

NEVADA COUNTY, CALIFORNIA

PROPOSED NEGATIVE DECLARATION **NOTICE OF AVAILABILITY FOR PUBLIC REVIEW**

Date: February 19, 2013

To: County Counsel; LAFCo; Nevada Irrigation District; Northern Sierra Air Quality Management District; County Fire Protection Planner; Rural Quality Coalition; FONA; State Department of Housing and Community Development (HCD); Nevada County Health and Human Services; Nevada County Housing and Community Services; FREED; All Local POA and Special Interest Groups on County Notification List.

From: Tyler Barrington, Principal Planner
Nevada County Planning Department
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Nevada City, CA 95959
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File Number(s): ORD13-001; EIS13-004 **Assessor's Parcel Numbers:** N/A

Applicant: Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1222

Project Location: Unincorporated Area of Nevada County

Project Description:

The proposed project is the implementation of the 2009-2014 Nevada County Housing Element (General Plan Chapter 8) Programs: HD-8.1.1, HD-8.1.2: HD-8.1.10; RC-8.4.5; RC-8.4.10; EO-8.5.4; EO-8.5.5; and EO-8.5.6. The Programs in question require the County to amend its Land Use and Development Code Zoning Ordinance and are defined in more detail in the section titled “**Program Implementation General Environmental Impact Discussion**” and are shown in full in Appendix B of the Initial Study. The specific proposed amendments to the County Zoning Regulations are shown in Appendix C of the Initial Study.

Public Notice that the County of Nevada has prepared a Negative Declaration (ND) for the project identified above. As mandated by State Law (21091 PRC), the minimum public review period for this document is 20 days (ND was not submitted to the State Clearinghouse for review) *or* 30 days (ND was submitted to the State Clearinghouse for review). While this ND was not submitted to the State Clearinghouse because it does not result in the need for permitting from a State agency, the County has elected to make it available for a period of 30-days due to the complexity of the proposed Zoning Ordinance text changes. Therefore, The Nevada County Planning Department requests that you provide your comments in writing no later than 5 p.m. on **March 20, 2013**.

An Initial Study prepared for this project and the documents used in preparation of this Study can be reviewed at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170 Nevada City, California. A copy of the Initial Study can be downloaded from the Nevada County Planning Department

website located at <http://www.mynevadacounty.com/nc/cda/planning/Pages/Home.aspx>. Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended to date, a Draft Negative Declaration has been prepared because no substantial evidence exists, as indicated in the Initial Study, that the proposed project may have a significant environmental effect *or* the proposed project impacts as mitigated by the incorporation of mitigation measures in the Initial Study, have been mitigated to a less than significant level.

Prepared by:

ORIGINAL SIGNED

Tyler Barrington, Principal Planner
(530) 470-2723

February 19, 2013

cc: County Counsel

NEVADA COUNTY, CALIFORNIA INITIAL STUDY

To: County Counsel; LAFCo; Nevada Irrigation District; Northern Sierra Air Quality Management District; County Fire Protection Planner; Rural Quality Coalition; FONA; State Department of Housing and Community Development (HCD); Nevada County Health and Human Services; Nevada County Housing and Community Services; FREED; All Local POA and Special Interest Groups on County Notification List.

Date: February 19, 2013

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File Number(s): ORD13-001; EIS13-004

Applicant: County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Project Location: Countywide **Assessor's Parcel Numbers:** n/a

Zoning District(s): n/a **General Plan:** n/a

Project Description: Proposed Zoning Ordinance Text amendments to the Nevada County Land Use and Development Code Chapter II, Zoning Regulations to implement specific adopted Programs of the 2009-2014 Nevada County Housing Element. The Programs in question are defined in more detail in the section titled “**Program Implementation General Environmental Impact Discussion**” below and are shown in full in Appendix B. The specific proposed amendments to the County Zoning Regulations are shown in Appendix C.

Other Permits Which May Be Necessary:

Based on initial comments received, the following permits may be required from the designated agencies:

None noted for this Zoning Ordinance Text amendment.

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” and “Potentially Significant” 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. Geology/ Soils
	7. Greenhouse Gas Emissions		8. Hazards / Hazardous Materials		9. Hydrology / Water Quality
	10. Land Use / Planning		11. Mineral Resources		12. Noise
	13. Population / Housing		14. Public Services		15. Recreation
	16. Transportation / Traffic		17. Utilities / Service Systems		18. Mandatory Findings of Significance

Summary of Impacts and Recommended Mitigation Measures:

None noted for the Ordinance amendment.

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.

Project Background:

Every jurisdiction in California must adopt a General Plan, and every General Plan must contain a Housing Element. While jurisdictions review and revise all or individual elements of their General Plan regularly to ensure that the documents remain up to date and relevant, California Law is much more specific in regards to the scheduling for updating the Housing Element, requiring an update at least every five years. The County last adopted an updated Housing Element in May of 2010. The 2009-2014 Nevada County Housing Element update was subsequently certified as meeting the minimum requirements of State Housing Element Law (*Government Code Article 10.6, commencing with Section 65583*) by the State Department of Housing and Community Development on July 1, 2010.

As set forth in Section 65583 (Housing Element Content) of the California Government Code, the Law is also specific in terms of the issues that the Housing Element must address, including:

1. An evaluation of the results from the housing Programs implemented during the previous planning period (as a result of the previous Housing Element)
2. An assessment of the County's existing and projected housing needs based on housing, land use, population, demographic and employment trends;
3. An analysis of housing opportunities within the County, including an inventory of suitable sites and the County's capacity to meet the regional housing needs allocations for all segments of the population (extremely low, very low, low, moderate and above moderate income groups, and special needs housing including farmworker, elderly, persons with disabilities, homeless, and female head of households);
4. An analysis of constraints, both governmental and non-governmental, providing housing and mitigating opportunities for those constraints; and
5. A set of goals, policies and Programs for the development, preservation, maintenance, and improvement of housing.

This proposed Zoning Text Amendment (ORD13-001) project will implement eight specific Programs of the County's 2009-2014 Housing Element update that required amendments to the County Zoning Ordinance. These Housing Element Programs were developed as a result of the extensive update effort undertaken by the County in 2008-2010. Four of the Programs were carried over and modified from the previous Housing Element and the other four were mandated to be included within the Housing Element by HCD in order for the County's Housing Element to be found in substantial compliance with State Housing law requirements. The State mandated Programs include Programs: RC-8.4.10; EO-8.5.4; EO-8.5.5; and EO-8.5.6. See Appendix B and C for specific language.

Relationship to Other Projects:

The proposed project is the implementation of the 2009-2014 Nevada County Housing Element (General Plan Chapter 8) Programs: HD-8.1.1, HD-8.1.2; HD-8.1.10; RC-8.4.5; RC-8.4.10; EO-8.5.4; EO-8.5.5; and EO-8.5.6. CEQA review was performed for the 2009-2014 Housing Element update and the County Board of Supervisors adopted a Negative Declaration for the project on May 10, 2010. No appeal or challenge to this action of the Board of Supervisors was filed within the allowed time statutes for the filing of such documents.

Program Implementation General Environmental Impact Discussion:

The proposed project is a Zoning Ordinance Text amendment intended to implement eight Programs of the 2009-2014 Nevada County Housing Element. The Programs related to this project have three specific goals: 1) Housing Development (HD) Programs are intended to provide for adequate housing sites for all income categories, specifically focusing on providing adequate housing sites for extremely low, very low and low income residents, and special needs groups such as senior citizens and persons with disabilities; 2) Removing Constraints (RC) Programs are intended to minimize and remove government and non-governmental constraints such as land-use controls, building codes, permit fees and

extractions, permit procedures and processes, and site improvements that can hinder a jurisdiction's ability to provide affordable housing to all income and special needs groups; and 3) Equal Opportunity (EO) Programs are intended to provide a means for resolution of local housing discrimination complaints and provide equal opportunities to housing for all income categories and special needs groups.

A brief summary of each of the proposed project's specific Programs, including the origin and purpose of the Program, and what the outcome of implementing those Programs will be is provided below:

Program HD-8.1.1: The Zoning Regulations shall be amended to allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions subject to meeting the density of the underlying General Plan land use designation and zoning and minimum water and sewage disposal requirements.

Origin: 2003-2008 Nevada County Housing Element

Purpose: To provide for a variety of housing opportunities for all income categories by allowing a variety of housing types in the single-family and residential agriculture zoning districts when located within a Community Region without a discretionary action, when such housing is consistent with a properties underlying zoning/general plan density.

Impact Discussion: The development of all future duplexes, duets and four-plexes within the R-1 and RA as a result of this project will be required to adhere to all applicable federal, state and local regulations for the construction of residential dwellings including but not limited to those administered by the Building Department, Environmental Health, Planning and Public Works. These regulations will ensure that all resultant dwelling units will be of sound construction, have sufficient water and sewage disposal resources, and will meet all applicable setbacks to property lines and avoid impacting sensitive resources. The Program also requires adherence to the maximum densities of the general plan/zoning for a given site, which will ensure that anticipated development on the site will not exceed the density allotted to that site. Overall, the implementation of this Program is not anticipated to result in a significant environmental impact. More importantly, this project is a zoning text amendment only and will not immediately result in the construction of dwelling units allowed under the provisions of this Program. Therefore, this project is anticipated to have no impact to environmental resources.

Program HD-8.1.2: Amend Zoning Regulations to permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

Origin: 2003-2008 Nevada County Housing Element

Purpose: To provide for alternative housing opportunities for lower income residents within all residential zoning districts by allowing accessory apartments in those zoning districts.

Impact Discussion: As drafted, this amendment will result in treating accessory apartments in the same manner as accessory second dwelling units, which can be attached or detached. The development of all accessory apartments as a result of this project will be required to adhere to all applicable federal, state and local regulations for the construction of residential dwellings including but not limited to those administered by the Building Department, Environmental Health, Planning and Public Works. These regulations will ensure that all resultant apartments will be of sound construction, have sufficient water and sewage disposal resources, and will meet all applicable setbacks to property lines and avoid impacting sensitive resources. The Program also requires adherence to the maximum densities of the general plan/zoning for a given site, which will ensure that anticipated development on the site will not exceed the density allotted to that site. Overall, the implementation of this Program is not anticipated to result in a significant environmental impact. More importantly, this project is a zoning text amendment only and will not immediately result in the construction of accessory apartments allowed under the provisions of this Program. Therefore, this project is anticipated to have no impact to environmental resources.

