

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

To:

Building Department	Penn Valley Fire
Public Works – Kevin Nelson	Nevada Irrigation District
Public Works - Sanitation	Fire Protection Planner
Public Works - Transit Services	F.O.N.A. (Federation of Neighborhoods)
Environmental Health	Tsi Akim Maidu
Northern Sierra AQMD	United Auburn Indian Community
Agricultural Commissioner	Shingle Springs Band of Miwok Indians
CEO – Alison Lehman	Nevada City Rancheria Nisenan Tribe
Commissioner Mastrodonato, District IV	Friends of Nevada City
Sue Hoek, District IV	Native American Heritage Commission
Principal Planner	PG&E
COB – Jeff Thorsby	Comcast
United States Fish and Wildlife Service	California Fish and Wildlife Service

Date: 4/17/2024

Prepared by: David Nicholas, Associate Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1257
Email: david.nicholas@nevadacountyca.gov

File Number(s): PLN22-0033, TPM22-0001, VAR23-0001, PFX23-0012, EIS22-0005

Assessor's Parcel Numbers: 002-580-008

Applicant/Representative: Frank Perez
14564 Indian Springs Road
Penn Valley, California 95946
Telephone: (530) 277-6377

Property Owner: Frank and Kathryn Perez

Zoning District: AG-5 (General Agricultural with a 5-acre minimum parcel size)

General Plan Designation: RUR-5 (Rural, 5-acre minimum parcel size)

Surrounding Land Zoning & Uses: The parcel is surrounded by large rural parcels that are zoned as AG-5 (Figure 2) and are designated as RUR-5 by the Nevada County General Plan. General Agricultural – 5 , allows density of one unit per 5 acres and the Rural General Plan designation allows density at one unit per 5 acres. Rural designations are intended to provide for development of compatible uses within a rural setting. Such uses may include rural residential at maximum densities ranging from 5 to 160 acres per dwelling (depending upon the specific development pattern and character of an area; availability of public facilities and services; and environmental constraints), agricultural operations and supporting agricultural production, natural resource production and management, and low-intensity recreation.

The parcel is surrounded by low density residential dwelling units and associated accessory structures to the residents such as shops, stables, and sheds. The habitats identified on the parcel include mixed oak woodlands, blue oak woodland, and grassland.

Relationship to Other Projects: None.

Tribal Consultation: California Native American Tribes with ancestral land within the Parcel were routed the project during distribution in February of 2022. Comments were not received from the Shingle Springs Band of Miwok Indians, the Nevada City Rancheria Nisenan Tribe, Tsi Akim Maidu, or the United Auburn Indian Community of the Auburn Rancheria. However, the California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

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

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

Summary of Impacts and Recommended Mitigation Measures:

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

Mitigation Measure 3A: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to

construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This note shall be included on the Supplemental Map.

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

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

Responsible Agency: *Planning Department / NSAQMD*

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

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

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

Responsible Agency: *Planning Department / NSAQMD*

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

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

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

Responsible Agency: *Planning Department / NSAQMD*

4. **BIOLOGICAL RESOURCES:** To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

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

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

1. If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
2. Tree removal and construction shall not take place during the breeding season (March 1 –July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
3. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
4. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior.

- In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
5. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

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

Responsible Agency: Planning Department

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

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

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

Responsible Agency: Planning Department

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

Timing: Prior to map recordation

Reporting: Approval of the Parcel Map for recordation

Responsible Agency: Planning Department

Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA's). Sensitive biological resources, as shown on the tentative parcel map, shall be mapped and identified as ESAs on the recorded parcel map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include an ephemeral stream, a wetland, protected oak groves, 12 landmark oaks, and the NID canal. The setbacks from the resources shall match the proposed tentative parcel map. The following note shall be included: "No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved." Disturbance related to driveways and utilities shall follow mitigation outlined in Mitigation Measure 4E.

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

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

Responsible Agency: Planning Department

Mitigation Measure 4E: Special Status Species Survey: The following note shall be included on the Supplemental Data Sheet of the Parcel Map:

“Prior to issuance of any future building permits on either parcel, a supplemental survey shall be completed by a Nevada County prequalified biological consultant to confirm existing conditions, and presence or absence of potential species. Species specific surveys may be identified at that time and should be conducted meeting current survey criteria according to the CDFW, USFWS, ACOE, CVWB, and NMFS standards, and other agencies, qualified biologists/botanists, as applies regarding life histories and plant phenologies of potential species and their peak detection periods, particularly as affected by climate change. If any special status species are identified, a no-disturbance buffer shall be established around the habitat to avoid disturbance or destruction. The extent of these buffers shall be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the habitat and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances.”

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

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

Responsible Agency: Planning Department

Mitigation Measure 4F: In-lieu Mitigation for Oaks: The following note shall be included on the Supplemental Data Sheet of the Parcel Map:

Prior to the issuance of any building permit within the portion of oak woodland identified within Parcel 1, accessed from Indian Springs, the project applicant shall purchase a one-time total credit of 0.39 acres for compensatory mitigation from a qualified oak conservation agency, such as the Bear Yuba Land Trust. Prior to building permit issuance, the applicant shall provide the receipt or other documentation issued by the oak conservation agency confirming the payment was made.

Timing: Prior to issuance of grading/improvement/building permits

Reporting: Approval of future permit issuance

Responsible Agency: Planning Department

5. **CULTURAL RESOURCES:** To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction. All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological

resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

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

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

Responsible Agency: *Planning Department*

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

Mitigation: See **Mitigation Measures 4D and 5A.**

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

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

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

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

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

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the parcel map: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

Timing: *Prior to Issuance of Building Permit or Grading Permit and throughout construction*
Reporting: *Planning Department Approval of Grading and Construction Permits*
Responsible Agency: *Planning Department*

Mitigation: See Mitigation Measure 5A.

19. **UTILITIES/SERVICE SYSTEMS:** To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

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

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

Mitigation Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3B	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3C	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3D	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3E	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation
4D	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits

4E	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4F	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
5A	Planning Department	Prior to Issuance of Building Permit or Grading Permit and throughout construction
13A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
18A	Planning Department	Prior to Issuance of Building Permit or Grading Permit and throughout construction
19A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits

INITIAL STUDY AND CHECKLIST

Introduction

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

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

1. AESTHETICS

Existing Setting: The Perez property is a 11.92-acre parcel in rural Nevada County, 2 miles southeast of the Penn Valley Community Region. Elevation of the property ranges from approximately 1,730 feet to 1,788 feet above mean sea level. The Project area is located in an area best characterized as a mix between grassland/herbs and blue oak woodland. The parcel is developed with a residence with an attached garage, a second dwelling that is consistent with density, and a pump house. The aesthetics of the development and the natural habitat is similar to the surrounding parcels. The applicant does not propose any further development on the proposed sites, but construction of additional accessory structures that conform with the allowable land uses stated in Sec. L-II 2.3 of the Nevada County Land Use and Development Code would be possible.

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?			✓		A, L
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, L,27
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible			✓		A

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

Impact Discussion:

1a,c,d The Perez Parcel Map is not anticipated to result in an adverse effect on a scenic vista, degrade the visual character of the site or its surroundings, or to create a new source of substantial light or glare. The project proposes to divide an 11.92-acre parcel, resulting in a 6.92-acre parcel and a 5.0-acre parcel which would both be consistent with the minimum parcel size required by the zoning district. The subject property contains existing improvements including two single family homes. Existing improvements are only visible from the most immediately adjacent properties, and difficult to see because of the screening provided by the oak woodlands. The aesthetics are similar to other rural residential type improvements located within other parcels in the area. The project proposes building envelopes within each parcel to contain both existing and future development of structures. These building envelopes will cluster development together to minimize any impact on scenic resources. Future development within the proposed building envelopes would be somewhat concealed by the topography and vegetation. The proposed two-way land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a two-way land division proposing large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes that are screened due to location, vegetation and topography, the project would result in *less than significant* impacts to public views, scenic vistas and the general character of the area.

1b The proposed two-way land division is anticipated to result in no damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County, the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This is northeasterly of Nevada City, not in the vicinity of the project parcel. State Highway 49 is considered an eligible state scenic highway by the California Department of Transportation (2011). State Highway 49 is approximately 11.8 direct miles northeast (as the crow flies) from the project area; there is no visibility of the property from the highway. Therefore, the proposed project would have *no impact* on scenic resources within a state scenic highway.

