

Initial Study

Smith Tentative Parcel Map & Boundary Line Adjustment Project

Nevada County, California

To:

Building – Nick McBurney	Principal Planner – Tyler Barrington
CEO – Alison Lehman	COB – Jeff Thorsby
CDA Director – Trisha Tillotson	Fire Protection Planner – Dan Collins
Public Works Engineering/Surveying – Kevin Nelson	Supervisor Heidi Hall – District I
Supervisor Ed Scofield – District II	Supervisor Lisa Swarthout – District III
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Economic Development – Kimberly Parker	Agricultural Commissioner – Chris de Nijs
Nevada County Consolidated Fire District	Environmental Health – Catrie Levenson
NC Transit Services – Robin VanValkenburgh	*County Counsel – Sims Ely/Doug Johnson*
Nevada County Farm Bureau	Rural Quality Coalition
Commissioner Danny Milman – District I	Bear Yuba Land Trust
Nevada City Rancheria Nisenan Tribe	T’si Akim Maidu Tribal Council
Shingle Springs Band of Miwok Indians	United Auburn Indian Community
Colfax-Todds Valley Consolidated Tribe	Commissioner Terry McAteer – District III
Native American Heritage Commission	Nevada Irrigation District (NID)
Pacific Gas & Electric Company (PG&E)	Nevada County Transportation Commission
CA Dept. of Parks and Recreation – Leigh Patterson	Northern Sierra Air Quality Management District
Sierra Club – Sierra Nevada Group	Caltrans Highways
California Native Plant Society – Redbud	Forest Springs, LLC
General Plan Defense Fund	Keep Nevada County Rural
Federation of Neighborhood Associations	Comcast
CA Department of Conservation, Division of Land Resource Protection	CA Department of Fish and Wildlife - North Central Region
Cal Fire Forestry	Nevada Joint Union High School District
Grass Valley School District	US Fish and Wildlife Service
Central Valley Regional Water Quality Control Board	Wolf Creek Alliance
Bear River Recreation & Park District	Commissioner Laura Duncan – District II
<i>*receives full report, others receive NOA only with report available online</i>	

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File Number: PLN23-0151; TPM23-0002; LLA23-0013; EIS23-0008

Assessor Parcel Number: 023-130-056 & 023-130-057

Zoning Districts: RA-3 (Residential Agricultural, 3.00 acre minimum parcel size)

General Plan Designations: EST (Estate)

Project Location: 13577 & 13719 Dog Bar Road, Grass Valley, CA 95949, approximately 0.6 miles east of State Highway 49 and 1.4 miles south of the Empire Mine State Historic Park in unincorporated western Nevada County.

Project Site & Surrounding Land Uses:

The project parcels, 13577 & 13719 Dog Bar Road, (APNs: 023-130-056 & 023-130-057) are both located in an unincorporated area of Grass Valley, CA, approximately 0.6 miles east of State Highway 49 and 1.4 miles south of the Empire Mine State Historic Park. Both project parcels are accessed directly off of Dog Bar Road, approximately 3.9 miles south of the City of Grass Valley. The project parcels are zoned RA-3 (Residential Agricultural with a minimum parcel size of 3.00 acres) and have an EST (Estate) General Plan designation. 13577 Dog Bar Road is currently developed with an existing single-family residence, garage, pond, septic tank and repair area (repair area to be re-certified), vineyard, and an existing asphalt driveway. An existing NID canal is located on the northwest corner of the site, extending from the northern property line to the vineyard on the west. The vineyard has an important farmland designation of “Unique Farmland” with the remainder of the parcel designated as “Other Land”. The site slopes primarily from the north to south, with existing slopes ranging from 10-30% on 83.6% of the site and 0-10% on 6.6%. The remaining 9.8% of the site has slopes of 30% or greater that are primarily located within the 100’ setback from Rattlesnake Creek. 13719 Dog Bar Road is currently developed with residential and rural uses and associated development. The project parcels are directly bordered by thirteen (13) parcels all zoned Residential Agricultural with a minimum parcel size of 3.00 acres (RA-3) to the north, east, south, and west. All thirteen (13) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures. Figure 1 on page 3 below shows the subject project parcel, surrounding properties, and the zoning of the area.

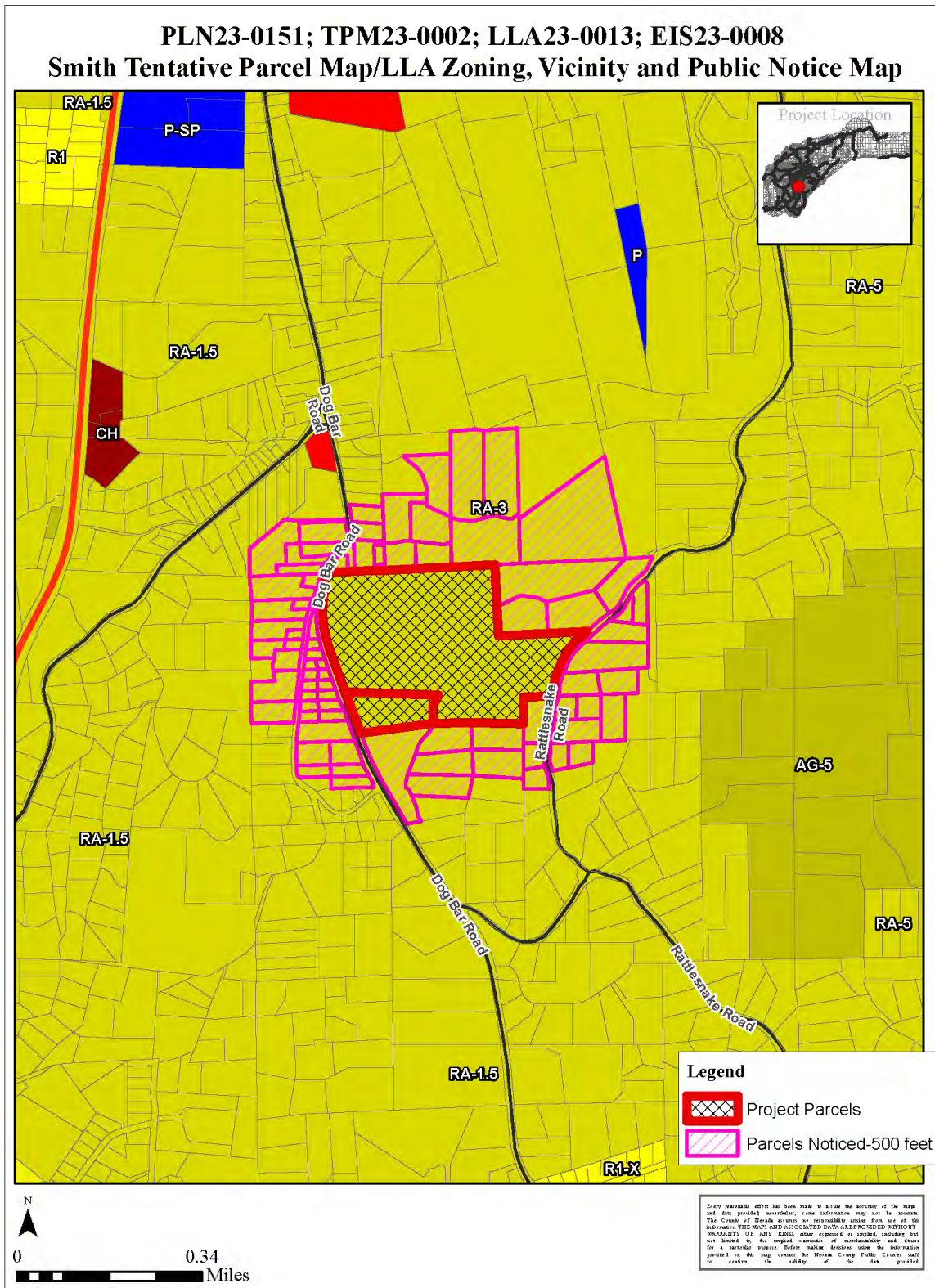


Figure 1 – Zoning, Noticed Parcels, and Vicinity Map

Project Description:

A proposed Tentative Parcel Map and Boundary Line Adjustment (PLN23-0151) requesting to reconfigure the northern property line for 13719 Dog Bar Road (APN: 023-130-056) and the southern property line for 13577 Dog Bar Road (APN: 023-130-057) to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into 4 legal parcels ranging from 6.09-acres to 31.83-acres. Proposed Lot 1 is currently developed with an existing single-family residence, garage, pond, septic tank and repair area (repair area to be re-certified), and vineyard, and is accessed directly off Dog Bar Road, a county-maintained road, from an existing asphalt driveway. Proposed Lot 2 is currently developed with a barn only, and the access for Proposed Lot 2 is proposed via Turquoise Place, with an existing 60' right-of-way. Proposed Lots 3 and 4 are not developed with structures, and the access proposed for both parcels will come via Turquoise Place. Proposed building envelopes for each new lot are located outside of the setbacks, environmentally sensitive areas, Unique Farmland, and slopes greater than 30%. New driveways are not being proposed as a part of the Tentative Parcel Map application, therefore future driveways will be designed to meet site distance and private driveway approach standards during the building permit process.



Figure 2 – Portion of Proposed Tentative Parcel Map



Figure 3 – Project Site Aerial Imagery

Other Permits that May be Necessary:

1. Building and Grading Permits– Nevada County Building Department
2. Encroachment Permits – Nevada County Public Works Department
3. Septic System Permits – Nevada County Environmental Health Department
4. Treated Water Permit – Nevada Irrigation District

Relationship to Other Projects:

None.

Consultation with Native American Tribes:

Pursuant to Assembly Bill 52, tribal consultation began October 4, 2023. Native American tribes traditionally and culturally affiliated with the project area were notified of the project and invited to consultation. No consultation was requested.

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

Recommended Mitigation Measures:

The following measures shall be implemented, and where appropriate, included as a note on construction plans as outlined in each.

