

May 7, 2015

**NEVADA COUNTY HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION  
ENVIRONMENTAL IMPACT REPORT (SCH# 2009072070)  
FINDINGS AND STATEMENTS REQUIRED UNDER THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 *et seq.*)**

**I. Introduction**

On behalf of the County of Nevada (the “County”), and pursuant to the California Environmental Quality Act (“CEQA”), RBF Consulting (“RBF”) has prepared a Final Environmental Impact Report (the “FEIR”) for the County of Nevada Housing Element Rezone Implementation Program and other related approvals described below (collectively, the “Project”). The County is the lead agency for the FEIR.

To support its certification of the FEIR and approval of the Project, the Board of Supervisors of the County of Nevada (the “Board”) makes the following findings of fact and statements of overriding considerations (collectively, the “Findings”). These Findings contain the Board of Supervisors’ written analysis and conclusions regarding the Project’s environmental effects, mitigation measures, alternatives to the proposed Project, and the overriding considerations which, in the Board of Supervisors’ view, justify the approval of the Project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the FEIR, as described below.

The proposed project is the development and in some cases the annexation of 18 pre-selected sites. The 18 rezone sites comprise an area totaling approximately 149 acres, scattered throughout three general areas of unincorporated Nevada County; Grass Valley Sphere of Influence (SOI), Penn Valley, and Lake of the Pines. The 18 sites are irregular shaped areas with varying dimensions. The majority of the rezoning areas are undeveloped and surrounded by a variety of existing development, including single-family residential, rural residential, commercial agricultural, recreational, and utility uses. The natural features within the 18 pre-selected sites include a variety of distinct plant communities and several creeks.

During the public review process for the Draft EIR, the property owner of Site 2 informed County Staff that participation in the program was no longer desired. As a result, there are 17 sites that are part of the part of the proposed project. However, these findings will continue to reference the 18 sites for consistency with the analysis in the Draft EIR.

To meet State housing requirements identified in the County’s Housing Element, high density residential zoning (R3) for an additional 1,270 low and very low income housing units are required to meet the County’s unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to meet the minimum low and very low income requirements. The specific rezoning process is proposed through the implementation of Housing Element Programs HD-8.1.3 and HD-8.1.4, including adding the “RH” Zoning Combining District to those sites included in Program HD-8.1.5.

In order to meet State housing requirements identified in the County's Housing Element, the County is proposing to rezone 18 sites to meet the County's need of a minimum of 1,270 low and very low income housing units. In addition to a Zoning Map amendment, all of the proposed project sites will require a General Plan Map Amendment, with the exception of Site 6, to accommodate a proposed density of 16-20 dwelling units per acre (du/acre) under the Urban High Density designation. Sites 1-9 located within the Grass Valley SOI area of Nevada County will accommodate a maximum of 20 du/acre, and Sites 10-18 will accommodate a maximum of 16 du/acre. The range of 16-20 du/ac reflects the County's designation that allows up to 20 du/ac in the R3 Zoning when the site is within a City SOI. Since Sites 1-9 are located within the City of Grass Valley SOI, they can accommodate up to 20 du/ac. The 16 du/acre relates to the State-mandated density for rezoned sites and is allowed by the County's RH (Regional Housing Need) combining districts.

The projects within the Grass Valley SOI would require annexation into the City of Grass Valley prior to developing those sites in accordance with increased density associated with the Regional Housing Need (RH) Combining District zone. Accordingly, the Nevada County Local Agency Formation Commission (LAFCO) would be a responsible agency. In addition to annexing these properties into the City, LAFCO would also need to detach the area from the Nevada County Consolidated Fire District service area and add the area to the City Fire Department's service area.

As outlined in the "RH" Zoning Combining District Ordinance (Section L-II 2.7.11.C.3 of the Nevada County Land Use and Development Code), the project will result in the development of a Regional Housing Need Implementation Plan. This Plan will outline site-specific development standards and any CEQA mitigation measures adopted for each site that must be adhered to in order for the site to develop consistent with the purpose of the rezone and to ensure that the development of the site does not result in a significant environmental impact.

The approvals necessary for implementation of the Nevada County Housing Element Rezone Implementation Program project include a rezone (Z12-002); General Plan map amendment (GP12-002); and, certification of the EIR (EIR12-002). In addition to these project applications, future approvals requiring discretionary action include the following: subdivision approvals (if units are intended for individual ownership; and, design review consistent with land use development code (LUDC) Sec. L-II 2.7.11.C.5. Other ministerial approvals and actions including: demolition permits; encroachment permits; site development permits; infrastructure construction permits; grading permits; improvement plan approvals; building permits; occupancy permits; and, utility relocation.

The EIR is also available for use by responsible and trustee agencies or other agencies that may have jurisdiction, approval authority, or environmental review and consultation requirements for the project. These agencies may include: U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife (Streambed Alteration Agreement); California Department of Transportation (encroachment permit); California Office of Historic Preservation; California Department of Toxic Substances Control; California Regional Water Quality Control Board; Nevada County Airport Land Use Commission; Nevada County Local Agency Formation Commission (LAFCO) (annexation approval); Nevada County Transportation Commission; Nevada County

(encroachment and other permits); Nevada County Resource Conservation District; Sierra Economic Development District; Nevada Irrigation District; Nevada County Sanitary District; and/or, Northern Sierra Air Quality Management District.

## **II. General Findings and Overview**

### **A. Record of Proceedings and Custodian of Record**

The record of proceedings for the County's findings and determinations is available for review by responsible agencies and interested members of the public during normal business hours at 950 Maidu Avenue, Nevada City, California. The custodian of these documents is the Nevada County Planning Department.

### **B. Preparation and Consideration of the FEIR and Independent Judgment Findings**

The Board of Supervisors finds, with respect to the County's preparation, review and consideration of the FEIR, that:

- The County retained the independent firm of RBF Consulting ("RBF") to prepare the FEIR, and RBF prepared the FEIR under the supervision and at the direction of the County of Nevada Planning Department and Community Development Agency.
- The County circulated the DEIR for review by responsible agencies and the public and submitted it to the State Clearinghouse for review and comment by State agencies.
- The FEIR has been completed in compliance with CEQA.
- The project will have significant, unavoidable impacts as described and discussed in the FEIR.
- The FEIR is adequate under CEQA to address the potential environmental impacts of the Project.
- The FEIR has been presented to the Board of Supervisors, and the Board of Supervisors has independently reviewed and considered information contained in the FEIR.
- The FEIR reflects the independent judgment of the County.

By these Findings, the County Board of Supervisors ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the FEIR, except as specifically described in these Findings.

### **C. Findings Regarding Less-Than-Significant Impacts.**

By these Findings, the County Board of Supervisors ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the Board of Supervisors determines to be less than significant:

**1. Aesthetics**

**Impact 4.3-2** Implementation of the proposed project may have an adverse effect on a scenic vista.

**2. Air Quality**

**Impact 4.5-3** The proposed project could result in an overall increase in odors within the project area.

**Impact 4.5-4** Carbon monoxide hot spots may occur as a result of the proposed project.

**3. Greenhouse Gas Emissions**

**Impact 4.6-2** Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

**4. Hazards and Hazardous Materials**

**Impact 4.9-1** The proposed project may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Impact 4.9-2** The proposed project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.

**Impact 4.9-3** The proposed project may emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of a proposed school site.

**Impact 4.9-5** The proposed project may impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**5. Noise**

**Impact 4.11-3** Future noise levels associated with the proposed project could contribute to an exceedance of the County's noise standards resulting in potential noise impacts to sensitive receptors.

**6. Public Services, Utilities and Service Systems**

**Impact 4.13-4** The landfill that would serve the proposed project has sufficient permitted capacity to accommodate the project's solid waste disposal needs. The project would comply with federal, State, and local statutes and regulations related to solid waste.

**7. Recreation**

**Impact 4.14-2** The proposed project would not include the construction of recreational facilities that might have an adverse effect on the environment.

## **8. Transportation and Traffic**

**Impact 4.15-1** The proposed project would result in an increase in traffic at study area intersections and roadway segments. Twenty three study intersections would continue to operate at acceptable levels of service in accordance with Nevada County and the City of Grass Valley significance criteria during the weekday PM peak hour.

## **III. Findings and Recommendations Regarding Significant Environmental Impacts and Mitigation Measures**

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the Housing Element Rezone Program Implementation Project is set forth in Chapter IV of the DEIR, as incorporated into the FEIR. The Board of Supervisors concurs with the conclusions in the DEIR, as incorporated into the FEIR, that: (i) changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects identified in the DEIR; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

Table of Impacts, Mitigation Measures, and CEQA Findings of Fact:

**HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR CEQA FINDINGS**  
**Table of Impacts, Mitigation Measures, and CEQA Findings**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<b>Land Use and Planning</b>				
<p><b>Impact 4.2-1</b>                      The Proposed Project could conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project.</p>	PS	<p><b>MM 4.2-1</b>                      The County of Nevada shall develop a policy agreement with the City of Grass Valley regarding exchange density calculations between the jurisdictions. The purpose of this agreement is to obtain parity among the jurisdictions regarding the provision of urban high density residential housing to satisfy State-mandated housing requirements and other housing or density needs as appropriate. The County shall develop this agreement and submit to the City prior to the issuance of development permits for this first project site.</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.2-1 which has been required or incorporated into the project will reduce this impact. While the mitigation would address the density conflicts with the City of Grass Valley, conflicts will remain until there is a change in the Grass Valley General Plan. However, acceptance of an agreement by the City of Grass Valley or a change in the City’s General Plan is outside the jurisdiction of the County. Therefore, potential conflicts would remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.2-1 be adopted. The Board concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p>

S – Significant

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p><b>Explanation</b> Both the Nevada County General Plan and City of Grass Valley 2020 General Plan designate the project area for future development. With approval of the proposed rezoning and General Plan Map Amendment, the proposed project will not conflict with any applicable land use plan, policy or regulations for the County of Nevada. However, the proposed change in land use density to high density residential (20 dwelling units per acre) within the City of Grass Valley’s Sphere of Influence will conflict with the City’s existing medium-density (4-8 dwelling units per acre) and mixed-use density land use designations because the proposed density is higher. Therefore, the project will result in a potential conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. To lessen such impacts, the potential conflicts would be addressed through policy agreements between the two jurisdictions. The mitigation identified will address the</p>

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				density conflicts with the City of Grass Valley. However, until the Grass Valley General Plan is revised, such conflicts will remain. As an agreement by the City of Grass Valley or a change in the City's General Plan cannot be guaranteed, and would be outside the jurisdiction of the County, impacts with regard to project conflict with an applicable land use plan, policy, or regulation would remain significant and unavoidable.
<b>Aesthetics</b>				
<p><b>Impact 4.3-1</b>                      Grading and construction associated with implementation of the Proposed Project would alter the visual appearance of the project area.</p>	PS	<p>The following mitigation measure applies to all sites.  <b>MM 4.3-1</b>                      Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be approved by the County or City Engineer prior to the commencement of construction of each phase of the project.                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.3-1 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p>

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p><b>Explanation</b> Implementation of Mitigation Measure 4.3-1 is required to ensure that project impacts resulting from grading and construction activities on the visual setting remain less than significant. The proposed project would facilitate future development that would have short-term aesthetic impacts as a result of construction-related activities (e.g. disturbed graded ground surfaces) and construction-related traffic (e.g. heavy equipment or hauling of debris). Implementation of Mitigation Measure 4.3-1 will reduce potential project impacts to a less than significant level by requiring that construction equipment staging areas are appropriately screened (e.g. temporary fencing with opaque material) to buffer views of construction equipment and materials, when feasible. Additionally, Mitigation Measure 4.3-1 requires such staging locations to be identified on a project-by-project basis, as appropriate. Implementation of Mitigation Measure 4.3-1 will reduce</p>

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				potential construction impacts on visual resources to less than significant. (DEIR, p. 4.3-13 to -15)
<p><b>Impact 4.3-3</b>                      Project implementation may permanently degrade the existing visual character/quality of the project area.</p>	PS	<p>The following mitigation measure applies to all sites.</p> <p><b>MM 4.3-3</b></p> <p>Prior to approval of a development proposal for a property within the RH Combining District (or as part of the annexation request for Sites 1-9), the project shall require design review approval by the Planning Commission to ensure landscaping, lighting, parking, layout and building design are compatible with the surrounding development, natural resources, and/or historic features within the project area. However, since the density of development is determined at the time the site is rezoned to add the RH Combining District, design review will not include a review of the density of the project. The density shall be based on the State mandated 16 units minimum per acre but will allow for a maximum of 20 units per acre on sites within the Grass Valley Sphere of Influence.</p> <p>All future developments associated with the proposed project would be required to follow the specific design principles and standards that respect the goals, objectives, and policies of the Nevada County General</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.3-3 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future development of the lands affected by the project would result in permanent change to the existing visual character and setting. Mitigation Measure 4.3-3 is required to ensure that views of project elements that would be potentially visible from various surrounding residential, commercial, industrial and institutional uses and from local roadways do not</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Plan and the City of Grass Valley 2020 General Plan, as well as any area plan design guidelines that each site may be located within. Such design guidelines will ensure each development is providing a balance between development and the natural environment.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>substantially degrade the existing character or quality of the visual landscape. In compliance with Mitigation Measure 4.3-3, future development within the unincorporated area of Nevada County and those that would be annexed into the City would require design review by the Planning Commission to ensure that a development proposal is consistent with the applicable design guidelines for each general plan and area plan. Projects within the County that are not annexed into the City of Grass Valley would require approval of the Nevada County Planning Commission. Similarly, projects within the City of Grass Valley Sphere of Influence (SOI) will be reviewed by the City's Design Review Committee and Planning Commission. Implementation of Mitigation Measure 4.3-3 provides additional assurance that future project development will be visually buffered through the use of specific design techniques (e.g. landscaping and open space preservation, sensitive siting, etc.).</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				Application of these techniques will preserve the existing rural and semi-rural character of the surrounding areas by minimizing the developed appearance of the project sites. Implementation of Mitigation Measure MM 4.3-3 will provide assurance that such design measures are incorporated into the project design through formal design review to reduce potential impacts resulting from permanent change to the existing visual character/quality of the project area to less than significant. (DEIR, p. 4.3-16 to -18)
<p><b>Impact 4.3-4</b>                      The Proposed Project may generate additional sources of light and glare beyond existing conditions from urban lighting and vehicular traffic.</p>	PS	<p><b>Implement MM 4.3-1, 4.3-3, and 4.3-4.</b>                      The following mitigation measure applies to all sites.  <b>MM 4.3-4</b>                      For all future projects in the in the proposed project area, all potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity, except as necessary to achieve desired green building objectives. All glass used on external building walls shall be low-reflectivity.                      Enforcement / Monitoring Agency: For Sites 1-9, City of</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.3-4 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as</p>