Mitigation: None required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: The Perez property is designated “Grazing Land” by the Farmland Mapping and Monitoring Program of the California Department of Conservation. Although the zoning for the property is General Agricultural with a 5-acre minimum parcel size, the project parcel is not being used for agriculture. The 11.92-acre parcel is mostly undisturbed, with most of the existing improvements clustered in two areas of the property.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation’s Division of Land Resource Protection, to non-agricultural use?				✓	A, L, 7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, 18, 35
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✓	A, L, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	L, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A, L, 7

Impact Discussion:

2a,b The Perez two-way land division is located in an area that is entirely designated “Grazing Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Additionally, the proposed project will not conflict with or convert existing zoning for agricultural use. California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves and offer preferential taxation based on a property’s agricultural-use value rather than on its market value. Neither the Perez property nor adjacent properties are under a Williamson Act contract. Should the Perez property or a surrounding property seek a Williamson Act contract in the future, rural residential improvements within building envelopes on the resultant parcels would not prevent or conflict with farming activities. Further, the Nevada County Right-to-Farm Notice would be required to be part of all future sales of the properties as a disclosure to future buyers as a standard condition of approval. With no Williamson Act contracts on or near the property and building envelopes to contain rural residential development within the two proposed parcels, the proposed project is anticipated to have **no impact** on a Williamson Act contract(s) or conversion of farmlands to a non-agricultural use.

2c,d,e The Perez land division does not propose a change in zoning or result in the loss or conversion of forest land to non-forest use. The property is not zoned Forest or Timber Production Zone. The proposed two-way land division will continue to allow compliant residential uses in agricultural zoning but will be required to stay within the building envelopes. Due to existing uses, the building envelopes, and the property’s designation by the Farmland Mapping and Monitoring Program of the California Department of Conservation as “Grazing Land”, potential impacts to farmland uses are anticipated to have **no impact**.

Mitigation: None required.

3. AIR QUALITY

Nevada County is located in the Mountain Counties Air Basin (MCAB). The MCAB includes the central and northern Sierra Nevada mountain range with elevations ranging from several hundred feet in the foothills to over 6,000 feet above mean sea level along the Sierra Crest. The MCAB generally experiences warm, dry summers and wet winters. Ambient air quality in the air basin is generally determined by climatological conditions, the topography of the air basin, and the type and amount of pollutants emitted. The Northern Sierra Air Quality Management District has responsibility for controlling air pollution emissions including “criteria air pollutants” and “toxic air pollutants” from direct sources (such as factories) and indirect sources (such as land-use projects) to improve air quality within Nevada County. To do so, the District adopts rules, regulations, policies, and programs to manage the air pollutant emissions from various sources, and also must enforce certain statewide and federal rules, regulations and laws. The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed “criteria” pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. A nonattainment area is an area where a criteria air pollutant’s concentration is above either the federal and/or state ambient air quality standards. Depending on the level of severity, a classification will be designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM_{2.5}, and ozone) and the fire station in downtown Truckee (PM_{2.5} only). For eight-hour average ozone concentrations, Nevada County is serious nonattainment for both the 2008 and 2015 state and federal ozone standards of 75 and 70 parts per billion, respectively (Table 1). Unlike other pollutants, ozone is not typically released directly into the atmosphere from any sources. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. The major sources of Nitrogen Oxides and Reactive Organic Gases, known as ozone precursors, are combustion sources such as factories, automobiles and evaporation of solvents and fuels. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, when the days are longest, especially in the late afternoon and evening hours. Ozone is considered by the California Air Resources Board to be overwhelmingly transported to Nevada County from the Sacramento Metropolitan area and, to a lesser extent, the San Francisco Bay Area. This recognition of overwhelming transport relieves Nevada County of CAAQS-related requirements, including the development of CAAQS attainment plan with a “no-net-increase” permitting program or an “all feasible measures” demonstration. For particulate matter, ambient air quality standards have been established for both PM₁₀ and PM_{2.5}. California has standards for average PM₁₀ concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m³, respectively. (The notation “µg/m³” means micrograms of pollutant per cubic meter of ambient air.) For PM_{2.5}, California only has a standard for average PM_{2.5} concentrations over a year, set at 12 µg/m³, with no 24-hour-average standard. Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM₁₀ standards. Particulate-matter is identified by the maximum particle size in microns as either PM_{2.5} or PM₁₀. PM_{2.5},

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

Table 1: Attainment Status by Northern Sierra Air Quality Management District		
of State and Federal Air Quality Standards. In addition, the entire district is either Attainment or Unclassified for all State and federal NO ₂ , SO ₂ , Pb, H ₂ S, visibility reducing particles, sulfates, and vinyl chloride standards.		
<u>Pollutant</u>	<u>State Designation</u>	<u>Federal Designation</u>
Ozone (O ₃)	Nevada County: Non-attainment (due to overwhelming transport)	<u>2008 O₃ Standard (75 ppb)</u> Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
		<u>2015 O₃ Standard (70 ppb)</u> Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
<i>PM₁₀</i>	Nevada County: Non-attainment	Unclassified
<i>PM_{2.5}</i>	Nevada County: Unclassified	<u>2012 Annual Standard (12µg/m³)</u> Nevada County: Unclassifiable/Attainment
		<u>2012 24-hour Standard (35µg/m³)</u> Unclassifiable/Attainment
<i>CO</i>	Nevada: Unclassified	Unclassifiable/Attainment

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

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A,G
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, 34
c. Expose sensitive receptors to substantial pollutant concentrations?			✓		A,G,L, 34
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓		A,G
e. Generate substantial smoke ash or dust?		✓			A,G

Impact Discussion:

3a The proposed two-way land division would not conflict with or obstruct implementation of an applicable air quality plan; therefore, *no impact* is anticipated on the potential adoption or implementation of an air quality plan.

3b,e The project is not anticipated to result in a cumulatively considerable net increase of criteria pollutants. Regulation 226 of the Northern Sierra Air Quality Management District (NSAQMD) requires a dust control plan if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. Both Indian Springs Road and Simple Justice Road meet current Fire Standard Access Road standards, so no road improvement construction is required. Therefore, the project will not result in more than one acre of natural surface being disturbed and a dust control plan will not be required by the NSAQMD.

There are already two existing single-family dwellings on the parcel, but the lot split could allow each newly created parcel to build an Accessory Dwelling Unit (ADU) which would result in air quality impacts from operation and construction. However, the applicant does not propose any further development with this application. The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects such as the construction of two ADUs. Estimated construction impacts were determined using the parameters specific to this proposed two-way land division and conservative CalEEMod defaults (CalEEMod Version 2016.3.2 2016). The Northern Sierra Air Quality Management District (NSAQMD) established thresholds of significance for assessing and mitigating air quality impacts of land use projects, as shown in the tables provided below. Level A requires the most basic mitigations, projects falling within the Level B range require more extensive mitigation and Level C requires the most extensive mitigations. Table 1, below, shows that estimated project construction related pollution levels would fall within NSAQMD Level A thresholds.

Table 1. Project Construction Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	1.26 lbs/day (0.23 tons/yr)
ROG	< 24 lbs/day	0.22 lbs/day (0.04 tons/yr)

PM10	< 79 lbs/day	0.05 lbs/day (0.01 tons/yr)
CO	N/A	1.42 lbs/day (0.26 tons/yr)
*These thresholds are “Level A” in NSAQMD’s Guidelines. CalEEMod Version 2016.3.2 2016		

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

Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	0.33 lbs/day (0.06 tons/yr)
ROG	< 24 lbs/day	0.77 lbs/day (0.14 tons/yr)
PM10	< 79 lbs/day	0.27 lbs/day (0.05 tons/yr)
CO	N/A	1.53 lbs/day (0.28 tons/yr)
*These thresholds are “Level A” in NSAQMD’s Guidelines. CalEEMod Version 2016.3.2 2016		

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

3c,d The Perez land division proposes to divide an 11.92-acre parcel into two parcels that would each contain rural residential improvements. Each resultant parcel is already developed with a primary residential dwelling and could be developed with variety of accessory structures within the proposed building envelopes. Based on the CalEEMod analysis, the potential rural-residential uses are not anticipated to generate substantial pollutant concentrations and would be consistent with the development type that already exists in the area. Additionally, the project applicant does not propose any further development. Therefore, *less than significant impacts* related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and *less than significant impacts* related to the generation of emissions that could affect a substantial amount of people are anticipated.