3. AIR QUALITY:

Mitigation Measure 3A: Reduce emissions during construction. The following are the minimum mitigation measures designed to help reduce project emissions related to construction. These measures shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits:

1. The mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 4 engines.
2. Construction equipment idling time shall be limited to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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.
3. 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).

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3B: Prepare a Dust Control Plan. Prior to issuance of grading and improvement permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal. The plan shall include but not be limited to the following measures, which shall also be included on all construction plans:

1. The construction contractor shall implement all dust control measures in a timely manner during all phases of project construction.
2. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.
3. All land clearing, grading, earth moving, and excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
4. All inactive disturbed portions of the disposal site shall be covered, seeded, or watered until a suitable cover is established per the requirements of the grading plan.
5. All material transported off-site shall be either sufficiently watered, or securely covered, or a freeboard of two feet shall be maintained in the bed of the transport vehicle to prevent fugitive dust emissions.
6. The construction contractor shall water the disposal site during initial site preparation and grading.
7. The construction contractor shall water unpaved construction roads for regular stabilization of dust emissions.
8. The construction contractor shall limit vehicle speeds on unpaved roads to a speed of 15 mph.
9. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as needed to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3C: Use Alternative Methods to Open Burning for Vegetation Disposal. The following note shall be included on all grading and improvement plans: "Open burning of site-cleared vegetation is prohibited. Among suitable alternatives are chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel."

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

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

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

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

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

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

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

Timing: *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits*

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

Responsible Agency: *Planning Department / NSAQMD*

4. BIOLOGICAL RESOURCES:

Mitigation Measure 4A: Avoid Impacts to Nesting Birds.

The following note shall be added to all improvement/grading/construction plans: Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.

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 –August 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 CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may

determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.

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 building permit issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Resident and Migratory Deer Populations. 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 habitable 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."

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 lake, and protected oak groves. The setback from the perennial stream, pond, and the lake shall be delineated as 100-feet from the highwater mark. The following note shall be included: "No disturbance is

allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

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*

5. CULTURAL RESOURCES

Mitigation Measure 5A. Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe 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 and the Native American Heritage Commission be contacted and, 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. A note to this effect shall be included on the grading and construction plans for each phase of this project.

Timing: *Prior to the issuance of Building/Grading/Improvement permits and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

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

See **Mitigation Measures 5A and 18A.**

13. NOISE

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; no work is permitted on Sundays. 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

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

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

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

Timing: Prior to issuance of Grading/Improvement/Building permits and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department & United Auburn Indian Community (UAIC)

Mitigation: See Mitigation Measures 5A

19. UTILITIES AND SERVICE SYSTEMS

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste: Industrial toxic waste (petroleum and other chemical products) is not accepted at the McCourtney

Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: Prior to issuance of Grading/Improvement/Building permits and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Nevada County Planning Department

21. MANDATORY FINDINGS OF SIGNIFIGANCE

See all Mitigation Measures listed above.

Mitigation and Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3B	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3C	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3D	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3E	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
3F	Planning Department / NSAQMD	Prior to map recordation & issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
4D	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
5A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
13A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
18A	Planning Department	Prior to map recordation & issuance of grading/improvement/building permits
19A	Planning Department	Prior to map recordation & 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). CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except “No Impact” responses that are adequately supported by noted information sources. Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. 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 proposed project includes a Boundary Line Adjustment between 13577 Dog Bar Road (APN: 023-130-057) and 13719 Dog Bar Road (APN: 023-130-056) to reconfigure the northern property line for APN: 023-130-056 and the southern property line for APN: 023-130-057 to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into 4 legal parcels ranging from 6.09-acres to 31.83-acres. Both parcels in their current delineation contain single-family residential and agricultural accessory uses and improvements which are served by existing septic systems and NID water. Average elevation in the project area is approximately 2,525 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northern border of the project area and the lowest elevation of 2,430 feet above MSL within the southwestern section of the project area. With the location of Rattlesnake Creek cutting from the northeast border of the project area through the

central part of the project area, the areas adjacent to the creek slope and drain down into the creek drainage.

The project area is located in an area best characterized as lower montane coniferous forest habitat with open areas within the western section (Proposed Lot 1 and the APN: 023-130-056) and southeastern section (Proposed Lot 2) of the project area. The coniferous forest within the project area is dominated by pine and cedar trees and historic grazing within the project area has created a woodland where the average tree sizes (diameter at breast height) within the project area are relatively small compared to neighboring woodlands that have had less historic clearing and tree removal within them. The remaining areas are generally forested with an existing residence located within the central area of Proposed Lot 1. Another existing residence is located within the 13719 Dog Bar Road parcel located within the southwestern section of the project area. An old structure is located within Proposed Lot 2 within the southeastern section of the project area; however, this is an old structure that is open to the elements and is not a residence. The northwestern section of Proposed Lot 1 and overall Project area contains an approximate 5.00-acre vineyard that is leased to other winemakers (previously the vineyard and another 5.00-acre area of chardonnay grapes within the open western section of Proposed Lot 1 were made into wine and marketed and sold under the Smith Vineyards label, which no longer exists). The western section of Proposed Lot 1 and the overall project area is still maintained as an open area surrounded by horse fencing and areas for horses.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?			✓		A, L
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, L, 27
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓		A
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓		A, 18

Impact Discussion:

1a,c,d A scenic vista is typically considered to be a view that possesses visual and aesthetic qualities of high value to the public. Scenic vistas can provide views of natural features or significant structures and buildings. The proposed project 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 proposed land division will divide an approximate 55.92-acre parcel zoned RA-3, resulting in four (4) legal parcels ranging in size from 6.09-acres to 31.83-acres as follows: Proposed Lot 1 – 31.83 acres; Proposed Lot 2 – 9.00 acres; Proposed Lot 3 – 9.00 acres, and; Proposed Lot 4 – 6.09 acres. The project site contains existing single-family residential and agricultural accessory improvements which are served by existing septic systems and NID water. Existing improvements on APN: 023-130-056 are slightly visible from the adjacent property to the south and slightly visible from Dog Bar Road but are not visible from the surrounding parcels to the north or west due to existing topographical elements. Existing improvements on APN: 023-130-057 are very slightly visible from Dog Bar Road but are not visible from adjacent properties due to the existing topography of the parcel. The project proposes building envelopes within each parcel to contain both existing and future improvements. Future development within the proposed building envelopes would be similarly visible, and views would be of similar rural residential type improvements to those found within other parcels in the area. The proposed land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a land division proposing relatively large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes to allow similar rural residential type improvements to those found within other parcels in the area, the project would result in **less than significant** impacts to public views, scenic vistas, and the general character of the area.

- 1b The proposed land division is not anticipated to result in significant damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County, the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This is northeasterly of Nevada City, not in the vicinity of the project parcel. State Highway 49 is considered an eligible state scenic highway by the California Department of Transportation (2011). State Highway 49 is approximately 0.6 direct miles (as the crow flies) from the project area; there is no visibility of the property from the highway due to existing topographic features blocking the view. Therefore, the proposed project would have **no impact** on scenic resources within a state scenic highway.

Mitigation Measures: None required.

2. Agricultural and Forestry Resources:

Existing Setting: A portion of the project parcels are mapped within important agricultural lands to the west. The vineyard has an important farmland designation of “Unique Farmland” with the remainder of the parcels designated as “Other Land”. Both the General Plan and Zoning designations for the parcels are Estate with a minimum parcel size of 3-acres and Residential Agricultural with a minimum parcel size of 3-acres and the project parcels historically have been used for agricultural and residential activities. The subject parcels are currently developed with single-family residences and accessory structures, with the existing improvements being clustered in a specific area designated as the building envelopes.

Would the 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 Resources Agency, to non-agricultural use?			✓		A, L, 7
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓		A, 18, 34
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or 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,e The western portion of the project parcels are mapped within important agricultural lands. The vineyard area has an important farmland designation of “Unique Farmland” with the remainder of the parcels designated as “Other Land.” The proposed project will not encroach into the 100-foot non-disturbance buffer from the Unique Farmland to the west of the project parcels, and no development is being proposed as a part of the land division application. The proposed land division will create a total of four (4) legal parcels, ranging in sizes from 6.09-acres to 31.83-acres. Unique Farmland currently exists on Proposed Lot 1 and 13719 Dog Bar Road, Proposed Lot 1 will be 31.83-acres in size, and 13719 Dog Bar Road (APN: 023-130-056) will be a 9-acre parcel after the Boundary Line Adjustment, and both parcels contain Unique Farmland on the western side of the parcels that are currently utilized for the growing of grapes. The proposed land division would not have any negative impacts on the use of these Unique Farmlands, as these areas of Unique Farmland can and still will be used for small scale agricultural operations such as growing grapes, and all future proposed development will be required to comply with the 100-foot non-disturbance buffer of the Unique Farmland areas. Additionally, a consultation with the Agricultural Commissioner determined that an Agricultural Management Plan would not be required for the proposed project. Therefore, a **less than significant impact** to protected farmlands is anticipated.

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

Mitigation Measures: None required.

3. Air Quality:

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

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

The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed "criteria" pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. A nonattainment area is an area where a criteria air pollutant's concentration is above either the federal and/or state

ambient air quality standards. Depending on the level of severity, a classification will be designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM2.5, and ozone) and the fire station in downtown Truckee (PM2.5 only). For eight-hour average ozone concentrations, Nevada County is serious nonattainment for both the 2008 and 2015 state and federal ozone standards of 75 and 70 parts per billion, respectively (Table 1). Unlike other pollutants, ozone is not typically released directly into the atmosphere from any sources. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. The major sources of Nitrogen Oxides and Reactive Organic Gases, known as ozone precursors, are combustion sources such as factories, automobiles and evaporation of solvents and fuels. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, when the days are longest, especially in the late afternoon and evening hours. Ozone is considered by the California Air Resources Board to be overwhelmingly transported to Nevada County from the Sacramento Metropolitan area and, to a lesser extent, the San Francisco Bay Area. This recognition of overwhelming transport relieves Nevada County of CAAQS-related requirements, including the development of CAAQS attainment plan with a “no-net-increase” permitting program or an “all feasible measures” demonstration.