Program HD-8.1.10: To avoid the future loss of multi-family sites to single-family construction, the County shall amend the Zoning Regulations to prohibit the development of single-family residential in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

Origin: 2003-2008 Nevada County Housing Element

Purpose: To minimize the loss of medium and higher density residentially zoned land to single-family development.

Potential Impact: The implementation of this Program will ensure that future development of R2 and R3 zoned properties will be at densities closer to those originally anticipated for the site and subsequently will result in less loss of potential high density residential sites to individual single-family development. The implementation of this Program as a result of this zoning text amendment is anticipated to have no impact to environmental resources.

Program RC-8.4.5: The County shall amend LUDC Section L-II 3.16.C.2.e to include senior citizen housing as eligible for the 50% fee waiver provided for in that section of the County's Zoning Regulations.

Origin: 2003-2008 Nevada County Housing Element

Purpose: To promote the development of senior citizen housing by reducing a potential governmental constraint, that being the cost of County permit fees.

Impact Discussion: LUDC Section L-II 3.16.C.2.e allows for a 50% reduction of all County permit fees for projects that develop housing for lower-income and persons with disabilities. The implementation of this Program will include housing for senior citizens as a part of the incentives that promote affordable and senior citizen housing in Nevada County. Allowing this fee reduction for senior citizen housing cannot reasonably be seen to create a negative environmental impact and therefore no impact is anticipated to occur as a result of implementing this Program.

Program RC-8.4.10: To address potential constraints on housing for persons with disabilities, the County shall amend its definition of "family" to comply with fair housing laws. The County will also adopt a written reasonable accommodation policy to provide exception in zoning and land-use for housing for persons with disabilities. This procedure shall be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying the following decision-making criteria:

- a. The request for reasonable accommodation will be used by an individual with a disability protected under fair housing law.
- b. The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
- c. The requested accommodation would not impose an undue financial or administrative burden on the County.
- d. The requested accommodation would not require a fundamental alteration in the nature of the County's land-use and zoning Program.

Origin: State Mandated Program, 2009-2014 Nevada County Housing Element

Purpose: During the review of the County's 2009-2014 Housing Element, the State Department of Housing and Community Development (HCD) found that the County's Zoning Ordinance contained a definition of family that could be construed as being in violation of Fair Housing Laws. Additionally, HCD required that the County's Zoning Ordinance at a minimum outline the process for which a person with a disability could request reasonable accommodation. The purpose of this Program is to ensure that the County's Zoning Ordinance is compliant with Fair Housing Laws.

Impact Discussion: The proposed amendment to the County Zoning Ordinance's definition of Family and the addition of a section outlining the County's process for accommodating requests for reasonable accommodations within Section L-II 3.20 Senior Citizen and Disabled Housing Facilities cannot reasonably be foreseen to result in a significant environmental impact and therefore the

implementation of this Program as a result of this proposed zoning ordinance text amendment is anticipated to have no impact to environmental resources.

Program EO-8.5.4: The County shall amend its land use regulations to define Single Room Occupancy (SRO) units and explicitly allow SROs as a residential use in certain zones. These zones could include the Urban Medium Density (UMD) and Urban High Density (UHD) land use designations and potentially commercial areas where housing is allowed at a density of 4 units per acre as a part of a mixed- use development.

Origin: State Mandated Program, 2009-2014 Nevada County Housing Element

Purpose: The purpose of this Program is primarily intended to address an HCD requirement necessary for the certification of the 2009-2014 Nevada County Housing Element update, which is explained in more detail below. Its global purpose however, is to provide for a variety of housing opportunities for all income levels, specifically focused on providing housing for the County's "Extremely Low Income" (ELI) households. During the review of the County's 2009-2014 Housing Element, HCD required that the County's Housing Element include a quantification of the County's existing and projected needs for all income levels, including ELI households. In addition to this analysis HCD required the Housing Element to contain Programs specifically to assist in the development of a variety of housing types to meet the housing needs of ELI households. The recommended remedy for this unaddressed need was to create a process for allowing "Single Room Occupancy" (SRO) units. The County did not have standards for nor did it allow Single-Room Occupancy (SRO) units, the County was directed to create the Program shown above, in addition to creating a policy for supporting SRO development and an additional Program intended to offer financial assistance to SRO developments.

Impact Discussion: As drafted, this proposed amendment to the Land Use and Development code will require the approval of a Use permit for the establishment of a SRO facility. Standards are incorporated into the draft Ordinance that will require adhere to all federal, state and local codes regarding construction standards, water and sewage disposal requirements and avoidance of sensitive environmental resources. SROs are proposed to be allowed in the R2, R3 and C2 Zoning Districts and must be consistent with the underlying base zoning allowed density. Each SRO facility will require discretionary review and therefore will be considered a "project" pursuant to the CEQA guidelines thus necessitating environmental review prior to project approval. Since this project is a text amendment only and standards are incorporated into the SRO Ordinance that will ensure that adherence to site development standards, this text amendment only cannot be reasonably foreseen to result in a significant environmental impact.

Program EO-8.5.5: The County shall amend its land use regulations to permit emergency shelters without discretionary action, consistent with SB 2, in at least one of the following zoning districts: AG, RA, R1, R2, R3 and C2. Development standards will encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone(s).

Program EO-8.5.6: The County shall amend its land use regulations to permit transitional and supportive housing as a residential use without discretionary action in at least one of the following zoning districts: AG, RA, R1, R2, R3 and C2. The development standards will encourage and facilitate the use and only subject transitional and supportive housing to those restrictions that apply to other residential uses of the same type in the same zone.

Origin: State Mandated Program, 2009-2014 Nevada County Housing Element

Purpose: The purpose of Programs EO-8.5.5 and 8.5.6 are to provide for opportunities for the establishment of emergency shelters and transitional housing for over 6 people without discretionary review by the local government. It increases protections for providers seeking to open a new emergency shelter, transitional housing or supportive housing, by limiting the instances in which a local government can deny such developments. These requirements are applicable to all cities and counties in California as a result of Senate Bill 2 (Cedillo) and took effect January 1, 2008. SB 2

required that all housing element updates after the effective date contain Programs such as EO-8.5.5 and EO-8.5.6. Due to the Rural nature of Nevada County, the lack of available R2 and R3 sites to accommodate higher density residential development required by other portions of the Housing Element, County staff is purposing to utilize the C2 (Community Commercial) zoning district to meet this goal of State law. It is staff's opinion that the C2 zone is most appropriate because the availability of land in this zoning district is located in close proximity to services, such as shopping, medical facilities, and transit.

Impact Discussion: The County GIS Data indicates that there are at 18 potential vacant sites consisting of 397.42-acres (two large parcels of approximately 95 and 225-acres included) that are zoned C2 or have a mix of zoning that includes C2 zoning and have an improvement value less than \$10,000 (the County's Housing Element utilized this amount as the threshold for considered a site vacant) that could immediately meet the needs of this Program. These sites vary in location with areas in both eastern and western Nevada County.

Of all of the Housing Element Programs being proposed for implementation by this project, these two Programs have the most potential for resulting in an impact to the environment. However, it is anticipated that with adherence to local zoning, public health and building code requirements the siting, design and overall physical impact of the establishment of an emergency shelter or transitional housing development will not create much more impact than the construction of a single-family home, which is not considered a project pursuant to the CEQA Guidelines. Additionally, the County has no choice but to implement these Programs as required by SB 2 and the State Department of Housing and Community Development. This and all of the aforementioned Programs were included within the Nevada County 2009-2014 Housing Element update, which underwent environmental review pursuant to the CEQA Guidelines and the County Board of Supervisors adopted a Negative Declaration (County Resolution No. 10-201) for the project. This Negative Declaration has not been challenged and this project is the implementation of the previously adopted General Plan document.

1. AESTHETICS

Existing Setting

The aesthetic character of the County is generally rural, natural, and historic. Important aesthetic resources in the County include natural and historic forms, including river gorges, creeks, mountains, hills, meadows, geologic formations, and native vegetation, which consist of grass-oak woodlands, montane, brush lands, mixed conifer forest, and eastside pine with sage. Historic forms within the County include bridges, homes, and other structures more than 50 years old. Sites and natural forms with cultural importance to, or repeated use by, Native American tribes also contribute to aesthetic significance.

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 demonstrable, negative, aesthetic effects on scenic vistas or views open to the public?				✓	A
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			✓		A
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓		A
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A
e. Create a visually incompatible structure within				✓	A, 18

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a designated historic district?					

Impact Discussion

1a-e.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to aesthetic resources in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

Since the intent is to consider “accessory apartments” under the same code requirements as an Accessory-Second Dwelling Unit (Section L-II 3.19.1 of the County Land Use and Development Code) the implementation of this Program cannot be reasonably foreseen to create a negative impact to aesthetic resources in Nevada County.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to aesthetic resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to aesthetic resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to aesthetic resources in Nevada County.

Program EO-8.5.4: SROs.

It is anticipated that the majority of SROs will be located within existing structures throughout the County with the potential for some new buildings to be built for this use. The establishment of an SRO complex in an existing building or the construction of a new SRO complex will require the approval of a Use permit, as proposed by this amendment. Through the Use permit process each new project will undergo design review to ensure that the project is consistent with the applicable design guideline (Western or Eastern Nevada County Design Guidelines) or those recommended by an adopted Area Plan (Higgins Corner, Penn Valley, North San Juan, and/or the Loma Rica Industrial Area Plan). The Use permit process will ensure that allowing SROs will not result in a significant impact to aesthetic resources in Nevada County.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

As discussed above in the “**Program Implementation General Environmental Impact Discussion**” section of this Initial Study, Transitional Housing and Emergency Shelters for over 6-persons must be allowed in at least one zoning district in the County without requiring discretionary review by State law. Therefore, the Planning Department is recommending that this zoning district should be the C2 (Community Commercial) due to the potential for these sites to have available infrastructure (sewer/water), be in close proximity to transit lines and medical services. Additionally, properties that area zoned C2 are more likely to be located in existing developed areas where aesthetic resources are less likely to be prevalent than the more rural areas of the County and therefore the implementation of this Housing Element program is anticipated to have no impact to aesthetic resources in Nevada County.

