

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

To: Building Department
Department of Public Works – Surveyor
Department of Public Works – Transit
Department of Public Works – Hankins
Environmental Health Department
Nevada County Agricultural Commissioner
North San Juan Fire District
Fire Protection Planner
Oak Tree Park & Rec District
PG&E
Bear Yuba Land Trust
US Fish & Wildlife
OOTI Nature Preserve
Ananda
AT&T
Comcast
Northern Sierra Air Quality Management Dist.

CA Fish & Wildlife
Native American Heritage Commission
Tsi Akim Maidu
Nevada City Rancheria Nisenan Tribe
United Auburn Indian Community
Kevin Johnston
Federation of Neighborhoods
San Juan Ridge Taxpayers Association
CA Native Plant Society Redbud
Friends of Nevada City
General Plan Defense Fund
Rural Quality Coalition
Rural Defense League of NSJ
Commissioner Johansen, District IV
Supervisor Hoek, District IV
Tyler Barrington, Principal Planner
County Counsel*

**receives full report, others receive NOA only with report available online*

Date: April 18, 2019

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File Number(s): PLN18-0035, TPM18-0002, MGT19-0006, EIS18-0015

Assessor's Parcel Numbers: 061-190-057

Applicant/Representative: Andrew Cassano / Nevada City Engineering, Inc.
505 Coyote Street Suite B
Nevada City, California 95959
Telephone: (530) 265-6911

Property Owner: Carianne Pollacek & Rob Pollacek

Zoning District: AG-40 (General Agricultural, 40-acre minimum parcel size)

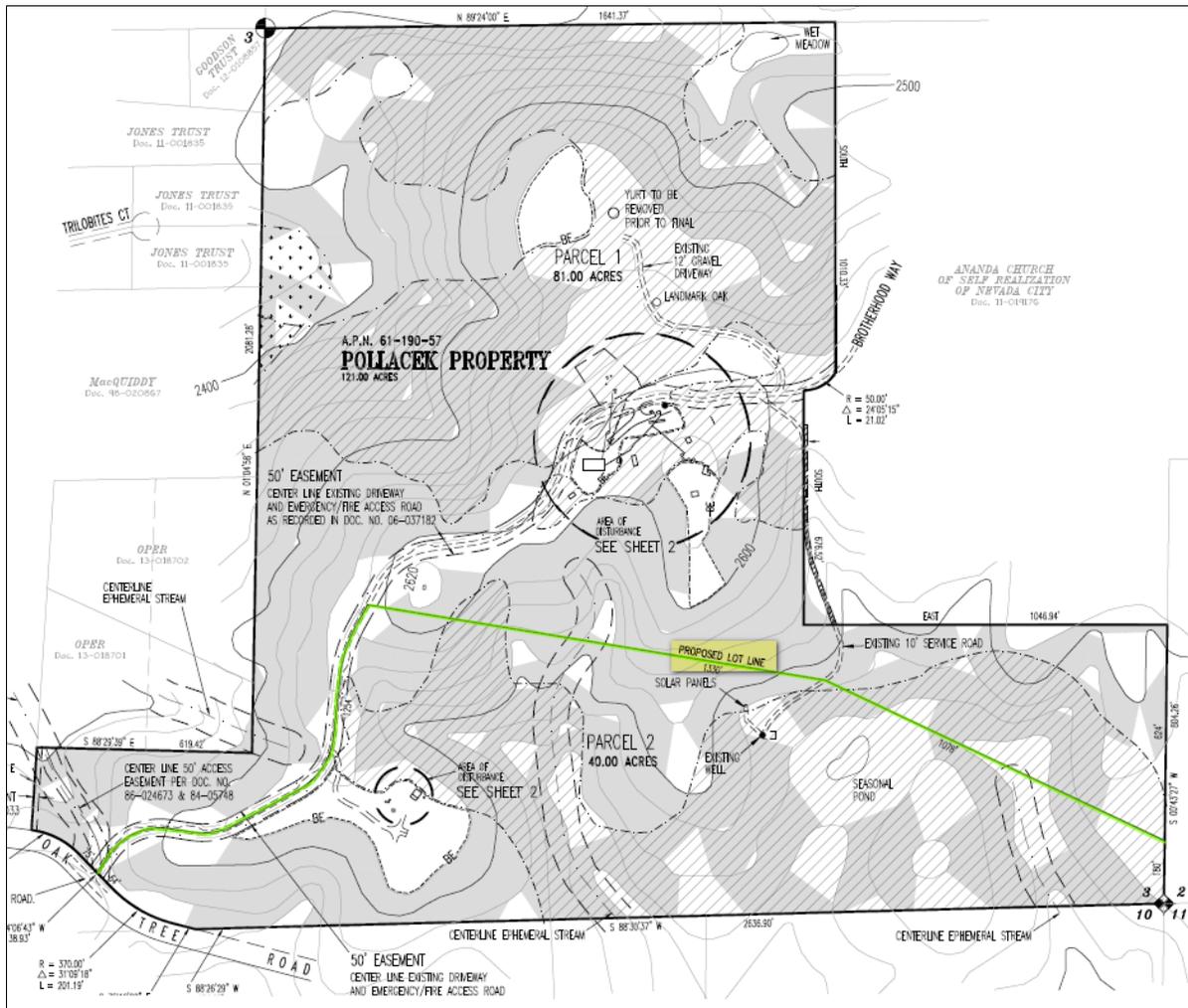
General Plan Designation: RUR-40 (Rural, 40-acre minimum parcel size)

Project Location: 18027 Oak Tree Road - approximately two-miles east of North San Juan

Project Description: A Tentative Parcel Map application (TPM18-0002) proposing to divide a 121-acre parcel zoned AG-40 into two parcels (40-acres and 81-acres in size). The project includes a Management Plan (MGT19-0006) to allow disturbance within Landmark Oak Groves. Both proposed parcels would take access from Brotherhood Way, an existing 50-foot wide driveway and emergency/fire access easement. Grading along Oak Tree Road, as required for improving driveway sight distance to the minimum

requirement of 250-feet, would include approximately 250 cubic yards of cut and/or fill. A no access easement along Oak Tree Road would preclude other access points along the roadway, limiting the parcels to access via the existing Brotherhood Way driveway alignment. Both proposed parcels are developed with single-family residential improvements including individual wells and septic systems. The property does not have electrical service from PG&E, existing improvements are reliant upon solar and propane. The project proposes to establish a public utility easement along the existing Brotherhood Way alignment for potential future utility extension to each property. Building envelopes would contain existing improvements, sized to allow potential future additional improvements, and designed to avoid sensitive resources to the greatest extent possible. Figure 1, below, shows the property along with the proposed new property line, highlighted in green.

Figure 1

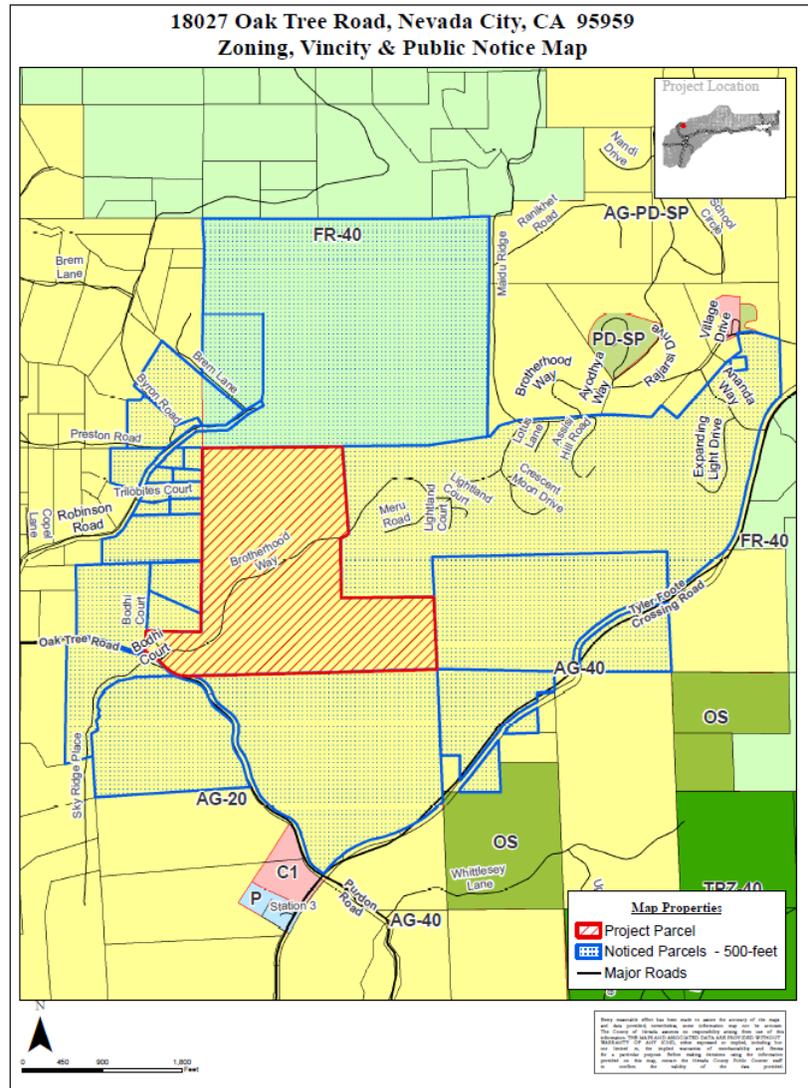


Project Location Description and Surrounding Land Zoning & Uses: The subject 121-acre property is located approximately two-miles east of North San Juan, in an unincorporated area of Nevada County. The property is situated on the north side of Oak Tree Road, a County maintained roadway. The project biologist describes the land as having three upland vegetation types: California Black Oak Forest, White Leaf Manzanita Chaparral, and Grassland. These vegetation types are typical of the overall area. The project parcel also contains two ephemeral streams, a man-made seasonal pond and a wet meadow. Elevation of the property ranges from approximately 2,400 to 2,629-feet above mean sea level, with much of the property

constrained by steep slopes. The subject property takes access from Oak Tree Road at Brotherhood Way, a driveway and emergency/fire access easement. There are many existing improvements on the property including two residences, a guest quarters, tent platform, small greenhouse, agricultural sheds, pole barn, solar arrays and water storage. Some of these improvements are currently going through the permitting process, or are planned for removal prior to map recordation. Both proposed properties are developed with individual septic systems and wells.