For particulate matter, ambient air quality standards have been established for both PM10 and PM2.5. California has standards for average PM10 concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m³, respectively. (The notation “µg/m³” means micrograms of pollutant per cubic meter of ambient air.) For PM2.5, California only has a standard for average PM2.5 concentrations over a year, set at 12 µg/m³, with no 24-hour-average standard. Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM10 standards. Particulate-matter is identified by the maximum particle size in microns as either PM2.5 or PM10. PM2.5, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

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;
		<u>2015 O₃ Standard (70 ppb)</u> Western Nevada County: Serious Non-attainment;

<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. The area of the project site is not mapped as an area that is likely to contain ultramafic rock (California Department of Conservation, 2000). Natural occurrences of asbestos are more likely to be encountered in, and immediately adjacent to areas of ultramafic rock.

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

Would the 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 non-attainment under an applicable federal or state ambient air quality standard?		✓			A, G, 33
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A, G, L, 33
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✓	A, G

Impact Discussion:

3a Nevada County’s General Plan, Chapter 14 Air Quality Element, contains numerous policies to protect air quality in Nevada County. With the exception of General Plan Air Quality Element Policy 14.7A, which requires compliance with Northern Sierra Air Quality Management District Rule 226, the Nevada County General Plan Air Quality Element policies are intended to apply to development that generates new residents or new employees. By assessing air pollution and emissions associated with the proposed project and recommending mitigation measures based on Thresholds of Significance established by the Northern Sierra Air Quality Management District (NSAQMD), the project as proposed would comply with Northern Sierra Air Quality Management District regulations. The proposed land division would not conflict with or obstruct the implementation of an

applicable air quality plan; therefore, **no impact** is anticipated on the potential adoption or implementation of an air quality plan.

- 3b The project is not anticipated to result in a cumulatively considerable net increase of criteria pollutants. Western Nevada County is in non-attainment for the Federal 8-hour ozone standard, and the entirety of Nevada County is in non-attainment for the State 1- and 8-hour ozone standards and PM10 standards. While most of the ozone in the County is transported from urban areas to the southwest, PM10 sources primarily come from within the County. PM10 violations in winter are largely due to wood smoke from the use of woodstoves and fireplaces, while summer and fall violations often occur during forest fires or periods of open burning.

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. The resultant parcels would contain residential and agricultural accessory improvements and would gain access via driveway alignments off Dog Bar Road and Turquoise Place. Driveway improvements serving the proposed parcels are not anticipated to exceed one acre, thus not trigger the requirement for a Dust Control Plan. Therefore, a dust control plan is not required by the NSAQMD. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval. Additionally, Mitigation Measure 3A is proposed to reduce dust impacts during construction if the amount of grading exceeds the NSAQMD threshold of 1-acre. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds during construction. Such methods will be required to be noted on the improvement plans prior to approval.

The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects. Estimated construction impacts were determined using the parameters specific to this proposed land division and conservative CalEEMod defaults. 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.

Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	2.95 lbs/day (0.54 tons/yr)
ROG	< 24 lbs/day	0.97 lbs/day (0.18 tons/yr)
PM10	< 79 lbs/day	0.12 lbs/day (0.02 tons/yr)
CO	N/A	3.16 lbs/day (0.58 tons/yr)
*These thresholds are "Level A" in NSAQMD's <i>Guidelines</i> . CalEEMod Version 2022.1		

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

Table 2. Project Operational Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	0.41 lbs/day (0.08 tons/yr)
ROG	< 24 lbs/day	1.35 lbs/day (0.25 tons/yr)
PM10	< 79 lbs/day	0.16 lbs/day (0.03 tons/yr)
CO	N/A	3.31 lbs/day (0.60 tons/yr)
*These thresholds are "Level A" in NSAQMD's Guidelines. CalEEMod Version 2022.1		

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 3D and 3E reduce operational emissions, minimizing impacts through energy-efficient requirements and a limitation on wood stoves. Further, while mapping does not indicate that the site is likely to contain serpentine, ultramafic rock or naturally occurring asbestos, Mitigation Measure 3F requires NSAQMD notification in the event of their discovery. Therefore, with implementation of these mitigation measures, the potential for this project to violate any air quality standards during either the construction or the operational phases would be **less than significant with mitigation**.

3c,d The proposed land division would divide 55.92-acres into four (4) legal parcels that would each contain rural residential improvements. Each resultant parcel could be developed with a primary residential dwelling and a variety of accessory structures could be added within the proposed building envelopes. Rural residential uses are not anticipated to generate substantial pollutant concentrations, nor are there sensitive receptors in the immediate area of the proposed parcels. The Mountain Community Montessori School appears to be the closest sensitive receptor, located approximately 920-feet to the Northwest from the closest proposed building envelope site. The proposed land division would result in parcels that contain rural residential improvements and uses similar to those currently found both on- and offsite. Therefore, **no impacts** related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and **no impacts** related to the generation of emissions that could affect a substantial amount of people are anticipated.

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

Mitigation Measure 3A: Prepare a Dust Control Plan. Prior to issuance of grading and improvement permits, submit a Dust Control Plan to Northern Sierra Air Quality

Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal. The plan shall include but not be limited to the following measures, which shall also be included on all construction plans:

1. Contact details must be provided for the person/s responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development, construction, and use.
 - i. Readily available contact details are essential in case of dust complaints.
 - ii. The possibility of almost 50 vehicles leaving the site (including caterers and musicians etc.) at the end of an event, brings the possibility of fugitive dust from the gravel road, and dirt/dust/mud track out onto the paved road. Therefore, dust mitigation and track out will need to be considered during the use phase as well as during construction.
2. The construction contractor shall implement all dust control measures in a timely manner during all phases of project construction.
3. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.
4. All land clearing, grading, earth moving, and excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
5. All inactive disturbed portions of the disposal site shall be covered, seeded, or watered until a suitable cover is established per the requirements of the grading plan.
6. All material transported off-site shall be either sufficiently watered, or securely covered, or a freeboard of two feet shall be maintained in the bed of the transport vehicle to prevent fugitive dust emissions.
7. The construction contractor shall water the disposal site during initial site preparation and grading.
8. The construction contractor shall water unpaved construction roads for regular stabilization of dust emissions.
9. The construction contractor shall limit vehicle speeds on unpaved roads to a speed of 15 mph.
10. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as needed to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.
11. Prior to final occupancy, the applicant shall re-establish ground cover on any appropriate portions of the site through seeding and watering.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

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

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

Timing: *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits and throughout construction*

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

Responsible Agency: *Planning Department / NSAQMD*

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

Timing: *Prior to map recordation and prior to issuance of Grading/Improvement/Building permits and throughout construction*

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

Responsible Agency: *Planning Department / NSAQMD*

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

4. 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.)
5. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
6. 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 for recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

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

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

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

Responsible Agency: Planning Department / NSAQMD

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

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits and throughout construction

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

Responsible Agency: Planning Department / NSAQMD

4. Biological Resources:

Existing Setting: The project area lies in the Sierra Nevada foothills. The general topography of the property is characterized as gently sloped from north to south within the Project area. Average elevation in the project area is approximately 2,525 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northern border of the project area and the lowest elevation of 2,430 feet above MSL within the southwestern section of the project area. With the location of Rattlesnake Creek cutting from the northeast border of the project area through the central part of the project area, the areas adjacent to the creek slope and drain down into the creek drainage. Additionally, Proposed Lot 1 contains a Nevada Irrigation District (NID) canal that runs

east to west along the northern section of the lot. A manmade pond (fed by NID water) is also located within Proposed Lot 1 adjacent to the existing residence. The NID canal and Rattlesnake Creek have been mapped within the Project area. Given the pond is small in size, manmade, and not connected to any upstream or downstream aquatic resources, it was not mapped within the National Wetland Inventory (NWI) or National Hydrography Database (NHD). The northwestern section of Proposed Lot 1 and overall project area contains an approximate 5.00-acre vineyard that is leased to other winemakers (previously the vineyard and another 5.00-acre area of chardonnay grapes within the open western section of Proposed Lot 1 were made into wine and marketed and sold under the Smith Vineyards label, which no longer exists). The western section of Proposed Lot 1 and the overall project area is still maintained as an open area surrounded by horse fencing and areas for horses.

The project biologist, Greg Matuzak, describes the project site as an area best characterized as lower montane coniferous forest habitat with open areas within the western section (Proposed Lot 1 and 13719 Dog Bar Road) and southeastern section (Proposed Lot 2) of the project area. The remaining areas are generally forested. The lower montane coniferous forest habitat type includes both conifers and hardwoods. Relatively little understory occurs under the pronounced hardwood tree layer except in the case of the project area, mountain misery (*Chamaebatia foliolosa*) dominates the herb layer with some dense areas of whiteleaf manzanita (*Arctostaphylos viscida*) within the shrub layer. Most of the manzanita has been removed from the site for fire suppression. Ponderosa pine (*Pinus ponderosa*) and incense cedar (*Calocedrus decurrens*) dominate the Project area. However, some scattered sugar pine (*Pinus lambertiana*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), and Pacific madrone (*Arbutus menziesii*) occur within the Project area within this habitat type. The annual grasslands within the open areas of the Project area are dominated by wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), medusa head (*Taeniatherum caput medusae*), and filaree (*Erodium cicutarium*). Orchardgrass (*Dactylis glomerata*) and wild rye (*Elymus glaucus*). Non-native grasslands are known to out-compete native grasses and forbs throughout the valley and foothill regions of California. The western and southeastern sections of the project area are located in areas dominated by non-native grasses and forbs given the open nature of those areas of the project area. Many decades ago, the project area was mostly cleared of vegetation and was used for cattle ranching and therefore, the existing trees are just a few decades old and mostly smaller to medium sized when it comes to their trunks measured by their diameter at breast height.

