



## CEQA SECTION 15164 ADDENDUM

**TO:** Nevada County Planning Commission

**FROM:** Marie Maniscalco, Associate Planner  
Nevada County Planning Department

**DATE:** April 25, 2024

**RE:** CEQA Determination: Finding that Section 15164 of State CEQA Guidelines applies to the proposed Amendment to an Approved Map and associated Management Plans (County File No. PLN23-0070; AAM23-0004; MGT23-0014; MGT23-0046). CEQA Section 15164 allows an addendum to a Mitigated Negative Declaration to be prepared when only minor technical changes or changes which do not create new significant impacts would result. The Negative Declaration (EIS76-20) prepared for the original Subdivision Map (FM76-2) that created the subject property is hereby amended by this 15164 letter for the proposed map amendment to replace a 100-foot building setback line with a 100-foot non-disturbance buffer pursuant to Section L-II 4.3.17 for Lot 3 of the Lake Combie Estates Subdivision recorded in Book 5 of Subdivisions at Page 42.

**LOCATION:**

The project is located at 13209 Robles Drive, Auburn, CA in unincorporated Nevada County also known as APN 011-271-003. On the northern shore of Lake Combie, approximately ¼ mile from the intersection of Combie Road and Darkhorse Drive.

**PROJECT DESCRIPTION:**

PLN23-0070; AAM23-0004; MGT23-0014; MGT23-0046 is a request for an Amendment to an Approved Map (FM76-2) to amend the “100-foot building and leachfield setback line” from the southern portion of the parcel that abuts Lake Combie as shown on Lot 3 of the recorded Final Map (FM76-2) and replace with a 100-foot non-disturbance buffer for perennial watercourses per current code, while retaining the 100-foot leachfield setback. The project includes the consideration of a Management Plan to allow development of a 57-foot by 27-foot shade pavilion within the 100-foot non-disturbance buffer of a perennial watercourse and a Management Plan to allow for development within 100 feet of a floodplain. The shade pavilion is proposed approximately 35 feet from the highwater mark of Lake Combie.

