

**NEVADA COUNTY, CALIFORNIA
INITIAL STUDY**

To:

Building Department
Department of Public Works – Pat Perkins
Environmental Health
CEO – Alison Lehman
Commissioner Mastrodonato, District IV
Supervisor Hoek, District IV
Tyler Barrington, Principal Planner
County Counsel
COB – Jeff Thorsby
Penn Valley Fire Protection District
Penn Valley Community Foundation
LAFCO
PG&E
Federation of Neighborhoods
Northern Sierra Air Quality Management District
Property Owners w/in 300-Feet

Fire Protection Planner – Scott Eckman
Sierra Nevada Group/Sierra Club
Penn Valley Municipal Advisory Committee
Kevin Johnston
Native American Heritage Commission
Maureen Collins
Shingle Springs Band of Miwok Indians
Nevada City Rancheria Nisenan Tribe
Tsi Akim Maidu
United Auburn Indian Community
General Plan Defense Fund
CA Native Plant Society - Redbud
Kevin Johnston
Bear Yuba Land Trust
California State Clearinghouse
Laborers Pacific Southwest

Date: July 22, 2022

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File Number(s): PLN22-0008, AAP22-0001, VAR22-0004; EIS22-0008

Assessor Parcel Number: 031-450-001

Applicant/Owner: Lake Wildwood Association
Bryan Cox, General Manager
11255 Cottontail Way
Penn Valley, CA 95946

Representative: Nelson Engineering
Kevin J. Nelson
14028 Camas Court
Penn Valley, CA 95946

Zoning District: Single-Family Residential (R1) – Planned Development (PD)

General Plan Designation: Planned Residential Community (PRC)

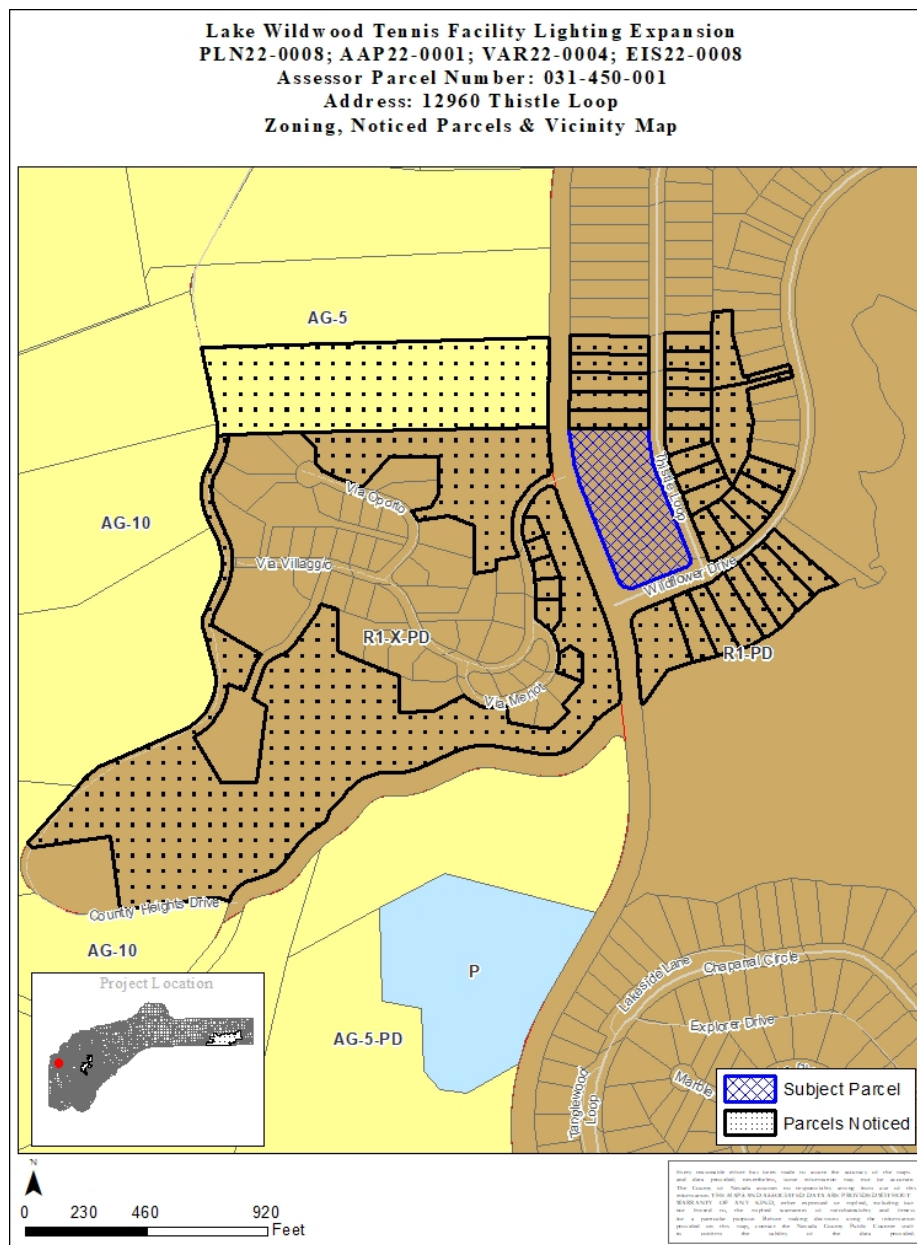


Figure 2 - Vicinity Map

The subject parcel is zoned Single-Family Residential (R-1) with Planned Development (PD) combining district. The subject parcel contains the existing Lake Wildwood Tennis Facility that is open to Association members and is developed with four tennis courts, a tennis Pro-Shop and off-street parking area with 31 off-street parking spaces. The surrounding parcels, which are located north and east, are developed with existing single-family residences. The northern-gated entrance to Lake Wildwood is located south of the Tennis Facility.

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

1. Building Permits- Nevada County Building Department

Relationship to Other Projects: U92-09 approved the development of the tennis facility, which included four tennis courts, an approximately 480-square-foot pro-shop and associated off-street parking. The project is proposing the addition of 32 lights mounted on 24 light poles which would be 20 feet tall, to allow tennis play from dusk until 10:00 P.M.

This analysis does not intend to “reopen” the environmental review of the approved Mitigation Negative Declaration for the Use Permit (U92-09). The aforementioned documents can be viewed at the Nevada County Planning Department Office located at 950 Maidu Avenue, Suite 170, Nevada City, California 95959. This environmental assessment is intended to be a tiered document pursuant to the California Environmental Quality Act Guidelines Section 2109(b) and shall use both new information and existing information provided with the existing permits. As previously mentioned, the project includes a Variance to Zoning Regulations. Pursuant to Section 15305(a) of the CEQA Guidelines, a Variance is typically categorically exempt from environmental review.