Special Status Species:

A current review of the California Natural Diversity Data Base and database information provided by the United States Fish and Wildlife Service were used for special status species consideration, as part of the Biological Resources Inventory. A total of six (6) special status species have been identified within three-miles of the project area:

- Brandegee's Clarkia (*Clarkia biloba* ssp. *brandegeae*)
- Scadden Flat Checkerbloom (*Sidalcea stipularis*)
- Dubious Pea (*Lathyrus sulphureus* var. *argillaceus*)
- Brownish Beaked-Rush (*Rhynchospora capitellata*)
- Townsend's Big-eared Bat (*Corynorhinus townsendii*)
- California Black Rail (*Laterallus jamaicensis coturiculus*)

Brandegee's Clarkia (Clarkia biloba ssp. brandegeae):

This plant predominant habitat includes chaparral, cismontane, and lower montane coniferous/mixed conifer forest habitats; often being sited between 75 and 915 meters above MSL. The species has been documented three-miles to the north of the project area. Field surveys of the project site did not identify presence within the project area. It was noted that there was no suitable habitat for the species within the project area and that the likelihood of this species occurring within the project area may be considered very low.

Scadden Flat Checkerbloom (Sidalcea stipularis):

Scadden Flat checkerbloom inhabits marshes and swamps. It is found in wet montane marshes fed by springs, normally between 700 and 740 meters above MSL. This species has been identified within 3 miles of the Project area. The species was not identified during field surveys and marginal suitable habitat for this species does occur within the Project area along Rattlesnake Creek. However, Rattlesnake Creek will have a firm minimum 100-foot non-disturbance buffer so no plant or wildlife species that associate with the creek would be impacted by the development of any of the lots.

Dubious Pea (Lathyrus sulphureus var. argillaceus):

Dubious pea inhabits lower and upper montane coniferous forest and cismontane woodlands, normally between 150 and 305 meters above MSL. This species has been identified within 3 miles northwest of the project area. However, the species was not identified during field surveys and only marginal suitable habitat for this species occurs within the project area given understory vegetation has been recently removed in some areas and others the understory density is too high for the species. Additionally, the blooming period for this species is normally April and May but with the abnormally long period of rain and snow in 2023 extending through late May, this species would be in bloom, if present, in early June and it was not identified within the project area on June 13th, 2023.

Brownish Beaked-Rush (Rhynchospora capitellata):

Brownish beaked-rush inhabits meadows and seeps, marshes and swamps, and it is found in upper and lower montane coniferous forests, normally between 45 and 2000 meters above MSL. This species is normally identified on mesic sites and has been identified approximately 3 miles from the project area in a marshy area along the northwest corner of the Nevada County Fairgrounds along Hwy 20. The species was not identified during field surveys and only marginal suitable habitat for this species does occur within the project area along Rattlesnake Creek and the existing small pond. However, the species was not identified during the field survey and additionally, Rattlesnake Creek and the small pond will have a firm minimum 100-foot non-disturbance buffer so no plant or wildlife species that associate with the creek or the pond would be impacted by the development of any of the lots.

Townsend's Big-eared Bat (Corynorhinus townsendii):

This species inhabits lower montane coniferous forest areas where abandoned buildings and structures occur for roosting. This species has been identified within 3 miles north of the project area within the Visitor Center of the Empire Mine State Historic Park. However, the species was not identified during field survey and suitable habitat for this species does not occur within the project area given there are no abandoned closed structures within the project area. The old

structure within Proposed Lot 2 was surveyed and is an open structure and doesn't provide the closed cover for the species during breeding.

California Black Rail (*Laterallus jamaicensis coturiculus*):

California black rail inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. The species requires water depths of about 1 inch that does not fluctuate during the year and dense vegetation for nesting habitat. This species has been identified within 3 miles of the project area. The species was not identified during the field survey and suitable habitat for this species does not occur within the project area given the small manmade pond, NID canal, and Rattlesnake Creek located within the project area lack the required hydrology and cover requirements for the species.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	A, K, 19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A, K, L, 19

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A, K, L, 10, 19
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			A, L, 19, 35
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, 18, 19

Impact Discussion:

4a,d The proposed land division would divide a reconfigured 55-92-acre parcel into four (4) legal residential parcels ranging from 6.09-acres to 31.83-acres. The project is not anticipated to result in any 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. Similarly, the project is not anticipated to substantially interfere with the movement of any native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

A project specific biological report was prepared by Greg Matuzak, based on field review of the property on June 13, 2023, a review of the California Natural Diversity Data Base (CNDDDB), and database information provided by the United States Fish and Wildlife Service for the project area. The database searches did reveal six (6) special-status species, including Brandegees clarkia, Scadden Flat checkerbloom, brownish beaked-rush, dubious pea, California black rail, and Townsend’s big-eared bat that have been previously identified within 3 miles of the project area. None of these species were observed during field surveys. In addition, there is no Designated Critical Habitat (DCH) for any plant or wildlife species protected by USFWS within 3 miles of the project area. Known occurrences of special-status plants have been documented within 3 miles of the project area and though the project area does contain marginal suitable habitat for special-status plant species, no special-status plant species were documented within the project area during site surveys conducted on June 13, 2023. The project area is within the range of a number of special-status animal species that are of concern to the United States Fish and Wildlife Service and

California Department of Fish and Wildlife, however, none of these species have been recorded within or near the project area. Loss of limited numbers of common species of plants or animals, as could occur due to further development of the property, is not a significant impact under current CEQA guidelines pertaining to biological resources. However, the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §3513 prohibit take of migratory birds, which is defined to include destruction of active nests (presumed to contain eggs or nestlings). Compliance with the MBTA requires that no grading, brush clearing (mechanized or otherwise), or tree removal occur during the nesting season without a nesting bird survey that confirms that no occupied nests are present. Further, the MBTA requires contingent mitigation actions if nests are present, so Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds.

The project area is not located in any known major deer corridor, known deer holding area, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the project area is located in an area identified as containing Deer Winter Range. The field survey did not record any observations of deer. The project area does not contain any known major deer migration corridor, known deer holding area, nor any known critical deer fawning area. Mitigation Measure 4B would require clustered development through the prescribed building envelopes to minimize the potential impacts to resident and migratory deer population in the surrounding area. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas and animal enclosures to continue to allow free movement of deer through the area. With implementation of these mitigation measures, the proposed project is anticipated to have **no impact** on the loss of any special-status plant or animal species in this area, and impacts related to wildlife movement and disturbance of local wildlife would be **less than significant with mitigation**.

- 4b,c The proposed land division is anticipated to result in a less than significant impact on riparian habitat, wetlands or other sensitive natural communities. The field survey conducted by the project biologist identified that the project area contains a small, manmade pond, an NID canal, and a section of Rattlesnake Creek. However, the applicant has developed the proposed project to avoid any development or disturbance within the Nevada County Land Use and Development Code non-disturbance buffers for each of those aquatic resources. Therefore, aquatic resources will be avoided as part of any proposed development within the Project and potential direct and indirect impacts to Rattlesnake Creek, the small pond, and the NID canal will be avoided completely with the maintenance of the non-disturbance buffers around each aquatic resource as required by Mitigation Measures 4B and 4D. Furthermore, aquatic special-status species, including special-status plants, fish, and wildlife species would also be avoided, if present, within and immediately adjacent to Rattlesnake Creek, the small pond, and the NID canal given the non-disturbance buffers that will restrict encroachment within 100 feet of any of the aquatic resources mapped within the project area. As a result, no impact would be expected to CA black rail, special-status plants that associate with aquatic and other wet habitats, or fisheries based on the avoidance of such aquatic resources within the project area by the proposed project.

Therefore, the proposed Project is in compliance with the Nevada County Land Use and Development Code, Chapter II; Zoning Regulations, Section L-II 4.3.17.C.3 (Ordinance

Number 2033), which requires a Management Plan be prepared for projects in non-disturbance buffers, including areas that are within 100 feet of the high water mark of perennial streams and watercourses and 50 feet from the high water mark of intermittent watercourses. Additionally, a Management Plan is required prior to encroachment into the 100-foot upslope and 20-foot downslope non-disturbance buffers to an NID canal or ditch. No Aquatic Resources Management Plan is required for protected aquatic resources given the appropriate non-disturbance buffer for each type of aquatic resource mapped within the project area. Further, Mitigation Measure 4D is proposed, requiring aquatic resources to be delineated as Environmentally Sensitive Areas with non-disturbance buffers (100 feet from the perennial stream, lake, and pond) on the supplemental data sheets that will record with the parcel map. 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 surrounding the pond and lake, therefore the project will have **no impact** through direct removal, filling, or hydrological interruption of these resources.

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

The project area is located in an area best characterized as lower montane coniferous forest habitat. The lower montane coniferous forest habitat type includes both conifers and hardwoods. Relatively little understory occurs under the pronounced hardwood tree layer except in the case of the Project area, mountain misery (*Chamaebatia foliolosa*) dominates the herb layer with some dense areas of whiteleaf manzanita (*Arctostaphylos viscida*) within the shrub layer. Most of the manzanita has been removed from the site for fire suppression. Ponderosa pine (*Pinus ponderosa*) and incense cedar (*Calocedrus decurrens*) dominate the Project area. However, some scattered sugar pine (*Pinus lambertiana*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), and Pacific madrone (*Arbutus menziesii*) occur within the project area within this habitat type. There are many scattered small to medium sized oak trees within the Project area and they are dominated by California black oak with some interior live oak mixed in. However, the Project area does not contain any landmark groves (native oak trees and other native hardwoods with a 33% canopy cover or greater). The tree canopy is dominated by ponderosa pine and incense cedar trees making up greater than 75% of the tree canopy within all areas of the Project area. The scattered oak trees within the project area are all small to medium size trees (range between a dbh of 4 to 24 inches). Therefore, the proposed Project will have no impact on protected oak resources and an Oak Resources Management Plan is not required as part of the review and approval process for the proposed project. Building

envelopes ensure proposed development areas associated with each of the newly created four parcels within the subject parcel will be located outside of environmentally sensitive areas. Therefore, conflicts with local policies and ordinances are expected to be **less than significant**.

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

Mitigation Measure 4A: Avoid Impacts to Nesting Birds.

The following note shall be added to all improvement/grading/construction plans:

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

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 – August 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 CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
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.

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Resident and Migratory Deer Populations. 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 habitable 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.”

