plan. The SP district is intended to provide direction to County Planning Staff when reviewing a development project to review and apply the policies and standards of the Area Plan. The SP combining district does not change any permitted land uses, relax any laws or regulations applicable to development and land uses nor does it change the base zoning for a particular parcel. In addition, the SP combing district will not result in any physical disturbance that could be foreseen to result in wildfire impacts to the area. Finally, the project will amend the County Land Use and Development Code Section L-II 4.2.3: Design Guidelines to add a reference to the Area Plan and its applicable specific design guidelines of the Plan. This action will essentially only change the applicable date of the Area Plan as a specific reference to the 2000 Higgins Corner Area Plan is already codified. Thus, future projects will be reviewed for compliance with the California Environmental Quality Act and as a general rule; any potential impacts will be mitigated through project conditioning and review. Therefore, the Greater Higgins Area Plan as a policy



document and a legislative action would have *no impact* on increasing risks of wildfire due to the adoption of the Area Plan.

**Mitigation:**

None Required.

**21. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?				✓	A,19
b. Does the project have environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)				✓	A
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				✓	A

**Impact Discussion:**

21a,c. The proposed Area Plan is strictly a policy document, intended to guide development in the Plan Area to ensure an integrated community design and promote a sense of place for the community. The adoption of the proposed Area Plan would not grant any entitlements for development or any physical changes. Additionally, all future development projects would require a site/project-specific environmental review at the time of project submittal. Therefore, the Area Plan would have *no impact* related to these issues.

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. The proposed Area Plan is strictly a policy document, intended to guide the County when reviewing development projects and to support the overall vision of the community as it grows in the future. The document does not change residential densities or intensify any land uses in the Plan boundaries, nor does it approve any site-specific projects. Further all environmental impacts and cumulative impacts would be reviewed through the permit process of each project. Therefore, the adoption of the Area Plan, would have *no impact* on environmental effects that are individually limited but cumulatively considerable.

**Mitigation Measures:**  
None Required.

### 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.

  
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Kyle Smith, Senior Planner

11-23-22  
Date

## APPENDIX A – REFERENCE SOURCES

- A. Planning Department
  - B. Department of Public Works
  - C. Environmental Health Department
  - D. Building Department
  - E. Nevada Irrigation District
  - F. Natural Resource Conservation Service/Resource Conservation District
  - G. Northern Sierra Air Quality Management District
  - H. Higgins Fire Protection District
  - I. Regional Water Quality Control Board (*Central Valley Region*)
  - J. North Central Information Service, Anthropology Department, CSU Sacramento
  - K. California Department of Fish & Wildlife
  - L. Nevada County Geographic Information Systems
  - M. California Department of Forestry and Fire Protection (Cal Fire)
  - N. Nevada County Transportation Commission
  - O. Nevada County Agricultural Advisor Commission
  - P. Ready Springs Elementary School District
  - Q. Nevada County Department of Public Works- Transit Division
- 
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