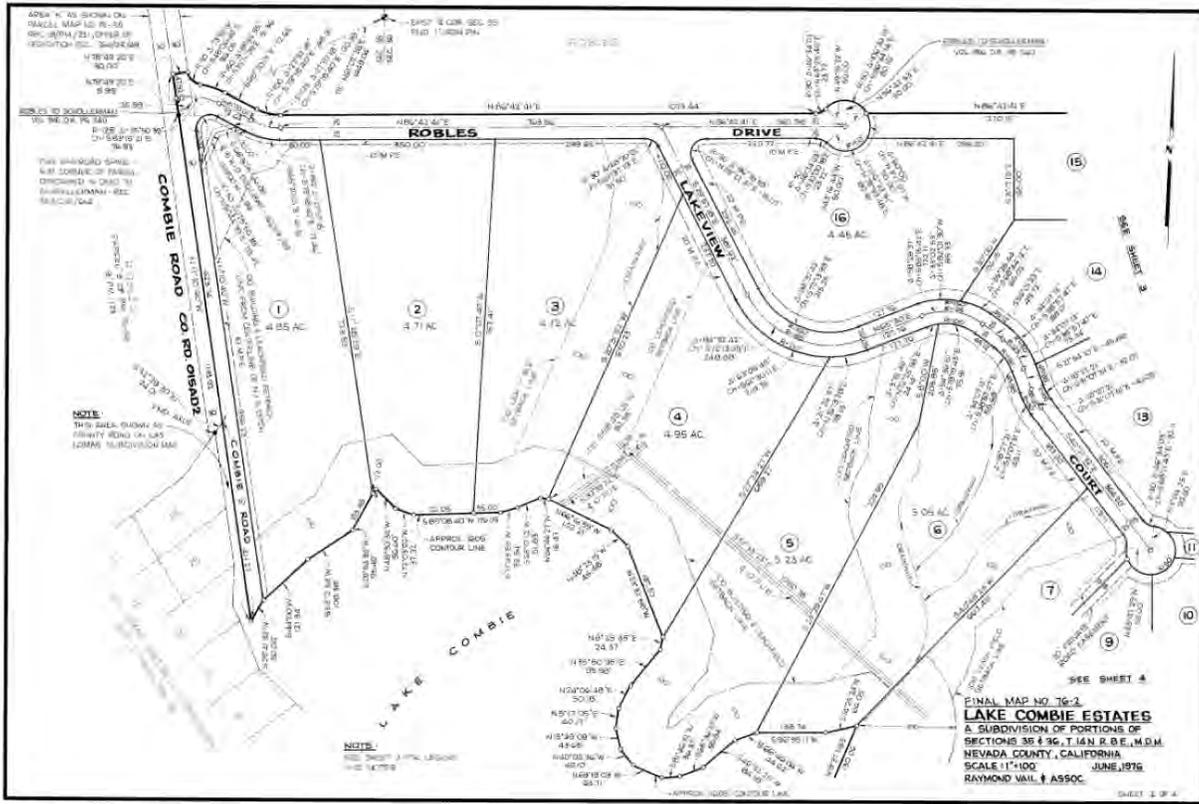


Figure 1. FM76-2 Recorded Subdivision Map

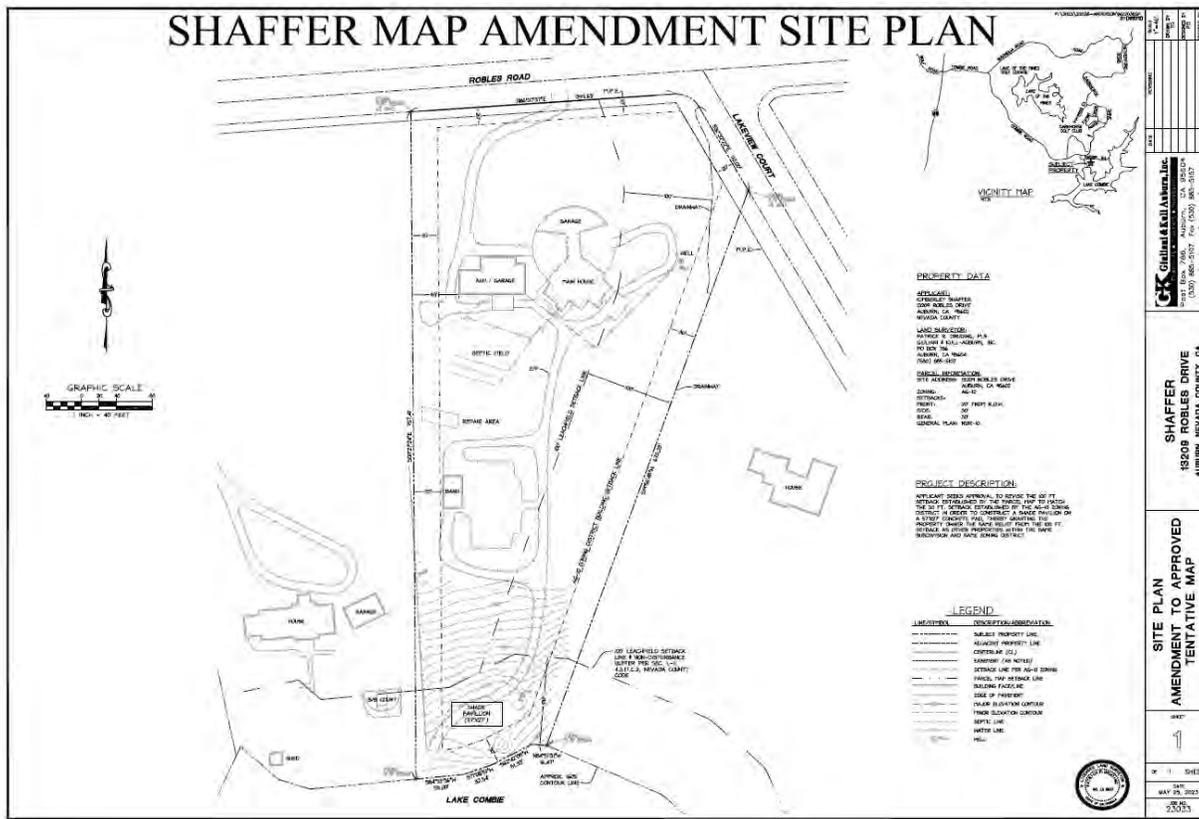


Figure 2. Proposed Lot 3 Amendment Site Plan

**BACKGROUND:**

The project site was created through a Final Map (FM76-2) and associated Negative Declaration (EIS76-20). The original project was approved by the Nevada County Planning Commission on April 29, 1976. The Tentative Map Approval and Negative Declaration are attached.

The Negative Declaration indicates moderate drainage into a lake, stream or other perennial watercourse; trivial impacts to utilities and services; trivial generation of sewage; trivial removal or destruction of trees and other flora; trivial effects on the fauna (fish, deer, and other wildlife) in the region; trivial effects on the employment and tax base of the County; effects on the use of a recreational area or area of important visual value; possibility of changing existing features of any of the region's lake shorelines or stream beds; possibility of serving to encourage development of presently undeveloped areas or intensify development of already developed areas; and possibility of resulting in damage to soil capability or loss of agricultural land. However, the document concludes that the project does not cause any significant environmental impacts and no mitigation measures were included as part of the project approval.

While new sections or impact assessment criteria have been added to the CEQA checklist since the adoption of EIS76-20, including but not limited to Cultural Resources, Energy, Green House Gas Emissions, Transportation, Tribal Cultural Resources, and Wildfire, this addendum only analyzes the potential impact of the removal of the 100-foot building setback and future construction of the proposed shade pavilion as shown in Figure 2 above. This determination is based on the fact that the project will not result in any new impacts to these resources beyond baseline conditions since the proposed project does not result in additional density, create any new lots, or intensify the allowed use of the property beyond what was allowed by the original project (FM76-2; EIS76-20). Additionally, the development of the project site with single family residences and associated uses is consistent with the underlying General Plan and Zoning Designations for this site.