Figure 2

Figure 2, right, shows the zoning and configuration of the project parcel and surrounding parcels. The project parcel is zoned General Agricultural allowing density at one unit per 40-acres (AG-40) and has a Rural General Plan designation, also allowing density at one unit per 40-acres (RUR-40). Surrounding parcel designations vary as follows: northerly parcels have both Forest-40 (FR-40/FOR-40) zoning and General Plan designations; the easterly adjacent Ananda Village lands are zoned General Agricultural - Planned Development - Site Performance (AG-PD-SP) with a Planned Development General Plan designation (PD); southeasterly parcels are zoned General Agricultural with a Rural General Plan designation (AG-40/Rural-40); and southerly and westerly adjacent parcels are zoned General Agricultural with a Rural General Plan designation (AG-20/Rural-20).



Adjacent parcel sizes vary widely from just over one-acre up to nearly 180-acres. Single-family rural residential uses are found on the majority of the surrounding parcels, with the exception of Ananda Village, a planned development community that contains many types of improvements.

Other Permits, Which May Be Necessary: Based on initial comments received, the following permits may be required from the designated agencies:

1. Building Permits- Nevada County Building Department
2. Encroachment Permit – Nevada County Department of Public Works

Relationship to Other Projects: None.

Tribal Consultation: California Native American Tribes with ancestral land within the project area were routed the project during distribution in April of 2018. The United Auburn Indian Community (UAIC) closed consultation on May 9, 2018, but requested worker cultural sensitivity and awareness training. The California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

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

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

Summary of Impacts and Recommended Mitigation Measures:

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

Mitigation Measure 3A: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as notes 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 issuance of grading/improvement/building permits

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

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

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3D: Limit wood stoves. The project shall include no more than one wood-fired heat source in any residential unit, which may be a pellet stove or an EPA-certified wood stove, and open fireplaces shall not be permitted within this project. Each residence shall be

equipped with a non-woodburning source of heat. This mitigation shall be included as a note on the Supplemental Map prior to recordation and implemented prior to the issuance of residential building permits.

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

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

Responsible Agency: *Planning Department / NSAQMD*

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

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

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

Responsible Agency: *Planning Department / NSAQMD*

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

Mitigation Measure 4A: Nesting raptors and migratory 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.

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

CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

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

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to 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. All above ground 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 ESA's 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 the ephemeral streams, wet meadow, seasonal pond/riparian area, Landmark Oak Groves and steep slopes. Setbacks to the aquatic resources shall be delineated as follows: ephemeral streams – 50-feet, wet meadow – 100-feet, seasonal pond/riparian area – 100-feet. 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*

Mitigation Measure 4E: Oak Protection Measures & Compensatory Oak Mitigation. These measures shall be implemented during future driveway improvements to the northerly and southerly building envelopes on Parcel 1 and during installation of leach lines within Parcel 1 and Parcel 2 MUSDAs. The following note 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:

1. Work within the driveway to the northerly and southerly Building Envelopes on Parcel 1, and within the MUSDAs shown on the Parcel Map shall be conducted under the supervision of a certified arborist or qualified biological consultant (Consultant).

2. Provide Consultant approval statement signature block on all future grading/ improvement/ building permit plans. Signature noting their approval of tree protection measures as outlined therein required prior to permit issuance.
3. Plans and specifications shall include these protection procedures.
4. Establish the landmark oak groves as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs shall be established at the dripline of the oak groves. The ESA boundaries shall be shown on plans and specifications. Protected oaks include all those ten-inches or greater diameter at breast height (DBH) and/or those that, if removed, would reduce the canopy closure of the Landmark Oak Grove.
5. Install temporary orange construction fencing (minimum 4-foot height) at grove dripline prior to first inspection. Construction fencing must remain in place until construction is completed
6. Contractors must stay within designated work areas; no vehicles, construction equipment, mobile offices, or materials shall be parked or located within the ESA boundaries, other than equipment that is required for the installation of septic systems within approved MUSDAs.
7. Soil surface removal and/or earthen fill greater than one foot deep is prohibited within the driplines of oaks. This does not preclude work needed to install septic systems within approved MUSDAs.
8. Limit grade changes near oak drip lines to the greatest extent possible.
9. Consultant shall conduct a post-construction inspection and provide a memo to Planning Staff prior to permit final. If Consultant determines that oaks have been damaged during construction, mitigation pursuant to Compensatory Oak Mitigation, outlined below, is required. The memo shall provide documentation of satisfaction of compensatory mitigation to Planning Staff, prior to permit final.
10. Annual oak monitoring by Consultant is required for a five-year period after construction. Monitoring is limited to the area(s) surrounding the construction. The Consultant shall prepare and submit a short technical memorandum to Planning Staff annually. The memorandum shall include: monitoring date, name of Consultant, condition of trees, and a list of any trees that appear to be affected by the construction (and/or operation of the septic system). If trees appear to be affected, the memorandum shall include recommendations for minimizing further impacts to the tree(s). Any trees found to be dead, or damaged to the point that removal is recommended, shall trigger the requirement for mitigation. The memo shall provide documentation of satisfaction of compensatory mitigation to Planning Staff.
 - a. Should the post-construction inspection, or annual oak monitoring by the Consultant determine that Landmark Oaks or Landmark Oak Groves have been damaged during driveway improvements to the northerly and southerly building envelopes on Parcel 1 or during installation, or through operation of, leach lines within Parcel 1 and Parcel 2 MUSDAs, compensatory oak mitigation is required.
 - b. The Consultant shall quantify oaks damage and determine the appropriate level of compensatory mitigation from the following possible Compensatory Oak Mitigation choices:
 - i. Plant oaks at a 2:1 ratio based on the number of inches (diameter at breast height) of damaged/lost trees, using oaks grown in deep 5-gallon containers; the trees shall not have been in the containers for more than two-years. Consultant to determine location of onsite replanting. The Consultant shall prepare a Tree Planting and Maintenance Plan showing species, size, spacing and location of replacement area. Annual monitoring and reporting by Consultant for replanted tree success shall be required for a five-year period. Any replacement tree loss would require subsequent replanting/ monitoring/reporting. Offsite replanting within the North San Juan area, so long as there as a mechanism for the Parcel 1 or Parcel 2 property owner to be responsible for planting/monitoring/reporting at the alternative location, is acceptable subject to the same requirements.

- ii. Alternatively, the owner of the property whereon the oak damage/loss occurred may establish a conservation easement on or-offsite over landmark oaks (at a 1:1 ratio or oaks damaged/lost, with a minimum of one acre). Oak woodland offered as mitigation must be configured in such a manner as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing woodland under conservation easements or public lands. The conservation easement must be granted to a County approved land conservation group.
- iii. Or, contribute funds to an appropriate entity, approved by the County for use in establishing an oak woodland conservation easement, such as the Bear Yuba Land Trust. The contribution fee shall be based on the assessment of tree damage/loss at a 1:1 ratio (minimum one acre). The fee shall include any required transaction and other potential fees required by said entity.

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

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

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*

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

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

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

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

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

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

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

Mitigation Measure 18A: Tribal Cultural Resource – Awareness Training. A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values. Prior to issuance of Building or Grading Permits, a letter will be provided from the United Auburn Indian Community to the Planning Department that this Mitigation Measure has been satisfied to the satisfaction of the United Auburn Indian Community.

Timing: Prior to issuance of permits for road or driveway construction tied to the map recordation

Reporting: Approval of construction permits

Responsible Agency: Nevada County Planning Department and United Auburn Indian Community (UAIC)

Mitigation: See Mitigation Measure 5A.

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

Mitigation Measure 19A: Appropriately dispose of 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 or improvement permits and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3B	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3C	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3D	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3E	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation
4D	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4E	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
5A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
13A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
18A	Planning Department & United Auburn Indian Community of the Auburn Rancheria	Prior to map recordation and issuance of grading/improvement/building permits
19A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits

INITIAL STUDY AND CHECKLIST

Introduction

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

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

1. AESTHETICS

Existing Setting: The Pollacek property is a 121-acre parcel containing many existing improvements including two residences, a guest quarters, tent platform, small greenhouse, agricultural sheds, pole barn, solar arrays and water storage. Elevation of the property ranges from approximately 2,400 to 2,629-feet above mean sea level. Vegetation on the property is relatively dense with both under- and over-story plants including California Black Oak Forest, White Leaf Manzanita Chaparral, and Grassland areas. Due to the size and topography of the property along with thick vegetation, the existing improvements are not visible from offsite.