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		identified in the DEIR.  <b>Explanation</b> Implementation of the proposed project would facilitate future development that would convert the project sites from undeveloped land to a developed landscape, resulting in new sources of light and glare. Implementation of Mitigation Measure 4.3-1 provides additional assurance that project construction equipment staging areas are appropriately located and screened from view to reduce their visibility and potential disruption of views for offsite viewers. Further, Mitigation Measure 4.3-3 provides assurance that appropriate design measures are incorporated into the project design through formal design review to reduce potential impacts resulting from a permanent change to the existing visual character/quality of the project area. Implementation of Mitigation Measure 4.3-4 requires design review by the Planning Commission for future projects within the RH Combining

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				District to reduce potential glare effects as the result of project development and to ensure that the use of building materials (e.g. mirrored or tinted glass) or other surface treatments that could increase the potential for glare effects are considered. Implementation of Mitigation Measure 4.3-4 will reduce project light and glare impacts to less than significant. (DEIR, p. 4.3-18 to -19)
<p><b>Cumulative Impact</b>                      Project implementation may permanently degrade the existing visual character/quality of the project area.</p>	PS	The following mitigation measure applies to all sites. <b>Implement MM 4.3-1, 4.3-3, and 4.3-4.</b> Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	LS	<p><b>Finding</b> Implementation of this Mitigation Measure which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future development under the proposed project, Nevada County General Plan, and the City of Grass Valley</p>

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>2020 General Plan, would potentially result in permanent alteration of the existing rural and natural landscape of the region. Development proposed within the project area will be required to demonstrate consistency with policies given in the Nevada County General Plan and Western Nevada County Development Guidelines, and the City of Grass Valley 2020 General Plan and Community Design Guidelines to maintain the visual character/quality of the area and minimize potential impacts on aesthetic resources. Potential visual impacts to existing scenic resources and the rural character of the community would be analyzed on a project-by-project basis and subject to the County's and the City's Development Review process to provide appropriate design and aesthetic requirements aimed at reducing potential impacts.</p> <p>As stated in Finding explanations on Impacts 4.3-1, 4.3-3, and 4.3-4, implementation of Mitigation Measures</p>

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				4.3-1, 4.3-3, and 4.3-4 will provide additional assurance that impacts on visual resources resulting from project development will be reduced through the design review process and through the application of appropriate design measures to ensure compatibility with the existing surrounding character and visual quality (e.g. with regard to site alteration and grading, construction activities, and glare and lighting). Implementation of Mitigation Measures 4.3-1, 4.3-3, and 4.3-4 will reduce impacts resulting from degradation of the existing visual character/quality of the area to a less than cumulatively considerable level.
<b>Biological Resources</b>				
<b>Impact 4.4-1</b> The Proposed Project has the potential to adversely affect special-status plant species.	PS	The following mitigation measure applies to Sites 2, 3, 7 through 13, 17, and 18. <b>MM 4.4-1a</b> Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to	LS	<b>Finding</b> Implementation of Mitigation Measure 4.4-1 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that

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Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 2, 3, 7, 8 and 9):</p> <p>Designate wetland and riparian habitat areas an Environmentally Sensitive Area (ESA) consistent with the ESA exhibits shown in Section 3.0 of this EIR on all Site Plans, grading plans, or any permit authorizing construction for a property within the RH Combining District. No construction shall be permitted within the ESAs, unless as part of a management plan consistent with Nevada County Land Use and Development Code Section L-II 4.3.17, is approved by the County Planning Department. For projects located within the Grass Valley SOI, a Wetland and Riparian Mitigation Monitoring Program shall be approved by the City Planning Department. The boundaries of the ESAs shall be clearly shown on all final plans and specifications.</p> <p>Enforcement / Monitoring Agency: For Sites 2, 3, 7-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-13, 17, and 18.</p> <p>The following mitigation measure applies to all sites:  <b>MM 4.4-1b</b>                      Prior to approval of a Site Plan, grading plan, or any</p>		<p>changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A Biological Inventory Report was prepared by Dudek, February 2013 (DEIR, Appendix C). The Biological Inventory Report found that implementation of the project on each of the 18 rezone sites could potentially significantly impact onsite vegetation, either directly or through habitat modification from site preparation, grading and/or construction. Such activities could adversely affect special-status plant species if they are present within the disturbance area.</p> <p>No special-status plant species were observed during surveys conducted on the RH Combining District sites. However, the potential for several species of rare plants to occur within specific habitats found on several of the sites does exist.</p>

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		<p>permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):</p> <p>i) Conduct focused special status plant surveys within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include impacts from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species) and/or during periods of physiological development that are necessary to identify the plant species of concern. According to the known blooming periods, surveys would need to be conducted in May or June and again in July or August; however, unusual weather</p>		<p>Mitigation to offset potential impacts to special-status plant species is described in detail in Mitigation Measures 4.4-1a to 4.4-1c. Mitigation Measure 4.4-1a will be implemented to require designation of Environmentally Sensitive Areas (ESAs) on those sites with sensitive habitat. As some sites would require encroachment into sensitive habitats to gain access to or through the site, thereby impacting designated sensitive habitat, implementation of Mitigation Measure 4.4-1a requires the preparation of a management plan that identifies how impacts would be minimized and mitigated. Further, implementation of Mitigation Measure 4.4-1b requires that special-status plant surveys be conducted prior to any site disturbance to identify any special-status plant species, as well as preparation of a management plan to avoid or minimize impacts to any special-status plant discovered during the required surveys. Additionally, Mitigation Measure 4.4-1c</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>may affect blooming periods so reference sites should be checked.</p> <p>It is important for the required plant survey to be scheduled in time to allow for salvage and transplanted, if required, prior to initiation of project grading. Specifically, if construction is to be initiated during or prior to September in any year, the survey will need to be completed during the previous calendar year in order to satisfy the mitigation measure requirements. Project approval conditions should include language that alerts project proponents to this circumstance to avoid costly construction delays.</p> <p>The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be provided to County staff prior to initiation of any grading or equipment operation. If no occurrences of special-status species are found, no further mitigation is required.</p> <p>ii) If any federally or State-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFW (in the case of State-only listed plants) and/or USFWS (in the case of federally</p>		<p>requires that all agency permits associated with impacts to special-status plant species be obtained and that the developer adhere to and implement all conditions of permit issuance. With implementation of these mitigation measures, impacts to special-status plant species, including listed species, would be reduced to less than significant. (DEIR, p. 4.4-40 to -44)</p>

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>listed plants), as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or permits obtained. These plant species shall be avoided to the extent feasible. Avoidance measures shall include fencing of the population(s) before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. If these plants cannot be avoided completely, the following mitigation measures shall be applied:</p> <ul style="list-style-type: none"> <li>• Before the approval of grading plans or any groundbreaking activity within the project site, the project developer shall submit a mitigation plan concurrently to the CDFW (in the case of State-only listed plants) and/or USFWS (in the case of federally listed plants) for review and comment, and the developer may consult with these entities before approval of the plan. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for the population(s) that would be removed during construction of the project includes implementation of a program to</li> </ul>		

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>transplant, salvage, cultivate, or re-establish the species at suitable sites. The mitigation ratio for directly impacted plant species shall be at a minimum ratio of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species (its rarity or endangerment status), its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the project developer at an approved mitigation bank should such credits be available.</p> <ul style="list-style-type: none"> <li>• Transplantation of existing special-status plants could be undertaken to move the plant(s) to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. Please note, however, that for some species transplantation</li> </ul>		

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>may not be a successful or effective method for conservation, as requirements for some species are highly specialized and not clearly understood. Thus, transplantation shall only be used where success can be assured. Avoidance shall be required for special-status plant species that cannot be transplanted, salvaged or cultivated.</p> <ul style="list-style-type: none"> <li>• If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity.</li> </ul> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to all sites.</p> <p><b>MM 4.4-1c</b></p> <p>Appropriate Permits: Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall demonstrate, to the satisfaction of the Director of the County Planning Department, that the project developer has obtained all permits and</p>		

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>authorizations required by federal, State, regional and local jurisdictions to proceed with their development proposals. These could include incidental take permits that set forth specific measures to minimize, avoid, or fully mitigate impacts to listed species. This should also include, for sites with mapped ESAs, a demonstration of how the development footprint will avoid all ESAs on the project site. Measures could also include limiting operating periods such as prohibiting grading during the wet season (October to May), requiring 100 foot buffers to disturbance and fencing for sensitive areas, design revisions, and species relocation by soil salvage, seed collection, or other means approved by the agencies with jurisdiction. Prior to development of any individual site, additional species could be listed or designated as special-status, and the future developers of the Housing Element Rezone Implementation Program project sites shall comply with any new requirements of the USFWS or CDFW for such species, as may be imposed through subsequent consultation, if necessary.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		
<p><b>Impact 4.4-2</b> The Proposed Project has</p>	PS	The following mitigation measure applies to Sites 2 through 18:	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.4-2 which has been required</p>

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>the potential to adversely affect special-status wildlife species.</p>		<p><i>Valley Elderberry Long Beetle</i>  <b>MM 4.4-2a</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 3-9):                      Conduct surveys for the elderberry shrub VELB host plant prior to site disturbance within riparian or wetland areas depicted in the ESA figures in Section 3.0: Project Description. Prior to development, any elderberry shrubs measuring 1.0 inch or greater in diameter shall be mapped and clearly marked in the field. At all times during development of the project, developers shall comply with the conservation guidelines set forth in USFWS’s Conservation Guidelines for the Valley Elderberry Longhorn Beetle (July 9, 1999), which guidelines generally require a buffer of 100 feet around each elderberry shrub with stems measuring 1.0 inch or greater in diameter at ground level. If encroachments into the ESA are required, consultation with USFWS shall be required as contemplated by USFWS 1999 Guidelines. Mitigation for impacts on VELB habitat shall be determined via consultation with USFWS pursuant to</p>		<p>or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.  <b>Explanation</b> A Biological Inventory Report was prepared by Dudek, February 2013 (DEIR, Appendix C). The Biological Inventory Report identified seven special-status wildlife species that are considered to have the potential to occur on the 18 rezone sites and could be adversely affected either directly or indirectly by future site development. Potential habitat for the Valley Elderberry Long Beetle, nesting raptors and songbirds, Foothill yellow-legged frog, western pond turtle, and other aquatic species.                      To offset this impact, Mitigation</p>

S – Significant

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LCC – Less Than Cumulatively Considerable

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CS – Cumulatively Significant

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Section 7, Section 10, or USFWS 1999 Guidelines, as applicable, and may include onsite mitigation planting or the purchase of mitigation credits from an approved conservation bank. To avoid adverse effects on VELB, Mitigation Measures 4.4-1a, and 4.4-1c shall be implemented to ensure avoidance of elderberry shrubs and appropriate protection for this species. If necessary, agency-approved mitigation developed through the permitting process would establish the appropriate and required mitigation for impacts to this species. Note: If VELB is de-listed by the USFWS or if there is any change in the listing status of this species, the USFWS guidance in effect at the time of site development shall be followed for impacts to VELB and elderberry shrubs. Additionally, if development does not occur within 5 years on any of the proposed project sites, additional surveys would be required upon development to reassess the location of the elderberry shrub VELB.</p> <p>Enforcement / Monitoring Agency: For Sites 2-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to all sites:  <b>MM 4.4-2b</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within</p>		<p>Measures 4.4-2a to 4.4-2c will be implemented to require additional site surveys prior to any disturbance of a site to reassess existing biological conditions and to identify an action plan that may include establishment and avoidance of Environmentally Sensitive Areas (ESAs) unless otherwise mitigated, establishing buffers from sensitive habitat or species or limiting construction activities or operating periods during the construction phase, Best Management Practices to avoid sensitive habitat, species relocation, and/or issuance of take permits (for the VELB) to reduce potential project effects. Implementation of Mitigation Measures 4.4-1a to -1c will offset any habitat loss and potential adverse effects, thus reducing impacts on sensitive wildlife species to less than significant. (DEIR, p. 4.4-44 to -48)</p>

S – Significant

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LCC – Less Than Cumulatively Considerable

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CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):</p> <p>Conduct Pre-construction Surveys for Nesting Birds. The future developers within the RH Combining District shall avoid disturbance to active nests within or near disturbance areas. To avoid take of any active raptor nest or disturbance of other protected native birds, to the extent feasible, site disturbance shall be avoided from March 1 through August 31, which coincides with the typical nesting season for most common bird species in the region.</p> <p>If construction, grading or other project-related activities will occur during the typical nesting season, a pre-construction nesting survey shall be conducted by a qualified wildlife biologist to determine if any raptors or protected native birds are nesting in or in the immediate vicinity of vegetation that will be removed. The survey shall be conducted within 15 days prior to the start of work from March through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through August. If active nests are found in the work area, the biologist shall determine an appropriately</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist, and if necessary, in consultation with the CDFW (and USFWS as appropriate). Buffer widths shall be determined based on the nesting species and its sensitivity to disturbance. The no-work buffer zone shall be delineated by highly visible temporary construction fencing.</p> <p>Monitoring of nest activity by a qualified biologist may be required if the project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. No project-related construction activity shall commence within the no-work buffer area until a qualified biologist confirms that the nest is no longer active.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to all sites:  <b>MM 4.4-2c</b>                      Protect Special-Status Wildlife Species: Where construction of future development projects within RH Combining District would occur within or near known or potential habitat for special-status species, as defined</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>the following measures shall be implemented:</p> <p>Employ Approved Biological Monitors: Prior to commencement of grading for any phase of the project or portion thereof, a project biologist should be designated as an environmental monitor. The qualified biologist should be approved by the County and shall be present at clearing and grubbing stage or as mandated through the regulatory permitting process. Qualified biologists shall be responsible for pre-construction surveys, staking sensitive resources, onsite monitoring, documentation of violations and compliance, coordination with contract compliance inspectors, and post-construction documentation.</p> <p>Foothill Yellow-legged Frog. Suitable breeding, aestivation, and dispersal habitat for the foothill yellow-legged frog is present along perennial waterways within several of the proposed rezone sites. If disturbance would occur within 100 feet of known or potential habitat for foothill yellow-legged frog (i.e., perennial streams), pre-construction surveys shall be conducted to determine if this species is present in the disturbance area. If surveys determine that foothill yellow-legged frogs are present, a determination shall be made in consultation with CDFW as to whether or not construction would adversely impact this species and</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>what measures shall be implemented. Measures could include limited operating periods, BMPs to avoid habitat impacts, disturbance exclusion zones, or other measures approved by CDFW.</p> <p>Western Pond Turtle. Potential basking, foraging, and dispersal habitat for the western pond turtle is present along perennial waterways within some of the RH Combining District. Where disturbance would occur within 200 feet of potential habitat for western pond turtle (i.e., near perennial streams), pre-construction surveys shall be conducted to determine whether the proposed disturbance would adversely affect this species. This determination shall be made by a qualified biologist based on the suitability of the affected habitat for this species and/or the presence or absence of this species in the affected area as determined by surveys of suitable habitat. If pond turtles are observed, a determination shall be made in consultation with CDFW as to whether or not construction will adversely impact this species and what measures shall be implemented. Measures could include limited operating periods, BMPs to avoid habitat impacts, disturbance exclusion zones, relocation, or other measures approved by CDFW.</p> <p>Other Special-Status Wildlife Species. Prior to approval of a Site Plan, grading plan, or any permit authorizing</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>construction for a property within the RH Combining District, the project developer shall demonstrate, to the satisfaction of the Director of the County Planning Department, that the site has been assessed for habitat suitability for special-status species of wildlife and that appropriate surveys have been carried out, as necessary, and according to the protocol of State or federal agencies with jurisdiction over the special-status species under review. Should any special-status species be identified, the developer shall retain a qualified biologist to develop and oversee implementation of a management plan. Depending on the species identified, appropriate measures could include avoidance, impact minimization, relocation or other measures and must incorporate measures to satisfy regulatory requirements of agencies with jurisdiction over the species at issue (Mitigation Measure 4.4-1b). Where onsite avoidance is feasible, barrier fencing, stakes, flagging or other measures shall be implemented prior to site disturbance to ensure impacts are avoided.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		
<p><b>Impact 4.4-3</b> The Proposed Project has</p>	PS	The following mitigation measure applies to Sites 2, 3, 7, 8 within the Grass Valley SOI.	LS	<p><b>Finding</b> Implementation of Mitigation Measures 4.4-3a to 4.4-3b which have</p>