**CHANGES IN PROJECT IMPACTS:**

The project (FM76-2) was initially reviewed pursuant to a Negative Declaration (EIS76-20). This document found that the project does not cause any significant environmental impact, and no mitigation measures were included. The current project is consistent with original findings related to environmental resources. No new significant impacts are identified as a result of this project that were not identified by the original project. The recommendations included in the Management Plans (MGT23-0014; MGT23-0046) ensure there are no significant impacts related to the proposed development and have been included as Conditions of Approval to this project pursuant to Nevada County Land Use and Development Code Section L-II 4.3.3.C. Further discussion is included below for the relevant sections of the Environmental Rating Form prepared for EIS76-20. The questions identified in the original Environmental Rating Form have been grouped according to the current CEQA Appendix G Environmental Checklist Form.

*Aesthetics*

11. Does the project aesthetically compare with the surrounding area?

The original Negative Declaration indicates "yes" to this question. The topography in the area is primarily flat with gentle slopes towards Lake Combie. The vicinity is primarily developed with single family homes and agricultural uses. Many parcels have personal recreational docks on Lake Combie. Some parcels have been largely cleared of trees, and others remain heavily vegetated. There are no historic buildings or rock outcroppings. While there is no scenic vista that is publicly accessible from the parcel, the parcel does front Lake Combie, which is a scenic resource to the neighborhood and accessible to the public. The proposed shade pavilion and its use will be visible to the neighboring parcels along Lake Combie. There are docks for recreational use on the neighboring parcels, and an additional recreational structure (i.e. the shade pavilion) would not be out of character for the aesthetic of the neighborhood. Therefore, the impact to a scenic vista is less than significant.