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

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

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

3. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

4. BIOLOGICAL RESOURCES

Existing Setting: The project biologist, Virginia Moran, describes the 11.92-acre parcel as a mix of grassland, wetland, mixed oak woodland, and blue oak woodland. The property ascends from 1,730 feet at the canal to a maximum elevation of 1,788 feet. The Smith-Gordon Ditch traverses the property and enters the property from the east and flows off the property to the west. The ditch is part of the Indian Springs watershed that is included in the Upper Bear River Watershed. In 2008, a Habitat Management Plan for the installation of an access road and culvert to access the single-family residence within 100 feet of the Smith-Gordon NID Ditch was submitted and approved.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓			K,19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A,K,L,19
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not				✓	A,K,L,19

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			19, 36
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,19,37
g. Introduce any factors (light, fencing, noise, human presence and/or domesticated animals) which could hinder the normal activities of wildlife?			✓		A,19

Impact Discussion:

4a The proposed land division would divide an 11.92 acre parcel into two residential parcels of approximately 5.00 acres and 6.92 acres in size. Each parcel would contain an existing residence. The project biologist determined that the site has potential habitat for 15 State and Federal special species including various bat species, Foothill yellow-legged frog, California red-legged frog, Blainville’s horned lizard, Western pond turtle, and Monarch butterfly. The biologist also identified potential habitat for Bird of Conservation Concern such as the Oak Titmouse, California Thrasher, Common Yellowthroat, Lawrence’s Goldfinch, Nuttall’s Woodpecker, Wrentit, and the Yellow-billed Magpie. Potential habitat for the special status plants such as the Sierra Brodiaea, Brandegees clarkia, and Bacigalupi’s yampah exist on the parcel but these species were not detected during the Spring 2023 survey. Building envelopes were designed to avoid potential special status species habitat and no development is proposed with this project. However, species can move throughout the parcel so potential habitat where special status species were not previously detected may be the habitat of special status species in the future when development is proposed. Therefore, Mitigation Measure 4E is proposed to require surveys for special status species prior to issuance of building permits for development within the identified building envelopes. Development of structures outside of the building envelopes would not be permitted. If any special status species are detected, a non-disturbance buffer would be established around the habitat of the special status species. The distance of the buffer would be determined by the biologist.

Additionally, the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §3513 prohibit take of migratory birds, which is defined to include destruction of active nests (presumed to contain eggs or nestlings). Compliance with the MBTA requires that no grading, brush clearing (mechanized or otherwise), or tree removal occur during the nesting season without a nesting bird survey that confirms that no occupied nests are present. Further, the MBTA requires contingent mitigation actions if nests are present. Due to the potential habitat for migratory birds, raptors, and Birds of Conservation Concern, Mitigation Measure 4A is proposed to require pre-construction surveys prior to any disturbance to minimize impacts to potential nesting raptors, Birds of Conservation Concern, and migratory birds by only allowing the removal of vegetation after it has been determined that there are no active nests. Alternatively, Mitigation 4A would allow the

removal of vegetation before the start of the nesting season, or removal after the end of the nesting season. This is necessary due to trees that offer potential habitat existing within the proposed building envelopes. The trees could not be entirely avoided due to the density and distribution of the trees and the need to have a building envelope large enough to allow reasonable use of the property. With implementation of these mitigation measures, the impact of proposed project is anticipated to be ***less than significant with mitigation*** on the loss of any special-status plant or animal species in this area,

4b,c The Smith-Gordon canal meanders within the proposed parcels and generally forms a bend. Within the bend, a wetland-like area has formed. Although a jurisdictional wetland delineation was not completed, the biologist considers the meadow a wetland because there are hydric soils and 19 wetland associated plant species were identified in the wetland meadow. Section 4.3.17 of the Nevada County Land Use and Development Code requires 100-foot setbacks from the edge of a wetland. Accordingly, all building envelopes were designed to not encroach upon the non-disturbance wetland buffers and all structures are required to be built within the building envelopes. Additionally, the building envelopes do not encroach upon the 50-foot setback from a drainage identified on the eastern side of the parcel. The field survey conducted by the project biologist determined that the Smith-Gordon canal is functioning as a critically important water source for the local wildlife/fauna. Section 4.3.17 of the Nevada County LUDC also requires 100-foot setbacks from the uphill side of a canal and 20 foot setbacks from the downhill side of a canal. Again, the building envelopes were designed to not encroach upon these setbacks. No additional wetlands within or adjacent to the subject parcel were documented and the project also does not propose any disturbance. The aquatic resources of the project area are subject to the Nevada County Land Use and Development Code, requiring non-disturbance buffers and will not be encroached upon. Due to the distance of the features from the nearest building envelopes in combination with the quantity of intervening vegetation that stabilizes soils and filters runoff, no project related impacts to the aquatic resources are anticipated. Further, Mitigation Measure 4D is proposed, requiring aquatic resources to be delineated as Environmentally Sensitive Areas with non-disturbance buffers (100-foot setbacks from the uphill side and 20-foot setback on the downhill side of the canal, 50 feet from the highwater mark of the ephemeral stream, and 100 feet from the edge of the wetland) on the supplemental data sheets that will record with the parcel map. This buffer is in alignment with the Nevada County Land Use and Development Code and should be adequate for the protection of wetlands and riparian areas. Future driveways and utilities are not required to be within building envelopes so this condition provides assurance that the development will not occur within an environmentally sensitive area. With the implementation of standard conditions of approval in combination with Mitigation Measure 4D, project impacts to riparian habitat, wetlands or other sensitive natural communities are anticipated to be ***less than significant with mitigation***. There is no proposed work within the buffers of the wetlands, therefore the project will have ***no impact*** through direct removal, filling, or hydrological interruption of these resources.

4d According to the Nevada County Geographic Information System, the property is located within the range of a resident herd of deer. However, the Project Area is not located within any known major deep corridor, known deer holding areas, or critical deer fawning area. The field survey conducted by Virginia Moran did not record any observations of deer. Deer populations throughout the state are characterized by the California Department of Fish and Wildlife and the Tahoe National Forest as unstable and declining, with the 2017 population at nearly two-thirds that of 1990, from 850,000 to 532,621 deer (California Department of Fish and Wildlife 2017). Additionally, the California Fish and Wildlife BIOS tool categorizes the area of the subdivision as Conservation Planning Linkages, but the project is not within a California Essential Habitat

Connectivity Area. Therefore, Measure 4B would require clustered development and preservation of oak groves which are used as habitat for resident deer herds and other species, through the prescribed building envelopes. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas and animal enclosures to continue to allow free movement of deer and wildlife through the area. With implementation of these mitigation measures, the impacts related to wildlife movement and disturbance of local wildlife would be *less than significant with mitigation*.

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

The subject parcel contains landmark blue oak woodlands and 12 landmark oak trees. Section L-II 4.3.15 of the Land Use and Development Code Nevada County Resource Standards require that sensitive resources be protected to the greatest extent possible while allowing reasonable development of the land. Avoidance of a resource is the preferred method of protection with impact minimization and impact compensation following in successive order. The building envelopes were designed around existing development and avoided protected oak groves as much as possible. However, the building envelopes could not entirely avoid the oak groves while still offering space for reasonable use of the property. On site restoration or oak planting is not practical on site due to many suitable planting locations already being developed with established oaks. Therefore, Mitigation Measure 4F proposes in-lieu mitigation for the impacts to the blue oak woodlands on Parcel 1 prior to building permit issuance. This mitigation is only required if a building permit for development within the area identified as blue oak woodland is applied for. Therefore, conflicts with local policies and ordinances are expected to be *less than significant with mitigation*.

- 4f There is no known local, regional, or state habitat conservation plan adopted on or adjacent to the project site. The United States Fish and Wildlife Service's Information for Planning and Consultation did not identify any critical habitat on the project site and thus impacts, if any, are anticipated to be *less than significant*.
- 4g The Perez project proposes to divide a 11.92-acre property into two parcels such that each would contain single-family residences and accessory structures. Existing noise and light disturbances resulting from the existing residences on proposed Parcels 1 and 2 are anticipated to continue and are typically associated with single-family residential uses. The resultant parcels would be approximately 5 and 6.92-acres in size, with clustered development through the use of building envelopes such that large portions of the properties would remain in a natural state. The highly vegetated state of the property is such that there is space within each parcel that is undisturbed by any noises and light associated with the residential uses thereon. With limited use and the modest project area, impacts to normal wildlife activities would be *less than significant*.