Mitigation

No mitigation required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting

Farmlands of local importance is scattered throughout western Nevada County with major concentrations occurring northeast and east of Nevada City, near Penn Valley, and in the south and southeast County. Countywide, there are 18,424 acres of Farmlands of Local Importance, 1,789 acres of Farmlands of Statewide Importance, 547 acres of Unique Farmlands and 435 acres of Prime Farmlands. There are no important agricultural lands mapped in eastern Nevada County. Generally, Nevada County soils are poor for intensive agricultural use; however, some soil types could support limited intensive agricultural use, including timber production. Nevada County supports extensive commercial timber resources, the majority of which are under the jurisdiction of the Tahoe National Forest in the eastern areas of the County. County zoning allocates 162,800 acres for primary agricultural use, allowing an additional 39,000 acres for agriculture as an accessory use to residential development. Agricultural operations comprise an approximate 80,000 acres, averaging 12-13% of total lands, with an approximate 600 farms in operation in 2006; the average farm size is in approximate 137 acres. A total 5,410.19 acres are currently under Williamson Act contract, preserving those lands from development.

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, N, 7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, N, 7
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 Zone (per Section L-II 2.3.C of the Nevada County Land Use and Development Code)?				✓	A, N, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A
e. Involve other changes in the existing				✓	A

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

Impact Discussion

2a-e.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to agricultural resources in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to agricultural resources in Nevada County.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not create a negative impact to agricultural resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to agricultural resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to agricultural resources in Nevada County.

Program EO-8.5.4: SROs.

Staff is proposing to allow SROs in the R2, R3, C2 and C3 zoning districts subject to a Use permit. These zoning districts are not typically associated with agricultural uses and therefore it is anticipated that the implementation of this Program will have no impact on agricultural resources.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

Staff is proposing to meet this requirement of State law by allowing for the establishment of Transitional Housing/Emergency Shelters in the C2 zoning district. This zoning district is a commercial zoning district and is not conducive to agricultural uses and therefore the implementation of this Program is anticipated to have no impact on agricultural resources.

Mitigation

No mitigation required.

3. AIR QUALITY

Existing Setting

The main air quality concerns in Nevada County are PM-10 (particulate matter with a diameter of 10 microns or more), PM-2.5 (particulate matter with a diameter of 2.5 microns or more) and ozone. All of Nevada County is non-attainment for the California PM-10 standard and the California 1-hour and 8-hour ozone standards, and is unclassified for the California PM-2.5 standard. Western Nevada County (west of a line running north/south just east of Soda Springs) is non-attainment for the 1997 federal 8-hour ozone standard. Eastern Nevada County is unclassified for the federal 8-hour ozone standard.

PM-10 (mostly dust from road sand, especially in Truckee) and PM-2.5 (mostly motor vehicle exhaust and smoke from wood-burning appliances and open burning) concentrations are highest during the winter months. Violations in the summer months have occurred during forest fires.

Ozone is formed by the reaction of precursor pollutants (oxides of nitrogen and reactive organic gases) in the presence of sunlight, and its formation is encouraged by warm temperatures. Consequently, ozone concentrations are highest during the summer months. More than half of California's ozone results from motor vehicle emissions, and the vast majority of Western Nevada County's ozone is transported from upwind urban areas. Nevada County's State ozone non-attainment designation includes recognition of "overwhelming transport," which relieves the area of some State requirements. However, as a federal non-attainment area, numerous requirements in the federal Clean Air Act apply. Notably, Western Nevada County (along with upwind areas) must demonstrate an annual 3% reduction of precursor emissions (called Reasonable Further Progress) until attainment is reached. Therefore, it is important to engage in land use planning that focuses on minimizing vehicle miles traveled and reducing precursor emissions wherever feasible. Further, the 2008 federal ozone standard is more stringent than the 1997 standard (meaning that further reductions will likely be needed in the future), so air quality-conscious land use planning at this time is crucial.

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 air pollutant emissions or deterioration of ambient air quality?				✓	A
b. Violate any air quality standard or contribute to an existing or projected air quality violation?				✓	A
c. Expose sensitive receptors to substantial pollutant concentrations?				✓	A
d. Create objectionable smoke, ash, or odors?				✓	A
e. Generate dust?				✓	A
f. Exceed any potentially significant thresholds adopted in County Plans and Goals?				✓	A
g. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				✓	A

Impact Discussion

3a-g.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to air quality in Nevada County. All construction associated with the development of duplexes, duets and four-plexes within single family residential subdivisions will require adherence to all applicable Best Management Practices and erosion control measures of the California Building Code and those enforced by Northern Sierra Air Quality Management District. It is anticipated that the impact of implementing this Program will not result in a greater impact to air quality than the construction of a single-family development and therefore will have no impact on air quality in Nevada County. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to air quality in Nevada County. All construction associated with the development of accessory apartments will require adherence to all applicable Best Management Practices and erosion control measures of the California Building Code and those enforced by Northern Sierra Air Quality Management District. It is anticipated that the impact of implementing this Program will not result in a greater impact to air quality than the construction of a single-family development or second dwelling unit and therefore will have no impact on air quality in Nevada County. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to air quality in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to air quality in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to air quality in Nevada County.

Program EO-8.5.4: SROs.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to air quality in Nevada County. All construction associated with the development of SROs will require adherence to all applicable Best Management Practices and erosion control measures of the California Building Code and those enforced by Northern Sierra Air Quality Management District. This project is a

Zoning Ordinance text amendment only and will not issue any entitlement for the construction of SRO complexes as a result of the implementation of this Housing Element Program. Additionally, SRO complexes are proposed to require a Use permit for the establishment of these facilities, which will add an additional layer of protection to ensure that the development of SROs will not result in a negative impact to air quality.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to air quality in Nevada County. All construction associated with the development of Transitional Housing/Emergency Shelters will require adherence to all applicable Best Management Practices and erosion control measures of the California Building Code and those enforced by Northern Sierra Air Quality Management District. This project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program. Each proposal for the construction of Transitional Housing/Emergency Shelters pursuant to this Program will require a building permit and be reviewed by the Nevada County Building Department and Planning Department (through the comprehensive site plan process) to ensure that the project does not result in fugitive dust or other potentially negative air quality impacts. It is not anticipated that implementing this Housing Element Program will violate any air quality standards or regulations and therefore no impact is anticipated to occur.

Mitigation

No mitigation required.

4. BIOLOGICAL RESOURCES

Existing Setting

Nevada County contains a wide range of plants, animals, and habitat types. With elevations ranging from 300 feet msl in the west to 9,143 feet msl in the east and precipitation amounts varying from 30 inches in the west to 60 inches near the crest of the Sierras, the County supports a true diversity of habitat types. Generally, the County can be characterized by gently rolling oak woodlands in the west that transition to coniferous forest in the middle ranges and a desert-like association on the eastern slope of the Sierras. A given type of vegetation association, with associated animal life, is referred to as a life zone. A life zone is an area with generally uniform of homogeneous characteristics located within general geographic boundaries. The life zones in Nevada County include Upper Sonoran, Transition, Canadian, Hudsonian, Arctic-Alpine and Mixed Conifer-Jeffrey Pine-Sagebrush.

The California Department of Fish and Game (DFG) recognizes five primary wildlife habitat types in California: tree dominated; shrub dominated; herbaceous dominated; aquatic; and developed. These habitats occur in continuous stretches and isolated pockets depending on the overall topography, elevation, climate and pattern of development in a particular area. Wildlife may move between various habitat types to satisfy their life requirements. Wildlife utilize riparian corridors, low lying or “saddle” areas of ridges, established trails, and other corridors for their inter-habitat movement. In addition, many species, including deer, move seasonally in response to their seasonal habitat requirements. In this context, it is possible that loss of a habitat could constitute an adverse effect (because of local or regional scarcity and ecological value of a habitat) even though the individual species of plants that make up the habitat, or animal species which use the habitat may not, in and of themselves, be endangered or rare.

Habitats throughout the County have been modified by human activity. The western portions of the County, especially the Upper Sonoran and Transition life zones, have experienced rapid residential growth in recent decades. The resultant parcelization, fencing, alteration of vegetation, introduction of domestic animals, roadways, noise, and night lighting have served to reduce the habitat values throughout

the area. In the mid to high elevations, logging, mining, and development of second homes and subdivisions have also served to alter habitats. Habitat values can be reduced by both direct (construction of housing) and indirect (increased density in wide movement corridors) activities. Although the overall trend in the County is toward a decline in habitat values as identified by the DFG, there is a wide localized variation in habitats, tolerances of species, and degrees of human disturbance.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	A
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?				✓	A
c. Result in a substantial reduction in the extent, diversity, or quality of native vegetation, including brush removal for fire prevention and flood control improvements?				✓	A
d. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A
e. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓	A
f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓	A
g. Introduce any factors (light, fencing, noise, human presence and/or domestic animals), which could hinder the normal activities of wildlife?				✓	A

Impact Discussion

4a-g.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to biological resources in Nevada County. All construction associated with the development of duplexes, duets and four-plexes within single family residential subdivisions will require Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of biological resources, including but not limited to: watercourses; wetlands; steep slopes; rare, threatened and endangered species and their habitat;

cultural resources; floodplains; and oak trees. The provisions include avoidance as the primary means for minimizing impacts to sensitive resources and provide setbacks to ensure construction does not impact sensitive biological communities. It is anticipated that the impact of implementing this Program will not result in a greater impact to biology than the construction of a single-family dwelling and therefore will have no impact on biological resources in Nevada County. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of this housing type as a result of the implementation of this Housing Element Program.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to biological resources in Nevada County. All construction associated with the development of accessory apartments will require Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of biological resources, including but not limited to: watercourses; wetlands; steep slopes; rare, threatened and endangered species and their habitat; cultural resources; floodplains; and oak trees. The provisions include avoidance as the primary means for minimizing impacts to sensitive resources and provide setbacks to ensure construction does not impact sensitive biological communities. It is anticipated that the impact of implementing this Program will not result in a greater impact to biological resources than the construction of a single-family dwelling or a second dwelling unit and therefore will have no impact on biological resources in Nevada County. Accessory apartments will require issuance of a building permit and the Planning Department will review all construction proposals through the comprehensive site plan process to ensure sensitive biological resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to biological resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to biological resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to biological resources in Nevada County.