*Agriculture & Forestry Resources*

23. Could the project result in damage to soil capability or loss of agricultural land?

The original Negative Declaration indicates "yes" to this question. The proposed project parcel and surrounding parcels are within the Other Land farmland designation with some Grazing Land. The parcel is developed with

residential uses. No Prime, Unique, or Statewide Important Farmlands or Farmlands of Local Importance, all of which indicate high soil capability and high quality agricultural land, exist in this area. The nearest Farmland of Statewide Importance is over 3 miles from the project parcel. The proposed setback change and shade pavilion is within the Other Land and Grazing Land designations. These designations are not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor does the project corridor interfere with Williamson Act lands. The proposed setback change and shade pavilion would not directly or indirectly impact agricultural uses on or off-site. Therefore, the project is anticipated to have no impact to soil capability, loss of agricultural land, farmland, or forestry resources.

### *Hydrology/Water Quality*

1. Does the project involve drainage into a lake, stream or other perennial watercourse?

The original Negative Declaration rates this as “moderate”. The project area is located adjacent to Lake Combie, a 360 acre manmade lake that formed by a dam built in the 1920s. The lake is naturally fed by the Bear River and has water imported from the Yuba River. Lake Combie is under the jurisdiction and control of Nevada Irrigation District (NID). The lake acts as a reservoir and provides summer irrigation water for 400 customers and 34 winter water customers. It is the main source of drinking water supply for Lake of the Pines, a subdivision of approximately 2,000 parcels north of the subject parcel. Lake Combie also serves as a recreational facility for residents with lakefront property. The Federal Emergency Management Agency (FEMA) identifies Lake Combie as Zone A, which is an area with a 1% annual chance of flooding, i.e. in the 100-year flood hazard area. The subject parcel itself is not within the 100-year flood hazard area, but is within 100 feet of the 100-year flood hazard area. It should be noted that the project proposes to remove the 100-foot building setback only to accommodate a shade pavilion, and the 100-foot leachfield setback shall remain. Any new structures, such as the proposed shade pavilion, proposed the 100-foot watercourse and floodplain setback to Lake Combie would be required to gain approval of Management Plans. The purpose of Management Plans is to minimize development impacts such as altered drainage patterns or changes to flood hazards. The Management Plans include the following recommendations which will be incorporated as Conditions of Approval to ensure that the any project impacts are less than significant:

1. *Protection of Aquatic Resources:* The construction plans shall include the following mitigation measures and specify that they are to be implemented for the entire duration of construction.
  - a. Limit construction to periods of extended dry weather.
  - b. Install erosion control devices (such as silt fencing, straw wattles, or haybales) around the southern, western, and eastern portions of the shade pavilion footprint/areas to be graded or disturbed to limit potential runoff and sedimentation from entering the aquatic resources during construction.
  - c. Keep all vehicles, machinery, and equipment on established roads and within the Project footprint to limit potential encroachment into aquatic resources.
  - d. Place all staging areas, spoil piles, and storage sites outside of the 100-foot setbacks of the ordinary high water mark of Lake Combie (OHWM), seep, and riparian fringe.
  - e. No equipment, machine, or vehicle refueling or maintenance shall occur within the 100-foot setbacks of the OHWM, seep, and riparian fringe.
  - f. All construction personnel shall be made aware of the locations of aquatic resources and need for avoidance, and the mitigations and conditions of this Plan.
2. *Erosion Control Measures:* The construction plans shall include the following mitigation measures and specify that they are to be implemented for the entire duration of construction.
  - a. Use Best Management Practices for Erosion Control in the disturbed areas adjacent to the shade pavilion. Fiber rolls should be placed on contour at 10-foot intervals horizontally extending 30 feet southerly or downslope from the viewing deck towards Lake Combie. It is critical that the fiber rolls are properly installed to ensure sediment is captured and prevented from entering the floodplain or the lake.