Mitigation: To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

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

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

1. If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
2. Tree removal and construction shall not take place during the breeding season (March 1 –July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
3. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
4. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
5. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for offsetting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

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

Responsible Agency: *Planning Department*

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

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

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

Timing: Prior to map recordation
Reporting: Approval of the Parcel Map for recordation
Responsible Agency: Planning Department

Mitigation Measure 4D: Establish Environmentally Sensitive Areas (ESA’s). Sensitive biological resources, as shown on the tentative parcel map, shall be mapped and identified as ESAs on the recorded parcel map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include an ephemeral stream, a wetland, protected oak groves, 12 landmark oaks, and the NID canal. The setbacks from the resources shall match the proposed tentative parcel map. The following note shall be included: “No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.” Disturbance related to driveways and utilities shall follow mitigation outlined in Mitigation Measure 4E.

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

Mitigation Measure 4E: Special Status Species Survey: The following note shall be included on the Supplemental Data Sheet of the Parcel Map:

“Prior to issuance of any future building permits on either parcel, a supplemental survey shall be completed by a Nevada County prequalified biological consultant to confirm existing conditions, and presence or absence of potential species. Species specific surveys may be identified at that time and should be conducted meeting current survey criteria according to the CDFW, USFWS, ACOE, CVWB, and NMFS standards, and other agencies, qualified biologists/botanists, as applies regarding life histories and plant phenologies of potential species and their peak detection periods, particularly as affected by climate change. If any special status species are identified, a no-disturbance buffer should be established around the habitat to avoid disturbance or destruction. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the habitat and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances.”

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

Mitigation Measure 4F: In-lieu Mitigation for Oaks

Prior to the issuance of any building permit within the portion of oak woodland identified within Parcel 1, accessed from Indian Springs, the project applicant shall purchase a one-time total credit of 0.39 acres for compensatory mitigation from a qualified oak conservation agency, such as the Bear Yuba Land Trust. Prior to building permit issuance, the applicant shall provide the receipt or other documentation issued by the oak conservation agency confirming the payment was made.

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

5. CULTURAL RESOURCES

Existing Setting:

The current environment of the project parcel consists of scattered residences and outbuildings in the hilly transition between the Foothill or Digger Pine-Chaparral Belt of the Upper Sonoran Life Zone. Until 1848, Penn Valley was undisputed Hill Niseman territory. The Hill Niseman were a Maiduan-speaking people who may have entered the region *circa* A.D. 600-700. Anthropologists believe that ancestral Maiduans came from northwestern Nevada, their exodus induced by increasing aridity of the Great Basin climate (Moratto 1984:562). The Hill Niseman lived in villages on ridges and on large flats along major water courses. Prior to the gold rush, the native people had little contact with the small Spanish and later Mexican population along California's coast. The 1854 report by W.P. Crenshaw to the Superintendent of Indian Affairs, Thomas Henley, emphasized the great decimation of the native people since 1849.

Significant mining occurred in Nevada County and hydraulic mining was dependent upon water from streams fed by rains and snow melt. Small scale hydraulic mining operations with no facility for water storage of any great capacity were limited to the winter wet season. This lasted for five to six months each year. The results of placer mining soon played out. Ditches and ditch systems that played an important part in the development of placer and hard rock mining elsewhere in Nevada County found a place in the rise of irrigation districts (Nevada County Historical Society 1994). The dependence of agriculture on mining, particularly placer mining where entire hill sides were washed away by streams of water from large monitors was huge. When the hydraulic mines were shut down in the early 1880s agriculture, particularly horticulture and creameries, and marketing of perishables were hit hard. Agricultural production was curtailed in some areas due to a lessening of the local demand. Penn Valley was the exception. Creamery production, especially that from Penn Valley and Pleasant Valley showed a measure of prosperity (Lardner and Brock 1924:365; Wisker 1924).

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

Impact Discussion:

5a-c The North Central Information Center (NCIC) conducted a records search of the California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in Nevada County within a ¼-mile radius of the proposed project area. The NCIC letter dated October 29, 2020 notes that the proposed project area contains zero recorded prehistoric or historic-period resources. The letter also states that given the extent of known cultural resources and the environmental setting, there is moderate potential for locating prehistoric-period cultural resources in the immediate vicinity of the proposed project area and moderate potential for locating prehistoric-period cultural resources in the vicinity of the proposed project area. Due to the moderate potential for locating cultural resources, a cultural resource study was conducted by the Windmill Consulting, Inc.

The study concluded that the proposed project will have no effect on historical resources, historic properties or tribal places. A 1991 study located three cultural resources: a historic ditch, a glory hole (small gold mine excavation), and a small tin can and bottle. The Windmill study did not locate the refuse deposit or the glory hole, and report also states that the site is not eligible for the California Register of Historical Resources. Windmill did not identify any Native American cultural resources during the field survey. Additionally, the report states that due to the landowner not planning further development on the parcels, there will be no disturbance that would adversely impact the resources even if they were eligible for the California Register of Historical Resources. Although there is no anticipated ground disturbance for this project at this time, future development would be possible and there would be potential for unanticipated discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources, during project construction. Therefore, Mitigation Measure 5A has been included, which requires that work shall be halted and proper notification and consultation shall be required if any artifacts or cultural resources are discovered during construction. With the implementation of Mitigation Measure 5A, impacts to cultural resources are expected to be *less than significant with mitigation*.

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

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction. All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act

Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

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

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

Responsible Agency: *Planning Department*

6. ENERGY

Existing Setting: The Perez project proposes to divide an 11.92 acre parcels of 5.00 acres and 6.92 acres in size. Both proposed parcels are developed with single-family residential improvements including a residence and septic system. The property currently has electrical service from PG&E, which would also provide service for future development. The building envelopes on Proposed Parcels 1 and 2 contains existing improvements.

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

Impact Discussion:

6a The proposed two-way land division is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. The two proposed parcels are developed with single-family dwellings and no further development is proposed at this time. However, there is potential for the development of accessory structures such as Accessory Dwelling Units. Electricity is currently available to the property and operational energy needs for two rural residential parcels is low. Future improvements, if any, would be required to meet energy standards in place at the time of their construction. No driveway improvements are required so no energy resources will be consumed through construction. The scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a ***less than significant impact***.

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

Mitigation: None Required.

7. GEOLOGY / SOILS

Existing Setting: The subject 11.92-acre property is located in an unincorporated rural area of Nevada County. The Nevada County area is in the Sierra Nevada geomorphic province of Northern California and lies on the western portion of the North American Plate. This property is located towards the western side of the Sierra Nevada Mountains. Elevation of the property ranges from approximately 1,730 to 1,788-feet above mean sea level, with portions of the property characterized with gentle rolling hills. The property is underlain with predominantly with Ahwahnee sandy loam and Sierra sandy loam. The soil of the proposed building envelopes is classified as somewhat limited to not limited for the construction of dwelling units. The majority of the proposed parcels are not considered to have landslide hazards and the sections of moderate hazard that are on steeper slopes are outside of the proposed building envelopes, which are around the existing development. The erosion factor for the soils of the parcel indicate that the soil is not susceptible to erosion by water.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone and it is located near a Pre-Quaternary fault, which is a fault that is older than 1.6 million years or a fault without recognized Quaternary Displacement. (California Department of Conservation).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides? 			✓		A,L,12,29, 30, 32
b. Result in substantial soil erosion or the loss of topsoil?			✓		D,33
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓		D,12,30, 32,33
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		D,30,32, 33
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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
g. Result in substantial grading on slopes over 30 percent?			✓		A,L,9

Impact Discussion:

- 7a,c,d The proposed two-way land division is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The project site is not within an Alquist-Priolo Earthquake Fault Zone or an area with high landslide hazard. The only fault identified near the project is a Pre-Quaternary fault, which is a fault that is older than 1.6 million years or a fault without recognized Quaternary Displacement. The Nevada County Environmental Inventory classifies the portion of the county where the project is proposed as an area with low erosion hazard and the area has not been identified as an area with risk from soil liquefaction. The majority of the proposed parcels are not considered to have landslide hazards and the sections of moderate hazard that are on steeper slopes are outside of the proposed building envelopes, which are around the existing development. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be *less than significant*.
- 7b,g The project is a proposal to divide 11.92-acres with existing single-family residences and accessory structures into two separate parcels. The only work required for the access to meet fire standards is the development of a turnout and vegetation clearance and no development is proposed. Although the construction of accessory structures is possible, the work associated with potential future development is not anticipated to result in substantial soils erosion, or in grading on steep slopes. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Additionally, proposed building envelopes and work areas are located outside of steep slopes and steep slopes do not exist on the parcel. Further, any future structures will require building permits and will not be able to be constructed on slopes steeper than 30% due to the building envelopes avoiding slopes steeper than 30% and because there are no steep slopes on the parcel. Therefore, impacts relative to soils erosion, or to disturbance within steep slopes resulting from the proposed two-way land division to separate existing improvements are anticipated to be *less than significant*.
- 7e Per Nevada County On-Site Sewage Disposal Regulations, all proposed parcels must have satisfactory site approval for a Minimum Useable Sewage Disposal Area (M.U.S.D.A.) prior to recordation of the map. The proposed 5-acre parcel has an existing sewage disposal system with a permit (#5785) for 3 bedrooms. The Environmental Health Department does not show a MUSDA on the proposed 6.92-acre parcel, but instead has an installed system documented. Based on Conditions of Approval from the Nevada County Health Department, the project would have *no impact* relative to a lack of soils for sewage disposal.

- 7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because there may be future ground disturbance within project building envelopes, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be *less than significant with mitigation*.

Mitigation: See Mitigation Measures 5A.

8. GREENHOUSE GAS EMISSIONS

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

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

In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions when necessary. Continuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state, but especially for the state's most disadvantaged communities, as those communities are affected first, and, most frequently, by the adverse impacts of climate change, including an increased frequency of extreme weather events, such as drought, heat, and flooding.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓		A,G, 20
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 The project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. Due to the project being a two parcel subdivision of land that is already developed with residential uses, high levels of greenhouse gas emissions are not anticipated.

California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. Nevada County and Placer County are both within the Mountain Counties Air Basin. Nevada County is within the jurisdiction of the Northern Sierra Air Quality Management District, but the NSAQMD has not adopted thresholds of significance for greenhouse gases. However, Placer County Air Pollution Control District has adopted thresholds of significance for greenhouse gases. Due to greenhouse gas emissions being not only a regional but also a global concern, and the similarities between the neighboring air districts, it was determined that the Placer APCD thresholds are relevant standard for the determination of significance.

The thresholds adopted by Placer County APCD include a bright-line threshold of 10,000 metric tons of Carbon dioxide equivalent per year and a De Minimis level of 1,100 metric tons of carbon dioxide per year. A bright-line threshold is a numerical value used to determine the significance of a project’s annual GHG emissions. GHG emissions from projects that exceed 10,000 MT CO₂e/year would be deemed to have a cumulatively considerable contribution to global climate change. The De Minimis Level for the operational phases of 1,100 MT CO₂e/yr represents an emissions level which can be considered as less than cumulatively considerable and be excluded from the further GHG impact analysis.

The De Minimis level of emissions is equivalent to a project size of approximately 71 single-family units, or a 35,635 square feet commercial building. The Perez project is not proposing any development, but if an Accessory Dwelling Unit and other residential accessory structures were constructed, the intensity would be far below the De Minimis level and is considered as less than cumulatively considerable.

Due to the greenhouse gas emissions from the project being substantially below the De Minimis greenhouse gas significance thresholds, the overall GHG impact is expected to remain at a level that is *less than significant*.

Mitigation: None required.

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting: The Perez property is not near or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The closest site is the Grass Valley Burn Dump, which is approximately 0.6 aerial miles away or 1.6 driving miles away. A Remedial Action Plan was approved in June 2005 and no further actions were required as of July 5, 2012. The project area is in a high fire hazard severity zone as designated by CalFire. The Clear Creek Elementary School is the closest sensitive receptor; approximately 1.6-aerial miles from the project boundary. There are no public or private airports near the project site, with the closest public airport being approximately 8.7 air-miles northeast of the project site and the closest private airport being 6.3 air miles southeast of the project site.

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

Impact Discussion:

9a-b The Perez project proposes to divide a 11.92-acre parcel, separating existing single-family residential improvements into two parcels of 5.00 and 6.92 acres in size. The project does not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could be stored,

used, and handled if any future construction occurs. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Therefore, project related hazard impacts relative to routine transport, use, disposal or emission of hazardous substances to the public or environment would be *less than significant*.

- 9c The Clear Creek elementary school is the closest sensitive receptors, which is located approximately 1.6-direct miles from the project boundary. As noted above, hazardous materials are anticipated to be those associated with typical household uses and those small quantities that could be utilized during construction. Due to the type and amount of materials associated with this two-way land division in conjunction with the distance to the nearest school, *no impact* relative to transport, use, or emissions of hazardous materials within proximity of a school is anticipated.
- 9d The Perez property is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact*.
- 9e There are no public or private airports near the project site, with the closest public airport being approximately 8.7 air-miles northeast of the project site and the closest private airport being 6.3 air miles southeast of the project site. The project is not within any airport compatibility zones. Therefore, the project is not anticipated to result in a safety hazard for people residing or working in the project area and there would be *no impact*.
- 9f The Perez two-way land division is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The subject property is served by the Penn Valley Fire Protection District, in an area designated by CalFire as a High Fire Danger area. The Nevada County Office of the Fire Marshal and the Penn Valley Fire Protection District reviewed the project proposal and did not comment on any adverse impacts to emergency response or evacuation plans. The County Office of Emergency Services does not publish emergency evacuation plans; however, the Nevada County Sheriff's Department has verified that there are no emergency response plans or emergency evacuation plans for the project area. The proposed project would not impair or physically interfere with emergency response and evacuation plans, resulting in *no impact*.
- 9g Any improvements would require Building Permits and conformance with Chapter 5 of the Nevada County Land Use and Development Code for building and grading standards. The proposed project would not alter any allowable residential density in the nearby area or change any of the existing road networks. Standard conditions of approval would be applied to the project that would improve fire safety including vegetation clearance for defensible space. The Penn Valley Fire Protection District reviewed the project and did not communicate any concerns. The project does not propose the construction of any new residential units. Therefore, the project potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires is *less than significant*.

Mitigation: None required.

10. HYDROLOGY / WATER QUALITY

Existing Setting: The site is within the Indian Springs Creek watershed that is included in the Upper Bear River watershed. The biological inventory identified the Smith-Gordon canal that traverses the parcel. The biologist noted that the canal provided riparian habitat for many species and acts as a corridor for the movement and migration of wildlife. No additional wetlands/watercourses within or adjacent to the subject parcel were documented.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓		A,D
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓		A,C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv. impeded or redirect flood flows?			✓		A,D,9,19
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	L,9,13
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			✓		A,D
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	L,9,13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	L,13

Impact Discussion:

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

Building envelopes on the proposed parcel map are designed to keep the construction of structures outside of the non-disturbance buffers of waterways and waterbodies. Non-disturbance setbacks reduce the chance that development will impact nearby waterbodies by requiring physical separation. Both parcels are already developed with single family residences and the approval of the land division will not authorize any additional development, however the construction of an Accessory Dwelling Unit on each proposed parcel is possible. Both parcels will be used for residential dwelling so significant discharges or pollution are not expected. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Standard erosion control measures ensure that any future improvements within proposed building envelopes, do not result in offsite erosion or deposition of sediment into water features.

The Smith-Gordon Canal traverses the parcel, but the biologist has determined that the project will not have an effect on watercourses, wetlands, or riparian areas. The building envelopes on Proposed Parcel 1 and Proposed Parcel 2 meet the requirements of Nevada County Code Sec. L-II by maintaining 100-foot setbacks from the water courses. Standard erosion control measures and intervening vegetation would adequately protect these features from any project related construction impacts. There are no proposed plans to alter the canal, and any future plan to modify any waterway or waterbody will require permitting and review. Additionally, further protection is afforded by proposed Mitigation Measure 4D which requires the water courses and wetlands to be shown as Environmentally Sensitive Areas with buffers required by the Nevada County Land Use and Development Code on the supplemental data sheets that will record with the parcel map. The limited amount of work with the protective measures would not alter drainage patterns, degrade water quality, or violate water quality standards. Additionally, development of the relatively small building envelopes on the large parcels (5.0-acres and 6.92-acres) would not result in a substantial increase in surface runoff that could result in flooding.