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 lake, and protected oak groves. The setback from the perennial stream, pond, and the lake shall be delineated as 100-feet from the highwater mark. The following note shall be included: “No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved.”

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

5. Cultural Resources:

Existing Setting: The project site incorporates approximately 65-acres of land generally bisected by Rattlesnake Creek and situated adjacent to the east side of Dog Bar Road, and the west side of Rattlesnake Road, approximately 0.5-miles east of State Route 49, approximately two miles south of the Grass Valley corporate boundary, within the southwestern portion of Nevada County, California. Lands affected are located within a portion of Section 12 of Township 15 North, Range

8 East, as shown on the USGS Grass Valley, California, 7.5' Series Quadrangle. The project site slopes primarily from the north to south, with existing slopes ranging from 10-30% on 83.6% of the project site and 0-10% on 6.6% of the project site. The remaining 9.8% of the project site has slopes of 30% or greater that are primarily located within the 100' non-disturbance buffer from Rattlesnake Creek.

Biologically, the study area is located in a transition zone between the lower foothill elevations and the higher Sierra Nevada mountains. This transition zone is considered the Yellow Pine Belt (Storer and Usinger 1963). Because it is a transition zone, or ecotone, a variety of flora and fauna species occur in the area that typically occur at zones of either higher or lower elevations. As a transition area, the Yellow Pine Belt in the Grass Valley area is comprised of a number of specific habitat types (Holland 1986). The numerous habitats give rise to a wide variety of flora and fauna. Various species of waterfowl routinely migrate through the Grass Valley area, including Canada geese, mallard, cinnamon teal, American wigeon, common goldeneye, bufflehead, and common merganser. As well, raptor species include red-tailed hawk, sharp-shinned hawk, and American kestrel. Upland bird species such as California quail are also commonly observed in the area. Terrestrial species include deer mouse, western harvest mouse, California meadow vole, Botta's pocket gopher, beaver, coyote, bobcat, and gray fox.

Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with particular emphasis given to stream confluences and to ecotones created at the interface of foothill/valley lands, elements of which are located within and/or near the present study area. Generally, environmental conditions within the region have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these may have influenced prehistoric patterns of land use and settlement.

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

Impact Discussion:

5a-c At the request of the project authorized representative, the North Central Information Center (NCIC) conducted a records search of the California Historic Resources Information System (CHRIS) maps for cultural resource site records and survey reports in Nevada County within a ¼-mile radius of the proposed land division area. The NCIC letter dated May 4, 2023, identifies no recorded resources within the proposed land division area and no known reports within the proposed project area. Additionally, the NCIC letter indicates that there are eight (8) recorded resources outside the project area (P-29-1476, P-29-1515, P-

29-2482, P-29-4684, P-29-4687, P-29-4688, P-29-4694, and P-29-4726), and five (5) known reports outside the proposed land division area (2106, 2896, 4652, 5773, and 10331). Existing records at the NCIC document that none of the present proposed land division area had been subjected to previous archaeological investigation, and that no prehistoric or historic-era sites had been documented within the proposed land division area. As well, the present effort included an intensive-level pedestrian survey. The pedestrian survey failed to identify any prehistoric resources within the proposed land division area. Two historic-era resources designated “13179 Dog Bar Road,” and a previously unrecorded segment of P-29-4694 (Forest Springs Lateral), were identified, recorded, and recommended not eligible for inclusion on the California Register of Historical Resources (CRHR) under any of the relevant criteria. Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on April 15, 2023. The NAHC responded on June 9, 2023, indicating that a search of their Sacred Lands File was negative. Based on the specific findings detailed above, under Cultural Resources Survey and Cultural Inventory, no significant historical resources, or unique archaeological resources are located within the proposed project area.

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

Mitigation Measures: To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required:

Mitigation Measure 5A. Halt work and contact the appropriate agencies if human remains or cultural materials 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 the issuance of Building/Grading/Improvement permits and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

6. Energy

Existing Setting: On February 12, 2019, the Nevada County Board of Supervisors approved the Energy Action Plan (EAP) as the County’s unincorporated area’s roadmap for expanding energy-efficiency, water-efficiency, and renewable-energy, and the cost-savings that accompany these efforts. The EAP is focused on operations of structures, infrastructure that generates energy, and efficient use of water.

The subject project proposes to divide 55.92 acres into a total of four parcels. Proposed Parcel 1 is developed with an existing single-family residence, garage, pond, septic tank and repair area (repair area to be re-certified), and vineyard, and Proposed Parcel 2 is currently partially developed with an existing barn. Proposed Parcels 3-4 are undeveloped at this time. The properties currently have electrical service from PG&E, which would also provide for future development of the created parcels. The building envelopes on Proposed Parcels 1 and 2 contain existing improvements and are sized to allow additional potential future improvements, and all proposed building envelopes on Proposed Parcels 3 and 4 are sized to allow potential future improvements.

Would the 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 project is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. The proposed parcels are intended to be developed with single-family dwellings and accessory structures. Electricity is currently available to the property, and there are existing public utility easements along/from Dog Bar Road, Rattlesnake Road, and Turquoise Place to provide for future connection to electricity. Operationally, energy needs for four rural residential parcels are low. Future improvements, if any, would be required to meet energy standards in place at the time of their construction. The scale of the project along with requirements to meet energy

standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a **less than significant impact**.

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

Mitigation: None required.

7. Geology and Soils:

Existing Setting: The proposed land division of the reconfigured 55.92-acre parcel (APN: 023-130-057) is located in an unincorporated rural area of Nevada County. The average elevation in the project area is approximately 2,525 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northern border of the project area and the lowest elevation of 2,430 feet above MSL within the southwestern section of the project area. With the location of Rattlesnake Creek cutting from the northeast border of the project area through the central part of the project area, the areas adjacent to the creek slope and drain down into the creek drainage. The soils of the project site are mapped as Musick Sandy Loam, 5%-15% slopes; Musick Sandy Loam, 15%-50% slopes; Sites Loam, 15%-30% slopes; Sites Loam, 9%-15% slopes; Sites Very Stony Loam, 15%-50% slopes; Sites Loam, 2%-9% slopes; and Alluvial Land Clayey.

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 there are no known faults that cross through the project site; however, the project site is located approximately 1.2-miles southwest and approximately 1.9-miles northeast of Pre-Quaternary faults (Department of Conservation). Generally, western Nevada County is located in the low intensity zone for earthquake severity. The project site is located within Seismic Zone I—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion (Nevada County, 1991).

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides? 			✓		A, L, 12, 16, 29, 30, 31
b. Result in substantial soil erosion or the loss of topsoil?			✓		A, D, 25, 32
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓		A, D, 12, 25, 30, 31, 32
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		A, D, 25, 30, 31, 32
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A, C, 11
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A, L

Impact Discussion:

7a,c,d The proposed land division is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The project site is not within an Alquist-Priolo Earthquake Fault Zone and there are no known faults that cross through the project site; however, the project site is located approximately 1.2-miles southwest and approximately 1.9-miles northeast of Pre-Quaternary faults, which are older than 1.6 million years. The project site is located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, meaning the site has a low risk for strong ground motion and thus the project is not anticipated to result in earthquake related impacts. Additionally, neither Musick Sandy Loam, 5%-15% slopes; Sites Loam, 15%-30% slopes; or Sites Loam, 9%-15% slopes, which underlies the majority of the project site, are described by the USDA Soil Conservation Service as being unstable or expansive and are all classified as well drained. Building permits will be required for all earthwork, which would require compliance with the Nevada

County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be **less than significant**.

- 7b The project is a proposal to reconfigure APN: 023-130-057 and then divide the newly configured 55.92-acres with an existing single-family residence and agricultural accessory structures into four (4) separate legal parcels. Work along portions of Turquoise Place to meet fire standards, or work associated with potential future development within building envelopes is not anticipated to result in substantial soils erosion, or in grading on steep slopes. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Additionally, proposed building envelopes and work areas are located outside of steep slopes. Further, any future non-habitable structures will require building permits and will not be able to be constructed on slopes steeper than 30% without a management plan. 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 The project site does not have soils incapable of adequately supporting septic systems. The existing residences on the subject property's utilize individual septic systems. Additionally, recent soils testing for each proposed parcel has confirmed onsite soils are capable of adequate sewage disposal. A typical condition of approval requires Minimum Useable Sewage Disposal Areas to be delineated around existing leach-fields sized with adequate room for a 100 percent repair area should the initial system ever fail. Based on use of existing systems along with recent soils testing confirmation, the project would have **no impact** relative to a lack of soils for sewage disposal.
- 7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because ground disturbance is anticipated to bring the proposed driveways up to required standards, or that associated with potential future development within building envelopes, Mitigation Measures 5A and 18A 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 Measures: To mitigate unexpected soils presence and impacts from project grading and construction, both on-and off-site, please see **Mitigation Measures 5A and 18A**.

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 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

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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 proposed 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. Carbon dioxide (CO₂) is the main component of greenhouse gases, and vehicles are a primary generator of CO₂. The proposed project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. The proposed project is located in the Sierra Nevada Foothills, within a rural area surrounded by low-density rural residential properties, and overall GHG outputs are expected to be minimal. 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 (NSAQMD), but the NSAQMD has not adopted thresholds of significance for greenhouse gases. However, Placer County Air Pollution District (APCD) has adopted thresholds of significance for greenhouse gases. Due to greenhouse gas emissions being not only a regional, but also a global concern, with the similarities between neighboring air districts, it was determined that the Placer APCD thresholds are a 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 (MT CO₂e/yr). A 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 overall GHG impact is expected to remain at a level that is **less than significant**, due to several factors including but not limited to: the proposed land division and residential improvements will apply standard building permit requirements ensuring any new structures meet energy efficiency standards; adherence to mitigation measure 3B which requires 50% of equipment to utilize Tier 1 engines or clear, and equipment idle times to be less than five (5) minutes; and because the proposed development is a low density residential use which will result in the potential for two residential properties that are consistent with existing General Plan and zoning densities in this area.

Mitigation Measures: None required.