Tribal Consultation: Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

California Native American Tribes with ancestral land within the project area were routed the project during distribution. The California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected:

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

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

Summary of Impacts and Recommended Mitigation Measures:

- AIR QUALITY:** To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required:

Mitigation Measure 3A: Implement dust control measures. Prior to the approval of any Grading or Building Permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the Northern Sierra Air Quality Management District, which shall be noted on all grading and improvement plans and shall be included in project bidding documents:

- The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
- All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

4. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
5. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
6. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

Timing: Prior to issuance of Grading Permits, Building Permits or Improvement Plans

Reporting: Approval of the grading permit and improvement plans

Responsible Agency: Northern Sierra Air Quality Management District

Mitigation Measure 3B: Minimize Construction Equipment Idling. In order to reduce emissions from construction equipment, the applicant shall include the following standard note on all Grading Plans, Site Plans or Improvement Plans: “During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

Timing: Prior to issuance of Grading Permits, Building Permits or Improvement Plans

Reporting: Planning Department approval of Grading Permits or Building Permits / Complaint driven

Responsible Agencies: Planning and Building Department, Code Compliance Division

Mitigation Measure 3C: Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction. If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with. This measure shall be included as a note on all grading and improvement plans.

Timing: Prior to issuance of the grading permits and improvement plans and during grading activity

Reporting: Approval of the grading permit and improvement plans

Responsible Agency: Northern Sierra Air Quality Management District

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

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

All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and be advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

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

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

7. **Geology/Soils:** See Mitigation Measure 5D
8. **Greenhouse Gas Emissions:** Mitigation: See Mitigation Measure 3B
13. **NOISE:** To reduce potentially significant impacts associated with construction noise, the following mitigation measure shall be noted on improvement plans:

Mitigation Measure 13A: Limit tennis play activities to reduce noise impacts. Hours of operation for tennis play shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday. These limited hours of operation shall be noted on grading and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: *Prior to issuance of grading or improvement permits and during construction*

Reporting: *Agency approval of permits and by complaint*

Responsible Agency: *Planning Department and Code Compliance*

Mitigation Measure 13B: Limit construction activities to reduce noise impacts. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Sunday. These limited hours of operation shall be noted on grading and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: *Prior to issuance of grading or improvement permits and during construction*

Reporting: *Agency approval of permits and by complaint*

Responsible Agency: *Planning Department and Code Compliance*

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

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

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

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

Timing: *Prior to Issuance of grading/improvement/building permits and throughout construction*

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

Responsible Agency: *Planning Department*

- 19. UTILITIES/SERVICE SYSTEMS:** To offset potentially adverse impacts related to construction waste, the following mitigation measure is recommended:

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

Timing: *Prior to issuance of grading or improvement permits and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

Mitigation Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Northern Sierra Air Quality Management District	Prior to issuance of improvement permits and during construction
3B	Planning Department Code Compliance	Prior to issuance of improvement permits and during construction
3C	Northern Sierra Air Quality Management District	Prior to issuance of improvement permits and during construction
5A	Planning Department	Prior to issuance of improvement permits and during construction
13A	Planning Department and Code Compliance	Prior to issuance of grading or improvement permits and during construction
13B	Planning Department and Code Compliance	Prior to issuance of grading or improvement permits and during construction
18A	Planning and Building Department	Prior to issuance of grading or improvement permits and during construction
19A	Planning Department	Prior to issuance of grading or improvement permits and during construction

INITIAL STUDY AND CHECKLIST

Introduction

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

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

1. AESTHETICS

Existing Setting:

The project area is within the existing Tennis Facility owned by the Lake Wildwood Association. Surrounding uses include single-family residences to the north and east, the Lake Wildwood entrance gate to the south and Pleasant Valley Road to the west. The project site contains four existing tennis courts with approximately 480-square-foot tennis Pro-Shop and 31 off-street parking spaces.

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?			✓		A, L
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			✓		A, L, 28
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓		A

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A, 18, 32

Impact Discussion:

1a-c: The project site is located in an urbanized built environment consisting of private single-family residential development of Lake Wildwood. This project site is not within a scenic vista and will not block or disturb views that are open to the public. The project site is not located on a state scenic highway and is not readily visible from the nearest state highway (SR 20). There are no historic buildings or scenic resources, such as rock outcroppings on the site that will be impacted by this project. Additionally, this site is devoid of any substantial tree stands or other natural vegetation that could be considered a significant visual resource. The proposed light poles would be painted black and directed away from Pleasant Valley Road and Thistle Loop Road. The project site does not provide significant visual resources and because this project has been designed to blend into the existing built environment, this project would have a *less than significant impact* to these aesthetic resources in this region of Nevada County.

1d: The proposed project will introduce new sources of lighting as a result of the construction of the 32 lights distributed between 24 light poles. A photometric analysis was submitted by the applicant which has determined that lighting would not trespass off of the subject parcel. As proposed all light fixtures are designed to provide the maximum downward lighting without glare utilizing fully shielded lighting fixtures, consistent with Nevada County Land Use and Development Code, Section L-II 4.2.8 – Lighting, including a standard condition of approval requiring that all lighting to be fully shielded and down-facing so as not to result in glare that could adversely affect day or nighttime views. Therefore, light and glare impacts from the proposed development is anticipated to be minimal with the implementation of development standards in the Nevada County Zoning Code, and this impact would be considered *less than significant*.

Mitigation: **None required.**

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: The project is an amendment to an approved Use Permit to allow the construction of 32 lights that would be distributed throughout 24 light poles to allow for nighttime tennis play from dusk until 10 P.M. for Lake Wildwood Association Members. The project site is developed with the existing lake Wildwood Tennis Facility. The project site is not located within an area mapped as important farmland; it is designated as Urban & Built-Up Land.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation's Division of Land Resource Protection, to non-agricultural use?				✓	A, L, 7

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, 18
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✓	A, L, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	L, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A, L, 7

Impact Discussion:

2a-e: The site is designated as “Urban & Built-Up Land” by the Farmland Mapping and Monitoring Program and would thus will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project would not involve other changes in the existing environment which could result in conversion of Farmland to a non-agricultural use. The project site is not subject to a Williamson Act contract, and it is not located within a Timberland Production Zone and will not result in the rezoning of forest land. Thus, as outlined above the proposed project is anticipated to have ***no impact*** on agricultural resources

Mitigation: **None required.**

3. AIR QUALITY

Existing Setting:

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

Western Nevada County is classified as a Serious Nonattainment Area for the 2008 ozone NAAQS and Moderate Nonattainment for the 2015 ozone NAAQS. It is also Nonattainment for the ozone CAAQS. The area is also Marginal Nonattainment for the 2008 ozone NAAQS and is Nonattainment for the ozone CAAQS. Most of western Nevada County’s ozone is transported to the area by wind from the Sacramento area and, to a lesser extent, the San Francisco Bay Area. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, especially in the late afternoon and evening hours.