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CC – Cumulatively considerable

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N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>the potential to directly impact wetlands and riparian areas due to vegetation removal and to indirectly affect wetlands by altering hydrology, increasing erosion and sedimentation, and/or adversely affecting water quality.</p>		<p><b>MM 4.4-3a</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the Grass Valley Planning Department:                      Develop and implement a Wetland and Riparian Mitigation Monitoring Program that provides measures that avoid, minimize, and compensate for damages and/or losses of wetland and riparian vegetation resulting from the future development proposals by completing the following:</p> <ul style="list-style-type: none"> <li>• Avoidance of wetlands and riparian areas through project design.</li> <li>• Maximum avoidance of wetlands and riparian areas by including fencing and using appropriate buffer zones during construction activities. Unless otherwise required through consultation with State and federal agencies, the minimum development-free setback from the top of creek bank for linear water features shall be 50 feet. For non-linear wetlands or Waters of the U.S., the minimum development-free setback shall be 25 feet. Development-free shall mean building construction and grading.</li> </ul>		<p>been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A Biological Inventory Report was prepared by Dudek, February 2013 (DEIR, Appendix C). The Biological Inventory Report identified wetland and riparian areas on several of the 18 rezone sites. Therefore, future development of the sites would have the potential to directly impact wetlands and riparian habitat through vegetation removal, as well as to indirectly affect wetlands by altering existing hydrology, increasing erosion or sedimentation, and/or adversely affecting water quality.                      Implementation of Mitigation Measure</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<ul style="list-style-type: none"> <li>• Provide measures for creek enhancement and added habitat value.</li> <li>• If wetlands cannot be avoided, a minimum 1:1 replacement ratio to compensate for lost extent and functioning of wetland areas.</li> <li>• Supervision and verification of the implementation of adopted measures, including provisions for an onsite Environmental Monitor (a qualified biologist approved by the City, USFWS and CDFW) during construction activities.</li> </ul> <p>Unavoidable direct impacts on wetland vegetation types during construction of future development projects on Sites 2, 3, 7, and 8 shall require consultation with the appropriate jurisdiction (USACE and RWQCB) and would require a permit from these agencies. Potential impacts shall be mitigated by restoration of the affected area to pre-construction conditions, offsite compensatory mitigation, or purchase of credits in a mitigation bank, in accordance with permits issued by the ACOE, RWQCB and CDFW.</p> <p>Enforcement / Monitoring Agency: For Sites 2, 3, 7, 8, City of Grass Valley, if annexed; County of Nevada if not annexed.</p>		<p>4.4-3a will require the developer to prepare and implement a mitigation monitoring program to reduce or avoid potential impacts on wetlands and riparian areas where such habitat is identified and may be impacted by development. Mitigation Measure 4.3b will further ensure that impacts on wetlands are reduced by requiring that a formal wetland delineation be conducted for areas that will be permanently or temporarily impacted by the proposed project, and that appropriate permits are obtained prior to any ground disturbance and that appropriate compensatory mitigation, if required, is provided to achieve a no net loss of waters of the U.S. With implementation of Mitigation Measure 4.4-3, the potential significant impact to sensitive wetlands or riparian habitats due to vegetation removal or alteration of existing hydrology and water quality will be less than significant. (DEIR, p. 4.4-48 to -51)</p>

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N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>The following mitigation measures apply to Sites 10 – 13, and 17:</p> <p><b>MM 4.4-3b</b></p> <p>Where potential wetland impacts are involved, the following mitigation measure would apply.</p> <p>A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the proposed project including driveway improvements where access to the site would otherwise be prohibited. If jurisdictional waters cannot be avoided, the project developer shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.</p> <p>The project developer shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits. Mitigation must also be consistent with any permitting requirements of the CDFW Section 1602 Streambed Alteration Agreement.</p> <p>Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project. Written documentation of compliance with this mitigation measure shall be provided to the County prior to construction and grading activities for the proposed project. Enforcement / Monitoring Agency: County of Nevada.		
<b>Impact 4.4-4</b> The Proposed Project has the potential to indirectly impact sensitive aquatic	PS	The following mitigation measure applies to Sites 2-9, 10-13, 17, and 18: <b>Implement MM 4.4-1a, 4.4-3a and 4.4-3b.</b> Enforcement / Monitoring Agency: For Sites 2-9, City of	LS	<b>Finding</b> Implementation of Mitigation Measure 4.4-4 which has been required or incorporated into the project will reduce this impact to a less than

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
habitat as a result of erosion, sedimentation, and/or contamination.		Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-13, 17, and 18.		<p>significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A Biological Inventory Report was prepared by Dudek, February 2013 (DEIR, Appendix C). Aquatic habitat degradation within and adjacent to future construction areas associated with future development of the RH Combining District sites could occur due to erosion of exposed soils or contaminants associated with construction activities. Implementation of Mitigation Measure 4.4-1a, as discussed above, and Mitigation Measure 4.10-1a, as discussed in Section 4.10 (Hydrology and Water Quality), would reduce impacts resulting from erosion or contamination to a less than significant level. Further, implementation of Mitigation Measure</p>

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CC – Cumulatively considerable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				4.4-3 will require the developer to prepare and implement a mitigation monitoring program to reduce or avoid potential impacts on wetlands and riparian areas where such habitat is identified and may be impacted by development. Implementation of Mitigation Measure 4.4-4 will reduce project impacts on sensitive aquatic habitat as a result of erosion, sedimentation, and/or contamination to less than significant. (DEIR, p. 4.4-51)
<p><b>Impact 4.4-5</b>                      The Proposed Project would impact oak woodland habitat.</p>	PS	<p>The following mitigation measure applies to Sites 13 through 18:  <b>MM 4.4-5</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall prepare an oak woodland Management Plan (Management Plan) as required under the Nevada County Tree Preservation and Protection Ordinance. The Management Plan shall specify measures to mitigate for the loss of oak woodland habitat values as a result of site development to ensure no net loss of oak woodland habitat. Measures could include preservation</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.4-5 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.   <b>Explanation</b> A Biological Inventory</p>

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

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N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>of onsite oak woodlands in a conservation easement, purchase and preservation of offsite oak woodlands, on or offsite enhancement of degraded oak woodlands, or by paying in-lieu fees into a County-approved fund used to purchase and preserve comparable oak woodland communities in the region.</p> <p>The Management Plan shall also include measures to protect trees during construction and following site development. Measures could include specifications for protective fencing and construction buffers, project design modifications, woodland maintenance prescriptions for fuel reduction, forest health, and habitat improvements, and specifications for appropriate uses of the woodland area following site development. The plan shall identify financial responsibility and funding sources for all measures.</p> <p>Enforcement / Monitoring Agency: County of Nevada.</p>		<p>Report was prepared by Dudek, February 2013 (DEIR, Appendix C). The Biological Inventory Report determined that several of the project sites contain oak woodland habitat, and that future development of these sites could result in impacts to up to approximately 31 acres of oak woodlands, which would be a significant impact. To offset such impacts, Mitigation Measure 4.4-5 will be required to ensure preparation and implementation of an oak woodland Management Plan that will identify proper mitigation for impacts to oak woodlands habitat. Mitigation Measure 4.4-5 will ensure that a no net loss of oak woodlands as a result of site development and ongoing protection of oak woodlands following construction will be achieved. Compliance with the Nevada County Tree Preservation and Protection Ordinance and implementation of Mitigation Measure 4.4-5 will reduce the potential significant impact to oak woodlands habitat to less</p>

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

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CC – Cumulatively considerable

SU – Significant and Unavoidable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				than significant. (DEIR, p. 4.4-51 to -53)
<b>Air Quality</b>				
<p><b>Impact 4.5-1</b>                      The Proposed Project would result in temporary construction related dust and vehicle emissions during construction within the project area.</p>	PS	<p>The following mitigation measures apply to all sites.</p> <p><b>MM 4.5-1a</b>                      Prior to the issuance of grading permits, all construction contracts shall include dust control mitigation requirements. All construction improvement plans shall require the following:</p> <ul style="list-style-type: none"> <li>• All construction activities shall be subject to the requirements of the NSAQMD’s Regulation 2, Rule 226 regarding dust control.</li> <li>• Alternatives to open burning of vegetative material on the project site shall be used unless deemed infeasible by the NSAQMD. Suitable alternatives are chipping, mulching, or conversion to biomass fuel.</li> <li>• Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.</li> <li>• All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an</li> </ul>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.5-1 which has been required or incorporated into the project will help to offset this impact. With implementation of Mitigation Measure 4.5-1a and applicable Northern Sierra Air Quality Management District (NSAQMD) regulations, construction emissions would be reduced. However, due to the scale of the project and extent of fugitive dust, reactive organic gases (ROG), and exhaust emissions, construction activities would result in increased concentrations of nonattainment pollutants (i.e., O<sub>3</sub> and PM<sub>10</sub>).</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects identified in Impact 4.5-1. Incorporation of emissions reduction measures would not inherently reduce impacts to less than significant</p>

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LCC – Less Than Cumulatively Considerable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>ambient air standard. Watering shall occur at least twice daily, with complete site coverage, preferably in the mid-morning and after work is completed each day.</p> <ul style="list-style-type: none"> <li>• All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions.</li> <li>• All onsite vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.</li> <li>• All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by the County and/or applicable local agencies.</li> <li>• Construction activities shall be scheduled to direct construction traffic flow to off-peak hours as much as possible.</li> <li>• All inactive portions of the construction site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, apply nontoxic soil stabilizers (according to manufacturer's</li> </ul>		<p>levels. Further, it is unknown when the project sites would be under construction or which of the sites would be under construction simultaneously. Therefore, impacts relative to air emissions from fugitive dust, ROG, and exhaust associated with construction activities would be significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.5-1 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Construction activities for residential projects would generate air pollutant emissions during site grading, operation of construction equipment, and vehicle activities. Future construction-related emissions could lead to the violation of an applicable air quality standard or contribute substantially to an existing or projected air quality violation.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with County standards. Acceptable materials that may be used for chemical soil stabilization include petroleum resins, asphaltic emulsions, acrylics, and adhesives, which do not violate Regional Water Quality Control Board or California Air Resources Board standards.</p> <ul style="list-style-type: none"> <li>• Track-out devices (e.g., gravel pads, wheel shakers, etc.) or wheel washers shall be installed where project vehicles and/or equipment enter and/or exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip, as necessary to prevent visible dust emissions from adhering dirt or deposition on roadways.</li> <li>• All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance.</li> <li>• Ground cover shall be re-established onsite through seeding and watering in accordance with the local grading ordinance.</li> <li>• All mobile and stationary equipment shall be properly maintained.</li> <li>• The County shall require projects to utilize best management practices and the use of construction</li> </ul>		<p>Mitigation Measure 4.5-1a specifies dust control measures during construction activities to reduce fugitive dust emissions that would result from emissions through grading, excavation, trenching, filling, and other construction activities. Further, in addition to gaseous and particulate emissions, the application of asphalt and surface coatings will create ROG emissions, which are ozone precursors. All architectural coatings for proposed project structures within the candidate sites will be required to adhere to specifications on painting practices as well as regulating the ROG content within paint, as specified in Mitigation Measure 4.5-1b. Standard NSAQMD regulations, such as maintaining all construction equipment in proper tune and shutting down equipment when not in use for extended periods of time, will also be adhered to and will reduce project-generated emissions. Additionally, due to the potential for naturally occurring asbestos to be</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>equipment that meets applicable non-road diesel fuel emission standards.</p> <p><b>MM 4.5-1b</b>                      The following measures shall be implemented by the contractor to reduce ROG emissions resulting from application of architectural coatings:</p> <ul style="list-style-type: none"> <li>• Use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;</li> <li>• Use required coatings and solvents with a low ROG content VOC pursuant to the limits in the U.S. EPA National Architectural Coating Rule (40 CFR Part 59); and</li> <li>• Use pre-painted construction materials.</li> </ul> <p><b>MM 4.5-1c</b>                      During ground disturbance activities associated with the Grass Valley candidate sites, the construction contractor shall comply with CARB’s Airborne Toxic Control Measures (ATCM) addressing Naturally Occurring Asbestos (NOA) (Section 93105 and 93106 of Title 17 of the California Code of Regulations). These ATCMs regulate construction, grading, quarrying, and surface mining operations, as well as surfacing applications. It should be noted that this mitigation measure applies to</p>		<p>present within the Grass Valley candidate sites, Mitigation Measure 4.5-1c will be implemented to reduce potential impacts to a less than significant level.</p> <p>Even without the Project, the condition of nonattainment pollutants within the region will still occur. The County’s General Plan recognizes that some level of growth is needed in order to maintain an economic viable community and to house its aging population. Even though total reduction of project emissions is not feasible to eliminate the potential impacts, the project offers a variety of specific on-site conditions that substantially reduce project emissions. Implementation of Mitigation Measures 4.5-1a to 4.5-1c will reduce project emissions, but not to below a level of less than significant. (DEIR, p. 4.5-12 to -16)</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		the candidate sites within the Grass Valley sphere of influence. NOA is not anticipated to occur within the candidate sites in Penn Valley or Lake of the Pines. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		
<b>Impact 4.5-2</b> The Proposed Project could result in an overall increase in local and regional mobile and stationary source emissions, which may exceed air quality standards.	PS	The following mitigation measures apply to all sites. <b>MM 4.5-2a</b> Prior to the approval of any site plans, the Planning Director or City of Grass Valley Planning Director for Sites 1-9 shall confirm that all project plans incorporate the suggested mitigation measures for mobile source emissions identified in the NSAQMD Draft Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects (Draft Guidelines). These measures include the following: <ul style="list-style-type: none"> <li>• Streets shall be designed to maximize pedestrian access to transit stops.</li> <li>• Provide for onsite road and offsite bus turnouts, passenger benches, and shelters as demand and service routes warrant subject to review and approval by local transportation planning agencies.</li> <li>• Larger projects may be required to contribute a proportionate share to the development and/or</li> </ul>	SU	<b>Finding</b> Implementation of Mitigation Measures 4.5-2a to -2c are required and will help offset emission impacts at the project sites. However, operational emissions from buildout of the candidate sites would exceed the NSAQMD thresholds for ROG and NO <sub>x</sub> . Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects identified within Impact 4.5-2. Incorporation of emission reduction measures would not inherently reduce impacts to less than significant levels. Therefore, impacts relative to an increase in local and regional mobile and stationary source emissions,