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

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A, 18

Impact Discussion:

1a,c,d The Pollacek Parcel Map is not anticipated to result in an adverse effect on a scenic vista, degrade the visual character of the site or its surroundings, or to create a new source of substantial light or glare. The project proposes to divide a 121-acre parcel, resulting in a 40-acre parcel and an 81-acre parcel. The subject property contains many existing improvements including two residences, a guest quarters, tent platform, small greenhouse, agricultural sheds, pole barn, solar arrays and water storage. Existing improvements are not visible from surrounding properties or Oak Tree Road due to their locations within the acreage combined with intervening vegetation and topographical changes. 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 obscured, although it could be noted that if further development within the two parcels were visible, views would be of similar rural residential type improvements to those found within other parcels in the area. Additionally, the proposed two-way land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As a two-way land division proposing large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes that are screened due to location, vegetation and topography, the project would result in *less than significant* impacts to public views, scenic vistas and the general character of the area.

1b The proposed two-way land division is not anticipated to result in 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 1.7 direct miles (as the crow flies) from the project area; there is no visibility of the property from the highway. Therefore, the proposed project would have *no impact* on scenic resources within a state scenic highway.

Mitigation: None required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: The majority of the Pollacek property is designated “Grazing Land” by the Farmland Mapping and Monitoring Program of the California Department of Conservation. A small portion, roughly 1.2-acres at the westerly property line, is designated Farmland of Local Importance. Although both the zoning and General Plan designations for the property are General Agricultural with a 40-acre minimum density, the project parcel is not being used for agriculture. The 121-acre parcel is mostly undisturbed, with most of the existing improvements clustered in two areas of the property, connected by Brotherhood Way.

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

Impact Discussion:

2a,c,e The Pollacek two-way land division is not anticipated to result in a conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. While roughly 1.2-acres of Farmlands of Local Importance is located on the property at the westerly property boundary, the project does not propose changes or disturbance near these lands that could affect the potential for farming operations on- or off-site. The closest building envelope is located over 500-feet easterly of these designated farmlands. Based on a visual survey of the property along with the minor nature of the project, the Nevada County Agricultural Commissioner waived the requirement for an Agricultural Management Plan. However, 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 disturbance or change proposed to the small portion of Farmlands of Local Importance onsite, building envelopes situated over 500-feet away from these farmlands, and the use of existing roads/driveways that are outside of these farmlands, potential impacts to farmlands or conversion of farmlands to a non-agricultural use are anticipated to be *less than significant*.

2b The Pollacek land division is not anticipated to impact Williamson Act lands. 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 Pollacek property nor adjacent properties are under a Williamson Act contract. Should the Pollacek property or a surrounding property seek a Williamson Act contract in the future, rural residential improvements within building envelopes on the two 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 two proposed parcels, the proposed project is anticipated to have *no impact* on a Williamson Act contract(s).

- 2d,e The proposed two-way land division is not anticipated to result in impacts to forest lands due to conversion of forest lands or through changes that could result in the loss of, or conversion of, forest lands. The property is not zoned Forest or Timber Production Zone. The property habitat types are described by the project biologist as California Black Oak Forest, White Leaf Manzanita Chaparral, and Grassland. These vegetation types are typical within the overall area. Therefore, there would be *no impacts* to forest lands as a result of the proposed land division.

Mitigation: None required.

3. AIR QUALITY

Existing Setting: Nevada County is located in the Mountain Counties Air Basin. The overall air quality in Nevada County has improved over the past decade, largely due to vehicles becoming cleaner. State and Federal air quality standards have been established for specific “criteria” air pollutants including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. In addition, there are State standards for visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. State standards are called California Ambient Air Quality Standards (CAAQS) and federal standards are called National Ambient Air Quality Standards (NAAQS). NAAQS are composed of health-based primary standards and welfare-based secondary standards.

Western Nevada County is classified as a Serious Nonattainment Area for the 2008 ozone NAAQS and Moderate Nonattainment for the 2015 ozone NAAQS. It is also Nonattainment for the ozone CAAQS. The area is also Marginal Nonattainment for the 2008 ozone NAAQS and is Nonattainment for the ozone CAAQS. Most of western Nevada County’s ozone is transported to the area by wind from the Sacramento area and, to a lesser extent, the San Francisco Bay Area. 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. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, especially in the late afternoon and evening hours.

Nevada County is also Nonattainment for the PM10 CAAQS, but Unclassified for the PM10 NAAQS due to lack of available recent data. The number after “PM” refers to maximum particle size in microns. PM10 is a mixture of dust, combustion particles (smoke) and aerosols, whereas PM2.5 is mostly smoke and aerosol particles. PM2.5 sources include woodstoves and fireplaces, vehicle engines, wildfires and open burning. PM10 sources include the PM2.5 plus dust, such as from surface disturbances, road sand, vehicle tires, and leaf blowers. Some pollen and mold spores are also included in PM10, but most are larger than 10 microns. All of Nevada County is Unclassifiable/Attainment for the PM2.5 NAAQS and Unclassified for the PM2.5 CAAQS (US Environmental Protection Agency, 2015).

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County; however, the area of the project site is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2000). The majority of the property is underlain with Musick Sandy Loam, a small portion of the property at the westerly boundary line is Hoda Sandy Loam.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A,G
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?		✓			A,G
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A,G,L
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				✓	A,G
e. Generate substantial smoke ash or dust?		✓			A,G

Impact Discussion:

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

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

The two-resultant parcels would each contain existing improvements and each would utilize the existing alignment of Brotherhood Way. Minor improvements at the proposed Parcel 2 driveway connection to Brotherhood Way to attain the proper width/curve radius along with improvements required on Oak Tree Drive to improve the sight distance along Oak Tree Drive from Brotherhood Way are not anticipated to exceed one acre, thus not trigger the requirement for a Dust Control Plan. However, Mitigation Measure 3C is proposed to reduce dust impacts during construction commensurate with the amount of grading being proposed. 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 two-way land division and conservative CalEEMod defaults (CalEEMod Version 2016.3.1 2016). The Northern Sierra Air Quality Management District (NSAQMD) established thresholds of significance for assessing and mitigating air quality impacts of land use projects, as shown in the tables provided below. Level A requires the most basic mitigations, projects falling within the Level B range require more extensive mitigation and Level C requires the most extensive mitigations. Table 1, below, shows that estimated project construction related pollution levels would fall within NSAQMD Level A thresholds.

Table 1. Project Construction Air Quality Impacts		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	21.57 lbs/day (3.94 tons/yr)
ROG	< 24 lbs/day	1.89 lbs/day (0.35 tons/yr)
PM10	< 79 lbs/day	7.17 lbs/day (1.31 tons/yr)
CO	N/A	12.21 lbs/day (2.23 tons/yr)
*These thresholds are “Level A” in NSAQMD’s <i>Guidelines</i> . CalEEMod Version 2016.3.1 2016		

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, as well as from vegetative burning. 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		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	0.50 lbs/day (0.09 tons/yr)
ROG	< 24 lbs/day	3.25 lbs/day (0.59 tons/yr)
PM10	< 79 lbs/day	15.75 lbs/day (2.88 tons/yr)
CO	N/A	4.78 lbs/day (0.87 tons/yr)
*These thresholds are “Level A” in NSAQMD’s <i>Guidelines</i> . CalEEMod Version 2016.3.1 2016		

In order to ensure the project remains within the operational levels identified above, and to ensure that it does not contribute cumulatively considerable net increases in criteria pollutants that would substantially deteriorate ambient air quality or violate air quality standards, Mitigation Measures 3C and 3D 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 3E 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 Pollacek land division proposes to divide 121-acres into two parcels that would each contain existing rural residential improvements. Each resultant parcel could be developed with an accessory dwelling to accompany the existing primary residential dwellings 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 Ananda Living Wisdom School and the Head Start Preschool are the closest sensitive receptors, both approximately one mile from the closest proposed building envelope site. The closest residence is approximately 50-feet from the westerly property boundary line. The two-way land division would result in two parcels to 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 as notes on the supplemental data sheets that record concurrently with the parcel map:

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

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

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

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

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

Responsible Agency: Planning Department / NSAQMD

4. **BIOLOGICAL RESOURCES**

Existing Setting: The project biologist, Greg Matuzak, describes the 121-acre Pollacek property as having three upland vegetation types: California Black Oak Forest (including landmark oaks and landmark oak groves), White Leaf Manzanita Chaparral, and Grassland. These vegetation types are typical of the overall area. Vegetation on the property is relatively dense with both under- and over-story plants. The project parcel also contains two ephemeral streams, a seasonal pond with associated riparian vegetation, and a wet meadow. Elevation of the property ranges from approximately 2,400 to 2,629-feet above mean sea level, with much of the property constrained by steep slopes.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
the California Department of Fish and Game or US Fish and Wildlife Service?					
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,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?		✓			19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			A,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,19
g. Introduce any factors (light, fencing, noise, human presence and/or domesticated animals) which could hinder the normal activities of wildlife?			✓		A,19

Impact Discussion:

4a,d The proposed land division would divide a 121-acre parcel into two residential parcels (40-acres and 81-acres) each with existing residences and various associated improvements. The project is not anticipated to result in 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. See 4e,f, below, for a discussion regarding the Oak Resources Management Plan. 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 in October, 2017 with a follow-up spring survey conducted in May, 2018. The biological inventory included a records search of the California Department of Fish and Wildlife’s California Natural Diversity Database, U.S. Fish and Wildlife Service and the California Native Plant Society Electronic Inventory for special-status species with potential to occur in the vicinity of the project area. Several special status plant and animal species were identified as having potential for occurrence within the property, however, these species were not found onsite during the field survey. 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, or contingent mitigation actions if nests are present. Mitigation Measure 4A requires a nesting survey prior to any disturbance to avoid impacts to potentially nesting raptors and migratory birds.