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

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County; however, the area of the project site is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2000). A Biological Inventory of the project site also found that no serpentine or gabbro-derived soils in the Aiken loam and Aiken cobbly loam soils series are mapped near the project area (Dunn, 2021).

Please see Section 8 of this Initial Study for a discussion on project impacts related to Greenhouse Gas Emission.

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

Impact Discussion:

3a: Nevada County’s General Plan, Chapter 14 Air Quality Element, contains numerous policies to protect air quality in Nevada County. With the exception of General Plan Air Quality Element Policy 14.7A, which requires compliance with Northern Sierra Air Quality Management District Rule 226, the Nevada County General Plan Air Quality Element policies are intended to apply to development that generates new residents or new employees. The addition of lights to the existing Lake Wildwood Tennis Facility would not create any new residents or employees. By assessing air pollution and emissions associated with the proposed project and recommending mitigation measures based on Thresholds of Significance established by the Northern Sierra Air Quality Management District (NSAQMD), the project as proposed would comply with Northern Sierra Air Quality Management District regulations. In addition, the project has been mitigated, as discussed below to be compliant with the NSAQMD construction guidelines in compliance with Rule 226, which is related to the control of dust emissions as required by Mitigation Measure 3A. In addition, based on the County’s review of the NSAQMD Rules and Guidelines for Assessing and Mitigation

Air Quality Impacts of Land Use Projects, it appears several of the objectives of the NSAQMD regulations are achieved through the application of mitigation measures provided below and due to the size and type of the project, the minimization of heavy equipment idling times as required by Mitigation Measure 3B, the use of alternative methods to open burning for vegetation disposal, and the compliance with Asbestos Airborne Toxic Control Measures.

Therefore, given the above discussion, the project itself will not violate any established policies or standards for the protection of air quality nor would it conflict with or obstruct implementation of any quality plan, therefore there is *no impact*.

- 3b-e: Western Nevada County is in non-attainment for the Federal 8-hour ozone standard, and the entirety of Nevada County is in non-attainment for the State 1- and 8-hour ozone standards and PM10 standards. While most of the ozone in the County is transported from urban areas to the southwest, PM10 sources primarily come from within the County. PM10 violations in winter are largely due to wood smoke from the use of woodstoves and fireplaces, while summer and fall violations often occur during forest fires or periods of open burning. The proposed project would result in a temporary but incrementally small net increase in pollutants due to minor land disturbance and construction vehicle and equipment emissions related to the installation of the 24 light poles and trenching for underground electrical. Additionally, the construction of the project would entail some ground disturbance, which would be relatively small in nature due to the scope of the proposed project. Although this amount of disturbance would not result in the need for a Dust Control Permit, Mitigation Measure 3A to minimize dust emissions is recommended to reduce dust impacts in a way commensurate with the amount of grading being proposed. Reasonable precautions may include watering vehicle traffic areas, as well as any stockpiled material, and limiting traffic speeds. Such methods will be required to be noted on the improvement plans prior to approval.

Short-term project construction activities have the potential of generating dust and impacting the local ambient air quality with grading and excavation, vegetation removal, and construction activities from site preparation, the installation of underground utilities, and associated light poles. If improperly managed or controlled, and depending upon the time of year and air conditions, the construction activities associated with this project may have the potential to produce off-site dust impacts. The Northern Sierra Air Quality Management District (NSAQMD) therefore recommends mitigation during the construction phase of this project including Mitigation Measure 3B requiring that diesel construction equipment not be idled for more than 5 minutes to prevent smoke and ozone precursors.

Serpentine soils and ultramafic rock are not mapped on the project site, pursuant to the Northern Sierra Air Quality Management District and the National Geologic Map Database provided by the United States Geologic Service. However, although unlikely, there is always the potential to encounter these soil types during grading activities. According to the NSAQMD, ultramafic rock typically contains asbestos, a cancer-causing agent. Disturbance of this rock and nearby soil during project construction can result in the release of microscopic cancer-causing asbestos fibers into the air, resulting in potential health and safety hazards. Health risks related to project grading would be reduced by the incorporation of Mitigation Measure 3C, which would require compliance with the Asbestos Airborne Toxic Control Measure (ACTM) for construction.

The mitigation measures recommended above will minimize the potential adverse impacts associated with construction and operational emissions to a level that is *less than significant with mitigation*.

Mitigation: To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required:

Mitigation Measure 3A: Implement dust control measures. Prior to the approval of any Grading or Building Permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the Northern Sierra Air Quality Management District, which shall be noted on all grading and improvement plans and shall be included in project bidding documents:

1. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
2. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
3. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
4. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
5. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
6. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

Timing: Prior to issuance of Grading Permits, Building Permits or Improvement Plans

Reporting: Approval of the grading permit and improvement plans

Responsible Agency: Northern Sierra Air Quality Management District

Mitigation Measure 3B: Minimize Construction Equipment Idling. In order to reduce emissions from construction equipment, the applicant shall include the following standard note on all Grading Plans, Site Plans or Improvement Plans: “During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

Timing: Prior to issuance of Grading Permits, Building Permits or Improvement Plans

Reporting: Planning Department approval of Grading Permits or Building Permits / Complaint driven

Responsible Agencies: Planning and Building Department, Code Compliance Division

Mitigation Measure 3C: Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction. If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with. This measure shall be included as a note on all grading and improvement plans.