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>continuation of a regional transit system. Contributions may consist of dedicated right-of-way, capital improvements, easements, etc.</p> <ul style="list-style-type: none"> <li>• Provide for pedestrian access between bus service and major transportation points within the project, where feasible.</li> <li>• Contribute to traffic-flow improvements (i.e., right-of-way, capital improvements, etc.) that reduce emissions and are not considered as substantially growth inducing.</li> <li>• Larger projects may be required to provide for, contribute to, or dedicate land for the provision of offsite bicycle trails linking the project to designated bicycle commuting routes in accordance with an adopted citywide or countrywide bikeway plan.</li> </ul> <p><b>MM 4.5-2b</b>                      Only natural gas/liquefied petroleum gas (LPG) fireplaces or stoves shall be permitted within the candidate sites. EPA Phase II-certified wood-burning fireplaces or stoves may be used if natural gas/LPG fireplaces or stoves are considered infeasible based on consultation with the County and NSAQMD. Conventional open-hearth fireplaces shall not be permitted.</p>		<p>which will exceed air quality standards, will be significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.5-2 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Operational emissions would be generated by both stationary and mobile sources due to normal day-to-day activities occurring in candidate sites area after development. Implementation of the proposed Housing Element will allow for future development of a maximum 2,675 additional housing units within the candidate areas. Development of these additional housing units would generate increased operational air emissions. Operational emissions from buildout of the candidate sites would exceed the NSAQMD thresholds for ROG and NO<sub>x</sub>. Mitigation Measure 4.5-2a would</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		<p>incorporate transit measures to reduce mobile source emissions, and Mitigation Measure 4.5-2b would reduce area source emissions by allowing only natural gas/LPG fireplaces or stoves. Although Mitigation Measure 4.5-2b would reduce hearth-related (wood burning fireplaces or stoves) emissions, the combination of mobile source and remaining area source emissions would still exceed the NSAQMD operational thresholds.</p> <p>Environmental review of future projects within the candidate sites as part of the Housing Element Rezone Implementation Program may require additional project-specific mitigation to reduce project impacts to less than significant levels. Due to the substantial amount of development that would be accommodated by the proposed Housing Element Rezone, long-term operational impacts would be significant and unavoidable. (DEIR, p. 4.5-16 to -20)</p>
<b>Impact 4.5-5</b>	PS	The following mitigation measure applies to all sites:	SU	<b>Finding</b> Implementation of Mitigation Measure 4.5-5 is required and will help

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>The Project may not be consistent with the air quality attainment plan (AQAP) criteria.</p>		<p><b>Implement MM 4.5-1a, 4.5-1b, 4.5-1c, 4.5-2a, and 4.5-2b.</b>                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>offset impacts resulting with the proposed project. However, as identified in Impacts 4.5-1 and 4.5-2, the project will result in emissions that exceed significance thresholds developed by the NSAQMD for criteria pollutants to assist in implementing attainment plans for the area. As identified in Impacts 4.5-1 and 4.5-2 above, the proposed project would result in significant air quality impacts and would therefore conflict with the applicable air quality management plans. This is considered to be a significant and unavoidable impact.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects identified within Impact 4.5-5. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.5-5 be adopted. The Board</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Significance thresholds have been developed by the NSAQMD for criteria pollutants to assist in implementing attainment plans for the area. Assessment of air quality impacts of the project in relation to these significance thresholds determines whether or not the project is consistent with applicable air quality management plans. Impacts relative to NSAQMD thresholds are identified under the Short-Term (Construction) and Long-Term (Operational) Impact Analyses (refer to Impacts 4.5-1 and 4.5-2). Based on the analysis provided in the DEIR, and following implementation of recommended mitigation measures, the proposed project would result in significant air quality impacts and would, therefore, conflict with the applicable air quality management plans. Further, the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				Housing Element Rezone Implementation Program would require amendments to the Zoning Map and the General Plan Land Use Map to increase the allowed density within the rezoned areas and therefore would exceed the growth projections in the area. Additionally, the significant air quality impacts could contribute to a pollutant for which the area is nonattainment. Therefore, the project would not be consistent with the air quality attainment plan (AQAP) criteria, and impacts would remain significant and unavoidable. (DEIR, p. 4.5-22 to -23)
<p><b>Cumulative Impact</b>                      The Project would result in additional vehicular travel to and from the project sites, with the resultant exhaust emissions that contain ozone precursors and particulate matter. The County is within an area</p>	<p>PS</p>	<p>The following mitigation measure applies to all sites:  <b>Implement MM 4.5-1a, 4.5-1b, and 4.5-2.</b>                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	<p>SU</p>	<p><b>Finding</b> Implementation of this Mitigation Measure is required and will help offset impacts resulting with emissions generated by the proposed project. However, as identified in Impacts 4.5-1 and 4.5-2, the project will result in emissions that exceed significance thresholds developed by the NSAQMD for criteria pollutants.                      Changes or alterations have been</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
classified as nonattainment for federal and State O <sub>3</sub> and State PM <sub>10</sub> standards.				<p>required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.</p> <p>The Board hereby directs that this Mitigation Measure be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> The County is within an area classified as nonattainment for federal and State O<sub>3</sub> and State PM<sub>10</sub> standards. In order to improve air quality and attain the health-based standards, reductions in emissions are necessary within the nonattainment area. The project will result in additional vehicular travel to and from the candidate sites, with the resultant</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>exhaust emissions that contain ozone precursors and particulate matter. Construction impacts, coupled with existing conditions, could create cumulative impacts from particulate matter generation. Further, the rapid growth and combined population, vehicle usage, and business activity within western Nevada County, to which the project would cumulatively contribute, would either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases.</p> <p>The proposed project and related cumulative projects would comply with NSAQMD rules and requirements, and implement all feasible mitigation measures. Impacts relative to NSAQMD thresholds are identified under the Short-Term (Construction) and Long-Term (Operational) Impact Analyses (refer to Impacts 4.5-1 and 4.5-2). Based</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				on the analysis provided in the DEIR, and following implementation of recommended Mitigation Measures 4.5-1 and 4.5-2, the proposed project would result in significant air quality impacts. The proposed project would exceed the NSAQMD thresholds of significance during project operations for regional criteria pollutants and would be required to implement features identified by the NSAQMD Draft Guidelines to mitigate emissions. However, on a cumulative basis, operational impacts from mobile and area sources would be significant and unavoidable. (DEIR, p. 5-10 to 5-11)
<b>Greenhouse Gas Emissions</b>				
<b>Impact 4.6-1</b> Greenhouse gas emissions generated by the Project would have a significant impact on the environment.	PS	The following mitigation measure shall apply to all sites.  Prior to the issuance of a building permit for a development within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department of Sites 1-9):  Demonstrate that the proposed development has	SU	<b>Finding</b> Implementation of mitigation identified for greenhouse gas emissions will help offset impacts resulting from GHG emissions generated by the proposed project. However, due to the amount of development that would be accommodated by the proposed Housing Element Rezone, GHG emissions would

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>satisfied CALGreen Building Code Tier 1 standards (Title 24, Part 11). The CALGreen standards for residential development are located in Appendix A4 of the Green Building Standards and are intended to provide developers with specific options to construct energy efficient buildings. The more energy efficient the building design and construction, the fewer greenhouse gas emissions from the building over its lifetime. These standards include specific requirements in order to demonstrate that the project has an energy budget no greater than 85 percent of what is allowed by Title 24, Part 6 energy budget. The budget is calculated based on Compliance Software designed by Energy Commission. Appendix A4 of the CALGreen Building Code includes a range of voluntary measures that the developer may select in order to meet reduce the overall energy budget of the development. Such measures include water efficient appliances for indoor water use (Section A4.303), efficient irrigation systems for outdoor water use (Section A4.304), using material sources that are made of recycled content or from rapidly renewable sources (Section A4.405), and energy efficient heating and cooling systems Section A4.207). Implementation of the measures would reduce greenhouse gas emissions from the project.</p>		<p>be significant and unavoidable.                      Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.                      The Board concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.  <u><b>Explanation</b></u>                      Emissions modeled for the proposed project sites assumed the maximum development potential. Although implementation of the CalGreen Building Code and General Plan policies would reduce project-related GHG emissions, GHG reductions as a result of these policies have not been quantified.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		<p>However, the degree and extent of future project compliance with the General Plan policies and implementation measures is not yet known, and the project details necessary to calculate emission reductions are not available at this time.</p> <p>For these reasons, GHG impacts associated with implementation of the Housing Element Rezone are considered significant and unavoidable. (DEIR, p. 4.6-11 to -15)</p>
<p><b>Cumulative Impact</b>                      Additionally, the Housing Element Rezone’s GHG emissions in combination with GHG emissions from other known and reasonably foreseeable project would result in a greater amount of GHG emissions. Therefore, the amount of cumulative GHG emissions would be</p>	PS	No additional mitigation has been identified.	SU	<p><b>Finding</b> Implementation of the mitigation identified for greenhouse gas emissions and air quality impacts will help offset impacts resulting from GHG emissions generated by the proposed project. However, the project will result in GHG emissions that would be cumulatively considerable and would potentially hinder the intent and statewide reduction goals of AB 32.</p> <p>Changes or alterations have been required in or incorporated into the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
cumulatively considerable, and would potentially hinder the intent and statewide reduction goals of AB 32.				<p>project that substantially lessen but do not completely avoid the potential environmental effects. Additional mitigation will not reduce the effects to less than significant. The effects therefore remain significant and unavoidable.</p> <p>The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation:</b> Implementation of the Housing Element Rezone Program would result in a significant impact regarding GHG emissions, as the project would result in an increase of GHG emissions under buildout conditions. GHG impacts are recognized as exclusively cumulative impacts. The additive effect of project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. However, as analysis for the proposed project is programmatic at</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				this stage, GHG impacts associated with implementation of the Housing Element Rezone will result in a significant impact regarding GHG emissions, due to the amount of development that will occur in the County. Additionally, the Housing Element Rezone’s GHG emissions, in combination with GHG emissions from other known and reasonably foreseeable projects, would result in a greater amount of GHG emissions. Therefore, the amount of cumulative GHG emissions would be cumulatively considerable, and would potentially hinder the intent and statewide reduction goals of AB 32. Impacts will therefore be significant and unavoidable, and no additional mitigation has been identified to further reduce project impacts. (DEIR, p. 5-11 to -12)
<b>Cultural Resources</b>				
<b>Impact 4.7-1</b> The Proposed Project could potentially result in the damage or	PS	The following mitigation measure pertains to Sites 2, 3, 7-9, 11 and 13. <b>MM 4.7-1</b>	LS	<b>Finding</b> Implementation of Mitigation Measure 4.7-1 which has been required or incorporated into the project will reduce this impact to a less than

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
destruction of unique archaeological resources, as defined by Public Resources Code §21083.2(g), and historical resources, as defined by CEQA Guidelines §15064.5(a).		<p>Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):</p> <p>Establish areas with potentially significant cultural resources as Environmentally Sensitive Areas consistent with the mapped areas in Figures 3-15 through 3-24 of this EIR. Prior to construction, all potential prehistoric and historic resources shall be designated as an ESA on project plans and specifications. No construction shall be permitted within the ESAs.</p> <p>Enforcement / Monitoring Agency: For Sites 2, 3, 7-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 11 and 13.</p>		<p>significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A <i>Cultural Resource Inventory</i> was prepared for the project by Peak &amp; Associates, Inc. in January 2013 (DEIR, Appendix D). Implementation of Mitigation Measure 4.7-1 provides additional assurance that known (and unknown) archaeological resources (e.g. prehistoric archaeological sites, historical archaeological sites, isolated artifacts or features) are protected from ground disturbing activities during the construction phase by requiring Environmentally Sensitive Areas to be identified on the project plans and specifying that no construction activities shall occur within these areas. Implementation of Mitigation Measure</p>