According to the Nevada County Master Environmental Inventory, the project area is in the Critical Winter Range for local deer populations. Deer populations throughout the state are characterized by the California Department of Fish and Wildlife and the Tahoe National Forest as unstable and declining, with the 2014 population at nearly half that of 1991, from 850,000 to 443,289 deer (California Department of Fish and Wildlife 2015). Existing development on, and surrounding the property, has not adversely affected resident or migratory deer herds, as evidenced by the numerous resident herds that are regularly observed in the vicinity of the project. Mitigation Measure 4B would require clustered development and preservation of oak groves which are used as habitat, through the prescribed building envelopes. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas and animal enclosures to continue to allow free movement of deer through the area. With implementation of these mitigation measures, the proposed project is anticipated to have a *less than significant impact with mitigation* 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 also be *less than significant with mitigation*.

4b,c The Pollacek two-way land division is not anticipated to result in substantial effects on riparian habitat, wetlands or other sensitive natural communities. See 4e,f, below, for a discussion regarding the Oak Resources Management Plan. The field survey by the project biologist identified a man-made seasonal pond with riparian habitat as well as a wet meadow and two unnamed ephemeral streams. The wet-meadow is located near the northerly property boundary. The closest building envelope is approximately 500-feet southwesterly of the wet meadow. Due to the distance of the feature from the nearest potential disturbance area in combination with the quantity of intervening vegetation that stabilizes soils and filters runoff, no project related impacts to the wet meadow are anticipated. The seasonal pond and seasonal streams are all located within the southerly portion of the property, a minimum of 200-feet away from the closest building envelopes. Standard erosion control measures and intervening vegetation between these features would adequately protect these features from any project related construction. Further, Mitigation Measure 4D is proposed, requiring aquatic resources to be delineated as Environmentally Sensitive Areas with non-disturbance buffers (100-feet from the wet meadow and pond/riparian area, 50-feet from the two ephemeral streams) 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*.

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

The Pollacek property also includes Landmark Oak Groves with Landmark Oak trees scattered through the groves. Landmark Oaks are defined as those that have a diameter at breast height (dbh) of thirty-six or more inches. Landmark Oak Groves are groves having a canopy cover of thirty-three (33) percent or more canopy coverage. Section L-II 4.3.15 of the Land Use and Development Code Nevada County Resource Standards require that sensitive resources, as outlined therein, be protected to the greatest extent possible while allowing reasonable development of the land.

Avoidance of a resource is the preferred method of protection with impact minimization and impact compensation following in successive order, a Management Plan prepared by a qualified professional is required if the project would result in removal or disturbance to these defined trees or groves. With the establishment of building envelopes outside of the Landmark Oak Groves, the project avoids the resource to the greatest extent possible.

Due to the distribution of Landmark Oak Groves throughout the property, to allow reasonable use of the property some disturbance within oak groves is proposed. While project Building Envelopes are exclusive of the oak groves, some disturbances of these resources are anticipated. A Building Envelope is proposed in the central portion of proposed Parcel 1 that would require a driveway through landmark oak groves to reach it. A 12-foot wide unpermitted driveway leads to this envelope. If a residence were proposed within this envelope, the driveway would be required to be brought into compliance with residential driveway standards, triggering such things as widening, surface compacting and vegetation clearance along the driveway. Similarly, the southerly Building Envelope proposed within Parcel 1 could result in required driveway improvements through Landmark Oak Groves, which includes a 48-inch DBH Landmark Oak that is located at the northerly side of the driveway. Additionally, Minimum Useable Sewage Disposal Areas (MUSDAs) within both proposed parcels are located within Landmark Oak Groves. While the project MUSDAs are designed to contain the existing leach fields, they would also contain a new leach field should the initial system fail in the future. Due to these potential disturbances, the project biologist prepared the required Oak Management Plan.

To minimize impacts to the greatest extent possible, the project Oak Management Plan prescribed several measures applicable to construction within these areas. Mitigation Measure 4E would require Best Management Practices such as clearly stated protection measures on future construction plans, placement of protective fencing, and grading restrictions within root protective zones. Mitigation Measure 4E would include a requirement for review and approval of the plans by a certified arborist or qualified biologist (Consultant) and a post-construction inspection for construction related damage by the same individual to determine if remedial steps are necessary. The measure includes a requirement for a five-year monitoring plan. The arborist/biologist would monitor grove edges and any Landmark Oaks adjacent to work areas for a five-year period to determine if driveway improvements impacted the trees. Damage/loss of the trees would trigger compensatory mitigation such as payment of an in-lieu fee to a local oak mitigation fund (1:1 ratio), or planting replacement at a 2:1 ratio. This measure would also apply to future work within proposed MUSDAs. Additionally, proposed Mitigation Measure 4B and 4D requires delineation of Building Envelopes and Landmark Oak Groves on the supplemental data sheets to be recorded concurrently with the parcel map and on all future grading/improvement/building permit plans to ensure buildings are located outside Landmark Oak Groves. With these proposed measures, conflicts with local policies and ordinances are expected to be *less than significant with mitigation*.

4f The Pollacek 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.

4g The Pollacek project proposes to divide a 121-acre property into two parcels such that each would contain existing single-family residences and accessory structures, the bulk of which have been in place and in use for many years. Existing noise and light disturbances are anticipated to continue and are in keeping with those typically associated with single-family residential uses. The resultant parcels would be large, 40-acres and 81-acres in size, with clustered development through the use of building envelopes such that large portions of the properties would remain in a natural state. The highly vegetated state of the property is such that there is space within each parcel that is

undisturbed by any noises and light associated with the residential uses thereon. With limited use and the modest project area, impacts to normal wildlife activities would be *less than significant*.

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

Mitigation Measure 4A: Nesting raptors and migratory 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.

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

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

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

Responsible Agency: Planning Department

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to 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. All above ground 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 ESA’s 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 the ephemeral streams, wet meadow, seasonal pond/riparian area, Landmark Oak Groves and steep slopes. Setbacks to the aquatic resources shall be delineated as follows: ephemeral streams – 50-feet, wet meadow – 100-feet, seasonal pond/riparian area – 100-feet. 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*

Mitigation Measure 4E: Oak Protection Measures & Compensatory Oak Mitigation. These measures shall be implemented during future driveway improvements to the northerly and southerly building envelopes on Parcel 1 and during installation of leach lines within Parcel 1 and Parcel 2 MUSDAs. The following note 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:

1. Work within the driveway to the northerly and southerly Building Envelopes on Parcel 1, and within the MUSDAs shown on the Parcel Map shall be conducted under the supervision of a certified arborist or qualified biological consultant (Consultant).
2. Provide Consultant approval statement signature block on all future grading/ improvement/ building permit plans. Signature noting their approval of tree protection measures as outlined therein required prior to permit issuance.
3. Plans and specifications shall include these protection procedures.
4. Establish the landmark oak groves as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESAs shall be established at the dripline of the oak groves. The ESA boundaries shall be shown on plans and specifications. Protected oaks include all those ten-inches or greater diameter at breast height (DBH) and/or those that, if removed, would reduce the canopy closure of the Landmark Oak Grove.
5. Install temporary orange construction fencing (minimum 4-foot height) at grove dripline prior to first inspection. Construction fencing must remain in place until construction is completed
6. Contractors must stay within designated work areas; no vehicles, construction equipment, mobile offices, or materials shall be parked or located within the ESA boundaries, other than equipment that is required for the installation of septic systems within approved MUSDAs.

7. Soil surface removal and/or earthen fill greater than one foot deep is prohibited within the driplines of oaks. This does not preclude work needed to install septic systems within approved MUSDAs.
8. Limit grade changes near oak drip lines to the greatest extent possible.
9. Consultant shall conduct a post-construction inspection and provide a memo to Planning Staff prior to permit final. If Consultant determines that oaks have been damaged during construction, mitigation pursuant to Compensatory Oak Mitigation, outlined below, is required. The memo shall provide documentation of satisfaction of compensatory mitigation to Planning Staff, prior to permit final.
10. Annual oak monitoring by Consultant is required for a five-year period after construction. Monitoring is limited to the area(s) surrounding the construction. The Consultant shall prepare and submit a short technical memorandum to Planning Staff annually. The memorandum shall include: monitoring date, name of Consultant, condition of trees, and a list of any trees that appear to be affected by the construction (and/or operation of the septic system). If trees appear to be affected, the memorandum shall include recommendations for minimizing further impacts to the tree(s). Any trees found to be dead, or damaged to the point that removal is recommended, shall trigger the requirement for mitigation. The memo shall provide documentation of satisfaction of compensatory mitigation to Planning Staff.
 - a. Should the post-construction inspection, or annual oak monitoring by the Consultant determine that Landmark Oaks or Landmark Oak Groves have been damaged during driveway improvements to the northerly and southerly building envelopes on Parcel 1 or during installation, or through operation of, leach lines within Parcel 1 and Parcel 2 MUSDAs, compensatory oak mitigation is required.
 - b. The Consultant shall quantify oaks damage and determine the appropriate level of compensatory mitigation from the following possible Compensatory Oak Mitigation choices:
 - i. Plant oaks at a 2:1 ratio based on the number of inches (diameter at breast height) of damaged/lost trees, using oaks grown in deep 5-gallon containers; the trees shall not have been in the containers for more than two-years. Consultant to determine location of onsite replanting. The Consultant shall prepare a Tree Planting and Maintenance Plan showing species, size, spacing and location of replacement area. Annual monitoring and reporting by Consultant for replanted tree success shall be required for a five-year period. Any replacement tree loss would require subsequent replanting/monitoring/reporting. Offsite replanting within the North San Juan area, so long as there as a mechanism for the Parcel 1 or Parcel 2 property owner to be responsible for planting/monitoring/reporting at the alternative location, is acceptable subject to the same requirements.
 - ii. Alternatively, the owner of the property whereon the oak damage/loss occurred may establish a conservation easement on or-offsite over landmark oaks (at a 1:1 ratio or oaks damaged/lost, with a minimum of one acre). Oak woodland offered as mitigation must be configured in such a manner as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing woodland under conservation easements or public lands. The conservation easement must be granted to a County approved land conservation group.
 - iii. Or, contribute funds to an appropriate entity, approved by the County for use in establishing an oak woodland conservation easement, such as the Bear Yuba Land Trust. The contribution fee shall be based on the assessment of tree damage/loss at a 1:1 ratio (minimum one acre). The fee shall include any required transaction and other potential fees required by said entity.