- b. The use of temporary and permanent erosion control measures is required. Ground cover must be established on all disturbed areas prior to the wet season. Apply seed, fertilizer, and mulch at the following rates: Idaho Fescue at 10 pounds per acre; California Fescue at 15 pounds per acre; Three Weeks Fescue at 10 pounds per acre; Canyon Prince Wild Rye at 6 pounds per acre; 16-20-0 Ammonium Phosphate at 500 pounds per acre; Mulch with clean weed free straw at 2 tons per acre. Apply seeding using broadcast or hydroseed method. If hydroseeding is used, increase the seed rates by 25%.
- c. All soil disturbance shall be limited to the dry season. No earth moving operations are to be performed between October 1 and April 15 of the following year, unless authorization is obtained by the Nevada County Building Department and the Nevada County Planning Department.
- d. Regular inspection of erosion control measures shall be performed. All erosion control measures shall be inspected after the first rains. Any deficiencies or observed erosion shall be remedied upon identification.

19. Could the project change existing features of any of the region's lake shorelines or stream beds?

The original Negative Declaration indicates a "yes" to this question. This project would allow development closer to the lake shoreline, but would not change the shoreline itself or any streambeds. Impacts in this category remain less than significant.

#### *Population/Housing*

20. Could the project serve to encourage development of present undeveloped areas or intensify development of already developed areas?

The original Negative Declaration indicates a "yes" to this question. The proposed project is located in a rural area, approximately 0.6 miles southeast of the Lake of the Pines Community Region. The surrounding parcels range in size from 0.15 acres to over 5 acres and are developed with residences and residential accessory structures. The project proposes a residential accessory structure (shade pavilion) and the removal of a 100-foot building setback from a recorded parcel map. The project would not increase density or displace any existing housing.

#### *Recreation*

13. Could the project affect the use of a recreational area, or area of important visual value?

The original Negative Declaration indicates a "yes" to this question. The parcel fronts Lake Combie, which is a scenic and recreational resource to the neighborhood. The parcel is within the Bear River Recreation Benefit Zone. The nearest park is the Bear River Fishing Access, over four miles from the project site. No established biking, equestrian, nor hiking trails exist within the proposed project site area. The proposed shade pavilion will be visible to the neighboring parcels along Lake Combie. There are docks for recreational use on the neighboring parcels, and an additional recreational structure (i.e. the shade pavilion) would not be out of character for the aesthetic of the neighborhood nor impact the use of Lake Combie as a recreational area. The proposed project would not cause increased use to local parks as no additional housing units are proposed, and no direct increase to population is expected. It may actually decrease use of existing recreational facilities as the property owners may choose to use the proposed shade pavilion instead of public facilities. Therefore, the impact to the use of a recreational area or area of important visual value is still less than significant.

#### **CONCLUSION:**

The original subdivision map project (FM76-2) anticipated the project site to be developed with a single-family residential use and included a 100-foot building setback to Lake Combie. This project seeks to remove the 100-foot building setback as approved under FM76-2 and instead comply with the current resource protections included in County code. Current Land Use and Development Code Section L-II 4.3.17 prohibits buildings within 100 feet of Lake Combie, a perennial watercourse, unless a Management Plan has been prepared to minimize impacts to the protected resources. The project proposes construction of a shade pavilion within 100-feet of Lake Combie with a Management Plan to ensure that the project will remain consistent with County Resource

Protection Standards, and that there are no additional impacts beyond what was identified in the initial Negative Declaration (EIS76-20) for the subdivision map.

**FINDINGS:**

It is the finding of the Planning Department that the previous environmental document EIS76-20 as herein amended may be used to fulfill the environmental review requirements of the proposed Map Amendment and Management Plans (PLN23-0070; AAM23-0004; MGT23-0014; MGT23-0046). The current project meets the conditions for the application of State CEQA Guidelines Section 15164, and preparation of a new Negative Declaration is not necessary because no new significant impacts have been identified as a result of this project that were not already determined to be potentially significant and there have been no significant changes to the environmental setting of the project site since the original project approval.

Discretionary processing of the Shaffer Amendment Map and Management Plans (PLN23-0070; AAM23-0004; MGT23-0014; MGT23-0046) may now proceed, subject to review and approval by the Nevada County Planning Commission, with the understanding that any substantial changes in the proposal may be subject to further environmental review.