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				4.7-1 will ensure that all project construction activities are distanced from sensitive cultural sites to reduce potential impacts to known (and unknown) cultural resources to less than significant. (DEIR, p. 4.7-9 to -13)
<p><b>Impact 4.7-2</b>                      The Proposed Project could potentially result in the damage or destruction of unknown paleontological resources.</p>	PS	<p>The following mitigation measure applies to all sites.</p> <p><b>MM 4.7-2</b></p> <p>Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified paleontologist that states one of the following:</p> <p>Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the County (or City as applicable) shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County (or City as applicable) and the project developer shall consider the recommendations</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.7-2 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A <i>Cultural Resource Inventory</i> was prepared for the project by Peak &amp; Associates, Inc. in January 2013 (DEIR, Appendix D). Implementation of Mitigation Measure 4.7-2 will provide additional assurance</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>of the qualified paleontologist. The County (or City as applicable), the qualified paleontologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City as applicable), the qualified paleontologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, qualified paleontologist, and the County (or City as applicable), as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>that any unknown paleontological resources on the project sites are protected through the requirement for additional site evaluation by a qualified paleontologist, if such resources are uncovered during ground-disturbing activities. Implementation of Mitigation Measure 4.7-2 will ensure that any paleontological resources discovered during the project construction phase will be protected consistent with the recommendations of a qualified paleontologist and will be appropriately documented, evaluated, and/or recorded, thereby reducing impacts to less than significant. (DEIR, p. 4.7-13)</p>
<p><b>Impact 4.7-3</b>                      The Proposed Project could potentially result in the damage or destruction of unknown archaeological resources, including human remains.</p>	<p>PS</p>	<p>The following mitigation measure applies to all sites.  <b>MM 4.7-3</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County</p>	<p>LS</p>	<p><b>Finding</b> Implementation of Mitigation Measure 4.7-3 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that</p>

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified archaeologist that states the following:</p> <p>A. The project developer shall retain a qualified archaeologist meeting the Secretary of Interior’s Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to monitor all initial ground-disturbing activities in native soils or sediments, including all vegetation removal. If no cultural resources are identified during this phase of ground disturbance, and if determined between the qualified archaeologist and the lead agency, monitoring may be reduced to on-call status. If any prehistoric or historic artifacts or other indications of archaeological resources are found during site grading or once project construction is under way, the on-site monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance, and the County (or City as applicable) shall be immediately notified. Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The</p>		<p>changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> A <i>Cultural Resource Inventory</i> was prepared for the project by Peak &amp; Associates, Inc. in January 2013 (DEIR, Appendix D). Implementation of Mitigation Measure 4.7-3 provides additional assurance that unknown cultural resources, including human remains, are protected from ground disturbing activities during the project construction phase. Mitigation Measure 4.7-3 provides additional assurance that undiscovered cultural resources (e.g. prehistoric archaeological sites, historical archaeological sites, isolated artifacts and features, and/or human remains) will be further investigated by requiring additional site monitoring for all ground-disturbing activities in native soil or sediments, including vegetation removal.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>County and the project developer will consider the recommendations of the qualified archaeologist. The County (or City as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency as to the appropriate preservation or mitigation measures.</p> <p>B. Should cultural resources, other than human remains, be discovered during construction activities when an archaeological monitor is not present, project personnel shall halt such activities in the immediate area and notify a qualified archaeologist meeting the Secretary of Interior’s Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of</p>		<p>Implementation of Mitigation Measure 4.7-3 will ensure that any cultural resources discovered during construction activities will be protected, reducing potential impacts to less than significant. (DEIR, p. 4.7-14, -15)</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>mitigation measures for potentially significant resources consistent with PRC Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County (or City, as applicable) and the project developer will consider the recommendations of the qualified archaeologist. The County (or City, as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City, as applicable), the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.</p> <p>Should the discovery include Native American human</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		remains, in addition to the required procedures of Health and Safety Code Section 7050.5, PRC Section 5097.98 and California Code of Regulations (CCR) Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Sections 15064.5(d) and (e) shall be followed.  Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		
<b>Geology and Soils</b>				
<b>Impact 4.8-1</b> The Proposed Project could expose people or structures to potentially substantial adverse effects including the risk of loss, injury, or death as a result of secondary seismic hazards (ground shaking, differential	PS	The following mitigation measure applies to all sites: <b>MM 4.8-1</b> Prior to issuance of grading permits for development projects (or as part of the annexation request for sites 1-9) within the proposed project sites, a design-level investigation should be performed to ensure the findings of the Preliminary Geotechnical Engineering Report for Housing Element Rezone, Nevada County, California have been incorporated in the project design. Enforcement / Monitoring Agency: For Sites 1-9, City of	LS	<b>Finding</b> Implementation of Mitigation Measure 4.8-1 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
compaction, liquefaction, seismically induced flooding and landslides).		Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		identified in the DEIR.  <b>Explanation</b> Implementation of Mitigation Measure 4.8-1 provides additional assurance that any known (or unknown) geologic hazards or conditions underlying the project sites are further evaluated through a design-level geotechnical investigation. Although a preliminary geotechnical investigation has been completed, a design-level investigation will allow for identification of site-specific conditions and for design measures to be identified, as appropriate, to ensure structural safety and integrity during seismic events. Implementation of Mitigation Measure 4.8-1 will reduce the potential for hazards to occur as the result of secondary seismic hazards to less than significant. (DEIR 4.8-12 to -13)
<b>Impact 4.8-2</b> The Proposed Project could result in substantial soil erosion or the loss of topsoil.	PS	The following mitigation measure applies to all project sites:  <b>Implement MM 4.10-1b and 4.10-1d.</b>  Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not	LS	<b>Finding</b> Implementation of Mitigation Measure 4.8-2 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		annexed. County of Nevada for Sites 10-18.		<p>directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.8-2 will reduce the potential risk of ground-disturbing activities during the construction phase to result in an increase in the potential for soil erosion or the loss of topsoil. Mitigation Measure 4.8-2 requires implementation of Mitigation Measures 4.10-1b and 4.10-1d which are aimed at reducing potential soil erosion and the loss of topsoil through the requirement for preparation of a Water Quality Management Plan and implementation of Best Management Practices to minimize runoff volume and improve the quality of any stormwater runoff from the affected project sites.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				Implementation of Mitigation Measure 4.8-2 will reduce the potential for the project to cause substantial soil erosion or the loss of topsoil to less than significant. (DEIR 4.8-13)
<p><b>Impact 4.8-3</b>                      The Proposed Project could be located on a geologic formation unit or soil that is unstable, or that would become unstable as a result of construction, and potentially result in landslides or subsidence.</p>	PS	<p>The following mitigation measure applies to all project sites:  <b>Implement MM 4.8-1 and 4.8-3.</b>                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to Site 18:  <b>MM 4.8-3</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department:                      Establish areas with slopes greater than 30% as Environmentally Sensitive Areas. Prior to construction, slopes greater than 30% shall be designated as an Environmentally Sensitive Area (ESA) on all Site Plans, grading plans, or any plan authorizing construction for a</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.8-3 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.8-3 provides additional assurance that any known (or unknown) geologic hazards or conditions underlying the project site are further evaluated through preparation of a design-level geotechnical investigation</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		property within the RH Combining District. No construction shall be permitted within the ESAs, unless as part of a mitigation plan approved by the County. The boundaries of the ESAs shall be clearly shown on all final plans and specifications. Enforcement / Monitoring Agency: County of Nevada.		for all sites, as required by implementation of Mitigation Measure 4.8-1. Additionally, for Site 18, the potential for the occurrence of landslides or subsidence on Site 18 will be reduced through identification of Environmentally Sensitive Areas (ESAs) on the property, wherein construction activities are not permitted, unless otherwise determined by the County. By limiting construction activities within such sensitive areas where the potential for geologic hazards is greater, structural damage and/or ground failure resulting from unstable geologic conditions or soils will be avoided. Implementation of Mitigation Measure 4.8-3 will therefore reduce the potential for hazards with regard to unstable geologic conditions or soils as a result of future project construction to less than significant. (DEIR 4.8-14 to -15)
<b>Impact 4.8-4</b> The Proposed Project could be located on expansive soil, as defined	PS	The following mitigation measure applies to all sites: <b>Implement MM 4.8-1.</b> Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not	LS	<b>Finding</b> Implementation of Mitigation Measure 4.8-4 which has been required or incorporated into the project will reduce this impact to a less than

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>in Table 18-1-b of the Uniform Building Code (1994), creating substantial risks to life or property.</p>		<p>annexed. County of Nevada for Sites 10-18.</p>		<p>significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.8-4 provides additional assurance that any known (or unknown) geologic hazards or conditions underlying the project site are further evaluated through preparation of a design-level geotechnical investigation for all sites, as required by implementation of Mitigation Measure 4.8-1. The design-level geotechnical investigation will allow for the identification of any expansive soils and appropriate recommendations to avoid or minimize construction on such soils to reduce the risk for structural or ground failure. Implementation of Mitigation Measure 4.8-4 will therefore reduce the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				potential for hazards to occur with regard to project construction on expansive soils to less than significant. (DEIR 4.8-15)
<b>Hazards and Hazardous Materials</b>				
<p><b>Impact 4.9-4</b>                      The Proposed Project would be located within an airport land use plan and could result in a safety hazard for people residing or working in the project area.</p>	PS	<p>The following mitigation measure applies to Sites 3 through 9.</p> <p><b>MM 4.9-4</b></p> <p>All future development in the proposed project proposed within Safety Areas, as designated by the Nevada County Airpark Airport Land Use Compatibility Plan (ALUCP), shall comply with all policies pertaining to safety hazards (including density standards) set forth in the ALUCP on a project-by-project basis, and the recordation of an Avigation Easement.</p> <p>Enforcement / Monitoring Agency: For Sites 3-9, City of Grass Valley, if annexed; County of Nevada if not annexed.</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.9-4 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.9-4 will reduce the potential risk of public safety hazards to occur with regard to ongoing operation of the Nevada County Airpark Airport. As the project sites are located within the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				boundaries of the Airport Land Use Compatibility Plan for the Airpark, project construction has the potential to result in structural features, land use elements (e.g. large ponds or bodies of water that may attract birds), or visual distractions, that are inconsistent with that identified in the Airport Land Use Compatibility Plan (ALUCP) that may increase safety risks for those choosing to live or work in the area. Implementation of Mitigation Measure 4.9-4 will ensure that future development occurs consistent with all policies established by the ALUCP pertaining to safety hazards on a project-by-project basis. With implementation of Mitigation Measure 4.9-4 and compliance with State and airport regulations pertaining to land use compatibility with airport operations, impacts on people working or residing in the area with regard to airport-related hazards will be reduced to less than significant. (DEIR 4.9-13 to -14)

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LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p><b>Impact 4.9-6</b>                      The Proposed Project could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.</p>	<p>PS</p>	<p>The following mitigation measure applies to all sites.  <b>Implement MM 4.13-1b and 4.13-1c.</b>                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	<p>LS</p>	<p><b>Finding</b> Implementation of Mitigation Measure 4.9-6 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> The Nevada County General Plan and the City of Grass Valley 2020 General Plan indicate that the project region has a generally high potential for wildland fires of devastating intensity. Implementation of the project would therefore have the potential to expose people and structures to hazards involving wildland fires. Future development within the project area will be subject to requirements of the California Government Code and/or the</p>

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N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				most current California Fire Code to provide specific measures to reduce the risk of wildfire, which may include provision of adequate defensible space around structures, and installation of certain building materials, fire sprinklers/hydrants, and vegetation management systems. Further, the Nevada County General Plan and 2020 General Plan include specific goals, objectives, policies, and implementation strategies that address fire hazard reduction considerations and means of reducing risk from wildland fires. The project would also be required to comply with Nevada County Consolidated Fire Department (NCCFD) Fuel Management and Hazard Reduction Program to ensure compliance with Public Resources Code 4291, intended to reduce the risk of a fire extending from a structure into adjacent wildlands. Additionally, implementation of Mitigation Measures 4.13-1b and 4.13-1c, requiring preparation of vegetation fuel management plans and a demonstration

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				of adequate fire service availability, would ensure that wildland fire-related impacts are minimized. Implementation of Mitigation Measure 4.9-6 will ensure that project impacts resulting from exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires will be reduced to less than significant. (DEIR 4.9-15 to -17)
<b>Hydrology and Water Quality</b>				
<p><b>Impact 4.10-1</b>                      The Proposed Project could violate water quality standards or waste discharge requirements.</p>	PS	<p>The following mitigation measure applies to Sites 10 and 13:  <b>MM 4.10-1a</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department:</p> <ul style="list-style-type: none"> <li>Establish all floodplains as Environmentally Sensitive Areas (ESAs) in compliance with the ESA maps in Chapter 3.0. The placement of structures on sites 10 and 13 must avoid the floodplain ESA. Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use</li> </ul>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.10-1a which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future construction</p>

S – Significant

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SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback. Prior to construction or vegetation removal, the floodplain ESA shall be designated as an ESA on plans and specifications. All work proposed within the ESA shall not begin until the ESAs are delineated on the ground with orange safety fencing. A biologist shall verify the limits of the ESA fencing on the ground prior to construction. The ESA fences shall remain in place for the entire duration of construction. No earthmoving activities, vehicles, heavy equipment, lay-down areas, or other construction shall be permitted within the ESAs unless as part of a mitigation plan approved by the appropriate permitting agencies. The boundaries of the ESAs shall be clearly shown on all final plans and specifications.</p> <p>Enforcement / Monitoring Agency: County of Nevada.</p> <p>The following mitigation measure applies to all sites:  <b>MM 4.10-1b</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning</p>		<p>activities associated with the project sites could negatively affect existing water quality through grading or exposure of soils, erosion, sedimentation, or accidental release of chemicals or fuels in downstream waterbodies. Future development will be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction, including compliance with the requirements of the NPDES General Permit for Stormwater Discharges Associated with Construction Activity which will require preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) to address erosion, control of sediment, and the handling of hazardous materials, hydrocarbons, and other construction-related pollutants.</p> <p>Compliance with State, County, and City water quality regulations, as applicable, will reduce construction-related water</p>

S – Significant

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LCC – Less Than Cumulatively Considerable

LS – Less Than Significant

CS – Cumulatively Significant

CC – Cumulatively considerable

SU – Significant and Unavoidable

N – No Impact

**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		Department (or City of Grass Valley Planning Department for Sites 1-9) prepare a Water Quality Management Plan that implements the following items: Best Management Practices to protect water quality. The contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to: a) Construction in or near drainages shall only occur during the dry season. b) Coordination with CDFW, U.S. Army Corps of Engineers, and Regional Water Quality Control Board to obtain all required permits and comply with all terms and conditions of the permits. c) At no time shall heavy equipment operate in flowing water or saturated soils. d) Prior to the start of work, install silt-fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering drainages. Retain existing ground cover to further reduce the potential impacts of the project on erosion along the steep bank. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.		quality impacts to a less than significant level. Further, implementation of Mitigation Measures 4.10-1a to -1d will require establishment of all floodplains as Environmentally Sensitive Areas (ESAs) to be avoided; implementation of BMPs to avoid or minimize environmental impacts and ensure that discharges during construction will not cause or contribute to the degradation of water quality in receiving waters; and, protection of watercourses and riparian areas from potentially adverse effects of development. Implementation of Mitigation Measures 4.10-1a to -1d will reduce project impacts relative to the violation of water quality standards or waste discharge requirements to less than significant. (DEIR, p. 4.10-18 to -22)