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 is located approximately two-miles east of North San Juan, in Western Nevada County. The project archaeologist, Sean Jensen (Genesis Society), describes the area as a transition zone between the lower foothill elevations and the higher Sierra Nevada Mountains, with a wide range of flora and fauna as found in either the higher or lower elevations. Elevation of the property ranges from approximately 2,400 to 2,629-feet above mean sea level, with much of the property constrained by steep slopes. Vegetation on the property is relatively dense with both under- and over-story plants including California Black Oak Forest, White Leaf Manzanita Chaparral, and Grassland areas. No permanent sources of surface water are located within the Pollacek property, however Shady Creek is located approximately 0.5-miles southeasterly of the property.

The project area is located within territory occupied by the Nisenan or “Southern Maidu” at the time of initial contact with European Americans. Permanent settlements were maintained by these people along major rivers in the foothills and Sacramento Valley, traveling periodically to higher elevations to hunt and gather. The Nisenan had a sophisticated knowledge of uses of local plants and animals as well as the availability of raw material sources that could be used in manufacturing a large array of tools and implements. Like all northern California Indian groups, the Nisenan had an economic life that revolved around fishing, hunting and collecting plants for food. Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with 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.

In addition to Native American presence within Nevada County and northern California, there is historic documentation that Euro-Americans were arriving to northern California in substantial numbers in the mid-1820’s with evidence of Euro-American presence in the Grass Valley area in 1846. Euro-American presence within Nevada County was generally associated with the gold rush, with one of the earliest mining efforts undertaken within approximately one-mile of the subject property at the Cherokee mine.

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

Impact Discussion:

5a-c At the request of the project archaeologist, the North Central Information Center (NCIC) conducted a records search of the California Historic Resources Information System (CHRIS). The NCIC letter dated September 18, 2017 notes that several investigations were conducted on a portion of the subject property and that two additional investigations are documented on properties within a 1/8-mile radius of the proposed project area, no resources were found. Further, the Archaeological Survey prepared for the Pollacek land division, found no pre-historic, cultural or significant historical resource. However, given that the project anticipates ground disturbance for this project

including that required for improved sight distance along Oak Tree Road, widening at the connection of the Brotherhood Way/Parcel 2 driveway and for future residential improvements, there is a potential for unanticipated discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources, during project construction. Therefore, Mitigation Measure 5A has been included, which requires that work shall be halted and proper notification and consultation shall be required if any artifacts or cultural resources are discovered during construction. With the implementation of Mitigation Measure 5A, impacts to cultural resources are expected to be *less than significant with mitigation*.

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

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

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

6. ENERGY

Existing Setting: The Pollacek project proposes to divide 121-acres into two parcels (40-acres and 81-acres in size). Both proposed parcels are developed with single-family residential improvements including individual wells and septic systems. The property does not have electrical service from PG&E, existing improvements are reliant upon solar and propane. Building envelopes would contain existing improvements and are sized to allow potential future additional improvements.

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

Impact Discussion:

- 6a The proposed two-way land division is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. Both proposed parcels are developed with single-family dwellings and accessory structures. Electricity is not currently available to the property, nor does the project propose it, however, an easement for public utilities will be created along the existing Brotherhood Way alignment to provide for future connection to electricity. Current improvements rely on existing propane and solar power. Operationally, energy needs for two rural residential parcels is low. Future improvements, if any, would be required to meet energy standards in place at the time of their construction. Similarly, grading required along Oak Tree Road and on Brotherhood Way is minor and equipment will be required to meet current standards. The small scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a *less than significant impact*.
- 6b The two-way land division would not conflict with any state or local plans for renewable energy or energy efficiency. Permits would be required in order to construct the project. As part of the building permit review, all equipment and structures would be required to meet energy standards identified in the California Building Code. Likewise, the project would not obstruct or prevent plans for renewable energy or efficiency. Therefore, the project would have *no impact* to state or local plans for renewable energy or energy efficiency.

Mitigation: None Required.

7. GEOLOGY / SOILS

Existing Setting: The subject 121-acre property is located approximately two-miles east of North San Juan, in an unincorporated area of Nevada County. Elevation of the property ranges from approximately 2,400 to 2,629-feet above mean sea level, with much of the property constrained by steep slopes. The soils of the project site are in the Musick and Hoda Soils Series, both described as well-drained mountainous uplands soils types underlain by weathered granodiorite (USDA Soil Conservation Service, 1993). Specifically, the majority of the site is mapped as Musick Sandy Loam 15 to 50 Percent Slopes (MrE), which has a high erosion hazard potential and medium to rapid runoff potential. A small portion of the property at the westerly boundary line, is mapped as Hoda Sandy Loam 9 to 15 Percent Slopes (HnC), which has medium runoff potential and moderate to high erosion hazard potential.

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; it is located approximately 3-miles easterly and 2.7-miles westerly of Pre-Quaternary faults, which are older than 1.6 million years (California Department of Conservation). 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 proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?			✓		A,L,12,29
b. Result in substantial soil erosion or the loss of topsoil?			✓		D,25
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓		D,12,25
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		D,25
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
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
g. Result in substantial grading on slopes over 30 percent?			✓		A,L,9

Impact Discussion:

7a,c,d The proposed two-way land division is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The project site is not within an Alquist-Priolo Earthquake Fault Zone; it is located approximately 3-miles easterly and 2.7-miles westerly 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, which underlies the majority of the project site, nor the Hoda Sandy Loam are described by the USDA Soil Conservation Service as being unstable or expansive. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be *less than significant*.

- 7b.g The project is a proposal to divide 121-acres with existing single-family residences and accessory structures into two stand-alone parcels. Work along a portion of the frontage on Oak Tree Road, and minor work needed to bring the onsite driveway up to required standards, or that 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, proposed Mitigation Measure 4D would require steep slopes to be shown as Environmentally Sensitive Areas-No Disturbance Areas on the supplemental data sheets that will record with the parcel map. 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 with mitigation*.
- 7e The property does not have soils incapable of adequately supporting septic systems. The existing residences on the Pollacek property utilize individual septic systems. Additionally, recent soils testing 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 for work along Oak Tree Road, along the existing driveway alignments and potentially within project building envelopes, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be *less than significant with mitigation*.

Mitigation: See Mitigation Measures 4D and 5A.

8. GREENHOUSE GAS EMISSIONS

Existing Setting: Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). CO₂ emissions are largely from fossil fuel combustion. In California, approximately 43 percent of the CO₂ emissions come from cars and trucks. Electricity generation is another important source of CO₂ emissions. 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 time-periods and have greater effects at lower concentrations compared to CO₂. The adverse impacts of global warming include impacts to air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and an increase in health related problems.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction will be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the

California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions.

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

Impact Discussion:

8a-b Given the complex interactions between various global and regional-scale physical, chemical, atmospheric, terrestrial, and aquatic systems, it is not possible to determine to what extent this project’s CO2 emissions could result in any altered physical conditions. Typically, cumulative impacts are analyzed and mitigated in a county’s General Plan and associated EIR. In this case, the General Plan for Nevada County does not address GHG emissions. Additionally, no thresholds have been adopted for project greenhouse gas emissions.

Implementation of the proposed project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO2 and other GHGs, such as methane (CH4) and nitrous oxide (N2O), from mobile sources and utility usage. Short-term GHG emission impacts would result from construction of the site. Construction emissions from the proposed project would generate approximately 48.64 metric tons of CO2e. CO2e is Carbon Dioxide Equivalent, a measurement that expresses units of different greenhouse gases as equivalent to units of carbon dioxide in the ability to affect global warming (CalEEMod Version 2016.3.1 2016). Some of these GHG emissions are anticipated to occur with the minor construction that is required to improve sight distance along Oak Tree Road and the few improvement required along Brotherhood Way and the proposed Parcel 2 driveway.