Program EO-8.5.4: SROs.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to biological resources in Nevada County. All construction associated with the development of SRO units will require Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of biological resources, including but not limited to: watercourses; wetlands; steep slopes; rare, threatened and endangered species and their habitat; cultural resources; floodplains; and oak trees. The provisions include

avoidance as the primary means for minimizing impacts to sensitive resources and provide setbacks to ensure construction does not impact sensitive biological communities. Additionally, SRO complexes are proposed to require a Use permit for the establishment of these facilities, which will add an additional layer of protection to ensure that the development of SROs will not result in a negative impact to biological resources as all Use permits require the submittal of a project specific biological inventory that identifies site specific measures for avoidance of biological resources. An SRO complex or converting an existing structure to an SRO occupancy will require issuance of a building permit and the Planning Department will review all construction proposals through the comprehensive site plan process to ensure sensitive biological resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to biological resources in Nevada County. All construction associated with the development of Transitional Housing/Emergency Shelters will require a building permit and Zoning Compliance, which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of biological resources, including but not limited to: watercourses; wetlands; steep slopes; rare, threatened and endangered species and their habitat; cultural resources; floodplains; and oak trees. The provisions include avoidance as the primary means for minimizing impacts to sensitive resources and provide setbacks to ensure construction does not impact sensitive biological communities. Building permits for a construction of new Transitional Housing/Emergency Shelters or converting an existing structure for this use as allowed by the implementation of this Program will require the Planning Department to review all construction proposals through the comprehensive site plan process to ensure sensitive biological resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and while it will allow construction of Transitional Housing/Emergency Shelters without discretionary action, it does not remove applicable building code and zoning ordinance requirements for the protection of biological resources and therefore this project will have no impact to biological resources.

Mitigation

No mitigation required.

5. CULTURAL RESOURCES

Existing Setting

The varied environmental zones, the geological characteristics and the geographical position of Nevada County account for an exceedingly rich and exceptionally complex cultural resource base. There are a relatively large number, and wide array, of recorded prehistoric site types in Nevada County. A number of State laws regulate the disturbance of archaeological sites and the Nevada County General Plan and Zoning Regulations establish procedures for identifying potentially sensitive sites.

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 as defined in Section 15064.5 of the CEQA Guidelines?				✓	A
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?				✓	A

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓	A
d. Disturb any human remains, including those interred outside of formal cemeteries?				✓	A

Impact Discussion

5a-d.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to cultural resources in Nevada County. All construction associated with the development of duplexes, duets and four-plexes within single family residential subdivisions will require building permit issuance and Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of cultural resources. Additionally, State law provides a process for contractors and construction personnel involved in any form of ground disturbance (i.e. utility placement or maintenance, grading, etc.) when encountering subsurface cultural resources. This process requires the contractor or construction personal to halt work immediately if such resources are encountered or suspected, and contact the Planning Department and a professional archaeologist to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. 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. The provisions for handling unforeseen discoveries during earth moving activities will ensure construction of these units do not impact sensitive cultural resources. It is anticipated that the impact of implementing this Program will not result in a greater impact to cultural resources than the construction of a single-family dwelling. Since, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of this housing type as a result of the implementation of this Housing Element Program, it is anticipated to have a no impact to cultural resources.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See impact discussion for Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to Cultural resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to cultural resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to cultural resources in Nevada County.

Program EO-8.5.4: SROs.

See impact discussion for Program HD-8.1.1 above. Additionally, SRO complexes are proposed to require a Use permit for the establishment of these facilities, which will add an additional layer of protection to ensure that the development of SROs will not result in a negative impact to cultural resources as all Use permits require the submittal of a project specific archeological inventory that identifies site specific measures for avoidance of onsite cultural resources. This project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See impact discussion for Program HD-8.1.1 above. This project is a Zoning Ordinance text amendment only and while it will allow construction of Transitional Housing/Emergency Shelters without discretionary action, it does not remove applicable building code and zoning ordinance requirements for the protection of biological resources and therefore this project will have no impact to cultural resources.

Mitigation

No mitigation required.

6. GEOLOGY / SOILS

Existing Setting

The Sierra Nevada Range, a geologic block nearly 400 miles long and 80 miles wide, runs through Nevada County. This formation is represented by gentle rolling foothills on the western flank to steep mountainous terrain in the middle section of the County, and the crest of the Sierra near Donner Summit in the eastern portion of the County. Eastward from the crest, the terrain begins a downslope trend towards the Nevada state line. The substructures in the western section of the County range from metavolcanic to granitic formations, while the central section includes sedimentary, metasedimentary, and volcanic formations. The eastern sections of the County contain volcanic or granitic formations. In general, the formations are relatively seismically inactive. However, there are seismic faults in both western and eastern Nevada County.

Soil surveys conducted by U.S. Department of Agriculture Natural Resources and Conservation Service and the Tahoe National Forest Division of the USFS have identified 55 general soil types in the County. The soil types are described by topography, slope, permeability, dwelling limitations, septic limitations, erosion hazards, and agricultural and timber capacities. In general, the County soils are variable: the soil permeability ranges from very slow to very rapid, and the erosion hazard ranges from slight to very high. The soil erosion hazard ratings of moderate to high are typically associated with slopes 15% or greater.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				✓	A, N, 11, 12
b. Result in disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading?				✓	A
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?				✓	A, N, 11, 12
d. 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, N, 11, 12
e. Result in any increase in wind or water erosion of soils, on or off the site?				✓	A
f. Changes in siltation, deposition or erosion, which may modify the channel of a river, or stream, or the bed any bay, inlet or lake?				✓	A
g. Result in excessive grading on slopes of over 30 percent?				✓	A

Impact Discussion

6a-g.

***Program HD-8.1.1:** Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.*

The implementation of this Program cannot be reasonably foreseen to create a negative impact to geology and soils in Nevada County. All construction associated with the development of duplexes, duets and four-plexes within single family residential subdivisions will require building permit issuance and Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of steep slopes (those in excess of 30%) primarily requiring that those slopes are avoided during construction. It is anticipated that the impact of implementing this Program will not result in a greater impact to geology and soils than the construction of a single-family dwelling. All construction projects allowed by the implementation of this Program will require building permit issuance and site plan review. It will be the burden of the development to provide sufficient evidence that the project sites soils are adequate for construction during the building permit review process and therefore it is anticipated that implementation of this Program and the potential structures that result from implementing this Program will have a less than significant impact to geology and soils. Additionally, since this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of this housing type as a result of the implementation of this Housing Element Program, it is anticipated to have a no impact to geology and soils.

***Program HD-8.1.2:** Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.*

See impact discussion for Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to geology and soils in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to geology and soils in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to geology and soils in Nevada County.

Program EO-8.5.4: SROs.

See impact discussion for Program HD-8.1.1 above.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See impact discussion for Program HD-8.1.1 above. This project is a Zoning Ordinance text amendment only and while it will allow construction of Transitional Housing/Emergency Shelters without discretionary action, it does not remove applicable building code and zoning ordinance requirements for demonstrating that a given construction site has adequate soils to support the development and that the proposed development does not result in significant disturbance of steep slopes and therefore this project will have no impact to biological resources.

Mitigation

No mitigation required.

7. GREENHOUSE GASES

Existing Setting

Greenhouse gases (GHG) are those gases that trap heat in the atmosphere. GHG are emitted by natural and industrial processes, and the accumulation of GHG in the atmosphere regulates the earth's temperature. Greenhouse gases (GHGs) include carbon dioxide (CO₂), methane, halocarbons (HFCs), and nitrous oxide (NO₂). CO₂ emissions, stemming largely from fossil fuel combustion, comprise about 87% of California emissions. In California, approximately 43% of the CO₂ emissions come from cars and trucks. 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 agent, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. The adverse impacts of global warming include impacts to air quality, water supply, sea level rise (flooding), fire hazards, and an increase in health related problems. AB32 establishes a state goal of reducing GHG emissions to 1990 levels by the year 2020 (a reduction of approximately 30% from the "business as usual" forecast 2020 emission levels, or a 10% reduction from today's levels).

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.

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
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				✓	A

Impact Discussion

7a-b.

The proposed project is the implementation of a select set of Housing Element Programs as required as a part of the County's 2009-2014 Housing Element update. The project itself (ORD12-TBD) will result in changes to the County's Zoning Ordinance which will provide for greater flexibility to establish a variety of housing types for all income segments of the County's population; will assist in maintaining high density zoning; will provide financial incentives for senior citizens; and will remove potential elements in the zoning ordinance that are not consistent with the Fair Housing Law. The Programs that will remove constraints on the development of variety of housing types (duplexes, duets, four-plexes, accessory apartments, SROs, emergency shelters/transitional housing) do not remove the requirement for those housing units to obtain building permits or for them to be reviewed through the comprehensive site plan function performed by the Planning Department. At this time there is no way to accurately measure whether or not the implementation of these Programs will generate GHG emissions that may have a significant impact on the environment. Additionally the implementation of these Programs cannot be reasonably foreseen to conflict with any applicable plan, policy or regulation of the County, State, or Federal Government for the purpose of reducing emissions of GHGs.

The Programs included within this project which could potentially result in the construction of dwelling units or other housing types do not allow for any industrial point sources of GHG. The primary source of anticipated to occur is from construction and vehicle traffic associated with the development and use of the housing units created. It is not anticipated that implementing these Programs could result in a substantial level of GHG emissions, than would otherwise occur with everyday business and residential life in the County. Overall, this change to the County Zoning Ordinance is not anticipated to result in GHG emission impacts.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

See overall discussion under 7a-b. above.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See overall discussion under 7a-b above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not result in GHG emissions.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not result in GHG emissions.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not result in GHG emissions.

Program EO-8.5.4: SROs.

See overall discussion under 7a-b above.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See overall discussion under 7a-b above.

Mitigation

No mitigation required.

8. HAZARDS / HAZARDOUS MATERIALS

Existing Setting

The interface of the natural and manmade environments within the County creates potential safety hazards associated with wildfires, landslides, earthquakes and seiches. Other potential safety hazards include naturally occurring asbestos, past mining operations and airport operations.

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?				✓	A
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?				✓	A
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
d. Be located on a site which is included on a list				✓	A

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?					
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓	A
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓	A
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	A
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓	A

Impact Discussion

8a-h.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to result in a negative impact to this criterion. Allowing duplexes, duets and four-plexes within single family residential subdivisions is not anticipated to expose persons or structures to a significant risk of loss, injury or death with the application of standard fire safety standards that are required of typically single-family development, including those specified in the Nevada County Fire Safe Regulations (Chapter XVII of the LUDC) and those required by the California Building Code. This project is a zoning text amendment only to implement the Nevada County Housing Element and will not issue any entitlements for the construction of these units. Development proposals will be reviewed on a case-by-case basis by the County Department's of Public Works, Building, Environmental Health and Planning during the building permit process to ensure that future development does not create hazardous conditions to future occupants of those units.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

Since the intent is to consider "accessory apartments" under the same code requirements as an Accessory-Second Dwelling Unit (Section L-II 3.19.1 of the County Land Use and Development Code) the implementation of this Program cannot be reasonably foreseen to create negative impacts resulting in hazards or hazardous materials to future occupants of accessory apartments. Also see discussion under Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create hazards or hazardous materials, nor will it place persons in harm's way regarding the routine storage or transport of hazardous materials. The implementation of this program is not foreseen to result in place significant populations at risk of loss or injury due to significant wildfire dangers. Overall, this zoning ordinance text amendment is anticipated to have no impact to these criteria.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will have no impact regarding the criterion provided under Section 8: Hazards and Hazardous Materials.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will have no impact regarding the criterion provided under Section 8: Hazards and Hazardous Materials.