Timing: Prior to issuance of the grading permits and improvement plans and during grading activity

Reporting: Approval of the grading permit and improvement plans

Responsible Agency: Northern Sierra Air Quality Management District

4. **BIOLOGICAL RESOURCES**

Existing Setting: The subject property is currently used for the Lake Wildwood Tennis Facility and contains four existing tennis courts, a Tennis Pro Shop and associated off-street parking spaces. The proposed tennis court lights and poles would be located within the existing tennis courts. There are no stream or riparian areas within the project site or adjacent to it. Furthermore, the project applicant has verified that no trees would be removed for the installation of the light poles.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓		K,19, 25
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓		A, K, L,19,22
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A, K, L,19,29
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓		A, 19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓		A,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,19
g. Introduce any factors (light, fencing, noise, human presence and/or domesticated animals) which could hinder the normal activities of wildlife?			✓		A,19

Impact Discussion:

4a-g: The addition of tennis court lights to the Lake Wildwood Tennis Facility is not anticipated to result in negative impacts to biological resources. The project would allow for the installation of 24 light poles with 34 lights distributed through-out the four existing tennis courts located within the Lake Wildwood Tennis Facility. Minor construction and disturbances are anticipated for the proposed project including the installation of footings for the light poles and minor trenching for the electrical utility lines. There is existing landscaping which surrounds the project site and provides adequate screening and which is not anticipated to be impacted by the proposed project. Further, while the project would introduce new lighting to the area, which would be turned on from dusk to 10 P.M., it would be downcast and shielded. Fencing within the tennis facility is existing and was originally intended to separate the tennis activities from the private residences of Lake Wildwood and from vehicles traveling along Pleasant Valley Road to the west and is not proposed to be expanded. Existing lighting from single-family residences, vehicle headlights, noises, human activity and domesticated animals are present in the properties surrounding the site such that any animals present in the area would be accustomed to these factors due to the surrounding environs.

As a project proposing use of a highly disturbed, developed site, with only minor disturbance anticipated for full use of the site, in an area surrounded by normal human activity, the project is anticipated to have *less than significant impacts* related to biological resources as discussed above. No wetlands are known to exist onsite; therefore, *no impacts* relative to wetlands are anticipated.

5. CULTURAL RESOURCES

Existing Setting: The site has been previously disturbed through the process of developing the existing Tennis Court Facility which was constructed in 1992 (U92-09). The footprints of the light poles are not proposed to extend past the existing area of disturbance within the tennis courts. Because there will be limited land disturbance in a highly disturbed area, an archeological survey was not required. Although the archeological study was not required, the greater Penn Valley area does have associated cultural resources. The project was distributed to the affected AB52 tribes including United Auburn Indian Community, T'si Akim Maidu, Shingle Springs Band of Miwok Indians, and the Nevada City Rancheria Nisenan Tribe, but no comments or concerns were received from any of the tribes.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		✓			33
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓			33
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			33

Impact Discussion:

5a-c: As proposed the project would include the addition of 24 light poles to the existing Lake Wildwood Tennis Facility to allow nighttime tennis play from dusk to 10:00 PM. No archeological studies have been previously conducted, but the additional ground disturbance for the lights and trenching

is minimal. Although the project would be constructed over an area that has already been disturbed and no known pre-historic or historic resources exist on the site, there is a potential for the discovery of unknown cultural resources during land disturbance. This impact would be *less than significant with mitigation* identified in Mitigation Measure 5A below.

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

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

All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

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

6. ENERGY

Existing Setting: The subject parcel is developed with the existing Tennis Facility, Pro-Shop and associated off-street parking. The project site is currently served by several existing underground service connections, which are provided by Pacific Gas and Electric.

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

Impact Discussion:

- 6a: The proposed light poles would be required to meet all current building standards as required by the California Building Code and the Nevada County Land Use and Development Code. Thus, long-term operational impacts related to energy resources are anticipated to be *less than significant*.
- 6b: The proposed project would not conflict with any state or local plans for renewable energy or energy efficiency. Building Permits would be required in order to construct the project. As part of the Building Permit review, all equipment and structures would be required to meet energy standards identified in the California Building Code. Likewise, the project would not obstruct or prevent plans for renewable energy or efficiency. Therefore, the project would have *no impact* to state or local plans for renewable energy or energy efficiency.

Mitigation: None Required.

7. GEOLOGY / SOILS

Existing Setting: As is characteristic of much of Penn Valley, the project site is a relatively level plane in the Sierra Nevada Foothills. Elevation of the project site is roughly 1,340-feet above mean sea level. The site is developed with the existing Lake Wildwood Tennis Facility. There is little undisturbed native vegetation on the project site and it has been landscaped along the western, eastern and southern property lines.

The project site, totaling approximately 4.14 acres, is underlain with three soils types: Shenandoah Sandy Loam (SdC) 2 to 15 percent slopes which are present in the bulk of the site; Alluvial Land Clayey (Ao) which is present in several narrow bands across the site; and Trabuco Loam (TrC) 5 to 15 percent slopes which are located within the southeast corner of the property. SdC soils are described by the Soils Survey of Nevada County as having medium runoff potential and slight to moderate potential for erosion, with slow subsurface permeability. The Soils Survey of Nevada County describes (Ao) as a miscellaneous land type consisting of narrow areas of alluvial material deposited along small stream channels and drainage

ways. Ao is described as having moderately slow to very slow permeability, with slow runoff. TrC soils are described by the Soils Survey of Nevada County as having medium runoff, with moderate to high hazard of erosion depending upon slope.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone; it is located approximately 4.5-miles westerly of a Pre-Quaternary fault. Pre-Quaternary faults are those older than 1.6 million years (California Department of Conservation). The County's Master Environmental Inventory shows the project site as located within Seismic Zone I—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?				✓	A, L, 12, 31
b. Result in substantial soil erosion or the loss of topsoil?			✓		D
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓		D, 12
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		D
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✓		A
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
g. Result in substantial grading on slopes over 30 percent?			✓		A, L, 9

Impact Discussion:

- 7a: The proposed project is not anticipated to cause adverse effects due to earthquake related impacts. The project site is not within an Alquist-Priolo Earthquake Fault Zone; it is located approximately 4.5-miles westerly of a Pre-Quaternary fault which are faults older than 1.6 million years. The County's Master Environmental Inventory shows the project site as located within Seismic Zone I, the Low Intensity Zone of the Modified Mercalli scale, meaning the site has a low risk for strong ground motion. Use of existing facilities of the site is not anticipated to cause direct or indirect effects that could result in rupture of a fault, strong seismic shaking or seismic related ground failure; therefore, the project is anticipated to result in ***no impacts*** relative to earthquake effects.
- 7b: The project is not anticipated to result in substantial soil erosion or the loss of topsoil because very little site disturbance will be needed for the proposed project and overall the site soils are not considered to have high potential for erosion based on the soil type and due to the relatively level nature of the site. The project proposes nighttime lighting for the existing Lake Wildwood Tennis Facility, which was constructed in 1992 via Use Permit U92-09 to allow for nighttime tennis play from dusk to 10 P.M. The footings of the proposed light poles would be relatively small and would require a Building Permit for their construction. Therefore, with only minor construction to install the light poles and electrical utilities, project impacts relative to topsoil loss and erosion are anticipated to be ***less than significant***.
- 7c, d,g: The Soils Survey of Nevada County does not describe project soils as being expansive soils, nor are they described as having high liquefaction, rockslide, and landslide or debris flow potential. The project is a level plane with no slopes over 30%. Therefore, is not anticipated to result in soils instability, nor is it anticipated to result in direct or indirect risks to persons due to expansive soils, nor would it result in substantial grading on steep slopes; therefore, ***no impacts*** relative to these soil issues are anticipated.
- 7e: The proposed project does not utilize septic tanks or alternative wastewater disposal systems because the project involves only the construction of the light poles. Subsequently, the project will have ***no impact*** to onsite for wastewater treatment.
- 7f: There are no known paleontological resources or unique geological features in or around the project site. Being that there will be ground disturbance for grading and construction, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be ***less than significant with mitigation***.