Typical of residential uses, the proposed project would generate greenhouse gases via vehicle source CO2e emissions and through energy and water consumption and waste production during project occupation. In total, project operation of the two parcels would result in approximately 47.10 metric tons (MT) CO2e, 3.4000e-004 MT N2O, and 0.0263 MT CH4 per year (CalEEMod Version 2016.3.1 2016). These emissions are a combination of energy, mobile, waste, water, and area emissions resulting from the occupation within the new parcels. Further, use of default inputs generally results in a gross overestimation of emissions.

Thresholds for greenhouse gases have not been adopted by any relevant agencies, including the California Air Resources Board, the NSAQMD, Nevada County, or the State of California. The Bay Area Air Quality Management District (BAAQMD) is the only known air district in the State that has adopted a threshold for operational GHGs. The BAAQMD’s threshold is 1,100 MT CO2e/year. The Sacramento Metropolitan Air Quality Management District (SMAQMD) also recommends 1,100 MT CO2e/year as an operational threshold for land development projects. The

proposed project is under this threshold at 47.10 MT CO₂e/year, though it is noted that the above-indicated thresholds are applicable in metropolitan areas. Mitigation Measures 3A, 3C, 3D (reducing emissions during construction, energy-efficient utilities and limiting woodstoves) would help to reduce greenhouse gas emissions during the project’s construction and operational phases. Further, compliance with the California Green Building Code would ensure that all new residences would be capable of electric vehicle charging, meet the California Building Energy Efficiency Standards, reduce or salvage 50 percent of the nonhazardous construction waste, use interior finishes that comply with current VOC ratings, and have only US EPA Phase II-certified woodstoves. With the implementation of these measures, construction and operational impacts related to GHG emissions are anticipated to be less than significant with mitigation. Carbon dioxide (CO₂) is the main component of greenhouse gases. Additionally, the project would not contribute to a substantial increase in traffic during the operational phase of the project because the proposed land division would simply divide existing residences into stand-alone parcels. Therefore, project related greenhouse gas emissions impacts are anticipated to be *less than significant*.

Mitigation: None required.

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting: The Pollacek property 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 CalFire. The Ananda Living Wisdom School and the Head Start Preschool are the closest sensitive receptors, both approximately 0.75-direct miles from the project boundary. There are no public or private airports near the project site, with the closest airport being approximately 10 air-miles south of the project site.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H

Impact Discussion:

- 9a-b The Pollacek project proposes to divide 121-acres, separating existing single-family residential improvements into two large parcels (40 and 81-acres). The project does not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could be stored, used, and handled 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 Ananda Living Wisdom School and the Head Start Preschool are the closest sensitive receptors, both are located approximately 0.75-direct miles from the project boundary. 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 amount of materials associated with this two-way land division in conjunction with the distance to the nearest school, *no impact* relative to transport, use, or emissions of hazardous materials within proximity of a school is anticipated.
- 9d The Pollacek property is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact*.
- 9e There are no public or private airports near the project site, with the closest airport being approximately 10 air-miles south of the project site. Therefore, the project is not anticipated to result in a safety hazard for people residing or working in the project area and there would be *no impact*.
- 9f,g The Pollacek two-way land division is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The proposed project would divide 121-acres such that existing single-family residential improvements would be separated into two stand-alone parcels. The subject property is served by the North San Juan Fire District, in an area designated by CalFire as a High Fire Danger area. There is currently no adopted emergency response plan for the North San Juan area. However, the Village Center of the easterly adjacent Ananda Village, a planned development community, is maintained as a Red Cross

emergency/evacuation center as part of their Fire Protection Plan. Additionally, Brotherhood Way, the onsite access to both proposed parcels, is a driveway and emergency/fire access easement, providing ingress/egress connection to/from the Ananda Village in the case of an emergency. Further, several standard conditions of approval would be applied to the project that would improve onsite access routes including: addition of a turnout on Brotherhood Way and a turnout and hammerhead turnaround to the existing driveway for proposed Parcel 1; a standard fire riser to be located at a turnout meeting standards near the proposed Parcel 2 residence; and standard vegetation management along Brotherhood Way and the proposed Parcel 1 driveway as well as around existing structures with an inspection prior to map recordation. Lastly, a standard condition of approval would require a Knox Override Switch to ensure the local fire district has access through the project gates. The required standard improvements to Brotherhood Way and proposed Parcel 1 driveway along with installation of a standard fire riser will improve fire safety to existing residents and structures, thus, project impacts related to exposing people or structures to impacts due to wildfire, are anticipated to be *less than significant*, and *no impact* to emergency response/evacuation plans are anticipated.

Mitigation: None required.

10. HYDROLOGY / WATER QUALITY

Existing Setting: The site is within two watersheds, the portion of the property lying northerly of Brotherhood Way is in the Moonshine Creek Watershed, the portion of property southerly of Brotherhood Way is in the Blind Shady Creek Watershed, tributaries to the Yuba (south and middle) River. Due to the size of the property and varied topographic features, drainage flows in all directions. The project is not located in or near a floodplain, with the closest floodplain being over 2,000-feet southerly of the project. Onsite water features include two ephemeral drainages and a man-made seasonal pond, all located within the southerly portion of the property, a wet-meadow is near the northeasterly property boundary.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓		A,D
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓	A,C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: <ul style="list-style-type: none"> i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide 			✓		A,D,9,19

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
substantial additional sources of polluted run off; or iv. impeded or redirect flood flows?					
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	L,9,13
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓	A,D
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	L,9,13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	L,13

Impact Discussion:

10a,c The proposed two-way land division is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity or alter existing drainage patterns. The land division is intended to divide existing single-family residences and various accessory structures into two stand-alone parcels. Brotherhood Way, the onsite access to both parcels, along with individual driveways are in place. Only minor improvements are required to these routes to bring them fully compliant with Nevada County driveway standards. Additionally, work will be required alongside Oak Tree Road to improve the site distance along the roadway from the connection to Brotherhood Way. This work is relatively minor and will be conducted under permits issued by the Nevada County Building Department. 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 several onsite water features including two ephemeral drainages and a man-made seasonal pond, all located within the southerly portion of the property. A wet-meadow is located near the northerly property boundary. The wet-meadow is 500-feet away from the closest building envelope, as is the man-made seasonal pond. Standard erosion control measures and intervening vegetation between these features would adequately protect these features from any project related construction impacts. Additionally, further protection is afforded by proposed Mitigation Measure 4D which requires these features to be shown as Environmentally Sensitive Areas with a 100-foot non-disturbance buffer on the supplemental data sheets that will record with the parcel map. Similarly, proposed Mitigation Measure 4D requires ephemeral drainages to be shown as Environmentally Sensitive Areas with a 50-foot non-disturbance buffer on the supplemental data sheets that will record with the parcel map. The limited amount of work with the protective measures would not alter drainage patterns, degrade water quality, or violate water quality standards. Additionally, development of the relatively small building envelopes on the large parcels (40-acres and 81-acres) would not result in a substantial increase in surface runoff that could result in flooding.

The project also has a capped well that is not used. Unused wells must be formally abandoned with a permit from the Environmental Health Department. As a standard condition of approval, a permit would be required to formally abandon the well prior to map recordation to ensure that groundwater quality is protected. 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 with mitigation*.

10b,e The proposed two-way land division of 121-acres would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. Existing improvements will continue to rely on two existing wells. The proposed project to divide existing single-family residential improvements into two large parcels (40-acres and 81-acres), is anticipated to have *no impact* on the existing wells on this, or on adjacent properties.

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

Mitigation: None required.

11. LAND USE / PLANNING

Existing Setting: The Pollacek property is 121-acres located approximately two-miles east of North San Juan, in an unincorporated area of Nevada County. The property is situated on the north side of Oak Tree Road, a County maintained roadway. The subject property takes access from Oak Tree Road at Brotherhood Way, a driveway and emergency/fire access easement. There are many existing improvements on the property including two residences, a guest quarters, tent platform, small greenhouse, agricultural sheds, pole barn, solar arrays and water storage. Unpermitted improvements would either be removed prior to recording, or gain proper permitting approval.

The project parcel is zoned General Agricultural, allowing densities at one unit per 40-acres (AG-40) and has a Rural General Plan designation, also allowing densities at one unit per 40-acres (RUR-40). Surrounding parcel designations vary as follows: northerly parcels have both Forest-40 (FR-40/FOR-40) zoning and General Plan designations; the easterly adjacent Ananda Village lands are General Agricultural-Planned Developed-Site Performance (AG-PD-SP) with a Planned Development General Plan designation (PD); southeasterly parcels are AG-40/Rural-40; and southerly and westerly adjacent parcels are AG-20/Rural-20.

Adjacent parcel sizes vary widely from just over one-acre up to nearly 180-acres. Single-family rural residential uses are found on the majority of the surrounding parcels, with the exception of Ananda Village, a planned development community that contains many types of improvements.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				✓	A,L

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓		A,18,19
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Impact Discussion:

11a The proposed two-way land division would not physically divide an established community. The subject property is located in a rural area, approximately two-miles east of North San Juan. The property is situated on the north side of Oak Tree Road, a County maintained roadway, and it takes access at the intersection of Oak Tree Road and Brotherhood Way, an existing driveway and emergency/fire access easement. Therefore, the Pollacek project, a proposal to divide 121-acres into a 40-acre and 81-acre parcel in a rural part of Nevada County would not physically divide an established community, and thus *no impact* is anticipated.