Program EO-8.5.4: SROs.

It is anticipated that the majority of SROs will be located within existing structures throughout the County with the potential for some new buildings to be built for this use. The establishment of an SRO complex in an existing building or the construction of a new SRO complex will require the approval of a Use permit, as proposed by this amendment. Through the use permit process each new project will undergo review by the County Departments of Public Works, Environmental Health, Building and Planning, as well as other regulatory/responsible agencies to ensure that the project is consistent with the Nevada County Fire Safe Regulations and all other applicable regulations regarding the storage, use and transport of hazardous materials. Requiring a use permit will add an additional layer of oversight to ensure that the establishment of SROs does not result in a negative impact to the hazards and hazardous materials criterion. Additionally, the project is a zoning text amendment only that does not issue any entitlements for the development of SRO units and therefore it cannot be reasonably foreseen to create a negative environmental impact.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

As discussed above in the “**Program Implementation General Environmental Impact Discussion**” section of this Initial Study, Transitional Housing and Emergency Shelters for over 6-persons must be allowed in at least one zoning district in the County without requiring discretionary review by State law. Therefore, the Planning Department is recommending that this zoning district should be the C2 (Community Commercial) due to the potential for these sites to have available infrastructure (sewer/water), be in close proximity to transit lines and medical services. Additionally, properties that area zoned C2 are more likely to be located in existing developed areas where hazards such as risk of loss and injury due to wildfire are less likely to be prevalent than the more rural areas of the County and therefore the impact is anticipated to be less than significant. Additionally, the project is a zoning text amendment only that does not issue any entitlements for the development of transitional housing or emergency shelters. All development of this type will be subject to building permit issuance and zoning compliance, as well as all local, state and federal regulations regarding hazards and hazardous materials and therefore it cannot be reasonably foreseen to create a negative environmental impact.

Mitigation

No mitigation required.

9. HYDROLOGY / WATER QUALITY

Existing Setting

The County is located within the watersheds of Truckee River, the Yuba River and the Bear River. Combined, these rivers drain about 420 square miles. The smaller watercourses and creeks that flow into these watersheds are supplied from melting snow pack, annual rainfall, springs, and surfacing groundwater. In general, the County's water quality varies with topography and development. Water quality tends to be good in the mountainous, less developed areas, and is impacted at lower elevations or in more developed areas. Water quality is influenced by several sources, including soil erosion, sedimentation, septic systems, pesticides, and agriculture. Water resources have a multitude of uses from agricultural to domestic, as well as fish and aquatic/riparian habitat, wildlife and plant habitat, and year-round recreation. A number of historic irrigation ditch systems are located throughout the western County, owned and maintained by the Nevada Irrigation District, and on a much smaller scale, by the San Juan Ridge County Water District. There are a number of public water purveyors within the County; the Nevada Irrigation District, and the Cities of Grass Valley and Nevada City primarily serve western Nevada County with the Washington County Water District providing service to the small community of Washington. In the eastern Nevada County the Donner Summit and Truckee Donner Public Utility Districts, and the Glenshire Mutual Water Company provide domestic treated water service.

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?				✓	A
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?				✓	A
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?				✓	A
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				✓	A
e. Create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓	A
f. Otherwise substantially degrade water quality?				✓	A
g. Place housing within a 100-year flood hazard				✓	N, 13

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?					
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	N, 13
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓	N, 13
j. Create inundation by mudflow?				✓	A

Impact Discussion

9a,c-f.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to hydrology and water quality in Nevada County. All construction associated with the development of duplexes, duets and four-plexes within single family residential subdivisions will require Zoning Compliance which means adherence to the County Resource [Protection] Standards. The County's Resource Standards provide general provisions for the protection of water resources, including but not limited to: watercourses; wetlands; and floodplains. The provisions include avoidance as the primary means for minimizing impacts to sensitive resources and provide setbacks to ensure construction does not impact water resources and does not result in the placement of structures within the 100-year floodplain. It is anticipated that the impact of implementing this Program will not result in a greater impact to water quality and hydrology than the construction of a single-family dwelling and therefore will have no impact on water resources in Nevada County. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of this housing type as a result of the implementation of this Housing Element Program.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion under Program HD-8.1.1, above. Accessory apartments will require issuance of a building permit and the Planning Department will review all construction proposals through the comprehensive site plan process to ensure sensitive hydrological resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to water resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to water resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to water resources in Nevada County.

Program EO-8.5.4: SROs.

See discussion under Program HD-8.1.1, above. Additionally, SRO complexes are proposed to require a use permit for the establishment of these facilities, which will add an additional layer of protection to ensure that the development of SROs will not result in a negative impact to water resources as all use permits require the submittal of a project site plan that identifies all water courses on the project site. Any impacts to sensitive water resources will be reviewed on a case-by-case basis to ensure that the individual project does not result in an impact to hydrology or water resources. An SRO complex or converting an existing structure to an SRO occupancy will also require issuance of a building permit and the Planning Department will review all construction proposals through the comprehensive site plan process to ensure sensitive water resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and will not issue any entitlement for the construction of these units as a result of the implementation of this Housing Element Program.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See discussion under Program HD-8.1.1, above. Building permits for a construction of new Transitional Housing/Emergency Shelters or converting an existing structure for this use as allowed by the implementation of this Program will require the Planning Department to review all construction proposals through the comprehensive site plan process to ensure sensitive water resources are not negatively impacted. Additionally, this project is a Zoning Ordinance text amendment only and while it will allow construction of Transitional Housing/Emergency Shelters without discretionary action, it does not remove applicable building code and zoning ordinance requirements or local, state and federal standards for the protection of water resources and therefore this project will have no impact to this criterion.

Mitigation

No mitigation required.

10. LAND USE / PLANNING

Existing Setting

The project area is the 375,000 acres of privately held land in the unincorporated area of Nevada County, excluding incorporated cities, state and federal lands. Land uses in the unincorporated County range from rural and forested areas to residential-rural and suburban lands, which include a mix of residential, agricultural and commercial uses. Federal and state public lands in the County total 314 square miles of the County's 943 square miles, or approximately 33% of the County's total land area. The unincorporated County contains a variety of resources and constraints, diverse topography and sensitive environments.

Residential and rural development is governed by the General Plan that provides an overall policy guide, and Zoning Regulations which establish specific standards, varying with each zoning district, which includes 4 residential districts, 4 rural districts, 5 commercial districts, 3 industrial districts and 5 special purpose districts.

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 structures and/or land uses incompatible with existing land uses?				✓	A
b. The induction of growth or concentration of population?				✓	A
c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				✓	A
d. Result in the loss of open space?				✓	A
e. Substantially alter the present or planned land use of an area, or conflict with a general plan designation or zoning district?				✓	A
f. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓	A
g. Disrupt or divide the physical arrangement of an established community, including a low-income or minority community?				✓	A

Impact Discussion

10a-f.

The proposed project is the consideration of proposed amendments to the Nevada County Zoning Ordinance that will implement eight programs of the Nevada County General Plan Housing Element, which was adopted by the Nevada County Board of Supervisors in May 2010. These programs were thoroughly vetted through the Nevada County Planning Commission and Board of Supervisors and reflect the policy direction of both of these County decision-making bodies. The update to the Housing Element was reviewed pursuant to the California Environmental Quality Act and the Board of Supervisors adopted a Negative Declaration for the adoption of the Housing Element update which was not challenged within the allowed timeframes under CEQA. This project is consistent with the policy direction of both the Nevada County Planning Commission and the Board of Supervisors and therefore no impact to land use and planning is anticipated to occur as a result of implementing these Housing Element Programs.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

See discussion under 10a-f above.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion under 10a-f above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

Program RC-8.4.5: include senior citizen housing as eligible for the 50% fee waiver.

See discussion under 10a-f above.

Program RC-8.4.10: Definition of a Family.

See discussion under 10a-f above.

Program EO-8.5.4: SROs.

See discussion under 10a-f above.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See discussion under 10a-f above and the “**Program Implementation General Environmental Impact Discussion**” in the introduction section of this document.

Mitigation

No mitigation required.

11. MINERAL RESOURCES

Existing Setting

Significant areas of Nevada County contain mineral deposits and between the 1850’s and the early 1900’s, the County’s economy was mine based. These Mineral resources include gold, copper, silver, lead, zinc, chromite, and small amounts of tungsten and manganese. Industrial minerals include barite, quartz for silicon production, and small amounts of limestone, asbestos, clay and mineral paint. In addition, significant deposits of sand, gravel, and rock types suitable for construction aggregate are exposed throughout the County. Within the County are large areas classified as Mineral Resource Zones (MRZs) that have existing deposits measured or indicated by actual site data (MRZ-2a), or inferred from other sources (MRZ-2b).

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, N
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, N, 11, 12

Impact Discussion

11a-b.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to mineral resources in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to mineral resources in Nevada County.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not create a negative impact to mineral resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to mineral resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to mineral resources in Nevada County.

Program EO-8.5.4: SROs.

Staff is proposing to allow SROs in the R2, R3, C2 and C3 zoning districts subject to a Use permit. These zoning districts are not typically associated with mineral resource extraction uses and therefore it is anticipated that the implementation of this Program will have no impact on agricultural resources.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

Staff is proposing to meet this requirement of State law by allowing for the establishment of Transitional Housing/Emergency Shelters in the C2 zoning district. This zoning district is a commercial zoning district and is not conducive to mineral resource extraction uses and therefore the implementation of this Program is anticipated to have no impact on agricultural resources.

Mitigation

No mitigation required.