Mitigation: See Mitigation Measure 5A.

8. GREENHOUSE GAS EMISSIONS

Existing Setting: Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related concept, is the observed increase in the average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from

industrial, commercial, transportation, domestic, forestry, and agriculture activities. CO₂ emissions are largely from fossil fuel combustion and electricity generation. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. Global warming adversely impacts air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and causes an increase in health-related problems.

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

In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions when necessary.

Continuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state, but especially for the state's most disadvantaged communities, as those communities are affected first, and, most frequently, by the adverse impacts of climate change, including an increased frequency of extreme weather events, such as drought, heat, and flooding.

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

Impact Discussion:

8a-b: Given the complex interactions between various global and regional-scale physical, chemical, atmospheric, terrestrial, and aquatic systems, it is not possible to determine to what extent this project's CO₂ emissions would alter physical conditions. In considering this project's GHG emissions within the context of statewide and regional emissions, it is assumed that the project will not generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. Pursuant to provisions and precedents stemming from AB32, greenhouse gas (GHG) emissions should be quantified for decision-makers and the public to consider, however the Northern Sierra Air Quality Management District has not established a threshold of significance. Therefore, the overall GHG

impact is expected to remain at a level that is ***less than significant***. Typically, cumulative impacts are analyzed and mitigated in the County’s General Plan and associated EIR. In this case, the General Plan for Nevada County does not address GHG emissions.

Mitigation: See Mitigation Measure 3B and 3C

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting: The property is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2022). The project area is in a High Fire Hazard Severity Area as designated by CalFire.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓	C
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓		C
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	A, L
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?				✓	C, 25
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			✓		L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓		H, K
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H, K

Impact Discussion:

- 9a. Operation of the proposed project would not result in the routine transport, use, or disposal of hazardous materials and would thus not result in significant hazards to the public or the environment. Therefore, there would be ***no impact*** related to the routine transport, use or disposal of hazardous materials.
- 9b. The lighting will be powered from grid electricity so the storage of hazardous materials such as gasoline is not required during operation. During the construction phase of the proposed project, it

is anticipated that small quantities of hazardous materials would be stored, used, and handled. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Based on the discussion above, the project is not anticipated to result in significant hazards to the public, environment or schools relative to hazardous materials and therefore these impacts are anticipated to be *less than significant*.

- 9c. The project area is not located within one-quarter mile of an existing or proposed school. The nearest school to the project site is Williams Ranch Elementary School, which is located approximately 1.7 miles northeast of the project site. Therefore, there would be *no impact* related to hazardous emissions or substances near a school.
- 9d. The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be *no impact* relative to creating a hazard to the public or the environment due to the project is anticipated.
- 9e. The nearest airport is the Limberlost Ranch Airport, a private airstrip, which is roughly two direct miles from the project site. Therefore, the project would present *no impact* to the safety of the public in the project area due to proximity to a public airport
- 9f, g. The proposed project is not anticipated to interfere with an emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The proposed project site is partly within a High Fire Hazard Severity Zone within the State Fire Responsibility Area. Both Penn Valley Fire Protection and/or CalFire crews could be anticipated to respond to an emergency in this area.

The site takes direct access from Wildflower Drive a private roadway, via Pleasant Valley Road, a county-maintained roadway. This portion of Wildwood Drive is inside of the gated Lake Wildwood residential community. Thistle Loop Road, also a private roadway, is solely within the Lake Wildwood Community and would be available for daily project use, and it does provide an emergency access route that could be used by people at the project site and/or by people within the Lake Wildwood Community in an emergency as an additional route of egress. This route also provides an additional means of ingress for emergency personnel. The entrance gate to Lake Wildwood is staffed 24 hours a day and it also has a Knox Box to allow emergency personnel to open the gate for access to the project site and the Lake Wildwood Community. While the providing of lighting of the project would allow for additional tennis play, use of the project site is limited to members of the Lake Wildwood Community and therefore, it is anticipated that the project would not interfere with an emergency response plan or emergency evaluation plan. Therefore, it is anticipated that there would be a *less than significant impact*.

Mitigation: **None required.**

10. HYDROLOGY / WATER QUALITY

Existing Setting: The United States Fish and Wildlife National Wetlands Inventory Surface Waters and Wetlands Mapper does not identify any wetlands on the parcel. There were no hydrophytic vegetation or other indicators of wetlands observed on the project site. Based on FEMA flood maps, the project is not located within a floodplain. The United States Geological Survey identifies Deer Creek and Lake Wildwood

to the south and southeast of the project site; however, they would not be impacted by the project since the proposed area of construction is approximately 530 feet from the closest section of the creek or the lake. No other wetlands or other aquatic features were identified on the USGS map. The topography of the site is fairly flat, with an elevation of approximately 1,340 feet mean sea level. The subject parcel and surrounding parcels are located within the Slacks Ravine-Deer Creek watershed.

Adjacent properties on the northerly, easterly and southerly sides are within the Lake Wildwood subdivision, a single-family residential community with lots ranging from roughly one-quarter to three-quarter acres in size. Similar to the subject property, little native vegetation remains on these residential lots. Northerly properties are larger, with parcels being roughly 1.2 to 15-acres that are developed with residential and/or agricultural improvements and uses.

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

Impact Discussion:

- 10a, e: The operation of the project will not involve any discharge of pollutants that would degrade surface or ground water quality as the tennis courts are presently developed. Further, any grading or activity requiring a permit through the Nevada County Building Department will include standard best management practice requirements to ensure the activity does not result in erosion or other issues that could negatively impact water quality. Therefore, project impacts to hydrology or water quality are anticipated to be ***less than significant***.
- 10b: Construction or operation of lighting is not anticipated to substantially interfere with groundwater recharge because the additional impervious surface created from the construction of 24 light poles will be small compared to the overall size of the predominantly developed parcel. The Shenandoah Sandy Laom soil series both have moderate to rapid permeability, which will continue to allow ground water to percolate and recharge aquifers. Therefore, the project will have ***no impact*** in regard to groundwater recharge.
- 10c: No streams or river run through the proposed project area of the parcel. Deer Creek and Lake Wildwood are located approximately 350 feet south and east of the project site, however, it is not anticipated that the addition of the light poles would create additional surface runoff due to their relatively small footprint. Therefore, the project would have ***not impact*** in regards to drainage patterns of the project site or surrounding area.
- 10d,f,g: There is no flood hazard, designated flood zones, or tsunami or seiche zones on the project site or in proximity of the site. Therefore, there would be ***no impact*** associated with the release of pollutants due to inundation or placement of housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Mitigation: None required.