S – Significant

PS – Potentially Significant

LCC – Less Than Cumulatively Considerable

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CS – Cumulatively Significant

CC – Cumulatively considerable

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>e) Disruption of soils and vegetation near Squirrel Creek (on sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.</p> <p>f) The contractor shall exercise every reasonable precaution to protect nearby water bodies from pollution with fuels, oils, bitumen, calcium chloride and other harmful materials, Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to water bodies. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.</p> <p>g) Provide copies of these BMPs to the Contractors and their workers to assure compliance with mitigation measures during construction.</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to all sites:  <b>MM 4.10-1c</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall submit, to the satisfaction of the Director of the County Public Works Department (for sites 10-18), or City Engineer (for sites 1-9), a project-specific hydrology report to verify expected pre- and post-project stormwater volumes from the proposed development, projected peak storage capacity of detention basins, and percolation characteristics of the soil. The hydrology reports shall confirm that adequate stormwater conveyance and capacity is available in either the region or onsite basins, depending on the chosen option, as well as no net increase in stormwater flow rate to the County's or City's storm drainage system.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not</p>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>annexed. County of Nevada for Sites 10-18.</p> <p>The following mitigation measure applies to Sites 1-9:  <b>MM 4.10-1d</b>                      Prior to approval of an annexation request for a property within the RH Combining District, the project developer shall submit, to the satisfaction of the City Engineer (for Sites 1-9), a water quality management plan which include measures that filter pollutants from stormwater in order to ensure that discharged water meets applicable City standards, such as:</p> <p>Source Control BMPs</p> <ul style="list-style-type: none"> <li>• Permeable pavers/pavement</li> <li>• Hybrid parking areas/parking groves</li> <li>• Roof runoff controls (i.e., rain barrels)</li> <li>• Efficient irrigation to minimize runoff of excess irrigation water</li> </ul> <p>Treatment Control BMPs</p> <ul style="list-style-type: none"> <li>• Vegetated swales within parking lots</li> <li>• Vegetated swales on lots (adjacent to pads)</li> <li>• Bioretention</li> <li>• Hydrodynamic separators/wet vaults</li> </ul>		

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<ul style="list-style-type: none"> <li>• Drain inserts</li> </ul> Flow Control BMPs <ul style="list-style-type: none"> <li>• Detention</li> </ul> Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.		
<p><b>Impact 4.10-2</b></p> <p>The Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</p>	PS	<p>The following mitigation measure applies to all sites:</p> <p><b>Implement MM 4.10-1c.</b></p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.10-1c which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future development on the proposed project sites will obtain water service from the Nevada Irrigation District (NID) and will not directly extract groundwater for its water supply.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				However, future development of the project sites will result in a net increase of impermeable surface area that may indirectly impact surface water and groundwater recharge rates.  Implementation of Mitigation Measure 4.10-1c will reduce project impacts on groundwater supply and recharge to ensure that adequate stormwater conveyance and capacity is available in either the region or onsite basins. With implementation of Mitigation Measure 4.10-1c, impacts relative to the project’s potential to deplete groundwater supplies or interfere substantially with groundwater recharge will be reduced to less than significant (DEIR, p. 4.10-22)
<b>Impact 4.10-3</b> The Proposed Project could substantially alter the existing drainage pattern of the site or area, which could result in substantial erosion or siltation on- or off-site.	PS	The following mitigation measure applies to all sites: <b>Implement MM 4.10-1b and 4.10-1c.</b>  Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	LS	<b>Finding</b> Implementation of Mitigation Measures 4.10-1b and 1c which have been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future development of the project sites would involve vegetation removal, grading, earth excavation and construction of roads, sidewalks, and buildings. Such activities would alter existing drainage patterns and increase the potential for erosion and/or siltation. Implementation of Mitigation Measure 4.10-1b will require preparation of a SWPPP and application of standard erosion control measures (BMPs) during construction to minimize such risks. In addition, implementation of Mitigation Measure 4.10-1c will reduce potential erosion and siltation impacts associated with altering existing drainage patterns over the life of the project . Therefore, implementation of Mitigation Measures 4.10-1b and 1c will reduce impacts relative to potential erosion and siltation to less than significant. (DEIR, p. 4.10-22</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p><b>Impact 4.10-4</b>                      The Proposed Project could substantially alter the existing drainage pattern of the site or area, which could substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.</p>	<p>PS</p>	<p>The following mitigation measure applies to all sites:  <b>Implement MM 4.10-1b, 4.10-1c and 4.10-1d.</b>                      Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	<p>LS</p>	<p>and -23)</p> <p><b>Finding</b> Implementation of Mitigation Measures 4.10-1b, 1c, and 1d which have been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Future development of the project sites would involve vegetation removal, grading, earth excavation and construction of roads, sidewalks, and buildings. Such activities would alter existing drainage patterns and increase the potential for stormwater runoff from the site, thereby increasing the risk for the occurrence of flooding.</p> <p>Implementation of Mitigation Measure 4.10-1b will require preparation of a SWPPP and application of standard</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				erosion control measures (BMPs) during construction to minimize such risks. In addition, implementation of Mitigation Measure 4.10-1c will reduce potential erosion and siltation impacts associated with altering existing drainage patterns over the life of the project . Mitigation Measure 4.10-1d will require that the developer prepare a water quality management plan that includes measures (e.g. source control BMPs, treatment control BMPs, and flow control BMPs ) to filter pollutants from stormwater to ensure that discharged water meets applicable City standards. Implementation of Mitigation Measures 4.10-1b, 1c, and 1d will therefore reduce potential impacts resulting with the alteration of existing drainage patterns on the project sites that could substantially increase the risk for flooding on- or off-site to less than significant. (DEIR, p. 4.10-23)
<b>Impact 4.10-5</b> The Proposed Project	PS	The following mitigation measure applies to all sites: <b>Implement MM 4.10-1c.</b>	LS	<b>Finding</b> Implementation of Mitigation Measure 4.10-1c which has been

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>could create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p>		<p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> The proposed project will result in changes to absorption rates, drainage patterns, and the corresponding rate and amount of surface runoff within the project area. Future development will require the construction of adequately-sized storm drainage facilities that would connect to existing storm drainage systems.</p> <p>Implementation of Mitigation Measure 4.10-1c will reduce potential impacts on drainage systems or polluted runoff by requiring project-specific hydrology reports to verify no net increase in stormwater runoff from the project area</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				and require implementation of water quality BMPs. Mitigation Measure 4.10-1c will reduce project impacts resulting from potential exceedance of the capacity of existing or planned stormwater drainage systems or the provision of substantial additional sources of polluted runoff to less than significant. (DEIR, p. 4.10-24)
<p><b>Impact 4.10-6</b>                      The Proposed Project could place housing within a 100-year flood hazard area, or place within a 100-year flood hazard area structures which could impede or redirect flood flows.</p>	PS	<p>The following mitigation measure applies to Sites 10 and 13:  <b>Implement MM 4.10-1a.</b>                      Enforcement / Monitoring Agency: County of Nevada.</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.10-1a which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Portions of Sites 10 and 13 in the Penn Valley Area are located within the floodway and 100-year flood hazard area; none of the other sites were</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				identified as being within a 100-year flood hazard area where structures could impede or redirect flood flows. These flood hazards areas have been mapped as Environmentally Sensitive Areas (ESAs) and future development within the ESAs must be avoided. Mitigation Measure 4.10-1a requires that, if residential development were to occur in the ESA, mitigation would require approval of a discretionary use permit for development within the floodplain and a ministerial management permit for development within the 100-foot floodplain setback. Implementation of Mitigation Measure 4.10-1a would reduce potential impacts with regard to flood hazards to less than significant. (DEIR, p. 4.10-24 and -25)
<b>Impact 4.10-7</b> The Proposed Project could expose people or structures to a significant risk of loss, injury or death involving flooding,	PS	The following mitigation measure applies to Sites 10 and 13: <b>Implement MM 4.10-1a.</b> Enforcement / Monitoring Agency: County of Nevada	LS	<b>Finding</b> Implementation of Mitigation Measure 4.10-1a which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
including as a result of the failure of a levee or dam.				<p>adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Portions of Sites 10 and 13 in the Penn Valley Area are located within the floodway and 100-year flood hazard area; none of the other sites were identified as being within a 100-year flood hazard area where structures could impede or redirect flood flows. Implementation of Mitigation Measure 4.10-1a is required to ensure that the developer avoids designated ESAs when developing on these project sites. None of the project sites are located downstream of a dam or within a dam inundation area, and therefore, the potential for risk, loss, injury, or death from installation of new structures within dam inundation areas is minimal for the proposed project sites. Implementation of Mitigation Measure 4.10-1a will</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				reduce potential impacts with regard to flood hazards to less than significant. (DEIR, p. 4.10-25)
<b>Noise</b>				
<p><b>Impact 4.11-1</b>                      Construction-related activities resulting from the Proposed Project could generate noise levels in excess of established standards.</p>	PS	<p>The following mitigation measures apply to all sites:  <b>MM 4.11-1a</b>                      Project developers shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the County or City prior to issuance of a grading or building permit (whichever is issued first) or as part of the annexation request for Sites 1-9. The construction BMPs shall include the following:</p> <ul style="list-style-type: none"> <li>• Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.</li> <li>• Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.</li> <li>• Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around</li> </ul>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.11-1a which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.11-1a provides best management practices to ensure that noise generating activities during the construction phase will be reduced. Measures such as requiring the use of manufactured noise control devices (e.g. exhaust mufflers); installation of</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>stationary construction noise sources.</p> <ul style="list-style-type: none"> <li>• Use electric air compressors and similar power tools rather than diesel equipment, where feasible.</li> <li>• Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.</li> <li>• Construction shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction is permitted on Sundays or legal holidays.</li> <li>• Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</li> </ul> <p><b>MM 4.11-1b</b>                      Project developers shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential</p>		<p>temporary noise barriers; limiting the idling of construction-related equipment (i.e. motor vehicles, portable equipment); routing construction vehicles away from residential areas; and, neighborhood access to the project superintendent, among other measures, will reduce noise-generating activities during construction. Project compliance with the County's and/or City's Noise Ordinance, goals, objectives, and policies in the General Plans, and implementation of recommended Mitigation Measures 4.11-1a and 4.11-1b, will reduce short-term construction noise impacts to less than significant. (DEIR p. 4.11-15 to -17)</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the County prior to issuance of a grading permit.  Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		
<b>Impact 4.11-2</b> Construction-related activities resulting from the Proposed Project could generate or expose persons or structures to excessive ground-borne vibration.	PS	The following mitigation measure applies to all sites. <b>MM 4.11-2</b> Future projects shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment would be located as far away from vibration and noise sensitive sites as feasible. Should construction or grading activities take place within 25 feet of an occupied structure, a project specific vibration impact analysis shall be conducted, with appropriate recommendations to ensure vibration levels are below the 0.2 inch-per-second PPV significance threshold at sensitive uses. Contract specifications incorporating this measure shall be included in the proposed project construction documents, which shall be reviewed by the County prior to issuance of a grading permit or by the City as part of the annexation request for Sites 1-9.	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.11-2 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.11-2 sets forth the requirement for completion of a project-specific vibration analysis for construction activities within 25 feet of</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.		an occupied structure to ensure that potential ground-borne vibration during construction does not adversely affect nearby receptors. In addition, project adherence to established County and State standards for the reduction of potential ground-borne vibration will reduce project impacts to less than significant. (DEIR, p. 4.11-17 to -19)
<p><b>Cumulative Mobile Noise</b>                      The Proposed Project, in conjunction with cumulative projects, would result in significant long-term mobile noise impacts, based on combined and incremental noise levels.</p>	PS	<p>The following mitigation measures apply to all sites:  <b>Refer to MM 4.11-1a, 4.11-1b, and 4.11-2. Additional mitigation is not required.</b></p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>	LS	<p><b>Finding</b> Implementation of this Mitigation Measure which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measures 4.11-1a, 4.11-1b, and 4.11-2, as indicated in Impacts 4.11-1 and 4.11-2 above, set forth standards</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>for the reduction of construction noise levels and potential ground-borne vibration. Implementation of these mitigation measures will ensure that the project’s potential to contribute to cumulative construction noise impacts is reduced to a less than cumulatively considerable level.</p> <p>Further, future projects proposed under the Housing Element Rezone Implementation Program will introduce the use of stationary equipment that will increase noise levels within the area. However, such long-term stationary noise impacts will be less than significant, and therefore, the project will not contribute to a cumulatively considerable impact, and no mitigation is required. Further, the proposed project, in combination with cumulative background traffic noise levels, will result in a less than significant cumulative impact, and no mitigation is required. For cumulative mobile noise impacts (DEIR, p. 5-14 to 5-17)</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<b>Population and Housing</b>				
<p><b>Impact 4.12-1</b>                      The Proposed Project would directly induce population growth in the City of Grass Valley.</p>	PS	<p>No feasible mitigation measures have been identified. The County of Nevada does not have land use authority over the City of Grass Valley to amend or alter the City's existing planning policies or the existing General Plan.</p>	SU	<p><b>Finding</b> The proposed project will induce population growth within the City of Grass Valley. However, as the County of Nevada does not have land use authority over the City of Grass Valley to amend or alter the City's existing planning policies or the existing General Plan, no feasible mitigation measures have been identified to reduce project impacts with regard to population growth. Therefore, potential impacts would remain significant and unavoidable.</p> <p>The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Development on Sites 1 through 9, located within the Grass Valley Sphere of Influence, will result in a maximum of 1,480 new residential units. Implementation of the proposed project</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>will therefore result in an increase in population of approximately 2,960 future residents in Grass Valley. Based on the Grass Valley 2020 General Plan, the population within the City's Planning Area will be 23,395 residents in 2020. The proposed project's estimated contribution of 2,960 residents located within the City's Sphere of Influence will therefore represent approximately 28 percent of the City's anticipated population growth over a 10- to 20-year timeframe. As the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan, the project will induce growth within the City, upon annexation of the properties into the City of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 4.12-1. Additional mitigation will not reduce the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>No feasible mitigation measures have been identified to reduce project impacts with regard to population growth. The County of Nevada does not have land use authority over the City of Grass Valley to amend or alter the City’s existing planning policies or the existing General Plan. (DEIR, p. 4.12-13 to -14)</p>
<b>Public Services, Utilities, and Service Systems</b>				
<p><b>Impact 4.13-1</b>                      The public service needs of the Proposed Project could result in substantial adverse impacts.</p>	PS	<p>The following mitigation measures apply to all sites:  <b>MM 4.13-1a</b>                      Prior to Building Permit issuance, the project developer shall provide written documentation from the Fire Department ensuring adequate fire response times to the project site. The formation of an assessment district, on the proposed sites, may be established to provide adequate public safety services.  <b>MM 4.13-1b</b>                      Construction Plan applications (or as part of the annexation request for Sites 1-9) submitted for all sites</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measures 4.13-1a, 1b, and 1c which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>shall include a vegetation fuel management plan, which addresses overall fuels management for achieving a reduction in wildland fire intensity, subject to review and approval of the Fire Department. The plan shall also address management of the vegetative fuels in those areas that may be considered environmentally sensitive.</p> <p><b>MM 4.13-1c</b></p> <p>Prior to Building Permit issuance, the project developer shall provide written documentation from the Police or Sheriff services ensuring adequate police response times. The formation of an assessment district, on the proposed sites, may be established to provide adequate public safety services.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p><b>Explanation</b> Mitigation Measures 4.13-1a, 1b, and 1c set forth the requirements to reduce potential project impacts on public services. With Mitigation Measure 4.13-1a, future development on all sites will be required to provide documentation ensuring adequate fire service response times. An assessment district, on the proposed sites, may be used as a mechanism by the appropriate fire district to ensure adequate funds are available to provide service. With Mitigation Measure 4.13-1b, future development proposals would impacts with regard to provision of adequate fire protection services, because future residential development will be required to provide defensible space around such structures. Additionally, implementation of Mitigation Measure 4.13-1c, which requires the project to provide documentation noting adequate staffing and response times for police and fire protection services, will reduce impacts</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				to less than significant. An assessment district, on the proposed sites, may be used as a mechanism by the appropriate agency (i.e., County Sheriff or City Police) to ensure adequate funds are available to provide service. (DEIR, p. 4.13-13 to -17)
<p><b>Impact 4.13-2</b>                      The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity (including conveyance, collection, and wastewater treatment facilities) to provide for the project's projected demand in addition to the provider's existing commitments.</p>	PS	<p>The following mitigation measure applies all sites:  <b>MM 4.13-2</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Public Works Director/City Engineer for Sites 1-9):                      Provide written documentation that adequate sewer capacity and infrastructure is available to serve the project. This can be accomplished by providing project specific design calculations (i.e. Sewer Capacity Study) for the proposed sewer system (including conveyance, collection, and wastewater treatment facilities) to ensure proper sizing of sewer lines, lift stations, and wastewater treatment capacity are adequate for the proposed</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.13-2 which has been required or incorporated into the project will reduce this impact. While the mitigation would address the impact, it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction and whether completion of the required wastewater facility improvements would be feasible for a single project developer. Further, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.                      Changes or alterations have been required in or incorporated into the project that substantially lessen but do</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>development. The Sewer Capacity study will document whether existing sewer conveyance, collection, or wastewater treatment plant facilities have been upgraded to increase capacity and include calculations from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity of conveyance, collection and wastewater treatment facilities does not exist, the developer will pay for upgrades to account for the additional effluent. The project developer may enter into a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.</p>		<p>not completely avoid the environmental effects identified within Impact 4.13-2. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.13-2 be adopted. The Board concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> The proposed project sites would be served by the sewer conveyance and collection facilities connected to the Penn Valley WWTP (Sites 10 through 13) and Lake of the Pines WWTP (Sites 14 through 18) in the County. However, there is currently not enough existing sewer capacity to serve all of the proposed project areas. Without proposed improvements to existing conveyance, collection WWTP facilities, there would not be sewer</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>service available for the proposed project Sites 10 through 18.</p> <p>Upon annexation of Sites 1 through 9 into the City of Grass Valley, these sites would be served by the City's conveyance, collection, and WWTP facilities and would contribute an incremental increase in flows that would bring the sewer conveyance, collection, and treatment facilities to near the design capacity. However, the City's conveyance, collection and WWTP will need to be enlarged to handle future flows from throughout the City's system to meet the City's projected population in the Year 2020. Without proposed improvements to the City's existing conveyance, collection and WWTP facilities, there would not be adequate sewer service available for the proposed project sites.</p> <p>Implementation of Mitigation Measure 4.13-2 will ensure that project impacts on wastewater treatment services are reduced. However, this impact remains</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				significant because it is unknown what the capacity of the conveyance, collection, and wastewater treatment facilities would be at the time of project construction and whether completion of the required wastewater conveyance, collection, and treatment facility improvements would be feasible for a single project developer. Further, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley. (DEIR, p. 4.13-17 to -18)
<p><b>Impact 4.13-3</b>                      Sufficient water supply is available to serve the proposed project, however; the Proposed Project could require new local infrastructure improvements to increase capacity.</p>	PS	<p>The following mitigation measure applies all sites:  <b>MM 4.13-3</b>                      Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):                      Provide the County (or the City for Sites 1 through 9) with an approved set of improvement plans accepted by</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.13-3 which has been required or incorporated into the project will reduce this impact. While the mitigation would reduce the impact, it is unknown what the capacity of the potable water facilities would be at the time of project construction. It is also unknown if completion of the required water infrastructure improvements would be feasible for a single project developer.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>NID, which include the following:</p> <ul style="list-style-type: none"> <li>• Quantification of anticipated water usage by parcel.</li> <li>• A comprehensive water system design for distribution piping and connection to the existing NID distribution system.</li> <li>• Appropriate pipe sizing to accommodate minimum fire flow water pressures (as determined by CAL FIRE, NID, and the HFPD).</li> <li>• Identification of pipe sizing, pipe location, and the location of the tie-in with NID facilities.</li> <li>• Provisions for easement, rights-of-way, and in-fee land to NID for water facilities.</li> </ul> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>Furthermore, the County does not have jurisdiction over the timing of when water improvements would occur within the City of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 4.13-3. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.13-3 be adopted. The Board concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Sites 1 and 3 through 9 have existing water facilities within the existing streets that front these sites. Additional infrastructure is not required for these sites, and potential impacts on existing water infrastructure systems are</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				less than significant. However, development of Sites 2, and 10 through 18 will require new water infrastructure improvements to bring potable water to these sites. Mitigation Measure 4.13-3 sets forth requirements for the design of new water service systems to address the demand anticipated. Water line extensions will be provided within existing roadways or right of ways. These improvements will need to be in place prior to construction on each of these sites. However, with unknown timing or enforcement mechanisms for these improvements, impacts will remain significant and unavoidable as a result of insufficient infrastructure. (DEIR, p. 4.13-17 to -37)
<b>Recreation</b>				
<b>Impact 4.14-1</b> The Proposed Project could increase the use of existing neighborhood	PS	The following mitigation measure applies to all sites: <b>MM 4.14-1</b> Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the	LS	<b>Finding</b> Implementation of Mitigation Measure 4.14-1 which has been required or incorporated into the project will reduce this impact to a less than