12. NOISE

Existing Setting

The General Plan establishes maximum allowable noise levels for land use projects and encourages future sensitive land uses to be located in areas where noise generation is limited. Given the rural character of the area, the ambient noise level is quite low. Daytime ambient noise levels are typical of rural and low-density residential areas. Significant noise sources in the County include traffic on major roadways, railroad operations, airports, and localized noise sources such as from industrial uses. Ambient noise levels in areas that are not located in the vicinity of major transportation routes are generally very low.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose persons to or generate noise levels in excess of the County's adopted standards established in the General Plan and Land Use and Development Code?				✓	A, 17, 18
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels (e.g., blasting)?				✓	A
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓		A
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓		A, 17, 18
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 expose people residing or working in the project area to excessive noise levels?				✓	A, N
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓	A, N

Impact Discussion

12a-d.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to expose persons to or generate noise levels in excess of the County's adopted standards established in the General Plan and Land Use and Development Code; nor will it expose persons to or generate excessive ground vibration or ground borne noise levels; nor will it result in a substantial increase in ambient noise levels; nor will it result in a substantial temporary, periodic or permanent increase in ambient noise levels in the project vicinity and therefore this project will not create a negative impact to this criterion.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion under Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

See discussion under Program HD-8.1.1 above.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

See discussion under Program HD-8.1.1 above.

Program RC-8.4.10: Definition of a Family.

See discussion under Program HD-8.1.1 above.

Program EO-8.5.4: SROs.

It is anticipated that the majority of SROs will be located within existing structures throughout the County with the potential for some new buildings to be built for this use. Temporary increases in noise due to construction impacts are not subject to the County's Noise Ordinance. However, it is anticipated that construction of new SRO units, will be required to occur during normal construction hours (7am to 7pm) and future projects for new construction will include conditions of permit approval that will require adherence to these construction timelines as a means for minimizing noise impacts. Overall, this project is the implementation of a Housing Element program only, and does not issue any entitlements for the construction of SRO units. The implementation of this Housing Element program is not anticipated to have a negative impact on noise in Nevada County.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

As discussed above in the “**Program Implementation General Environmental Impact Discussion**” section of this Initial Study, Transitional Housing and Emergency Shelters for over 6-persons must be allowed in at least one zoning district in the County without requiring discretionary review by State law. The Planning Department is recommending that this zoning district should be the C2 (Community Commercial) due to the potential for these sites to have available infrastructure (sewer/water), be in close proximity to transit lines and medical services. Additionally, properties that area zoned C2 are more likely to be located in existing developed areas where noise is at a higher ambient level than the more rural areas of the County. As mentioned in the impact discussion for Program EO 8.5.4 above, temporary noise impacts associated with construction are exempt from the County noise standards. Once constructed it is anticipated that these facilities will not generate excessive noise that would exceed applicable noise limitations; therefore the implementation of this Housing Element program is anticipated to have a less than significant impact to noise resources in Nevada County.

Mitigation

No mitigation required.

13. POPULATION / HOUSING

Existing Setting

The 2010 Census reported that the County had 98,764 people and 41,527 households (including the three cities within the County). According to the January 1, 2012 population estimates from the State of California Department of Finance (DOF), Nevada County had a population of 97,944 including the incorporated areas and an unincorporated area population of 66,106 people. This represented a negative 0.8% growth from DOFs January 1, 2011 populations estimates. Over the past few years, the population in Nevada County has continued to drop in small increments. Throughout Nevada County, small towns and rural development characterize the majority of the unincorporated County with single-family residential development as the predominant housing type.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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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 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 housing, necessitating the construction of replacement housing elsewhere?				✓	A
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓	A

Impact Discussion

13a-c.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Housing Element program will provide for a variety of housing types for all segments of the County's population, specifically focusing on creating opportunities for lower income residents. This program while accommodating to housing, is not anticipated to result in substantial population growth in the County. Additionally it will not displace a substantial number of existing housing nor will it displace a substantial number of people necessitating the construction of replacement housing elsewhere. Overall, the implementation of this program is anticipated to have a positive net effect on population and housing in Nevada County and therefore it cannot be reasonably foreseen to result in a negative impact to population and housing.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion in Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The overriding purpose of this program is to ensure that adequate sites remain for the potential development of higher-density and potentially more affordable housing in Nevada County. Due to the current practice of allowing single-family residences within the medium and high-density residential zoning districts, the County found during its 2009-2014 Housing Element update that there was a major dearth of undeveloped sites with this zoning that could accommodate the lower income population of Nevada County. As a result the County is performing an extensive and expensive rezoning project to meet state mandated zoning requirements. This amendment will not be retroactive and therefore it cannot be anticipated to result in the substantial displacement of existing housing or people. This amendment is anticipated to result in a positive impact to the lower income segment of Nevada County's population by providing for additionally affordable housing opportunities by retaining sites that are zoned for this use. This project is the implementation of a Housing Element program only through a zoning ordinance text amendment. The action of approving this amendment cannot be reasonably foreseen to result in a negative impact to population and housing in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this program will not have a negative impact on population and housing in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this program will not have a negative impact on population and housing in Nevada County.

Program EO-8.5.4: SROs.

See discussion in Program HD-8.1.1 and HD-8.1.10

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See discussion in Program HD-8.1.1 and HD-8.1.10

Mitigation

No mitigation required.

14. PUBLIC SERVICES:

Existing Setting

Public services within the unincorporated County are provided by the County of Nevada, state and federal agencies, and numerous special districts, including fire protection districts, school districts, park and recreation districts, and an irrigation district.

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?				✓	A
2) Police protection?			✓		A
3) Schools?			✓		A
4) Parks?			✓		A
5) Other public services or facilities?			✓		A

Impact Discussion

14a.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to public services in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to public services in Nevada County.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not create a negative impact to public services in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to public services in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create negative impacts to public services in Nevada County.

Program EO-8.5.4: SROs.

All development of SRO units allowed as a result of the implementation of this Housing Element program will be required to demonstrate that they have paid all applicable development mitigation fees (Fire Service, Schools, etc.) as part of the building permit review process to minimize impacts on public services. While it is possible to anticipate that the population served by SRO units could potentially result in more calls for public services (police, fire, health and human services), to quantify this impact would be pure speculation and not based on any factual evidence. The project is the implementation of a Housing Element program only through a zoning ordinance text amendment and therefore this project is not anticipated to impact public services in a negative manner.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

Transitional housing and emergency shelter development allowed as a result of the implementation of this Housing Element program will be required to demonstrate that they have paid all applicable development mitigation fees (Fire Service, Schools, etc.) as part of the building permit review process to minimize impacts on public services. While it is possible to anticipate that the population served by these facilities could potentially result in more calls for public services (police, fire, health and human services), to quantify this impact would be pure speculation and not based on any factual evidence. Additionally, this type of stereotyping and NIMBYism is the primary driver in creating the State law which mandated that jurisdictions provide for these types of uses without discretionary action. The project is the implementation of a Housing Element program only through a zoning ordinance text amendment and therefore this project is not anticipated to impact public services in a negative manner.

Mitigation

No mitigation required.

15. **RECREATION**

Existing Setting

Recreational opportunities within Nevada County are varied, ranging from public parks with intensively used recreational facilities, to vast tracts of forestlands and drainage systems, which provide a natural environment for passive recreation. Four separate Recreation and Park districts are formed within the County, including the Bear River, Oak Tree, and Western Gateway Recreation and Park Districts in western Nevada County and the Truckee Donner Recreation & Park District in eastern Nevada County.

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

Impact Discussion

15a-c.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

All units constructed as a result of the implementation of this program will be subject to applicable recreation mitigation fees, which will assist in minimizing impacts to recreation resources in Nevada County. The implementation of this Program cannot be reasonably foreseen to create a negative impact to public services in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion under HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not create a negative impact to recreational resources in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to recreational resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create negative impacts to recreational resources in Nevada County.

Program EO-8.5.4: SROs.

All development of SRO units allowed as a result of the implementation of this Housing Element program will be required to demonstrate that they have paid all applicable recreation mitigation fees applicable to the recreation benefit zone they are in as part of the building permit review process to minimize impacts on recreational resources. While, it can be anticipated that occupants of these units may utilize existing recreational facilities, the payment of the recreation mitigation fees paid prior to issuance of final occupancy will ensure the these impacts are adequately mitigated. The project is the implementation of a Housing Element program only through a zoning ordinance text amendment and therefore this project is not anticipated to impact public services in a negative manner.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

As discussed above in the “**Program Implementation General Environmental Impact Discussion**” section of this Initial Study, Transitional Housing and Emergency Shelters for over 6-persons must be allowed in at least one zoning district in the County without requiring discretionary review by State law. The Planning Department is recommending that this zoning district should be the C2 (Community Commercial) due to the potential for these sites to have available infrastructure (sewer/water), be in close proximity to transit lines and medical services. Additionally, properties that area zoned C2 are more likely to be located in existing developed areas where recreational facilities are more prevalent. Due to their location, this will minimize the need for new recreational facilities. Additionally, the County does not anticipate that transitional housing/emergency shelters will be a major generator of recreational facility users, but does anticipate that adequate facilities exist to meet those needs. This overall project is the implementation of a state mandated Housing Element program through a zoning ordinance text amendment. This amendment to the zoning ordinance is anticipated to have no impact to recreational resources in Nevada County.

Mitigation

No mitigation required.

16. TRANSPORTATION / CIRCULATION:

Existing Setting

The Nevada County street system is composed of a combination of roadways, including the interstate highway and freeways, principal arterial roads, minor arterials roads, collector roads and local roads. Approximately 38% of the County’s 2,942-mile circulation system is publicly maintained. The remainder of the roadways are privately owned and maintained, with maintenance entities ranging from individuals and unofficial maintenance groups to recorded road maintenance associations and agreements. Travel characteristics vary widely according to the region in which it occurs.

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 an increase in traffic that is substantial in relation to the existing traffic load and capacity of				✓	A

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?					
b. Result in a need for private or public road maintenance, or new roads?				✓	A
c. Result in effects on existing parking facilities, or demand for new parking?				✓	A
d. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?				✓	A
e. Result in a substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?				✓	A
f. Result in an alteration of waterborne, rail, or air traffic patterns or levels?				✓	A
g. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?				✓	A
h. Result in inadequate: Sight distance? Ingress/egress? General road capacity? Emergency access (4290 Standard)?				✓	A
i. Result in inconsistency with adopted policies supporting the provision of transit alternatives to automobile transportation on an equitable basis with roadway improvements, e.g. clustered development, commuter-oriented transit, bus turnouts, sidewalks, paths, and bicycle racks?				✓	A

Impact Discussion

16a-i.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions

The implementation of this program has the potential to result in increased density than otherwise anticipated within RA and R1 subdivisions. This program is however consistent with policy direction of the Planning Commission and Board of Supervisors during the past two Housing Element updated. Units constructed as a result of the implementation of this program will require building permit issuance, at which time applicable Road Maintenance Mitigation Fees, that have been approved and adopted by the County Board of Supervisors will apply. The payment of this mitigation fee will ensure that these structures do not result in a negative impact to traffic and circulation. All development proposals will be reviewed by the Department of Public Works and encroachment permits will be required to ensure access to public roads are safe and consistent with County encroachment standards. Driveways will be reviewed as a part of the overall building permit/construction review to ensure that those driveways are consistent with the County Fire Safe Regulations and Driveway standards. This project is the implementation of a Housing Element program through a zoning ordinance text amendment. Overall, sufficient protections

are in place, through the building permit process to ensure that units constructed as a result of the implementation of this program does not result in a negative impact to traffic and circulation.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

See discussion under Program HD-8.1.1 above.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Housing Element Program cannot be reasonably foreseen to result in a negative impact to the Traffic and Circulation in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver

The implementation of this Housing Element Program cannot be reasonably foreseen to result in a negative impact to the Traffic and Circulation in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Housing Element Program cannot be reasonably foreseen to result in a negative impact to the Traffic and Circulation in Nevada County.