11. LAND USE / PLANNING

Existing Setting: The project area is within the Lake Wildwood Subdivision and is owned by the Lake Wildwood Association and comprises approximately 4.14 acres and is developed with the Lake Wildwood Tennis Facility. The subject parcel's General Plan Land Use Designation is Planned Residential Community (PRC) and the Zoning Designation is Single-Family Residential (R-1) with Planned Development (PD) Combining District. The site takes access from Thistle Loop Road, a private road within the Lake Wildwood Community.

Northerly adjacent properties which are also located within the Lake Wildwood Community are zoned Single-Family Residential with a Planned Development Combining District (R1-PD) zoned. The General Plan designation for these properties is Planned Residential Community (PRC). These parcels range in size, being roughly 1.2 to 15-acres and are developed with residential and/or agricultural improvements and uses. All of these adjacent properties are developed with single-family residential improvements and uses.

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

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

- 11a: The proposed project is compatible with the existing land uses at the Lake Wildwood Tennis Facility. The land surrounding the project site is either developed with existing single-family residences and is located within the Lake Wildwood Community. The proposed project includes the construction of 24 light poles within four existing tennis courts and would therefore not disrupt or divide the physical arrangement of an existing community. Therefore, the proposed project would have ***no impact*** related to division of an existing community.
- 11b: The project site is within unincorporated Western Nevada County and is thus subject to Nevada County policies and regulations. The project is not anticipated to create a significant environmental impact due to a conflict with any land use plan, policy, or regulation. The project does not violate setback requirements, allowable land uses, or noise standards established by the Nevada County Land Use and Development Code. However, due to the requirements for championship tennis play and the light poles are proposed to be 20 feet tall to provide the necessary tennis court lighting. The proposed height exceeds the limitation of 15 feet established by Section L-II 4.2.8 of the Nevada County Land Use and Development Code. Therefore, the project is being processed with a Variance to the light pole height restrictions. The granting of the Variance would not, under circumstances and conditions applied in this particular case, adversely affect public health and safety or the environment. The application was routed to various agencies for review and comment, including the Nevada County Building Department, Nevada County Department of Public Works, Penn Valley Fire Protection District, the Nevada County Department of Environmental Health, and the Nevada County Fire Marshal. No comments opposing the project were received and potential conflicts with all other applicable land use plans, policies, or regulations that could result from this project are not anticipated. Therefore, it is anticipated that there will be ***less than significant impacts*** related to land use policy inconsistency and land use incompatibility.

Mitigation: None required.

12. MINERAL RESOURCES

Existing Setting: The project area is not mapped within a Mineral Resource Zone (MRZ) or area of known valuable mineral deposits and there are no known historical or active mining operations in the immediate vicinity of the project.

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

Impact Discussion:

12a-b: The proposed project is not mapped within a known Mineral Resource Area nor would it change existing or potential mineral resource type land uses on the project site. Therefore, the project would have ***no impact*** on mineral resources.

Mitigation: None Required.

13. NOISE

Existing Setting: The addition of light poles is proposed on a parcel that is already developed with tennis sport related uses. The surrounding areas are developed with single-family residences and which are located within the Lake Wildwood Community. The ambient noise level within the area is that of a typical residential subdivision, with the most prominent noise producing use being traffic along Pleasant Valley Road. There is a wall of landscaping vegetation, which partially functions as a noise barrier, and the noise related to tennis is overall minimal and the project as proposed only relates to the installation of lighting for the tennis courts.

The General Plan and LUDC have established daytime noise levels for residential uses as follows: a maximum allowable noise level in the forest district is an average (Leq) of 55 decibels and a maximum (Lmax) of 75 decibels at any given time. The Single-Family Residential Zoning District has allowable noise levels of 55 Leq between 7 a.m. and 7 p.m. and 50 Leq between 7 p.m. and 7 10 p.m. with a maximum Lmax of 75 decibels between 7 a.m. and 7 p.m. and 65 decibels between 7 p.m. and 10 p.m.

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?		✓			A, 17, 18, 24
b. Generation of excessive ground borne vibration or ground borne noise levels?				✓	A
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓	A, L

Impact Discussion:

13a: Nevada County has noise standards established for various land uses that are applicable when a discretionary land use project is proposed. The lights themselves would not generate any noise. However, the lights may indirectly create noises by facilitating the use of the tennis courts later at night from dusk to 10:00 P.M. There may be noise from participants talking or laughing, and from tennis play. There are existing single-family residences, which are located north, east and south of the project site, which are currently exposed to tennis play noises from the existing tennis courts. The Lake Wildwood Community currently has two existing tennis courts, which are located within Commodore Park, which contain lights that are presently utilized until 10:00 PM. Therefore, due to a similar proximity of sensitive noise receptors to the Lake Wildwood Tennis Facility, the use

of the tennis courts from dusk to 10:00 P.M. could produce additional noises due to the later hours of tennis play. To limit long-term noise impacts, Mitigation Measure 13A is recommended which would limit hours of tennis play from 7:00 A.M. to 10:00 P.M. This would also be in keeping with Condition of Approval A.2 from Use Permit, U92-09 that limits hours of tennis play.

Construction activities will also increase noise levels in the area through the use of power tools and associated equipment. While short-term increases in noise will occur that can be attributed to this project, construction activities are exempt from the County's Noise Standards as they are temporary in nature and cease once construction is completed. To assist in reducing this impact, Mitigation Measures 13B is recommended which restricts construction activities to daytime hours (7 a.m. to 7 p.m.) Monday-Sunday. With the observation of Mitigation Measure 13B temporary noise impacts will be *less than significant with mitigation*.

- 13b: The project does not propose blasting during construction or other activities that could cause substantial vibration impacts. Therefore, the proposed project would have *no impact* to this criterion.
- 13c: The Limberlost Ranch Airport, a private airstrip, is roughly two direct miles to the southwest of the project parcels. Given the distance to the airport, the project would result in *no impacts* related to airport noise.