9. Hazards and Hazardous Materials:

Existing Setting: The project site is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019). The project area is in a high fire hazard severity zone as designated by Cal Fire. The Mountain Community Montessori School appears to be the closest sensitive receptor, located approximately 920-feet to the Northwest from the closest proposed building envelope site. The closest residence is approximately 20-feet from the Northern property boundary line. The project is located approximately 2.7 driving miles from the nearest airport, the Grass Valley Service Center Heliport.

Would the 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 for people residing or working in the project area?				✓	A, L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H, M
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H, M

Impact Discussion:

- 9a,b The proposed land division does not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could be stored, used, and handled during construction. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Therefore, project related hazard impacts relative to routine transport, use, disposal, or emission of hazardous substances to the public or environment would be **less than significant**.
- 9c The Mountain Community Montessori School appears to be the closest sensitive receptor, located approximately 920-feet to the Northwest from the closest proposed building envelope site, found on Proposed Lot 1. The closest neighboring residence to Proposed Lot 4, the closest proposed building envelope to an existing single-family residence, is approximately 110-feet away. Additionally, as noted above, hazardous materials are anticipated to be those associated with typical household uses and those small quantities that could be utilized during construction. Due to the type and number of materials associated with this land division, **no impact** relative to transport, use, or emissions of hazardous materials within proximity of a school is anticipated.
- 9d The proposed project area is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be **no impact**.
- 9e The project site is not located within an airport land use plan and is approximately 2.7 driving miles from the nearest heliport - the Grass Valley Service Center Heliport, located Northwest of the project site. The Grass Valley Service Center Heliport is a private airstrip that requires permission prior to landing. In addition, the project site is located approximately 5.7 driving miles from the Alta Sierra Airport, and approximately 8.0 miles from the Nevada County Airport. The private Alta Sierra Airport is restricted to use by the property owners. Because the potential rural residential use of the newly created parcels are not anticipated to interfere with air traffic patterns or aircraft safety, safety hazard impacts on people residing or working in the project area are anticipated to have **no impact**.
- 9f The proposed 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 Nevada County Consolidated Fire District, in an area designated by CalFire as a High Fire Severity Zone area. The Nevada County Office of the Fire Marshal has 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 All future improvements would require Building Permits and conformance with Chapter 5 of the Nevada County Land Use and Development Code for building and grading standards. As a condition in the project Conditions of Approval, the applicant would be required to provide defensible space around all structures consistent with California Public Resources Code 4291, which requires up to 100 feet of fuels treatment or to the property line, whichever is closer. The proposed project would not expose people or structures to wildland fires and would improve access to the site, and therefore there would be a **less than significant impact**.

Mitigation Measures: None required.

10. Hydrology and Water Quality:

Existing Setting: The average elevation in the project area is approximately 2,525 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northern border of the project area and the lowest elevation of 2,430 feet above MSL within the southwestern section of the project area. There are aquatic resources within the project area, including Rattlesnake Creek and a Nevada Irrigation District (NID) canal that are both mapped aquatic features within the National Wetland Inventory (NWI) or National Hydrography Database (NHD). With the location of Rattlesnake Creek cutting from the northeast border of the project area through the central part of the project area, the areas adjacent to the creek slope and drain down into the creek drainage. A manmade pond (fed by NID water) is also located within Proposed Lot 1 adjacent to the existing residence within Proposed Lot 1. Per a review of the National Wetland Inventory (NWI) and National Hydrography Database (NHD) attached in the appendices attached, the NID canal and Rattlesnake Creek have been mapped within the Project area. Given the pond is small in size, manmade, and not connected to any upstream or downstream aquatic resources, it was not mapped within the NWI or NHD.

The project corridor is not located within or near a 100-year flood hazard zone according to the Federal Emergency Management Agency's (FEMA) Flood Information. The Federal Emergency Management Agency identifies the area as Zone X, which is an area determined to be outside of the 500-year flood or protected by levee from 100-year floods. The project is not in a tsunami or seiche zones.

The California State Water Resources Control Board regulates stormwater discharges from construction sites because of its potential to mobilize pollutants and discharge into waterbodies or watersheds. By regulating these discharges, the State Water Board is preserving, enhancing, and restoring California's waterbodies and its resources.

Sustainable management of groundwater basins is overseen by the Department of Water Resources (DWR) and State Water Resources Control Board (SWRCB) via the Sustainable

Groundwater Management Act (SGMA). This project is not located within any groundwater basins or priority basins identified by the DWR Bulletin 118, or the SGMA Basin Prioritization Dashboard. The nearest DWR Bulletin 118 basins are the North and South Yuba Subbasins of the Sacramento Valley Basin (5-21.60 and 5-021.61, respectively) which are more than 15 miles southwest of the project site. No Groundwater Sustainability Agency, no Groundwater Sustainability Plan, and no sustainability criteria or goals have been established for the underlying aquifer of this project.

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓		A, C, D, I
b. Substantially decrease groundwater supplies or interfere 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 which 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 off-site; 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) impede or redirect flood flows?			✓		A, D, 9, 19
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	A, 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?				✓	A, L, 9, 13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	A, L, 13

Impact Discussion:

10a,c The proposed land division is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity or alter existing drainage patterns. The land division is intended to divide one existing parcel with an existing single-family residence and agricultural accessory structures into four (4) legal standalone parcels. Proposed Lot 1 currently takes access from Dog Bar Road from an existing asphalt driveway, and Proposed Parcels 2-4 will take access from Turquoise Place. Any work conducted within the right of way will require an encroachment permit from the Nevada County Department of Public Works. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features.

There are aquatic resources within the project area, including Rattlesnake Creek and an NID canal that are both mapped aquatic features within the National Wetland Inventory (NWI) or National Hydrography Database (NHD). Additionally, there is a small pond that is manmade and fed by NID water. Non-disturbance buffers are placed around each of the aquatic resources located within the project area; therefore, no direct or indirect impacts will occur to these aquatic resources and the proposed project will have no impact on protected aquatic resources. Building envelopes on the proposed parcel map are designed to keep the construction of habitable structures outside of the non-disturbance buffers of waterways and waterbodies. The limited amount of work would not alter drainage patterns, degrade water quality, or violate water quality standards. Additionally, development of the relatively small building envelopes on the relatively large parcels would not result in a substantial increase in surface runoff that could result in flooding. Proposed Lot 1 is currently already developed with single-family residential and agricultural accessory improvements, and Proposed Lot 2 is partially developed with an existing barn structure. Standard erosion control measures will be required to ensure that this work, and any future improvements within proposed building envelopes, does not result in offsite erosion or deposition of sediment into water features.

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 The proposed land division of the reconfigured 55.92-acre parcel (APN: 023-130-057) would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. Existing improvements will continue to rely on existing NID water service. The newly created Proposed Parcels 2-4 will each be required to provide an NID water service waterline extension and new meters as a condition of approval from the Nevada Irrigation District. The proposed land division is not anticipated to substantially decrease groundwater supplies or interfere with groundwater recharge. Therefore, the proposed project is anticipated to have a **less than significant** impact on groundwater supplies and recharge.

10d-g There is no flood hazard or designated flood zone on the project parcels. Furthermore, the proposed project is not within a tsunami or seiche zone, and it does not conflict with or obstruct the implementation of a water quality control plan. The proposed project does not expose people or structures to a significant risk of loss or injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, there would be **no impact** associated with flooding, tsunamis or seiches, water quality control plans, or a sustainable groundwater management plan.

Mitigation Measures: None required.

11. Land Use and Planning:

Existing Setting: The project parcels, 13577 & 13719 Dog Bar Road, (APNs: 023-130-056 & 023-130-057) are both located in an unincorporated area of Grass Valley, CA, approximately 0.6 miles east of State Highway 49 and 1.4 miles south of the Empire Mine State Historic Park. Both project parcels are accessed directly off of Dog Bar Road, approximately 3.9 miles south of the City of Grass Valley. The project biologist describes the land as lower montane coniferous forest habitat with open areas within the western section (Proposed Lot 1 and the APN: 023-130-056) and southeastern section (Proposed Lot 2) of the project area. The coniferous forest within the project area is dominated by pine and cedar trees and historic grazing within the project area has created a woodland where the average tree sizes (diameter at breast height) within the project area are relatively small compared to neighboring woodlands that have had less historic clearing and tree removal within them.

Both parcels in their current delineation contain single-family residential and agricultural accessory uses and improvements which are served by existing septic systems and NID water. Average elevation in the project area is approximately 2,525 feet above mean sea level (MSL) with the highest elevation of 2,650 feet above MSL within the northern border of the project area and the lowest elevation of 2,430 feet above MSL within the southwestern section of the project area. With the location of Rattlesnake Creek cutting from the northeast border of the project area through the central part of the project area, the areas adjacent to the creek slope and drain down into the creek drainage. The site slopes primarily from the north to south, with existing slopes ranging from 10-30% on 83.6% of the site and 0-10% on 6.6%. The remaining 9.8% of the site has slopes of 30% or greater that are primarily located within the 100' setback from Rattlesnake Creek.

The project parcel is zoned Residential Agricultural, allowing density at one unit per 3.00-acres (RA-3) and has a Rural General Plan designation, also allowing density at one unit per 3.00-acres (EST). The project parcels are directly bordered by thirteen (13) parcels all zoned Residential Agricultural with a minimum parcel size of 3.00 acres (RA-3) to the north, east, south, and west. All thirteen (13) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures.

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

Impact Discussion:

- 11a The proposed project would not physically divide an established community. The subject properties are located in a rural area off Dog Bar Road. The project, a proposal to reconfigure the northern property line for 13719 Dog Bar Road (APN: 023-130-056) and the southern property line for 13577 Dog Bar Road (APN: 023-130-057) to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into 4 legal parcels ranging from 6.09-acres to 31.83-acres in a rural residential part of Nevada County would not physically divide an established community, and thus **no impact** is anticipated.