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
and regional parks or other recreational facilities.		<p>annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):</p> <p>Demonstrate that the proposed development is consistent with the County’s Western Nevada County Non-motorized Recreational Trails Master Plan and pay recreation mitigation fees in an amount established by the County. For projects located within the City of Grass Valley SOI, the developer shall provide for community and regional parks consistent with the City’s Park and Recreation Master Plan or pay an in-lieu fee in an amount established by the City.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.14-1 is required to ensure that future development occurring with the proposed project does not adversely affect opportunities for public recreation. For development within the County, Mitigation Measure 4.14-1 will require that the project applicant provide for trails consistent with the County’s Trail Master Plan and make payment of appropriate fees to reduce potential adverse effects resulting with increased demand for recreational resources. Further, for future development located within the City of Grass Valley SOI, the applicant will be required to provide for additional</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				parklands consistent with the City’s Park and Recreation Master Plan and/or make payment of appropriate in-lieu fees to ensure that the provision of public recreational facilities remains adequate following project implementation. Implementation of Mitigation Measure 4.14-1 will reduce project impacts on the County’s recreational resources to less than significant (DEIR, p. 4.14-6 to -7).
<b>Transportation and Traffic</b>				
<p><b>Impact 4.15-2</b>                      The Proposed Project would add traffic to the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.</p>	PS	<p>The following mitigation measure applies to Sites 3 through 9:  <b>MM 4.15-2</b>                      As described in the Loma Rica Ranch Specific Plan EIR (RBF Consulting, 2011), a roundabout shall be constructed at the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is located on the downhill slope. The installation of a roundabout has been shown to reduce the number and severity of accidents. This mitigation would improve the operation of the intersection to LOS A. The improvement is identified in the Grass Valley Traffic Impact Fee (GVTIF).                      To mitigate direct traffic impacts on the Idaho-Maryland</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.15-2 which has been required or incorporated into the project will reduce this impact. While the mitigation would reduce the impact, this impact remains significant because it is unknown when the intersection improvement would occur, and the construction of required intersection improvements may not be feasible for a single project. Furthermore, the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Road and Brunswick Road intersection, a new roundabout is required at this intersection. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the roundabout in its entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement.</p> <p>The individual development of Sites #3, 4, 5, 6, 7, 8 or 9 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.</p> <p>Timing Implementation: Prior to issuance of a building permit</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.</p>		<p>of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 4.15-2. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.15-2 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> Implementation of Mitigation Measure 4.15-2 is required to ensure that the contribution of project traffic to the intersection of Idaho-Maryland Road and Brunswick Road will be reduced. However, the intersection will operate at LOS F without project generated traffic and LOS F during the PM peak hour with the addition of project-</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>generated traffic. Therefore, as the intersection is projected to operate at LOS F (unacceptable) in the PM peak hour, the addition of project traffic will result in a significant impact.</p> <p>Implementation of Mitigation Measure 4.15-2 is required to ensure that future construction of a roundabout occurs at the intersection of Idaho-Maryland Road and Brunswick Road to improve the LOS. However, it is unknown when the intersection improvement will occur, or whether construction of the complete improvement is feasible for a single project. Additionally, the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley. (DEIR, p. 4.15-73)</p>
<p><b>Impact 4.15-3</b>                      The Proposed Project would add traffic to the intersection of La Barr Meadows Drive and</p>	<p>PS</p>	<p>The following mitigation measure applies to Site 2:  <b>MM 4.15-3</b>                      The provision of the dual roundabouts on McKnight Way at the SR 49 interchange would improve operation of the intersection to LOS A. This improvement would</p>	<p>SU</p>	<p><b>Finding</b> Implementation of Mitigation Measure 4.15-3 which has been required or incorporated into the project will reduce this impact. While the mitigation would reduce the impact, this impact</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>McKnight Way. This intersection is projected to operate at LOS F on the worst approach (unacceptable) in the PM peak hour.</p>		<p>combine the McKnight Way / La Barr Meadows Road / Auburn Street and McKnight Way / SR 49 Northbound Ramps intersection into one intersection, and the McKnight Way / Taylorville Road and McKnight Way / SR 49 Southbound Ramps intersections into one intersection. Due to the close intersection spacing and the coordinated operation of the intersections, the roundabouts would need to be installed simultaneously in order to adequately accommodate traffic flows. This improvement is identified in the Nevada County Regional Transportation Plan and the City of Grass Valley Capital Improvement Program.</p> <p>To mitigate direct impacts at the La Barr Meadows and McKnight Way intersection dual roundabouts would be required to be constructed. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the required dual roundabouts in their entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection</p>		<p>remains significant because it is unknown when the intersection improvement would occur, and construction of the required intersection improvements may not be feasible for a single project. Furthermore, the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 4.15-3. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 4.15-3 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		improvement. Site Specific Development Analysis: The individual development of Site #2 would generate 10 or more trips at the intersection and require implementation of the intersection mitigation. Timing Implementation: Prior to issuance of a building permit Enforcement / Monitoring Agency: City of Grass Valley		<p><b>Explanation</b> The intersection of La Barr Meadows Drive and McKnight Way is anticipated to operate at LOS F without the project and LOS F with the project traffic during the PM peak hour. The intersection meets peak hour Caltrans peak hour signal warrant for the installation of a traffic signal under Existing plus Background plus Project conditions.</p> <p>Implementation of Mitigation Measure 4.15-3 is required to ensure that future construction of dual roundabouts on McKnight Way at the SR 49 interchange to improve operation of the La Barr Meadows Drive and McKnight Way intersection to LOS A. However, it is unknown when the intersection improvement will occur, or whether construction of the complete improvement is feasible for a single project. Additionally, the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				within the City of Grass Valley (DEIR, p. 4.15-74)
<p><b>Impact 4.15-4</b>                      The Proposed Project would add traffic to the intersection of Brunswick Road and Triple Crown Road. This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the PM peak hour.</p>	PS	<p>The following mitigation measure applies to Sites 3 through 9:  <b>MM 4.15-4</b>                      The realignment of Triple Crown Road with Town Talk Road into one intersection and the installation of a traffic signal will improve intersections of Brunswick Road and Triple Crown Drive and Brunswick Road and Town Talk Road / Bubbling Wells Road to LOS B during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal under Existing plus Background plus Project conditions. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane. In addition, the existing unsigned driveway (designated as "Ranchview Court" in County Map data) located approximately 35 feet to the south of Town Talk Road shall be combined with Town Talk Road at the west leg of the intersection.                      The project developer shall install or fund the improvement at the intersection prior to issuance of a</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 4.15-4 which has been required or incorporated into the project will reduce this impact. While the mitigation would reduce the impact to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.                      Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 4.15-4. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.                      The Board hereby directs that Mitigation Measure 4.15-4 be adopted. The Board concludes that the project's benefits</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>building permit.</p> <p>Site Specific Development Analysis: This improvement would be triggered when the proposed project generates 1 or more trip to the intersection of Brunswick Road and Triple Crown Road. The individual development of Sites #3, 4, 5, 6, 7, 8 or 9 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.</p> <p>Timing Implementation: Prior to issuance of a building permit</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.</p>		<p>outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> The intersection of Brunswick Road and Triple Crown Road (Sites 3-6 &amp; 9 Access Road) is anticipated to operate at LOS A without the project and an overall LOS E and LOS F on the worst approach with the addition of project traffic during the PM peak hour.</p> <p>Implementation of Mitigation Measure 4.15-4 is required to ensure the future realignment of Triple Crown Road with Town Talk Road into one intersection and the installation of a traffic signal to improve intersections of Brunswick Road and Triple Crown Drive and Brunswick Road and Town Talk Road / Bubbling Wells Road to LOS B during the PM peak hour. While the proposed improvement is expected to mitigate the potential impact to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				the approval of construction or timing of when the improvement would occur within the City of Grass Valley (DEIR, p. 4.15-74 to -75)
<p><b>Impact 4.15-5</b>                      The Proposed Project would add traffic to the intersections of SR 49 / Combie Road. This intersection is projected to operate at LOS F (unacceptable) in the PM Peak Hour.</p>	PS	<p>The following mitigation measure applies to Sites 14 through 18:  <b>MM 4.15-5</b>                      The Nevada County Regional Transportation Plan and RTMF includes the following improvements to the SR 49 / Combie Road intersection. The improvements would improve the PM peak hour level of service to LOS C.</p> <ul style="list-style-type: none"> <li>• Construct one additional southbound left turn lane that is at least 325 feet in length</li> <li>• Construct one additional receiving lane at the east leg of intersection on Combie Road</li> <li>• Reconstruct or reconfigure the westbound left turn lanes to be a minimum of 250 feet in length to allow for adequate storage</li> </ul> <p>The project developer shall install or fund the improvement at the intersection. The developer and the County of Nevada should enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer's fair share.</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 4.15-5 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> The intersection of SR 49 and Combie Road would operate at LOS F without project-generated traffic, and would continue to operate at an (unacceptable) LOS F with the addition of project traffic. The intersection is projected to operate at LOS F (unacceptable) in the PM Peak Hour.</p> <p>Implementation of Mitigation Measure 4.15-5 is required to ensure that the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		<p>Site Specific Development Analysis: This improvement would be triggered when the proposed project generates 1 or more trip to the intersection of SR 49 / Combie Road. The individual development of Sites #14, 15, 16, 17, or 18 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.</p> <p>Timing Implementation: Prior to issuance of a building permit</p> <p>Enforcement / Monitoring Agency: Nevada County</p>		<p>developer installs or funds the required improvements at the intersection of SR 49/Combie Road, consistent with the Nevada County Regional Traffic Mitigation Fee (RTMF). The improvements will improve the PM peak hour level of service to (acceptable) LOS C. Implementation of Mitigation Measure 4.15-5 will reduce the impact to less than significant. (DEIR, p. 4.15-76)</p>
<p><b>Impact 4.15-6</b> The Proposed Project would add traffic to the intersections of Higgins Road and Combie Road. This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.</p>	<p>PS</p>	<p>The following mitigation measure applies to Sites 14 through 18: <b>MM 4.15-6</b> The Higgins Marketplace EIR (2007) identified mitigation for this intersection including of the installation of a traffic signal and the installation of an additional eastbound through lane. Implementation of this mitigation measure would improve level of service to an acceptable LOS C during the PM peak hour. Prior to the development of the project site, the Project Developer shall pay a fair share contribution to the LTMF and RTMF program. Site Specific Development Analysis: This improvement would be triggered when the proposed project</p>	<p>LS</p>	<p><b>Finding</b> Implementation of Mitigation Measure 4.15-6 which has been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.  <b>Explanation</b> The intersection of Higgins Road/Combie Road is anticipated to</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		generates 1 or more trip to the intersection of Higgins Road and Combie Road. The individual development of Sites #14, 15, 16, 17, or 18 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.  Timing Implementation: Prior to issuance of a building permit  Enforcement / Monitoring Agency: Nevada County		operate at LOS F on the northbound approach under both without and with project traffic during the PM peak hour. The addition of project traffic will result in increased traffic delay at the intersection during the PM peak hour, and the intersection will meet peak hour signal warrants under Existing plus Background plus Project conditions.  Implementation of Mitigation Measure 4.15-6 is required to ensure that the developer makes a fair share payment to the Local Traffic Mitigation Fee (LTMF) and RTMF program for improvements at the Higgins Road/Combie Road intersection (installation of a traffic signal and an additional eastbound through lane). Implementation of this mitigation measure will improve level of service to an acceptable LOS C during the PM peak hour and will reduce project impacts to less than significant. (DEIR, p. 4.15-76 to -77)
<b>Impact 4.15-7</b> The Proposed Project	PS	The following mitigation measure applies to all sites: <b>MM 4.15-7</b>	LS	<b>Finding</b> Implementation of Mitigation Measure 4.15-7 which has been required