11b The Pollacek property is designated as General Agricultural, with a Rural General Plan designation, both of these prescribing density at one unit per 40-acres (AG-40, RUR-40). The AG zoning district, allows single-family residential improvements and uses, along with a variety of other uses. There are many existing single-family improvements on the property as is allowed by the zoning. Any unpermitted improvements would be removed prior to recording, or gain proper permitting approval; several are in process for permits at this time. The proposed land division would result in a 40-acre parcel and an 81-acre parcel, each containing a residence, well and septic system such that each would be an independent stand-alone parcel. These parcel sizes are in compliance with the density allowed by the zoning and General Plan designations. 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: None required.

12. MINERAL RESOURCES

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

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

Impact Discussion:

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

Mitigation: None Required.

13. NOISE

Existing Setting: The Pollacek project proposes to divide a 121-acre parcel into two parcels (40-acres and 81-acres in size). The property is located approximately two-miles east of North San Juan, in an unincorporated area of Nevada County, on the northerly side of Oak Tree Road. The property is developed with single-family residential improvements that will be separated by the creation of the two new parcels.

Adjacent parcel sizes vary widely from just over one-acre up to nearly 180-acres, with development that is similar rural residential in nature, with the exception of easterly adjacent Ananda Village, a planned development community that contains many types of improvements. The area is characterized with rolling to steep slopes and is heavily vegetated with areas of oak forest, manzanita chaparral, and to a lesser extent grasslands. These vegetation types are typical of the overall area. Ambient noise levels in the area are generally those generated by the traffic on Oak Tree Road and those noises that commonly accompany rural residential uses.

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

Impact Discussion:

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

The exception to this would be noises and potential vibration generated during the required construction to improve the sight distance along Oak Tree Road, during improvements to existing onsite driveways, and 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 Oak Tree Road. Anticipated noise generated by the future residential use within the proposed land division

are anticipated to be in keeping with the noises generated by existing residential activities and thus result in *less than significant* noise impacts; and *less than significant* construction related noise impacts *with mitigation*.

13c The subject Pollacek property is not located within an airport land use plan and there are no public or private airports near the project site, with the closest airport being approximately 10 air-miles south of the project site. Given the distance to these airports, the project would result in *no impacts* related to airport noise.

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

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

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

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

14. POPULATION / HOUSING

Existing Setting: The project site is zoned as General Agricultural (AG), a rural district intended to provide areas for agricultural uses such as farming, with agricultural support facilities and services, low intensity uses and open space. The maximum density for the parcel is one unit per 40-acres (AG-40). These are in support of the Rural-40 (RUR-40) General Plan designation of the property.

The site has single-family residential improvements including two residences and many accessory structures. The closest residences are located along the westerly boundary of the property, the nearest being approximately 40-feet away.

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

Impact Discussion:

14a-b The proposed two-way land division would not result in an inducement of unplanned population growth or to displace existing people or housing. Property zoning and General Plan designations allow a minimum density of one parcel per 40-acres; as a 121-acre parcel, the property could support three parcels, though only two are sought. Proposed Parcel 2 would be 81-acres, retaining the capacity to divide into two parcels in the future such that the three currently possible would still be achievable. The proposed division would separate the two existing residences, such that each

would be a stand-alone parcel. The proposed two-way land division does not trigger the need for infrastructure extensions; existing roadways and infrastructure are sufficient. Therefore, the proposed project would have *no impact* related to these issues.

Mitigation: None required.

15. PUBLIC SERVICES

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

Fire: The North San Juan Fire District provides fire protection services to this area.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: Twin Ridges and Nevada Joint Union School Districts provides education for the area.

Parks: The project is within the Oak Tree Community Park and Recreation district.

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

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

Impact Discussion:

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

15a (3-5) The proposed land division would not impact schools, or public recreational facilities because the project would not result in a substantial increase in population that would require schools, parks and other public services and facilities. School, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. These impact fees were collected for existing residences during the permitting process. School and fire mitigation impact fees would also be applied to accessory dwelling units on both parcels if future owners choose to build them. Recreation impact fees would apply to a new homes proposed on either parcel, if the new home was proposed as the ‘primary’ (larger than 1,200 square foot home) such that the existing home would become the ‘accessory dwelling unit’ (less than 1,200 square feet). Recreation impact fees would also be applicable to additions to existing

residences, based on square footage of the addition. Therefore, there would be *a less than significant impact* as a result of the project approval of this two-way land division.

Mitigation Measures: No mitigation is required.

16. RECREATION

Existing Setting: The Pollacek property is located within the Oak Tree Community Park and Recreation district. The Oak Tree Community Park is located less than one mile to the west of the property. This park provides developed recreation opportunities such as ball fields and the use of playgrounds to the North San Juan area. No recreational facilities occur on the Pollacek property. The Nevada County General Plan recommends the level of service for recreation needs as three acres per each 1,000 persons, countywide.

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

Impact Discussion:

16a-c The proposed two-way land division is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities. 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 three parcels, one more than the two-way land division proposes. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a (3-50 above). There are no existing recreational facilities on the Pollacek parcel. Oak Tree Community Park, an existing park that provides developed recreation opportunities to the North San Juan area, is located approximately 0.75-miles westerly of the subject parcel, with several similarly developed rural residential properties between them. Proposed building envelopes would contain existing and future improvements within the central portions of the property such that there would be significant separation from use areas to property boundaries. Due to the minimal potential increase to population and the lack of existing facilities onsite or in close proximity, the proposed project would have *no impact* related to recreational facilities.

Mitigation: None required.

17. TRANSPORTATION

Existing Setting: The Pollacek land division proposes to divide a 121-acre parcel into two parcels (40-acres and 81-acres in size). The property is located approximately two-miles east of North San Juan, in an unincorporated area of Nevada County. The property is situated on the north side of Oak Tree Road, a County maintained roadway. Oak Tree Road is a Minor Collector with an average daily trip rate of 1,449 (August, 2016). Brotherhood Way is an existing 50-foot wide driveway and emergency/fire access easement that runs through the property, providing onsite access off of Oak Tree Road, as well as emergency connection to/from the easterly adjacent Ananda Village community.

The property is developed with single-family residential improvements that will be separated onto the two new parcels. Adjacent parcel sizes vary widely from just over one-acre up to nearly 180-acres, with development that is similar rural residential in nature, with the exception of Ananda Village, a planned development community that contains many types of improvements.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?		✓			A,B
b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				✓	A,B
c. Substantially increase hazards due to a geometric design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		A,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 two-way land division would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities, or with review of traffic impacts. The property takes access from Oak Tree Road, a County-maintained roadway, at Brotherhood Way. Oak Tree Road is a minor collector road. Minor collector roads are defined as being those roads that provide service within major land use areas or provide access to arterial roads from local collector and local roads. Oak Tree Road is functioning at a high level; the potential increase in traffic resulting from the proposed two-way land division would be insignificant in nature and there would therefore be ***no impacts*** relative to conflicts with traffic review.

The Nevada County Non-motorized Transportation Master Plan identified approximately one-mile of Oak Tree Road as appropriate for a Safe Route to School trail. This trail would be located on the same side of the road as the Twin Ridges School, the northerly side. The Pollacek property frontage on Oak Tree Road is within this identified area, therefore, a standard condition of approval would require a 20-foot wide trail easement along the Pollacek property frontage on Oak Tree Road to be offered for dedication to Nevada County. Although the Twin Ridges School no longer operates in the facility that is immediately west of the Oak Tree Community Park, the site is still owned by the Twin Ridges School District and the Head Start Preschool uses a portion of the campus. The trail easement would be for a Type II (native material) non-motorized trail. Transit services are not

currently available in this area and would not be affected by the project. With the requirement for an offer of dedication for a non-motorized trail easement the project would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities and therefore impacts would be *less than significant*.

- 17c,e The project would not result in an increase in hazards due to incompatible uses, or due to a geometric design feature either during construction or during future occupation of the properties. The two proposed single-family residential parcels would take access from Oak Tree Road at the intersection with Brotherhood Way. The site distance along Oak Tree Road from the connection point at Brotherhood Way does not currently meet the minimum requirement. At the time of the original project submittal, the posted speed limit along this portion of Oak Tree Road was 45-miles per hour which requires a minimum 360-foot sight distance. At the applicant's request, Public Works Staff conducted a speed survey, and based on the results, the Board of Supervisors approved an ordinance reducing the speed limit of this section of roadway to 35-miles per hour which reduces the sight distance minimum to 250-feet. The applicant proposes to meet this minimum through road cuts and vegetation management that will be memorialized as a condition of approval. Additionally, a condition of approval is proposed to require an increase to the width of Brotherhood Way at the driveway to proposed Parcel 1. The Department of Public Works will require an encroachment permit for sight distance improvements. Encroachment permits include review of traffic control plans and/or other safety measures to ensure the work does not result in hazards during construction. Lastly, to ensure no new driveway is created with design geometrics that were not reviewed as part of this land division, the Department of Public Works has proposed a condition of approval that would require a no-access easement along the frontage of both properties, limiting the access for both properties to the existing Brotherhood Way connection. With the application of these standard conditions of approval, project impacts due to geometric design would be *less than significant*.
- 17d The proposed two-way land division would improve emergency access. Brotherhood Way, the onsite access to both proposed parcels is a driveway and emergency/fire access easement, providing ingress/egress connection to the Ananda Village in the case of an emergency. A condition of approval is proposed to require minor improvements to onsite driveways, including a turnout on Brotherhood Way and a turnout and hammerhead turnaround to be added to the existing driveway for proposed Parcel 1. These minor improvements would bring each into compliance with driveway standards, providing better access for emergency personnel such that there would be adequate facilities for emergency personnel to arrive and for occupants to exit. Also, a standard condition of approval would require a Knox Override Switch to ensure the local fire district has access through the project gates. Therefore, the project would have *no impact* relative to resulting in inadequate emergency access.