Program EO-8.5.4: SROs.

See discussion under Program HD-8.1.1 above.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

See discussion under Program HD-8.1.1 above.

Mitigation

No mitigation required.

17. UTILITIES / SERVICE SYSTEMS

Existing Setting

Public utilities serving Nevada County include the Pacific Gas and Electric Company for natural gas and electricity, and in the eastern County, the Truckee Donner Public Utility District also supplies electricity. Propane is a common fuel source used in Nevada County by individual homes and businesses.

Wastewater treatment within the unincorporated County is largely provided by private septic systems. Nevada County Sanitation District No. 1 provides sewage collection and treatment facilities for the wastewater needs of western Nevada County for the areas outside of Grass Valley and Nevada City and the communities of Lake Wildwood, Lake of the Pines, Kingsbury Greens, Gold Creek, Penn Valley, Mountain Lakes Estates, North San Juan, Cascade Shores, and Glenbrook. The Tahoe-Truckee Sanitation Agency and the Donner Summit Public Utility District provide wastewater treatment services for the eastern County.

Solid waste: In western Nevada County, the County maintains a transfer station and contracts with independent haulers for curbside pickup. County residents may also dispose of green waste and hazardous waste at the transfer station. In the eastern Nevada County, solid waste is hauled to the Eastern Regional Landfill located in Placer County by independent contractor.

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 a need for the extension of electrical power or natural gas?				✓	A
b. Require the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓	A
c. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓	A
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓	A
e. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓	A
f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓	A
g. Comply with federal, state, and local statutes and regulations related to solid waste?				✓	A
h. Require a need for the extension of communication systems?				✓	A

Impact Discussion

17a-h.

Program HD-8.1.1: Allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to utilities and service systems in Nevada County.

Program HD-8.1.2: Permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.

The implementation of this Program cannot be reasonably foreseen to create a negative impact to utilities and service systems in Nevada County.

Program HD-8.1.10: Prohibit the development of single-family residences in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.

The implementation of this Program will not create a negative impact to utilities and service systems in Nevada County.

Program RC-8.4.5: Include senior citizen housing as eligible for the 50% fee waiver.

The implementation of this Program will not create a negative impact to utilities and service systems resources in Nevada County.

Program RC-8.4.10: Definition of a Family.

The implementation of this Program will not create a negative impact to utilities and service systems in Nevada County.

Program EO-8.5.4: SROs.

All development of SRO units allowed as a result of the implementation of this Housing Element program will be required to demonstrate that they have adequate provisions for utilities and service systems as a part of the building permit review process; therefore the implementation of this Housing Element program is not anticipated to impact utilities and services systems in a negative manner.

Program EO-8.5.5/Program EO-8.5.6: Transitional Housing/Emergency Shelters.

All development of transitional housing or emergency shelters allowed as a result of the implementation of this Housing Element program will be required to demonstrate that they have adequate provisions for utilities and service systems as a part of the building permit review process; therefore the implementation of this Housing Element program is not anticipated to impact utilities and services systems in a negative manner.

Mitigation

No mitigation required.

18. 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 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, 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,				✓	

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
which will cause substantial adverse effects on human beings, either directly or indirectly?					
d. Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?				✓	

Impact Discussion

18a-d.

See discussion throughout document.

RECOMMENDATION OF THE PROJECT PLANNER:

On the basis of this initial evaluation:

 X 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.

ORIGINAL SIGNED

2-19-13

Tyler Barrington, Principal 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. Caltrans
 - I. California Department of Forestry and Fire Protection
 - J. Nevada County Consolidated Protection District
 - K. Regional Water Quality Control Board (*Central Valley Region*)
 - L. North Central Information Service, Anthropology Department, California State University, Sacramento
 - M. California Department of Fish & Game
 - N. Nevada County Geographic Information Systems
-
- 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 CAL FIRE 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. 2006. *Nevada County Important Farmland Data*. Available at: <http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp>.
 - 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*. Accessed January 8, 2008. Available at <http://www2.ftw.nrcs.usda.gov/osd/dat>.
 - 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 - 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 - 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 - 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 - 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 18. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.

List of Acronyms

AQMD	Air Quality Management Districts
BMP	best management practice
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
CNEL	Community Noise Equivalent Level
County	Nevada County
CWA	Clean Water Act
Corps	U.S. Army Corps of Engineers
dba	A-weighted decibel
DFG	California Department of Fish and Game
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
General Plan	Nevada County General Plan
General Plan EIR	Nevada County General Plan Environmental Impact Report
Grading Ordinance	Nevada County Ordinance Number 2094
LDN	Day-Night Average Sound Level
LUDC	Nevada County Land Use and Development Code
MRZ	Mineral Resource Zone
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NID	Nevada Irrigation District
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NSAQMD	Northern Sierra Air Quality Management District
PM10	Particulate matter with a diameter of 10 microns or less
PM2.5	Particulate matter with a diameter of 2.5 microns or less
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board
USFWS	U.S. Fish and Wildlife Service

**APPENDIX B – FULL TEXT HOUSING ELEMENT PROGRAMS PROPOSED FOR
IMPLEMENTATION BY ORD13-001**

<u>Program HD-8.1.1</u>	The Zoning Regulations shall be amended to allow duplexes, duets and four-plexes within single family residential subdivisions in the R-1 and RA zoning districts within Community Regions subject to meeting the density of the underlying General Plan land use designation and zoning and minimum water and sewage disposal requirements.
Responsible Agency:	Planning Department
Timeframe:	FY 2009/10
Funding:	General Fund
<u>Program HD-8.1.2</u>	Amend Zoning Regulations to permit accessory apartments in all residential zoning districts that permit single-family dwellings consistent with General Plan and Zoning density.
Responsible Agency:	Planning Department
Timeframe:	FY 2009/10
Funding:	General Fund
<u>Program HD-8.1.10</u>	To avoid the future loss of multi-family sites to single-family construction, the County shall amend the Zoning Regulations to prohibit the development of single-family residential in the R2 and R3 zoning districts unless single-family development would otherwise produce and guarantee low or moderate-income housing.
Responsible Agency:	Planning Department
Timeframe:	FY 2009/10
Funding:	General Fund
<u>Program RC-8.4.5</u>	The County shall amend LUDC Section L-II 3.16.C.2.e to include senior citizen housing as eligible for the 50% fee waiver provided for in that section of the County's Zoning Regulations.
Responsible Agency:	Planning Department, Building Department, Environmental Health and Transportation and Sanitation
Timeframe:	FY 2009/10
Funding:	General Fund and designated revenue from CDBG grant or other revenue sources.
<u>Program RC-8.4.10</u>	<p>To address potential constraints on housing for persons with disabilities, the County shall amend its definition of "family" to comply with fair housing laws. The County will also adopt a written reasonable accommodation policy to provide exception in zoning and land-use for housing for persons with disabilities. This procedure shall be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying the following decision-making criteria:</p> <ol style="list-style-type: none">a. The request for reasonable accommodation will be used by an individual with a disability protected under fair housing law.b. The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.c. The requested accommodation would not impose an undue financial or administrative burden on the County.

- d. The requested accommodation would not require a fundamental alteration in the nature of the County's land-use and zoning Program.

Responsible Agency: Community Development Agency
Timeframe: FY 2011/2012
Funding: General Fund

Program EO-8.5.4 The County shall amend its land use regulations to define Single Room Occupancy (SRO) units and explicitly allow SROs as a residential use in certain zones. These zones could include the Urban Medium Density (UMD) and Urban High Density (UHD) land use designations and potentially commercial areas where housing is allowed at a density of 4 units per acre as a part of a mixed-use development.

Responsible Agency: Planning Department
Timeframe: FY 2010/11
Funding: General Fund

Program EO-8.5.5 The County shall amend its land use regulations to permit emergency shelters without discretionary action, consistent with SB 2, in at least one of the following zoning districts: AG, RA, R1, R2, R3 and C2. Development standards will encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone(s).

Responsible Agency: Planning Department
Timeframe: Within one year of adoption of this Housing Element Update
Funding: General Fund

Program EO-8.5.6 The County shall amend its land use regulations to permit transitional and supportive housing as a residential use without discretionary action in at least one of the following zoning districts: AG, RA, R1, R2, R3 and C2. The development standards will encourage and facilitate the use and only subject transitional and supportive housing to those restrictions that apply to other residential uses of the same type in the same zone.

Responsible Agency: Planning Department
Timeframe: Within one year of adoption of this Housing Element Update
Funding: General Fund

APPENDIX C – PROPOSED ORD13-001 ZONING TEXT AMENDMENTS

Appendix C shows the proposed changes to the County LUDC Chapter II Zoning Ordinance that are being proposed to implement those Programs provided in Appendix B. The changes are shown as black text for existing language, ~~blue strike-out text~~ for language proposed to be deleted, and underlined purple text for language proposed to be added. Each modification is followed by a (Program #) to assist the reader in following which Housing Element Program will be implemented by the proposed change.

Section L-II 2.2.1 Single-Family

...

Table L-II 2.2.1.B			
Single Family Districts Allowable Uses and Permit Requirements			
<u>Key to Land Use permit Requirements:</u>			
A	Allowed subject to zoning compliance and building permit issuance		
DP	Development Permit required per Section 5.5		
UP	Use permit required per Section 5.6		
NP	Not Permitted		
NA	Not Applicable		
Varies	Refer to listed L-II Section for allowable uses and permit requirements		
ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)		RA	R1
L-II SECTIONS:			
Residential Uses			
...	
Employee Housing	A	A	3.10
<u>Dwellings, Duplexes, Duets and Four-plexes (HD-8.1.1)</u>	<u>A</u>	<u>A</u>	
<u>Dwelling, Accessory Apartment (HD-8.1.2)</u>	<u>A</u>	<u>A</u>	<u>3.19.1</u>
Mobile Home Parks (must include MH District)	UP	UP	2.7.4
...	