Mitigation: To reduce potentially significant impacts associated with construction noise, the following mitigation measure shall be noted on improvement plans:

Mitigation Measure 13A: Limit tennis play activities to reduce noise impacts. Hours of operation for tennis play shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday. These limited hours of operation shall be noted on grading and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: *Prior to issuance of grading or improvement permits and during construction*

Reporting: *Agency approval of permits and by complaint*

Responsible Agency: *Planning Department and Code Compliance*

Mitigation Measure 13B: Limit construction activities to reduce noise impacts. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Sunday. These limited hours of operation shall be noted on grading and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Timing: *Prior to issuance of grading or improvement permits and during construction*

Reporting: *Agency approval of permits and by complaint*

Responsible Agency: *Planning Department and Code Compliance*

14. POPULATION / HOUSING

Existing Setting: The project area is within a tennis facility, which is owned by the Lake Wildwood Association within the Lake Wildwood Community. Properties to the north, east and south are developed with existing single-family residences.

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

Impact Discussion:

14a-b: The project would not contribute to any population growth because no housing is proposed and because the lights will not draw a substantial number of additional people to the area. No housing will be demolished to make room to the lights and no people will be displaced for the construction. The proposed location of the lights is currently developed with four existing tennis courts. Therefore, the proposed project would have ***no impact*** related to these issues.

Mitigation: None required.

15. PUBLIC SERVICES

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

The following public services are provided to this site:

Fire: Penn Valley Fire Protection District provides fire protection services to this site.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: Penn Valley Union Elementary School District provides education for the area.

Parks: The Western Gateway Park & Recreation District provide recreational facilities and opportunities.

Water & Sewer: The Nevada Irrigation District provides treated water to the site and the Nevada County Sanitation District Number 1 provides public sewer to the site.

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

Impact Discussion:

15a.1-5: The proposed project would not result in a new substantial need for additional public services because it would not result in increased population or intensification of use. Therefore, the proposed project would have ***no impact*** related to these issues.

Mitigation: None required.

16. RECREATION

Existing Setting: The existing tennis court project site is located within the Western Gateway Park and Recreation District and is primarily used for recreation. Recreational resources are in abundance within this area of Nevada County including passive recreational resources, such as the Lake Wildwood, Western Gateway Park and parks located within the Lake Wildwood Community.

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

Impact Discussion:

16a-c: The project would not result in more people using existing neighborhood or regional parks because the project site itself is a recreational facility. The project would not result in population growth and is unlikely to draw more users to the facility. No additional recreational facilities will need to be constructed to accommodate the users the benefit from the addition of the lights. The lights will allow athletes to use the tennis courts later at night. Currently tennis is the only use of the tennis courts, thus other established recreational uses will not be impacted. Therefore, the proposed project would have ***no impact*** related to these issues.

Mitigation: None required.

17. TRANSPORTATION

Existing Setting: The Lake Wildwood Tennis Facility is located off Thistle Loop Road within the Lake Wildwood Subdivision. It is accessed from Thistle Loop Road, and Wildflower Driver both which are private roads within the Lake Wildwood Subdivision, which is only open to Lake Wildwood Association members and their guests.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?			✓		A, B, N
b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			✓		A, B
c. Substantially increase hazards due to a geometric design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		A, H, M, N
d. Result in inadequate emergency access:			✓		H, M
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A, H, M, N

Impact Discussion:

- 17a-b. The Nevada County Department of Public Works reviewed the project and did not identify any issues related to conflicts with program plans or ordinances related to the circulation system. Additionally, the Nevada County Department of Public Works determined that a Traffic Study is unnecessary due to the minor impact on traffic that will be created by lights that will allow longer hours of tennis play. The proposed project would not generate substantial traffic or increase reliance on transit services, due to the scale of the overall operation not increasing substantially. As proposed, the project would not affect any policies supporting transit alternatives, circulation patterns, sight distance, access, Vehicle Miles Traveled or Level of Service. Thus, given the above discussions, the proposed project is anticipated to have ***less than a significant impact*** on transportation policies and services, and CEQA Guidelines Section 15064.3, subdivision (b).
- 17c. No road improvements are proposed so there will be no hazards resulting from a geometric design feature such as sharp curve or dangerous intersection. Therefore, given the above discussion the proposed project is anticipated to have a ***less than significant*** impact related these geometric design features.
- 17d. The proposed project would not significantly increase the population needed to be evacuated. Both CAL Fire and the Penn Valley Fire Protection District have reviewed the project proposal and did not note any adverse impacts to emergency response or evacuation plans. It is anticipated that any potential adverse impacts would be ***less than significant***.
- 17e. Short-term truck traffic from the transportation of construction materials may present a unique traffic hazard on both local roads and high use roads. However, the proposed construction is relatively minor; therefore, a significant increase in traffic is not expected. The project construction is adjacent to Pleasant Valley Road; however, it does not encroach into the right of way, adheres to the required setbacks of the Nevada County Land Use and Development Code, and is screened by existing landscaping. Therefore, it is anticipated that any potential adverse impacts related to transportation would be ***less than significant***.

Mitigation: None required.

18. TRIBAL CULTURAL RESOURCES

Existing Setting: The project site is located in Penn Valley, in Western Nevada County. Like much of Penn Valley, the project site is a relatively level plane in the Sierra Nevada Foothills. Elevation of the project site is roughly 1,340-feet above mean sea level. The project area is located within territory occupied by the Nisenan or “Southern Maidu” at the time of initial contact with European Americans. Permanent settlements were maintained by these people along major rivers in the foothills and Sacramento Valley, traveling periodically to higher elevations to hunt and gather. The Nisenan had a sophisticated knowledge of uses of local plants and animals as well as the availability of raw material sources that could be used in manufacturing a large array of tools and implements. Like other northern California Indian groups, the Nisenan had an economic life that revolved around fishing, hunting and collecting plants for food.

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Tribal Cultural Resources include sites, features, and places with cultural or sacred value to California Native American Tribes. The United Auburn Indian Community of the Auburn Rancheria (UAIC), the Shingle Springs Band of Miwok Indians and the Nevada City Rancheria Nisenan Tribe have contacted the County to request consultation on projects falling within their delineated ancestral lands. See Section 5 for additional information regarding tribal resources.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 		✓			33

Impact Discussion:

18a: Due to the confidentiality and sensitive nature of ancestral lands, it is difficult to determine which tribes have stake in the specific project site. Therefore, the Nevada City Rancheria Nisenan Tribe, T’si Akim Maidu, United Auburn Indian Community, and the Shingle Springs Band of Miwok Indians were all invited to begin Assembly Bill 52 Consultation on January 25, 2022. As of the

writing of this Initial Study, no correspondence from the any of the tribes has been received. The site has been previously developed with an existing tennis facility consisting of four tennis courts; a Tennis Pro Shop and off-street parking, which was constructed in 1992. Due to the small amount of ground disturbance required for the installation of the poles and electrical trenching, it is not anticipated that any tribal cultural resources will be discovered. While cultural resource discovery has been determined to be unlikely, Mitigation Measure 5A is proposed that would require construction to be halted and local tribes to be notified in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. Additionally, Mitigation Measure 18A is proposed which would require that a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with the geographic area be immediately notified if any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. With these protections in place, impacts to Tribal Cultural Resources would be *less than significant with mitigation*.