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. Both the Washoe Tribe and United Auburn Indian Community of the Auburn Rancheria (UAIC) have contacted the County to request consultation on projects falling within their delineated ancestral lands. The subject research and development building for the Event Helper is proposed within UAIC Tribal lands. See Section 5 for additional information regarding cultural resources. See Section 5 for additional information regarding tribal resources.

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

Impact Discussion:

18a The proposed two-way land division is anticipated to result in less than significant impacts to tribal cultural resources. The project parcel was determined to fall within the areas identified by both the Tsi Akim Maidu and the United Auburn Indian Community (UAIC) as ancestral lands. An initial distribution of the project application and the records search results from the North Central Information Center were sent to both organizations and the Native American Heritage Commission on April 4, 2018. An AB52 consultation request was sent to UAIC on April 2, 2018. UAIC closed consultation on May 9, 2018 but recommended one mitigation measure be incorporated into the project. A project specific archaeological survey performed by Sean Jensen (Genesis Society), which included both an intensive pedestrian survey and records review, confirmed that there were no tribal cultural resources located at the project site or within a 1/8 mile search radius. While no resources are documented onsite and none were found during the site survey, as discussed in Section 5, there is a chance that onsite grading could uncover cultural resources of importance. As recommended by the UAIC and the archaeologist, Mitigation Measure 5A has been included, which requires work to halt if cultural resources are discovered and requires local tribes to be notified. With this protection in place, impacts to Tribal Cultural Resources would be *less than significant with mitigation*.

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

Mitigation Measure 18A: Tribal Cultural Resource – Awareness Training. A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and

Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values. Prior to issuance of Building or Grading Permits, a letter will be provided from the United Auburn Indian Community to the Planning Department that this Mitigation Measure has been satisfied to the satisfaction of the United Auburn Indian Community.

Timing: Prior to issuance of permits for road or driveway construction tied to the map recordation
Reporting: Approval of construction permits

Responsible Agency: Nevada County Planning Department and United Auburn Indian Community (UAIC)

See also Mitigation Measure 5A.

19. UTILITIES / SERVICE SYSTEMS

Existing Setting: Both proposed parcels are developed with single-family dwellings and accessory structures. Electricity is not currently available to the property, nor does the project propose it, however, an easement for public utilities will be created along the existing Brotherhood Way alignment to provide for future connection to electricity. Current improvements rely on existing propane and solar power. Both proposed parcels have existing septic systems and wells.

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

Impact Discussion:

19a The proposed project is anticipated to have no impact relative to extension of utilities to serve the project. The Pollacek project proposes a two-way land division that would separate existing single-family residential improvements. Currently each proposed parcel relies on propane and solar power

and they will continue to do so; similarly, each proposed parcel is already developed with individual wells and septic systems. No extension of natural gas, public water or wastewater treatment facilities, the expansion of existing facilities, or additional water supplies is proposed or required for this two-way land division. An easement for public utilities is proposed along the existing Brotherhood Way alignment to provide for a potential future connection to utilities should they become available to the area in the future. Extension along the existing traveled way, a highly disturbed route, is not anticipated to result in impacts. 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 two-way land division designed to separate existing single-family residential improvements is anticipated to have a *less than significant* impact related to utility/service extension.

19b Each of the two proposed parcels have existing wells serving existing single-family residential improvements. No new water service is required and therefore, the proposed two-way land division is anticipated to have *no impact* on water supplies.

19c,d The Pollacek land division would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. Construction is required to improve the sight distance along Oak Tree Road at Brotherhood Way and to increase the width of Brotherhood Way at the driveway to proposed Parcel 1. 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 North San Juan Transfer Station located at 10125 Flume Street. All solid waste refuse is later hauled to out-of-County landfills, most of which are in the State of Nevada under contract with Waste Management Systems, Inc. There are no known capacity issues with any Waste Management facilities. Any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Mitigation Measure 19A requires solid waste debris generated during construction activities including vegetation and industrial waste such as glues, paint and petroleum products to be appropriately disposed of to avoid potentially adverse landfill and solid waste disposal impacts. Therefore, impacts related to disposal of construction debris would be *less than significant with mitigation*.

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

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

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

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

20. WILDFIRE

Existing Setting: The project parcel is in the North San Juan Fire District and is in a high fire severity zone. Nearby properties to the northwest are in a very high fire severity zone. The project site takes access from Oak Tree Road, a County-maintained roadway. Both proposed parcels would have frontage on Oak Tree

Road, but take access from Brotherhood Way an existing driveway and emergency/fire access road which connects to the easterly adjacent Ananda Village roadway system. Brotherhood Way is a 12-wide gravel surface roadway with 1-foot shoulders each side and turnouts approximately 400-feet apart. There are two gates on Brotherhood Way, near the connection to Oak Tree Road. The area has dense vegetation with rolling to steep slopes.

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓		A,H,M,23
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?			✓		A,B,H,M, 18
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			✓		A,H,M
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			✓		A,H,M,12

Impact Discussion

20a,c The proposed land division is not anticipated to conflict with emergency plans or result in negative environmental impacts due to infrastructure installation. The Nevada County General Plan Safety Element addresses wildlife hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County’s Local Hazard Mitigation Plan (LHMP) was updated in August 2017. Goals and objectives in the LHMP include reducing fire severity and intensity by promoting implementation of fuel management on private and public lands. The Pollacek property is served by the North San Juan Fire District, in an area designated by CalFire as a High Fire Danger area. There is currently no adopted emergency response plan for the North San Juan area. However, the Village Center of the easterly adjacent Ananda Village, a planned development community, is maintained as a Red Cross emergency/evacuation center as part of their Fire Protection Plan. Additionally, Brotherhood Way, the onsite access to both proposed parcels is a driveway and emergency/fire access easement, providing ingress/egress connection to the Ananda Village in the case of an emergency. A condition of approval is proposed to require minor improvements to onsite driveways, including a turnout on Brotherhood Way and a turnout and hammerhead turnaround to be added to the existing driveway for proposed Parcel 1. These minor improvements would bring each into compliance with driveway standards. Additionally, a condition of approval will require a standard fire riser to be located at a turnout meeting standards near the proposed Parcel 2 residence. A standard condition of approval would require vegetation management along Brotherhood Way and the proposed Parcel 1 driveway as well as around existing structures with an inspection prior to map recordation. Lastly, a standard condition of approval would require a Knox Override Switch to ensure the local fire district has access through the project gates. The required improvements to Brotherhood Way and proposed Parcel 1 driveway along with installation of a standard fire riser will not exacerbate fire risk or result in impacts to

the environment. Access routes within the property would be improved to typical standards with only minor construction, providing greater fire safety and thus, 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 *less than significant*.

20b,d The proposed Pollacek land division seeks to divide 121-acres into a 40-acre and 81-acre parcel essentially dividing the existing single-family residential improvements. The two-way land division separating these existing improvements would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. Proposed building envelopes, which would contain existing and any future structures, avoid areas mapped as steep slopes. Additionally, all future improvements would require building permits and conformance with requirements with such things as maximum impervious surface coverage on each of the parcels, the prohibition of increasing stormflow onto offsite parcels, and adequate erosion control measures. Therefore, the proposed two-way land division that would result in two large parcels to contain existing improvements is anticipated to have *a less than significant* relative to the spread of wildfire and fire risks.

Mitigation: None required.

21. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

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

Impact Discussion:

21a,c As discussed in Sections 1 through 20 above, the proposed two-way land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to air quality, biological resources, cultural resources, geology/soils, noise, tribal cultural resources, and utilities/service systems. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Mitigation has also been included to prevent impacts to protected sensitive resources including aquatic features, Landmark Oak Groves and Landmark Oak Trees, Critical Deer Habitat, and Steep Slopes.

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.

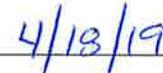
Mitigation Measures: To offset potentially adverse impacts to air quality, biological and cultural resources, geological resources, noise, tribal cultural resources, and possible impacts utilities/services systems, see Mitigation Measures 3A-3E, 4A-4E, 5A, 13A, 18A and 19A.

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.


Janeane Martin, Associate Planner


Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. North San Juan Fire Protection District
 - I. Regional Water Quality Control Board (*Central Valley Region*)
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. Nevada County Transportation Commission
 - O. Nevada County Agricultural Advisor Commission
 - P. Twin Ridges School District/ Nevada Joint Union School District
 - Q. Gold Country Stagecoach
1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
 4. Cal Fire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 7. California Department of Conservation, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nev16.pdf>.
 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 11. Natural Resources Conservation Service, 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. <https://sdmdataaccess.nrcs.usda.gov/>
 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
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 20. California Attorney General's Office. "Addressing Climate Change at the Project Level." January 6, 2010.

21. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. www.epa.gov/oaqps001/greenbk/ancl.html.
22. North Central Information Center, CHRIS search, 9/18/17 & Genesis Society 10/11/17 *Class III Archaeological Survey*
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 January 24, 2019:
<http://www.envirostor.dtsc.ca.gov/public/>
25. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
26. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California -- Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
27. California Department of Transportation. *California Scenic Highway Mapping System*. September 7, 2011. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm
28. Nevada County. *Land Use and Development Code Section 5, Article 13, Grading*. Amended December 2016.
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