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

10b,e The proposed two-way land division of 11.92-acres would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. Existing improvements will continue to rely on two existing wells. The proposed project to divide existing single-family residential improvements into two parcels, is anticipated to have *less than significant impact* on the existing wells on this, or on adjacent properties.

10d,f,g There is no flood hazard or designated flood zone on the Perez parcel; nor is the property within a tsunami or seiche zone. Therefore, there would be *no impact* associated with flooding, tsunamis or seiches.

Mitigation: None required.

11. LAND USE / PLANNING

Existing Setting: The Perez property is located between Indian Springs Road and Simple Justice Road in an unincorporated area of Nevada County. Proposed Parcel 1 will take access from Simple Justice Road and proposed Parcel 2 will take access from Indian Springs Road. There are existing residences on the property.

The project parcel is zoned General Agricultural, allowing densities at one unit per 5-acres (AG-5) and has a Rural General Plan designation, also allowing densities at one unit per 5-acres (RUR-5). Surrounding parcel designations are also zoned AG-5 with a General Plan designation of RUR-5. Adjacent parcel sizes vary from 4.98-acres up to 32.34-acres. Single-family rural residential uses are found on all of the surrounding parcels. The Nevada County Surveyor has determined through the review of the property’s chain of title that the original parcel is Lot 5 of the Simple Justice Ranches subdivision as shown in Book 5 of Subdivisions at Page 39.

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

Impact Discussion:

11a The proposed two-way land division would not physically divide an established community. The project parcel is in a rural area rather than an established community and does not propose any development that could cause community divisions. Therefore, the Perez project would not physically divide an established community, and thus *no impact* is anticipated.

11b The Perez property is designated as General Agricultural with a Rural General Plan designation, both of these prescribing density at one unit per 5-acres (AG-5, RUR-5). The AG zoning district, allows single-family residential improvements and uses, along with a variety of other uses. The proposed land division would result in a 5.0-acre parcel and a 6.92-acre parcel, each containing a residence, well and septic system such that each would be an independent stand-alone parcel. These parcel sizes are in compliance with the density allowed by the zoning and General Plan designations. The project includes a Variance to zoning regulations due to the road frontage of the Indian Springs Road flagpole parcel being only 40 feet in width when Table L-II 2.3.E of the Nevada County Land Use and Development Code requires that new flagpole parcels have 50 feet of road frontage. The findings of Section L-II 5.7 required to approve the Variance can be made due to special circumstances including the inability to widen the road frontage due to the adjacent parcels being owned by other landowners and existing structures on those parcels. There are also extensive environmental resources that make cutting in a new driveway impractical and environmentally impactful. The variance does not authorize a use not authorized by the zoning district and the variance does not impact public safety as verified by the review of the Petition for Exception to driveway standards. One reason to require minimum road frontage for a flagpole lot

is to ensure a driveway that meets the County standards can fit within the frontage. The required driveway improvements are not able to fit within the 40-foot access from Indian Springs Road, so a Petition to Exception to Driveway Standards was applied for and reviewed by the Nevada County Fire Marshal, Department of Public Works, and Penn Valley Fire Protection District. The portion of the driveway where the turnout will be constructed is too narrow to fit the required width of vegetation clearance, but the reviewing departments determined that requiring vegetation clearance to the edge of the access (about six feet instead of ten) at the section next to the turnout is adequate for meeting the same practical effect as strict compliance with the Nevada County driveway standards due to the already thin vegetation and the existing condition of the access. Potential conflicts with applicable land use plans, policies, or regulations that could result in physical impacts are identified within this Initial Study and are found to be less than significant. Therefore, there will be **no impacts** related to land use policy incompatibility.

Mitigation: None required.

12. MINERAL RESOURCES

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓	A,1
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				✓	A,1

Impact Discussion:

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

Mitigation: None Required.

13. NOISE

Existing Setting: The Perez project proposes to divide a 11.92-acre parcel into two parcels (5.0-acres and 6.92-acres in size). The property is located off of Indian Springs Road in an unincorporated area of Nevada County. The property is developed with single-family residential improvements that will be separated by the creation of the two new parcels.

Adjacent parcel sizes vary from 4.98-acres up to approximately 32.34-acres. Single-family rural residential uses are found on all of the surrounding parcels. Ambient noise levels in the area are generally those generated by the traffic on Indian Springs Road and those noises that commonly accompany rural and residential uses.

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

Impact Discussion:

13a-c The proposed two-way land division would separate an existing lot with two single-family residences into two and allow for uses consistent with those allowed within the General Agricultural (AG) zoning district. Generally, these land uses are compatible with other residential land uses and are not expected to generate significant noise impacts thereto.

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

13c The subject Perez property is not located within an airport land use plan and there are no public or private airports near the project site, with the closest public airport being 8.7 air-miles northeast of the project site and the closest private airport being 6.3 air miles southeast of the project site. Given the distance to these airports, the project would result in *no impacts* related to airport noise.

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

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

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

Reporting: Agency approval of permits or plans

Responsible Agency: *Planning Department*

14. POPULATION / HOUSING

Existing Setting: The project site is zoned as General Agricultural (AG), a rural district intended to provide areas for agricultural uses such as farming, with agricultural support facilities and services, low intensity uses and open space. The maximum density for the parcel is one unit per 5-acres (AG-5). These are in support of the Rural-5 (RUR-5) General Plan designation of the property.

The site has two single-family residences that each has its own well and septic system. The residence on proposed Parcel 2 is approximately 100 feet from the property line at the closest point. The residence on proposed Parcel 1 is approximately 30 feet from the western property at the closest point.

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

Impact Discussion:

14a-b The proposed two-way land division would not result in an inducement of unplanned population growth or a displacement of existing people or housing. Property zoning and General Plan designations allow a minimum density of one parcel per 5-acres; as a 11.92-acre parcel, the property could support two parcels. The proposed division would separate the two existing residences, such that each would be a stand-alone parcel. Each parcel would be allowed to construct an accessory dwelling unit and a junior accessory dwelling unit. Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans. In the most recent Housing Element Chapter of the Nevada County General Plan, a 2% annual growth is predicted. If two accessory dwelling units are constructed, it would not exceed the assumed growth rate because ADUs are not considered additional density. The land division would not require the demolition of any housing so no replacement housing would need to be constructed. Therefore, the proposed project would have ***no impact*** related to these issues.

Mitigation: None required.

15. PUBLIC SERVICES

Existing Setting: The following public services are provided to this site:

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

Police: The Nevada County Sheriff provides law enforcement services.

Schools: The Penn Valley Union School District and Nevada Joint Union School Districts provides education for the area.

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

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

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

Impact Discussion:

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

15a (3-5) The proposed land division would not impact schools, or public recreational facilities because the project would not result in a substantial increase in population that would require schools, parks and other public services and facilities. School, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. These impact fees were collected for existing residences during the permitting process. School impact fees would also be applied to accessory dwelling units over 500 square feet on both parcels if future owners choose to build them. Fire impact fees would be applied to all ADUs. Public Works Traffic Impact Fees would be applied to ADUs over 750 square feet. Recreation impact fees would apply to new homes proposed on either parcel. Recreation impact fees would also be applicable to additions to existing residences, based on square footage of the addition. Therefore, there would be *a less than significant impact* as a result of the project approval of this two-way land division.

Mitigation Measures: No mitigation is required.

16. RECREATION

Existing Setting: The Perez property is located within the Western Gateway Recreation and Park District. The Western Gateway Recreation and Park District manages the 88-acre Western Gateway Park which contains walking trails, a disc golf course, tennis and pickleball courts, picnic areas, a stage for events, and

a creek. No recreational facilities occur on the Perez property. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

Impact Discussion:

16a-c The proposed two-way land division is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities because of the small potential increase in population. The residential density established by the General Plan for the area would allow two parcels, equal to the two-way land division proposes. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a (3-5 above). There are no existing recreational facilities on the Perez parcel, but there are existing recreational facilities nearby at Western Gateway Park. Additionally, the Spenceville Wildlife area is 5.1 miles to the west and offers recreational opportunities such as hunting, hiking, target shooting, and fishing. Both proposed parcels are already developed with residences, but it would be possible for the property owner to construct one accessory dwelling unit on each lot in the future. The potential construction of two ADUs is not anticipated to increase the population enough to accelerate the deterioration of the existing regional parks and recreational facilities. Therefore, no new recreational facilities will need to be constructed. Due to the minimal potential increase to population and the lack of existing facilities onsite, the proposed project would have *no impact* related to recreational facilities.