...

Section L-II 2.2.2 Multi-Family

...

Table L-II 2.2.2.B			
Multi-Family Districts Allowable Uses and Permit Requirements			
<u>Key to Land Use permit Requirements:</u>			
A	Allowed subject to zoning compliance and building permit issuance		
DP	Development Permit required per Section 5.5		
UP	Use permit required per Section 5.6		
NP	Not Permitted		
NA	Not Applicable		
Varies	Refer to listed L-II Section for allowable uses and permit requirements		
ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II SECTIONS:
Residential Uses			
...
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (HD 8.1.10)	ANP ⁽¹⁾	UPNP ⁽¹⁾	
Dwellings, Multiple-Family;	DP	DP	3.17
Dwelling, Accessory-Second Unit (HD 8.1.10)	ANP ⁽¹⁾	ANP ⁽¹⁾	3.19.1
Dwelling, <u>Second Units- Consistent with Allowed Density Groups, consistent with allowed density</u>	DPNP	DPNP	3.19.2
<u>Dwelling, Single Room Occupancy (SRO) (EO-8.5.4)</u>	<u>UP</u>	<u>UP</u>	
Emergency shelter housing for 6 or fewer people.	A	A	
...	

...

Footnotes
<u>(1) Not permitted, unless it can be proven that single-family development will otherwise produce and guarantee low and moderate income housing. (HD 8.1.1)</u>

...

Section L-II 2.3 Rural Districts

...

Table L-II 2.3.D					
Rural Districts Allowable Uses and Permit Requirements					
<u>Key to Land Use permit Requirements:</u>					
A	Allowed subject to zoning compliance and building permit issuance				
DP	Development Permit required per Section 5.5				
UP	Use permit required per Section 5.6				
NP	Not Permitted				
NA	Not Applicable				
Varies	Refer to listed L-II Section for allowable uses and permit requirements				
ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II SECTIONS:
Residential Uses					
...					
Employee Housing	A	A	A	A	3.10
<u>Dwelling, Accessory Apartment (HD 8.1.2)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>3.19.1</u>
Mobile home Parks (must include MH District)	UP	NP	UP	NP	2.7.4
...					

...

Section L-II 2.4 Commercial Districts

...

Table L-II 2.4.D						
Commercial Districts Allowable Uses and Permit Requirements						
<u>Key to Land Use permit Requirements:</u>						
A	Allowed subject to zoning compliance and building permit issuance					
DP	Development Permit required per Section 5.5					
UP	Use permit required per Section 5.6					
NP	Not Permitted					
NA	Not Applicable					
Varies	Refer to listed L-II Section for allowable uses and permit requirements					
ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II SECTIONS:
Residential Uses						
...						
Dwelling units as a part of a mixed-use development where residential is not the primary use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	Varie s	UP	UP	Varie s	Varie s	2.7.10
<u>Dwelling, Single Room Occupancy (SRO) (EO-8.5.4)</u>	<u>UP</u>	<u>UP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	
Home Businesses, limited	Varie s	NA	NA	NA	Varie s	2.7.10 3.11
Emergency Shelter Housing (6 or fewer people)	A	A	NP	A	A	
Emergency Shelter <u>or Transitional/Supportive</u> Housing (more than 6 people) (EO-8.5.5 and 8.5.6)	UP	<u>UP</u> A	NP	UP	UP	
...						
Commercial Uses						

...

Section L-II 3.16 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing

...

2. **Other Incentives.** A qualifying housing development for very low, ~~or~~ lower income ~~and~~ or senior citizen units shall be entitled to at least 1 of the following concessions or incentives:

- a. Waiver of parking lot standards for guest parking by a ratio equal to the number of affordable units to total units within a given project.
- b. Reduction by 25% in the proportional site and parking lot landscaping standards by a ratio equal to the number of affordable housing units to total housing units within a given project.
- c. Establishment of site and building setbacks that do not exceed the Fire Safe Standards required by the State Department of Forestry.
- d. Reduction by 25% in all limitations on parcel coverage for multi-family housing projects.
- e. Reduction by 50% all County permit fees for projects that develop housing for lower-income, ~~and~~ housing for the disabled or housing for senior citizens as defined by Section 51.3 and 51.12 of the California Civil Code. (RC-8.4.5)

The granting authority is authorized to approve such measures, notwithstanding the other provisions of this Chapter, unless it makes a written finding that the additional concession or incentive is not required in order for the sale price or rents for the targeted units to be set as specified by California Government Code Section 65915(c).

...

Section L-II 3.17 Residential Dwellings, Multiple-Family.

Multiple-Family dwellings, defined as structures containing 2 or more kitchens, designed or used for the occupancy of 2 or more families living independently of each other, shall be allowed in the RA, R1, and rural districts subject to approval of a Use permit, provided that:

1. There are no more than 4 dwelling units to a structure,
2. The density does not exceed that allowed by the applicable zoning district,
3. The structures are clustered on the site,
4. Adequate buffering and screening is provided for adjacent uses in conformance with all site development standards of this Chapter.

Multiple-Family dwellings shall be allowed in the R2 and R3 Districts subject to approval of a Development Permit.

Section L-II 3.17.1 Single Room Occupancy Units.

- A. **Purpose.** To provide for a variety of housing opportunities for all income segments of the County.
- B. **Definition.**
 1. A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.
- C. **Standards.** Single Room Occupancy (SRO) facilities shall be permitted in the R2, R3, C1 and C2 Zoning Districts subject to a Use permit approved by the Planning Commission.
 1. The density of an SRO facility shall not exceed that allowed by the applicable zoning district.
 2. Unit size: The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or kitchen facilities.
 3. Occupancy. An SRO unit shall accommodate a maximum of two persons.
 4. Tenancy. Tenancy of an SRO shall be a minimum of 30-days.

5. Parking shall be provided for a SRO facility at a rate of one parking space per unit.
6. The SRO facility shall be compliant with all site development standards of the County Land Use and Development Code, and all permits and mitigation fees that would otherwise be applicable to Multiple-Family Residential Dwelling construction including but not limited to adherence to all applicable Building Codes and provisions for providing adequate water and sewage disposal.
7. An Operational Management Plan shall be submitted with the application for an SRO facility and shall be approved by the Planning Commission. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance. An onsite 24-hour manager is required in every SRO project. In addition a single manager's unit shall be provided which shall be designed as a complete residential unit.

Section L-II 3.19 Second Dwelling Units

...

Section L-II 3.19.1 Accessory-Second Dwelling Units

- A. **Purpose.** To maintain the social fabric of families and to improve affordable housing opportunities for the County's workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below market prices in existing neighborhoods in Nevada County.
- B. **Standards.** A second dwelling unit shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R1, ~~R2, R3~~, (HD-8.1.10) RA, AE, AG, FR and TPZ zoning districts, subject to zoning compliance and building permit issuance and the following standards:
1. An "Accessory Apartment" is considered a second dwelling unit and shall be subject to the same standards as an Accessory-Second Dwelling Unit (HD-8.1.2)
 2. Second dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted existing accessory structure provided that building permits are obtained, and the following size limitations are satisfied:

...

Section L-II 3.20 Senior Citizen and Disabled Housing Facilities

...

EXAMPLE: The zoning for a parcel is R3 (20 units per acres). By meeting all of the density bonus standards, the bonus is 125%.

$$20 \text{ UPA} \times 1.25 = 25 \text{ UPA} + 20 \text{ UPA} = 45 \text{ UPA Total}$$

D. Requests for Reasonable Accommodations. To provide for exceptions in zoning and land-use for housing for persons with disabilities, applicants can file a request for reasonable accommodation to the Planning Department as a ministerial action, subject to approval by the Planning Director, who shall apply the following decision-making criteria:

1. The request for reasonable accommodation will be used by an individual with a disability protected under fair housing law.
1. The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.
2. The requested accommodation would not impose an undue financial or administrative burden on the County.
3. The requested accommodation would not require a fundamental alteration in the nature of the County's land-use and zoning Program. (RC-8.4.10)

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Section L-II 4.2.9 Parking

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Table L-II Table 4.2.9.F.12.b	
Required Number of Parking Spaces by Use	
Use	Required Number Of Spaces
Recreational, Institutional, and Public - continued	
...	...
Residential	
(May be modified by Section 3.16 and Section 3.20 of this Chapter)	
Single-Room Occupancies (SROs) (EO-8.5.4)	1 space per 2-SRO units
Single-family	2 spaces per unit
Multi-Family and Dwelling groups	1 space per 1 bedroom unit
	1.5 spaces for 2 bedroom units
	2 spaces for 3 or more bedroom units, plus 1 guest space per each 2 units
Senior Citizen and Disabled Housing	1 space per unit (see Section 2.7.4)
Mobilehome Parks	1 space per each rented room, plus 2 spaces for single family dwelling
Boarding houses	0.5 spaces per bed
Emergency shelter housing	1 space per bedroom unit
Transitional housing	1 space per bedroom unit

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Section L-II 6.1 Definitions

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EXTERIOR ARCHITECTURAL FEATURE - The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

-F-

FAMILY - ~~A reasonable number of persons, including domestic servants, living together as a bona fide single non-profit housekeeping unit in a dwelling. Said persons need not be related by blood, marriage or legal adoption so long as they have the generic character of a family unit as a relatively permanent household.~~

One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit. (RC-8.4.10)

FARMING - The cultivation, growing, harvesting, packing, processing, raising, selling, and storing of agricultural products. Typical farming operations include, but are not limited to, animal husbandry, apiculture, aquaculture, crop and tree farming, and viticulture.

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SHORT TERM HOUSING - Any residential facility that provides housing for families or individuals exclusive of hotels, motels, social rehabilitation facilities or similar uses, and which are operated by, or under contract to, a governmental entity, non-profit organization, or church.

SINGLE ROOM OCCUPANCY (SRO) - A multiple tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or a single room dwelling itself primarily rented as a permanent residence. SRO may have shared bathroom and/or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half baths. (EO-8.5.4)

SKILLED NURSING FACILITIES - Residential facilities providing in-patient nursing and health-related care as a principal use, including long-term in-patient care.

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