- 11b The subject parcels are designated as RA-3, with a EST General Plan designation. The proposed project includes a Boundary Line Adjustment between 13719 Dog Bar Road (APN: 023-130-056) and 13577 Dog Bar Road (APN: 023-130-057) to provide 13719 Dog Bar Road with an additional 3-acres. With the proposed new configuration of 13719 Dog Bar Road, the parcel will increase from 6-acres to 9-acres, and 13577 Dog Bar Road will be reduced from 58.92-acres to 55.92-acres. The proposed Boundary Line Adjustment will not result in any additional parcels and will not have any impact on density because the newly configured parcel delineation would include the absorption of the existing, permitted second dwelling unit (U85-021). With the absorption of the existing, permitted second dwelling unit to 13719 Dog Bar Road, the parcel would not be eligible for any additional housing units, therefore demonstrating compliance with Sec. L-II 4.1.3.E.2 - Boundary Line Adjustments: Standards for Approval. The residential agricultural (RA) zoning district allows single-family residential improvements and uses, along with a variety of other uses. There are existing single-family residential and agricultural accessory improvements on both project parcels as is allowed by the zoning. The proposed land division would result in four (4) legal parcels larger than 3.00-acres, which are in compliance with the density allowed by the currently adopted Zoning and General Plan designations. The proposed land division would be in compliance with minimum design standards and requirements set forth in the Nevada County Land Use and Development Code. Potential conflicts with applicable land use plans, policies, or regulations that could result in physical impacts are identified within this Initial Study and are found to be less than significant. Therefore, impacts related to land use policy inconsistency and land use incompatibility are considered **less than significant**.

Mitigation Measures: None required.

12. Mineral Resources:

Existing Setting: Mineral resources, particularly gold, have played a major role in the history of Nevada County. Since 1849, when gold was first discovered in the area, to the years preceding World War II, most of the County's population was economically supported, directly or indirectly, by the local gold mining industry. Other metals produced in the County since 1880 include silver, copper, lead, zinc, chromite, and small amounts of tungsten and manganese. Industrial minerals include barite, quartz for silicon production, and small amounts of limestone, asbestos, clay, and mineral paint. Also, significant deposits of sand, gravel, and rock types suitable for construction aggregate are exposed throughout the County. (Mineral Land Classification of Nevada County, State Division of Mines and Geology, 1990).

In order to promote the conservation of the state's mineral resources, and ensure adequate reclamation of mined lands, the Surface Mining and Reclamation Act of 1975 (SMARA) was enacted. SMARA requires that the State Geologist classify land in California for its mineral resource potential. Local governments are required to incorporate the mineral and classification reports and maps into their general plans and consider the information when making land use decisions.

Areas subject to mineral land classification studies are divided into various Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral potential. Mineral deposits of all types which are designated MRZ-2a or MRZ-2b, are used for areas underlain by mineral deposits where geologic data indicate that significant measured or indicated (MRZ-2a) or inferred (MRZ-2b) resources are present.

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

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

Impact Discussion:

12a-b The proposed project is not mapped within a known mineral resource area or MRZ and would not change existing residential agricultural land uses on the project site. None of the project parcels contain known or designated mineral resources. Therefore, the proposed project would have **no impact** on mineral resources.

Mitigation Measures: None required.

13. Noise:

Existing Setting: The project as proposed seeks to reconfigure the northern property line for 13719 Dog Bar Road (APN: 023-130-056) and the southern property line for 13577 Dog Bar Road (APN: 023-130-057) to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into four (4) legal parcels ranging from 6.09-acres to 31.83-acres. The project parcels are both located in an unincorporated area of Grass Valley, CA, approximately 0.6 miles east of State Highway 49 and 1.4 miles south of the Empire Mine State Historic Park. Both project parcels are accessed directly off of Dog Bar Road, approximately 3.9 miles south of the City of Grass Valley. Both parcels are developed with single-family residential and agricultural accessory improvements which are served by existing septic systems and NID water.

Adjacent parcel sizes vary from 0.14-acres up to approximately 8.9-acres. Single-family residential and agricultural accessory improvements and uses are found on the majority of the surrounding parcels; however, some parcels are undeveloped. Ambient noise levels in the area are generally those generated by the traffic on Dog Bar Road and Turquoise Place and those noises that commonly accompany rural and residential uses.

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

Impact Discussion:

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

The exception to this would be noises and potential vibration generated during any future construction of additional improvements on the new individual parcels. Vibration is

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

- 13c The project site is not located within an airport land use plan and is approximately 2.7 driving miles from the nearest heliport - the Grass Valley Service Center Heliport, located Northwest of the project site. The Grass Valley Service Center Heliport is a private airstrip that requires permission prior to landing. In addition, the project site is located approximately 5.7 driving miles from the Alta Sierra Airport, and approximately 8.0 miles from the Nevada County Airport. The private Alta Sierra Airport is restricted to use by the property owners. Given the restricted use of both the Grass Valley Service Center Heliport and Alta Sierra Airport, and the distance to the Nevada County Airport, the project would result in **no impacts** related to airport noise.

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

Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00 PM: During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday – Saturday; no work is permitted on Sundays. 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 and Housing:

Existing Setting: The project parcel is zoned Residential Agricultural, allowing density at one unit per 3 acres (RA-3) and has an Estate General Plan designation, also allowing density at 1 unit per 3 acres (EST). The parcel proposed for land division is currently 58-92-acres but will be reduced to 55-92-acres as a part of the project, thus allowing a total of eighteen (18) new parcels to be created and be consistent with existing density standards; however, only four (4) new parcels total are proposed. All of the surrounding parcels have the same zoning of Residential Agricultural, allowing

density at one unit per 3 acres (RA-3) and have the same Estate General Plan designation, also allowing density at 1 unit per 3 acres (EST). 13577 Dog Bar Road, proposed Lot 1, (APN: 023-130-057) currently takes access from Dog Bar Road, a county maintained road, and the proposed Lots 2-4 will be accessed via Turquoise Place with an existing 60-foot right-of-way. Proposed lot 1 is currently developed with an existing single-family residence, garage, pond, septic tank and repair area (repair area to be re-certified), and vineyard, and proposed Lots 2 is currently partially developed with a barn. The proposed building envelopes have been designed to avoid sensitive resources.

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

Impact Discussion:

14a-b The proposed land division and boundary line adjustment would not result in an inducement of unplanned population growth or to displace existing people or housing. Property zoning and General Plan designations allow a minimum density of one parcel per 3 acres. As an adjusted 55.92 acre parcel, the property could support eighteen parcels and be consistent with the currently adopted Nevada County General Plan and Zoning Ordinance; however, this project would only create 4 parcels total. Therefore, the proposed project would have **no impact** related to these potential issues.

Mitigation Measures: None required.

15. Public Services:

Existing Setting: The following services are provided within the project corridor:

Fire: The Nevada County Consolidated Fire Protection District provides fire protection services to the project parcel.

Police: The Nevada County Sheriff Department provides law enforcement services.

Schools: The project site is within the Grass Valley Elementary School District and Nevada Joint Union High School District 4.

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

Water: The project site is served by public water from Nevada Irrigation District.

Sewer: Sewage disposal is by individual septic systems.

Would the 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:					
i) Fire protection?			✓		H, M
ii) Police protection?			✓		A
iii) Schools?			✓		A, L, P
iv) Parks?			✓		A, L
v) Other public services or facilities?			✓		A, B, L

Impact Discussion:

15a The proposed land division and boundary line adjustment are 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**. The proposed land division would not impact schools, or public recreational facilities because the project would not result in a substantial increase in population that would require schools, parks, and other public services and facilities. School, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. These impact fees were collected for existing residences during the permitting process. School and fire mitigation impact fees would also be applied to dwelling units on all parcels if future owners choose to develop them. Recreation impact fees would apply to new homes proposed on any parcel and would also be applicable to additions to an existing residence, based on square footage of the addition.

The properties are intended for single-family residential improvements and will be served by public water from the Nevada Irrigation District (NID). The newly created Proposed Parcels 2-4 will each be required to provide an NID water service waterline extension and new meters as a condition of approval from the Nevada Irrigation District. The project would not impact sewer services because the project does not require these services, as new parcels will be served by private on-site septic systems. Therefore, there would be a **less than significant impact** as a result of the project approval of this land division.

Mitigation Measures: None required.

16. Recreation:

Existing Setting: The project parcels are located within the Bear River Recreation District. The District provides a variety of recreation programs and cooperative management of several

recreation facilities in the Southern Nevada County region. No recreational facilities exist on the subject parcels. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

Would the 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 land division is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. The minimal potential increase in population resulting from the proposed land division would not result in negative impacts to existing recreational facilities, nor trigger the need for new facilities. The residential density established by the General Plan for the area would allow for eighteen parcels, however the proposed land division proposes a total of four lots, which is consistent with the currently adopted Nevada County General Plan and Zoning Ordinance. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a above. There are no existing recreational facilities on the subject parcel. The Western Nevada County Non-Motorized Recreational Trails Master Plan was developed to create a comprehensive, and where possible integrated, regional recreational trails system within Western Nevada County. The proposed land division provides a potential future pedestrian pathway along Turquoise Place to Rattlesnake Road to connect to the Rattlesnake Road Corridor identified in Appendix A of the Western Nevada County Non-Motorized Recreational Trails Master Plan, and therefore demonstrates compliance with the goals and policies of the Western Nevada County Non-Motorized Recreational Trails Master Plan. There will be no impact to existing local biking, equestrian, or hiking trails caused by the project. Due to the minimal potential increase to population, the lack of existing facilities onsite or in close proximity, and the proposed future pedestrian pathway to connect the proposed parcels from Turquoise Place to the Rattlesnake Road Corridor, the proposed project would have a **less than significant impact** related to recreational facilities and established recreational uses of the area.

Mitigation Measures: None required.

17. Transportation:

Existing Setting: The proposed land division would result in four (4) proposed parcels. Proposed Lot 1 is currently accessed directly off of Dog Bar Road, a county maintained from, from an existing asphalt driveway, and Proposed Lots 2-4 are accessed via Turquoise Place with an existing 60-foot right-of-way. Proposed Parcel 1 is currently developed with an existing single-family residence, garage, pond, septic tank and repair area (repair area to be re-certified), and a vineyard. Proposed Parcel 2 is currently partially developed with an existing barn, and Proposed Lots 3 and 4 are both undeveloped. Building envelopes and MUSDA delineations are designed to avoid sensitive resources to the greatest extent possible. Figure 2 shows the property and the proposed new property lines.