Mitigation: None required.

17. TRANSPORTATION

Existing Setting: The Perez land division proposes to divide a 11.92-acre parcel into two parcels of 5.00 and 6.92 acres in size. The property is located approximately 1.8 miles southeast of the Penn Valley Community Region, in an unincorporated area of Nevada County. The property is situated between Indian Springs Road and Simple Justice Road. Indian Springs Road is a public road that is maintained by the county and Simple Justice Road is a private asphalt/gravel road that is a 60’ wide ROW. The Nevada County Transit Services has a bus route that goes from Penn Valley to Grass Valley. The nearest bus stop is on the corner of Penn Valley Drive and Spenceville Road, which is 4.8 miles away.

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, 38
c. Substantially increase hazards due to a geometric design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		A,H,M
d. Result in inadequate emergency access:			✓		H,M
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A,H,M

Impact Discussion:

17a The proposed two-way land division would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities. There are no pedestrian or bicycle facilities in the area to be impacted by the subdivision. The Nevada County Non-Motorized Transportation Master Plan does not identify the parcel being within a trail corridor and no trails pass through the parcel so bicycle and pedestrian movement will not be affected. Transit services are not currently available within a reasonable walking distance from the parcel and would not be affected by the project. The project would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities so therefore there would be *no impact*.

17b The CEQA Section 15064.3 - Determining the Significance of Transportation Impacts describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project.

According to the Senate Bill 743 Vehicle Miles Traveled Implementation, adopted by the Nevada County Transportation Commission, a project's or plan's VMT impact may be considered less than significant if "the project or plan total weekday VMT per service population is equal to or less than "X" percent below the subarea mean under baseline conditions" and "the project or plan is consistent with the jurisdiction's general plan and the Nevada County Regional Transportation Plan."

A specific reduction "X" below subarea baseline VMT may be selected by each jurisdiction based on key factors such as the setting (as noted in CEQA Guidelines Section 15064(b)(1)), evidence related to VMT performance, and policies related to VMT reduction.)

However, analysis of smaller, less complex projects can be simplified by using screening criteria. The Office of Planning and Research suggest that screening thresholds may be used to identify when land use projects should be expected to cause a less than-significant impact without conducting a detailed study. Screening thresholds identified by the Nevada County Transportation Commission (NCTC) Senate Bill 743 Vehicle Miles Traveled Implementation document include:

•

Projects in western Nevada County consistent with a Regional Transportation Plan (RTP) or General Plan that generate less than 630 VMT per day. This value is based on the CEQA exemptions allowed for projects up to 10,000 square feet as described in CEQA Guidelines Sections 15303. The specific VMT estimate relies on the vehicle trip generation rate contained in the OPR Technical Advisory for small project screening and average vehicle trip lengths for western Nevada County using the travel forecasting model. The potential increase in traffic resulting from the proposed two-way land division would be insignificant in nature so therefore there would be ***no impacts*** relative to conflicts with traffic review.

- 17c,e The project would not result in an increase in hazards due to incompatible uses, due to a geometric design feature, or due to hazards created during either construction or occupation of the properties. The uses are already existing and are consistent with the Nevada County Land Use and Development Code. The two proposed single-family residential parcels will continue to take access from roads that meet county fire safe road standards. The Nevada County Fire Marshal is requiring fuel modification along the driveways and the addition of a turnout along the Indian Springs driveway which is discussed in 17d. Any future Accessory Dwelling Units will be required to be served by driveways that meet fire safe driveway standards. The use of the parcels will be consistent with the other surrounding rural/residential uses. Therefore, impacts due to geometric design or related to incompatible uses would be ***less than significant***.
- 17d The proposed two-way land division would not result in inadequate emergency access. The proposed northern parcel will continue to be accessed from Simple Justice Road and the southern parcel will be accessed from a driveway that comes off of Indian Springs Road, which is a county-maintained road. The Nevada County Fire Marshal and the Department of Public Works reviewed the project and did not require improvements to the roads or to the Simple Justice driveway. However, the Nevada County Fire Marshal requested that a turnout be constructed for the driveway off the Indian Springs parcel. The 44 feet of turnout, vegetation clearance, and driveway surface do not fit within the 40-foot access from Indian Springs Road, so a Petition to Exception to Driveway Standards was applied for and reviewed by the Nevada County Fire Marshal, Department of Public Works, and Penn Valley Fire Protection District. Although the portion of the Indian Springs Road driveway is too narrow to fit the required width of vegetation clearance at the location of the turnout, the reviewing departments determined that requiring vegetation clearance to the edge of the access (about six feet instead of ten) at the section next to the turnout is adequate for meeting the same practical effect as strict compliance with the Nevada County driveway standards due to the already thin vegetation and the existing condition of the access. Therefore, the project would have ***a less than significant*** impact relative to resulting in inadequate emergency access.

Mitigation: None required.

18. TRIBAL CULTURAL RESOURCES

Existing Setting: The current environment of the project parcel consists of scattered residences and outbuildings in the hilly transition between the Foothill or Digger Pine-Chaparral Belt of the Upper Sonoran Life Zone. Until 1848, Penn Valley was undisputed Hill Niseman territory. The Hill Niseman were a Maidu-speaking people who may have entered the region *circa* A.D. 600-700. Anthropologists believe that ancestral Maiduans came from northwestern Nevada, their exodus induced by increasing aridity of the Great Basin climate (Moratto 1984:562). The Hill Niseman lived in villages on ridges and on large flats along major water courses. Prior to the gold rush, the native people had little contact with the small Spanish and later Mexican population along California's coast. The 1854 report by W.P. Crenshaw to the

Superintendent of Indian Affairs, Thomas Henley, emphasized the great decimation of the native people since 1849.

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.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 		✓			J,22

Impact Discussion:

18a The proposed two-way land division is anticipated to result in less than significant impacts to tribal cultural resources. The project and the Cultural Resources Survey was distributed to the Native American Heritage Commission on November 7, 2022. An initial distribution of the project application and the Cultural Resources Study were included in an AB52 consultation request that was sent to both the Shingle Springs Band of Miwok Indians and the United Auburn Indian Community of the Auburn Rancheria on February 8, 2022. Upon review of the Cultural Resources Study, the Nevada City Rancheria Nisenan Tribe and the Nevada City Rancheria was sent an AB52 consultation request on October 31, 2022 that included the distribution of the project and the cultural resources study. No responses from the Tribes regarding the AB52 letters have been received. However, the UAIC has previously provided standard mitigation measures that will be applied at mitigation measures. A project specific archaeological survey performed by Ric Windmiller which included both an intensive pedestrian survey and records review, confirmed that there were no tribal cultural resources located at the project site. While no resources are documented

onsite and none were found during the site survey, as discussed in Section 5, there is a chance that future construction could uncover cultural resources of importance. As recommended by the UAIC, Mitigation Measure 5A has been included, which requires work to halt if cultural resources are discovered and requires local tribes to be notified. With this protection in place, impacts to Tribal Cultural Resources would be *less than significant with mitigation*.

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

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the parcel map: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

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

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

***Responsible Agency:** Planning Department*

See also Mitigation Measure 5A.