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

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

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

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

Timing: *Prior to Issuance of grading/improvement/building permits and throughout construction*

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

Responsible Agency: *Planning Department*

Mitigation: Also, see Mitigation Measure 5A.

19. UTILITIES / SERVICE SYSTEMS

Existing Setting: Sewage service and is provided to this area by the Nevada County Sanitation District Number 1 and public water service is provided by the Nevada Irrigation District and both are currently available on the site. Water and sewer lines pass through the site along Thistle Loop Road and continue within the Lake Wildwood Community. Electricity is provided by Pacific Gas & Electric. There are a number of wireless telephone and internet services available in the Lake Wildwood Community Area, such as Comcast Cable as well as national providers such as AT&T, Verizon as well as satellite television services. Solid waste collection is available at the project site through Waste Management.

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

Impact Discussion:

- 19a: The proposed project would not result in development that would create a need for the extension of electrical power, storm drainage facilities, or water or wastewater treatment facilities as those facilities are either existing or located adjacent to the project site. The installation of the light poles will not alter storm drainage, will not require additional water, and will not generate additional waste that will need to be processed at a wastewater treatment facility. The 24 light poles will be powered by electricity provided by PG&E. The project was routed to Pacific Gas and Electric for comment and no comment was received. The lights are only a minor addition to the current electrical uses on the property, which include the Tennis Pro Shop. Based on the application materials provided and the comments received from the appropriate responsible agencies, the project will be able to be served by adequate utilities and service systems and therefore this project will have a *less than significant impact* to those facilities.
- 19b: The installation and operation of lights will not require additional water supplies; therefore, the project will have *no impact* in regard to sufficient water supplies.
- 19c: The operational phase of the proposed project would not result in the significant production of increased solid waste from baseline conditions. Construction activities, however, could produce solid waste in the form of construction materials or industrial toxic waste like glues, paint, and petroleum products. Construction of the proposed project could thus result in potentially adverse

landfill and solid waste disposal impacts. Impacts would be *less than significant with mitigation* as identified in Mitigation Measure 19A below which requires proper disposal of waste not accepted by the McCourtney Road Transfer Station.

- 19d: The construction and operation of the proposed lights are not anticipated to result in significant amounts of solid waste; however, any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Therefore, project related impacts to these regulations are anticipated to be *less than significant*.

Mitigation: To offset potentially adverse impacts related to construction waste, the following mitigation measure is recommended:

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

Timing: Prior to issuance of grading or improvement permits and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Nevada County Planning Department

20. WILDFIRE

Existing Setting: The project parcel is in the Penn Valley Fire Protection District and is in a High Hazard Severity Zone as designated by CalFire. The site is surrounded by existing development including single-family residential properties within the Lake Wildwood community on three sides of the property and with developed single-family residential/agricultural properties on the other side of the property. Access is via Wildflower Drive and Thistle Loop Road via Pleasant Valley Road through the Lake Wildwood northern gated entrance; Wildflower Drive and Thistle Loop Road are both privately maintained roadways.

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

Impact Discussion

20a The Safety Element of the Nevada County General Plan addresses wildlife hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Objective 3.6 of the LHMP is to improve communities’ capabilities to prevent/mitigate hazards by increasing the use of technologies. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands. The Office of the Fire Marshal reviewed the project and did not have any comments. The Penn Valley Fire Protection District also reviewed the project and did not have any comments. The addition of lights does not pose any conflicts with adopted plans for emergencies; therefore, the project would have *no impact* on impairing emergency plans.

20b,c,d The tennis courts are currently developed and operate year round. Wildfire risk is substantially reduced and the addition of lights with underground electrical will not exacerbate wildfire risks. Additionally, the trenching for the electrical and the excavation for the footings of the light poles is a relatively small amount of disturbance. Therefore, is anticipated to have a *less than significant impact*.

Mitigation: None required.

21. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

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

Impact Discussion:

21a, c: As discussed in Sections 1 through 20 above, the project would involve the construction of 24 light poles within four existing tennis courts, which comprise the existing Lake Wildwood Tennis Facility. Development of the proposed project would comply with all local, state, and federal laws governing general welfare and environmental protection. Construction and operation of the proposed project could result in potentially adverse impacts to Air Quality, Cultural Resources,

Noise, Tribal Cultural Resources and Utilities/Service System. Mitigation measures are proposed to reduce potential impacts relative to Air Quality. Although Cultural, Tribal Cultural, and paleontological resources are not known to be present, mitigation has been added for their protection if resources are found. To minimize the disruption to surrounding parcels during the construction phase of the project, mitigation has been included to limit construction to daytime hours on Monday through Sunday. In addition, to limit operational noise impacts hours of tennis play are limited from 7:00 A.M. to 10:00 P.M. Furthermore, mitigation has been added to reduce potential impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are *less than significant levels with mitigation*, as outlined in each section.

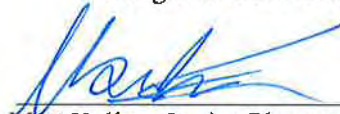
- 21b: A project's cumulative impacts are considered significant when the incremental effects of the project are "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Reasonably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

Mitigation Measures: To offset potentially adverse impacts to Air Quality, Cultural Resources, Noise, Tribal Cultural Resources and possible impacts to Utilities/Service Systems, see Mitigation Measures 3A-3C, 5A, 13A-B, 18A and 19A.

RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or a "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Matt Kelley, Senior Planner


Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. Penn Valley Fire Protection District
 - I. Regional Water Quality Control Board
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. California Department of Transportation (CalTrans)
-
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. FHSZ Viewer, California Department of Forestry and Fire Protection, <https://egis.fire.ca.gov/FHSZ/>.
 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 7. California Department of Conservation, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/nev16.pdf>.
 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 9. U.S.G.S, 7.5 *Quadrangle Topographic Maps*, as updated.
 10. National Wetlands Inventory, U.S. Fish & Wildlife Service, <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.
 11. Web Soil Survey, United States Department of Agriculture, February 2022, <https://websoilsurvey.sc.egov.usda.gov/>.
 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
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