Would the 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. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				✓	A, B, 37
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,b The proposed project would not conflict with any program plan, ordinance, or policies regarding transit, roadway, bicycle, or pedestrian facilities. Proposed Lot 1 is currently accessed directly off of Dog Bar Road, a county maintained from, from an existing asphalt driveway, and Proposed Lots 2-4 are accessed via Turquoise Place with an existing 60-foot right-of-way. Transit services are not currently available in this area and would not be affected by the proposed project. The potential increase in traffic resulting from the proposed project would be insignificant in nature and therefore there would be **no impacts** relating to conflicts with traffic review.

The Nevada County Non-Motorized Transportation Master Plan indicates that a small portion of Proposed Lot 4 is within a trail corridor. In order to be consistent with the policies identified in the Nevada County Non-Motorized Transportation Master Plan, the proposed site plan indicates a proposed future pedestrian pathway connecting Turquoise Place to Rattlesnake Road, along the Rattlesnake Road Corridor. There are no trails that currently pass through the project area, so bicycle and pedestrian movement will not be affected.

Transit services are not currently available in this area and would not be affected by the project. Therefore, the project would have a **less than significant impact** with any policies regarding transit, roadway, bicycle, or pedestrian facilities.

17c,e The proposed project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. Proposed Lot 1 is currently accessed directly off of Dog Bar Road, a county maintained road, from an existing asphalt driveway, and Proposed Lots 2-4 are accessed via Turquoise Place with an existing 60-foot right-of-way. The Department of Public Works will require an encroachment permit for sight distance improvements, if required for the new encroachment. Encroachment permits include review of Traffic Control Plans and/or other safety measures to ensure the work does not result in hazards during construction, and the Traffic Control Plan shall be approved by the County prior to commencement of work. The Department of Public Works included a condition of approval requiring that project roadways shall be improved to Fire Standard Access Road standards per County Standard Drawing C-1 for the private road from Rattlesnake Road to the proposed driveway access for Proposed Lot 2. Additionally, a condition of approval regarding the traffic mitigation fees will be required to be complied with, as well as creating and establishing the authority for imposing and charging a Road Improvement Fee with the unincorporated territory of Nevada County, will be levied at the issuance of building permits for each parcel created by the map. Lastly, the Department of Public Works included a condition of approval that the applicant shall provide a road agreement or annex to a maintenance entity for Turquoise Place in accordance with Article 3, Section L-IV, 3.10, Street Standards, and Section L-XVII, 3.11 of the Nevada County Subdivision Ordinance to provide ongoing maintenance for the roads that serve this project. Therefore, with the application of these standard conditions of approval, project impacts due to geometric design and traffic hazards for both short-term construction and long-term operational traffic would be a **less than significant impact**.

17d The proposed land division would improve emergency access. A condition of approval for the proposed private access driveways would require improvements to including turnouts and hammerhead turnarounds. These improvements would provide better access for emergency personnel such that there would be adequate facilities for emergency personnel to arrive and for occupants to exit. Any changes with the current design or modifications to existing structures will yield upgrading driveways to current standards. Therefore, the project would have **no impact** relative to resulting in inadequate emergency access.

Mitigation Measures: None required.

18. Tribal Cultural Resources:

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

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
<p>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:</p> <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 land division project proposes to divide the existing parcel into multiple residential parcels, an act that could be followed by grading and land recontouring, construction of new residences, installation of utilities, and general landscaping. Existing records at the North Central Information Center (NCIC) document that none of the present project area had been subjected to previous archaeological investigation, and that no prehistoric or historic-era sites had been documented within the project area. As well, the present effort included an intensive-level pedestrian survey. The pedestrian survey failed to identify any prehistoric resources within the project area. Two historic-era resources designated “13179 Dog Bar Road,” and a previously unrecorded segment of P-29-4694 (Forest Springs Lateral), were identified, recorded, and recommended not eligible for inclusion on the CRHR under any of the relevant criteria. Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on April 15, 2023. The NAHC responded on June 9, 2023, indicating that a search of their Sacred Lands File was negative.

Fieldwork was undertaken on June 14, 2023, by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, historian and architectural historian, with 37 years of experience in archaeology, architectural history and history, who meets the professional requirements of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol. 48, No. 190), as

demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists, architectural historians and historians. No special problems were encountered, and all survey objectives were satisfactorily achieved. Based on the absence of significant historical resources/unique archaeological resources within the project area, archaeological clearance is recommended for the project/undertaking as presently proposed.

While cultural resource discovery has been determined to be unlikely, Mitigation Measure 5A is proposed that would require construction to be halted and local tribes to be notified in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. Additionally, Mitigation Measure 18A is proposed which would require that a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with the geographic area be immediately notified if any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. With these protections in place, impacts to Tribal Cultural Resources would 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 measures shall be required and shall be included as notes on all future site plans.

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

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

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as

necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

Timing: Prior to issuance of Grading/Improvement/Building permits and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

Mitigation: See Mitigation Measures 5A.

19. Utilities and Service Systems:

Existing Setting: The project parcels are currently developed with single-family residences and accessory structures. Electricity is currently available to both parcels, are the parcels are served by NID for water service. Current improvements rely on existing septic systems and the proposed parcels have MUSDA areas specifically designated on each parcel for future improvements.

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

Impact Discussion:

- 19a-c The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. Currently the existing improvements rely on existing NID water service and have existing septic systems. The proposed parcels are intended for single-family residential improvements and will be served by NID water service as well as private septic systems. Electrical service will be provided by PG&E. No extension of natural gas, wastewater treatment facilities, or the expansion of existing facilities are proposed or required for the proposed project. Any additional storm drainage runoff generated by the project would be required to be kept on site and would not affect any off-site drainage facilities. Therefore, the proposed project is anticipated to have a **less than significant** impact related to utility/service extension.
- 19d,e The proposed project would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. Construction is required to provide private driveway access compliant with Fire Safe Driveway Standards to Proposed Lots 2-4. 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 measure is recommended:

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste: Industrial toxic waste (petroleum and other chemical products) is not accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: *Prior to issuance of Building/Grading/Improvement permits and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

20. Wildfire:

Existing Setting: The project parcel is within the Nevada County Consolidated Fire District and falls within a High Fire Hazard Severity Zone as designated by CalFire. Proposed Lot 1 is currently accessed directly off of Dog Bar Road, a county maintained from, from an existing asphalt driveway, and Proposed Lots 2-4 are accessed via Turquoise Place with an existing 60-foot right-of-way. The project area is also located approximately 2.0 miles northeast of an existing Nevada County Consolidated Fire District fire station 88, which is located at 14400 Golden Star Road in Grass Valley, CA. The Safety Element of the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Additionally, there is a Community Wildfire Protection Plan for Nevada County that was updated in April 2016.

The Nevada County Office of Emergency Services published a Wildfire Evacuation Preparedness Action Plan in 2020. The plan highlights five initiatives to reduce wildfire risk in Nevada County:

1. Create safer evacuation routes countywide to save lives.
2. Improve early warning systems and emergency communications to reach everyone.
3. Establish defensible space around our homes and neighborhoods by reducing hazardous vegetation and encouraging voluntary compliance with defensible space standards.
4. Provide a coordinated approach to wildfire response preparedness through planning, community engagement, and project implementation.
5. Enhance critical infrastructure needed to respond to wildfires such as evacuation route improvements, water storage, fire hydrants, communication systems, and green waste facilities.

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, 19
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

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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, 31

Impact Discussion

20a,c The proposed project is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Safety Element of the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Objective 3.6 of the LHMP is to improve communities’ capabilities to prevent/mitigate hazards by increasing the use of technologies. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. A condition of approval from the Nevada County Deputy Fire Marshal will require vegetation clearance around structures that meets the minimum requirements of Public Resources Code Section 4291. Proposed Lot 1 has an existing asphalt driveway for access, and access routes to Proposed Lots 2-4 within the property would be improved to typical driveway and access standards, providing greater fire safety. Therefore, project impacts relative to compliance with emergency plans, impacts relative to increased fire risk, and impacts to the environment through the minimal work along these existing routes would be a **less than significant impact**.

20b,d The proposed project seeks to reconfigure the northern property line for 13719 Dog Bar Road (APN: 023-130-056) and the southern property line for 13577 Dog Bar Road (APN: 023-130-057) to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into 4 legal parcels ranging from 6.09-acres to 31.83-acres. The four-way land division would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. Proposed building envelopes, which would contain existing and any future structures, avoid areas mapped as steep slopes. Additionally, all future improvements would require building permits and conformance with requirements including but not limited to 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 large parcels to contain existing improvements is anticipated to have a **less than significant** relative to the spread of wildfire and fire risks.

Mitigation Measures: None required.

21. Mandatory Findings of Significance:

	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 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 This draft Initial Study/Mitigated Negative Declaration evaluates the potential impact the proposed project could have on the environment. Compliance with existing federal, state, and local regulations and mitigation measures identified in this Initial Study will reduce all potential impacts of the proposed project to a less than significant level. As discussed in Sections 1 through 20 above, the proposed land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to air quality, biological resources, cultural resources, geology/soils, noise, tribal cultural resources, and utilities/service systems. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit construction to daytime hours on Monday through Saturday and mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are ***less than significant levels with mitigation***, as outlined in each section.

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

Mitigation Measures: To offset potentially adverse impacts to air quality, biological and cultural resources, geological resources, noise, tribal cultural resources, and possible impacts utilities/services systems, see Mitigation Measures 3A-3F, 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.



Zachary Ruybal, Assistant Planner

5/3/2024

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. Nevada County Consolidated Fire 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 Advisory Commission
 - P. Grass Valley School District/Nevada Joint Union School District (D-4)
 - Q. Nevada County Connects
-
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 - 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
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23. Nevada County. *Local Hazard Mitigation Plan Update*. August 2017. <https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>.
24. California Department of Toxic Substances Control. Accessed April 2021: <http://www.envirotor.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.
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