19. UTILITIES / SERVICE SYSTEMS

Existing Setting: Both proposed parcels are developed with single-family dwellings. Electricity and gas is provided by Pacific Gas and Electric (PG&E). Telephone and internet service is available from AT&T and Comcast. Current Both proposed parcels have existing septic systems and wells. This project will not require the recording of a new utility easement.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Require or result in the relocation or the construction of new or expanded water, wastewater treatment or storm water drainage, electric power,				✓	A,D

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
natural gas or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?					
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓	A
c. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals?		✓			C
d. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?		✓			C

Impact Discussion:

- 19a The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. The Perez project proposes a two-way land division that would separate existing single-family residential improvements. Currently each proposed parcel relies on PG&E for utilities and they will continue to do so; similarly, each proposed parcel is already developed with individual wells and septic systems. No extension of natural gas, public water or wastewater treatment facilities, the expansion of existing facilities, or additional water supplies is proposed or required for this two-way land division. Therefore, the proposed two-way land division designed to separate existing single-family residential improvements is anticipated to have a ***no impact*** related to utility/service extension.
- 19b Each of the two proposed parcels have existing wells serving existing single-family residential improvements. No new water service is required and therefore, the proposed two-way land division is anticipated to have ***no impact*** on water supplies.
- 19c,d The Perez land division would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. No construction is proposed at this time and construction is not required to upgrade access roads to meet fire safe road standards. If construction occurs in the future, these construction activities could result in solid waste in the form of construction materials or vegetative debris. Nevada County provides solid waste collection through a franchise for collection and disposal of waste and recyclables for both residential and non-residential areas. Waste Management is the current holder of this contract; refuse and recyclables in this area of the County are typically hauled to the McCourtney Road Transfer Station located at 14741 Wolf Mountain Road. All solid waste refuse is later hauled to out-of-County landfills, most of which are in the State of Nevada under contract with Waste Management Systems, Inc. There are no known capacity issues with any Waste Management facilities. Any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Mitigation Measure 19A requires solid waste debris generated during construction activities including vegetation and industrial waste such as glues, paint and petroleum products to be appropriately disposed of to avoid potentially adverse landfill and solid waste disposal impacts. Therefore, impacts related to disposal of construction debris would be ***less than significant with mitigation***.

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

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

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

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

20. WILDFIRE

Existing Setting: The project parcel is in the Penn Valley Fire District and is in a high fire severity zone. Nearby properties are also in a high fire severity zone. The project site takes access from Indian Springs Road and Simple Justice Road, which both meet fire safe roadway standards. Portions of the area has dense areas of mixed-oak woodland and landmark blue oak woodland. There are no fire hydrants within half a mile, there is no public water available, and the nearest fire station with a water tender is 4.7 driving miles away.

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓		A,H,M,23
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?			✓		A,B,H,M, 18,9
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, 9,32

Impact Discussion

20a,c The proposed land division is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Perez property is served by the Penn Valley Fire Protection District, in an area designated by CalFire as a High Hazard Severity area. There is currently no adopted emergency response plan for this area. The Nevada County General Plan Safety Element addresses wildlife hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County’s Local Hazard Mitigation Plan (LHMP) includes goals of reducing fire severity and intensity by promoting implementation of fuel

management on private and public lands. A condition of approval from the Deputy Fire Marshal will require vegetation fuel modification zones along both sides of the driveways and the installation of a turnout at the midpoint of the straight section of the driveway from Indian Springs Road on Parcel #1. The required 44 feet of driveway improvements are not able to fit within the 40-foot access from Indian Springs Road, so a Petition to Exception to Driveway Standards was applied for and reviewed by the Nevada County Fire Marshal, Department of Public Works, and Penn Valley Fire Protection District. The portion of the driveway where the turnout will be constructed is too narrow to fit the required width of vegetation clearance, but the reviewing departments determined that requiring vegetation clearance to the edge of the access (about six feet instead of ten) at the section next to the turnout is adequate for meeting the same practical effect as strict compliance with the Nevada County driveway standards due to the already thin vegetation and the existing condition of the access. Additionally, there are no sensitive environmental resources along the Indian Springs access so the construction of the turnout will not impact the environment. The Nevada County Department of Public Works determined that no road or additional driveway improvements are required. Therefore, project impacts relative to compliance with emergency plans, impacts relative to increased fire risk, and impacts to the environment through the construction of the turnout would be *less than significant*.

20b,d The proposed Perez land division seeks to divide 11.92-acres into a 5.0-acre and 6.92-acre parcels essentially dividing the existing single-family residential improvements. The two-way land division separating these existing improvements would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. Proposed building envelopes, which would contain existing and any future structures, avoid areas mapped as steep slopes. Additionally, all future improvements would require building permits and conformance with requirements with such things as maximum impervious surface coverage on each of the parcels, the prohibition of increasing stormflow onto offsite parcels, and adequate erosion control measures. Therefore, the proposed two-way land division that would result in two parcels to contain existing improvements is anticipated to have *a less than significant* relative to the spread of wildfire and fire risks.

Mitigation: None required.

21. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?		✓			
b. Does the project have environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are			✓		

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
considered when viewed in connection with the effects of past, current, and probable future projects.)					
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			

Impact Discussion:

21a,c As discussed in Sections 1 through 20 above, the proposed two-way land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to air quality, biological resources, cultural resources, geology/soils, noise, tribal cultural resources, and utilities/service systems. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Mitigation has also been included to prevent impacts to protected sensitive resources including special status species, aquatic features, Landmark Oak Groves and Landmark Oak Trees, and Critical Deer Habitat. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit any future construction to daytime hours on Monday through Saturday and mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are *less than significant levels with mitigation*, as outlined in each section.

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

Mitigation Measures: To offset potentially adverse impacts to air quality, biological and cultural resources, geological resources, noise, tribal cultural resources, and possible impacts utilities/services systems, see Mitigation Measures 3A-3E, 4A-4D, 5A, 13A, 18A and 19A.

RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

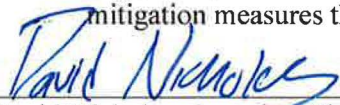
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

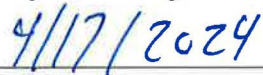
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or a "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



David Nicholas, Associate Planner



Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. Penn Valley Fire Protection District
 - I. Regional Water Quality Control Board (*Central Valley Region*)
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. Nevada County Transportation Commission
 - O. Nevada County Agricultural Advisor Commission
 - P. Penn Valley Union School District/ Nevada Joint Union School District
 - Q. Gold Country Stagecoach
1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
 4. Cal Fire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 7. California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/dlrp/ciff/>
 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 11. Natural Resources Conservation Service, 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. <https://sdmdataaccess.nrcs.usda.gov/>
 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.
 19. Perez 2023 Spring Biological Survey, Virginia Moran, April 25, 2023
 20. Placer County Air Pollution Control District, California Environmental Quality Act Thresholds of Significance, October 2016, <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>

21. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. www.epa.gov/oaqps001/greenbk/ancl.html.
22. Cultural Resources Study, Ric Windmiller, December 2021
23. Nevada County. *Local Hazard Mitigation Plan Update*. August 2017.
<https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
24. California Department of Toxic Substances Control. Accessed December, 2021:
<http://www.envirostor.dtsc.ca.gov/public/>
25. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
26. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California -- Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
27. California Department of Transportation. *California Scenic Highway Mapping System*. July, 2019.
[Scenic High <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways> | Caltrans](https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways)
28. Nevada County. *Land Use and Development Code Section 5, Article 13, Grading*. Amended December 2016.
29. California Department of Conservation, California Geological Survey. 2010. Accessed December 2021
<https://maps.conservation.ca.gov/cgs/fam/>
30. California Office of Planning and Research, SiteCheck, Accessed December 2021,
[Site Check ✓ \(ca.gov\)](#)
31. "Master Plan 2003-2018." *Bear River Recreation & Park District*, <https://brrpd.org/content/5985/Our-Master-Plan>.
32. Department of Conservation Maps , Data Viewer, Accessed 4/3/2024,
<https://maps.conservation.ca.gov/geologichazards/DataViewer/index.html>
33. United States Department of Agriculture, Web Soil Survey,
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
34. California Emissions Estimator Model, <https://caleemod.com/model>
35. Williamson Act Parcels, Nevada County 2017,
<https://nevadacountyca.gov/DocumentCenter/View/30242/2017-Parcels-Affected-By-Williamson-Act-PDF>
36. California Department of Fish and Wildlife, Biogeographic Information and Observation System
<https://apps.wildlife.ca.gov/bios6/?bookmark=648>
37. U.S. Fish & Wildlife Service Information for Planning and Consultation
<https://ipac.ecosphere.fws.gov/location/W2MLFZVNRBGCRE45TUY7KHUQ5Y/resources#endangered-species>
38. Senate Bill 743 Vehicle Miles Traveled Implementation, Nevada County Transportation Commission, July 6, 2020