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>would add traffic at new driveway intersections which would have restricted sight distance and close spacing and may impact safety and traffic operations.</p>		<p>The sight distances at all project site access intersections shall be reviewed during the design phase of the project sites with attention given to horizontal and vertical sight distance constraints. To maintain adequate corner sight distance consistent with Caltrans Highway Design Manual requirements, parking shall not be permitted on major onsite roadways within close proximity to intersections. All onsite intersections, landscaping, signing, and parking shall be designed so that adequate corner sight distance is achieved.</p> <p>Prior to issuance of a building permit, the developer shall provide verification by a professional engineer that sight distance has been evaluated.</p> <p>Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.</p>		<p>or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR.</p> <p><b>Explanation</b> The project will add traffic at new driveway intersections that may have restricted sight distance and may therefore impact public safety or traffic operations. Implementation of Mitigation Measure 4.15-7 is required to ensure that adequate sight distance is provided at each driveway. Implementation of Mitigation Measure 4.15-7 will reduce project impacts to less than significant (DEIR, p. 4.15-77 to -78)</p>
<p><b>Impact 5.2.14-1 (Cumulative Impact)</b>                      The Proposed Project would add traffic to the</p>	<p>PS</p>	<p>The following mitigation measure pertains to Sites 3 through 9:  <b>MM 5.2.14-1</b></p>	<p>SU</p>	<p><b>Finding</b> Implementation of Mitigation Measure 5.2.14-1 which has been required or incorporated into the project will reduce this impact. However, while</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
<p>signalized intersection of Nevada City Highway and Brunswick Road. This intersection is projected to operate at LOS E (unacceptable) in the PM peak hour.</p>		<p>Prior to issuance of a building permit, the project developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the installation of signal timing at the intersection of Nevada City Highway and Brunswick Road to improve operations and meet future traffic volume demand. Signal timing splits shall be optimized based upon a cycle length of 90 seconds. This mitigation would improve the operation of the intersection to LOS D.</p> <p>Timing Implementation: Prior to issuance of a building permit</p> <p>Enforcement / Monitoring Agency: City of Grass Valley</p>		<p>the mitigation would reduce the cumulative impact to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 5.2.14-1. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 5.2.14-1 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> The intersection of Nevada City Highway/Brunswick Road is anticipated to operate at an unacceptable</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				<p>LOS E without the addition of project-generated traffic under cumulative conditions. The intersection is anticipated to continue to operate at LOS E with project traffic. However, the v/c ratio will increase by more than two percent, which is considered a potentially significant impact.</p> <p>Implementation of Mitigation Measure 5.2.14-1 is required to ensure that the project developer makes a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the installation of signal timing at the Nevada City Highway/Brunswick Road intersection. Implementation of this mitigation measure will improve level of service to an acceptable LOS D. While the proposed fair share contribution is expected to reduce the project's cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				the approval of funding or construction of the improvement within the City of Grass Valley (DEIR, p. 5-39)
<p><b>Impact 5.2.14-2 (Cumulative Impact)</b>                      The Proposed Project would add traffic to the intersection of Brunswick road and Town Talk Road (Sites 7 and 8 access). This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the pm peak hour.</p>	PS	<p>The following mitigation measure pertains to Sites 3 through 9:  <b>MM 5.2.14-2</b>                      Prior to issuance of a building permit, the project developer shall install or fund the realignment of Triple Crown Road with Town Talk Road (Sites 7 and 8 access) into one intersection and the installation of a traffic signal. This measure will improve intersections of Brunswick Road / Triple Crown Drive and Brunswick Road / Town Talk Road / Bubbling Wells Road to LOS C during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane.                      The developer and the City of Grass Valley should enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer’s fair share.                      Timing Implementation: Prior to issuance of a building</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 5.2.14-2 which has been required or incorporated into the project will reduce this impact. However, while the mitigation would reduce the cumulative impact to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.                      Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 5.2.14-2. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.                      The Board hereby directs that Mitigation</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
		permit. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.		Measure 5.2.14-2 be adopted. The Board concludes that the project’s benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations. <u><b>Explanation</b></u> The intersection of Brunswick Road/Town Talk (Sites 7 & 8 Access Road) is anticipated to operate at overall LOS A and LOS E on the worst approach without the project. The addition of project traffic will deteriorate intersection operations to an overall LOS A and LOS F on the worst approach during the PM peak hour. Implementation of Mitigation Measure 5.2.14-2 is required to ensure that the project developer install or fund the realignment of Triple Crown Road with Town Talk Road (Sites 7 and 8 access) into one intersection and install a traffic signal to improve operation of Brunswick Road/Triple Crown Drive and Brunswick Road/Town Talk Road/Bubbling Wells Road to LOS C during the PM peak hour. Implementation of Mitigation Measure

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				5.2.14-2 also requires that the developer and the City of Grass Valley enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer's fair share. While the proposed mitigation is expected to reduce the project's cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvements would occur within the City of Grass Valley (DEIR, p. 5-39 to -40)
<p><b>Impact 5.2.14-3 (Cumulative Impact)</b>                      The Proposed Project would add traffic to the intersection of SR 49 northbound ramps and McKnight Way. This intersection is projected to operate at overall LOS E (unacceptable) in the</p>	PS	<p>The following mitigation measure pertains to Site 2:                      Prior to the development of the project site, the Project Developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program for the provision of the dual roundabouts on McKnight Way at the SR 49 interchange described in Mitigation Measure 4.15-3.                      Enforcement / Monitoring Agency: City of Grass Valley</p>	SU	<p><b>Finding</b> Implementation of Mitigation Measure 5.2.14-3 which has been required or incorporated into the project will reduce this impact. However, while the mitigation would reduce the cumulative impact to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement</p>

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
PM Peak Hour.				<p>within the City of Grass Valley.</p> <p>Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the environmental effects identified within Impact 5.2.14-3. Additional mitigation will not reduce the effects to less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.</p> <p>The Board hereby directs that Mitigation Measure 5.2.14-3 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> <p><b>Explanation</b> The intersection of the SR 49 Northbound Ramps and McKnight Way is anticipated to operate at LOS D without the project an overall LOS E with the project traffic during the PM peak hour.</p> <p>Implementation of Mitigation Measure 5.2.14-3 is required to ensure that the project developer pay a fair share</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
				contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program for the provision of the dual roundabouts on McKnight Way at the SR 49 interchange, as described in Mitigation Measure 4.15-3. While the proposed fair share contribution is expected to reduce cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley (DEIR, p. 5-40 to -41)
<p><b>Impact 5.2.14-4 (Cumulative Impact)</b>                      The Proposed Project would add traffic to the intersections of the SR 49/Combie Road. This intersection is projected to operate at LOS E (Unacceptable) in the PM</p>	PS	<p>The following mitigation measure pertains to Sites 14 through 18:  <b>MM 5.2.14-4</b>                      Prior to issuance of a building permit, the project developer shall pay a fair share contribution to the Nevada County RTMF program for the construction of an additional southbound left turn lane that is at least 325 feet in length shall be installed at the intersection of SR 49 and Combie Road. This improvement will improve</p>	LS	<p><b>Finding</b> Implementation of Mitigation Measure 5.2.14-4 which has been required or incorporated into the project will reduce this cumulative impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the</p>

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**Table of Impacts, Mitigation Measures and CEQA Findings (continued)**

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
Peak Hour.		operations at the intersection to LOS D during the PM peak hour. The addition of a southbound left turn lane is an identified improvement in the Nevada County Regional Transportation Plan and RTMF. Enforcement / Monitoring Agency: County of Nevada.		project that avoids the potential significant environmental effect as identified in the DEIR.  <u><b>Explanation</b></u> The intersection of SR 49 and Combie Road would operate at LOS E without project-generated traffic and LOS E during the PM peak hour with the addition of the project generated traffic. The overall delay would increase by more than two seconds.  Implementation of Mitigation Measure 5.2.14-4 would ensure that the project developer is required to make a fair share payment for to the County's RTMF program to allow for necessary future improvements that would increase operations at the intersection of SR 49 and Combie Road. Implementation of Mitigation Measure 5.2.14-4 would ensure that the project's contribution to cumulative impacts at this intersection is reduced to less than significant. (DEIR, p. 5-41)

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#### **IV. Findings Regarding Project Alternatives.**

##### **A. Basis for Alternatives Feasibility Analysis**

The project will result in the following significant and unavoidable impacts, which can be substantially lessened, though not avoided, through implementation of feasible mitigation measures adopted in connection with the project. Those impacts are:

##### *Land Use*

1. **Impact 4.2-1:** The Proposed Project could conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project.

##### *Air Quality*

2. **Impact 4.5-1:** The Proposed Project would result in temporary construction related dust and vehicle emissions during construction within the project area.

3. **Impact 4.5-2:** The Proposed Project could result in an overall increase in local and regional mobile and stationary source emissions, which may exceed air quality standards.

4. **Impact 4.5-5:** The project may not be consistent with the air quality attainment plan (AQAP) criteria.

5. **Cumulative Impact:** The project would result in additional vehicular travel to and from the project sites, with the resultant exhaust emissions that contain ozone precursors and particulate matter. The County is within an area classified as nonattainment for federal and State O<sub>3</sub> and state PM<sub>10</sub> standards.

6. **Cumulative Impact:** Additionally, the Housing Element Rezone's GHG emissions in combination with GHG emissions from other known and reasonably foreseeable project would result in a greater amount of GHG emissions. Therefore, the amount of cumulative GHG emissions would be cumulatively considerable, and would potentially hinder the intent and statewide reduction goals of AB 32.

##### *Greenhouse Gas Emissions*

7. **Impact 4.6-1:** Greenhouse gas emissions generated by the project would have a significant impact on the environment.

##### *Population and Housing*

8. **Impact 4.12-1:** The Proposed Project would directly induce population growth in the City of Grass Valley.

##### *Public Services, Utilities, and Service Systems*

9. **Impact 4.13-2:** The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity (including

conveyance, collection, and wastewater treatment facilities) to provide for the project's projected demand in addition to the provider's existing commitments.

10. **Impact 4.13-3:** Sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources; no new or expanded entitlements would be required. However, the Proposed Project could require local infrastructure improvements to increase capacity prior to construction. The capacity of the existing water infrastructure to deliver water at the time of construction is unknown because it is unknown when development will occur within the RH Combing District.

#### ***Transportation and Traffic***

11. **Impact 4.15-2:** The Proposed Project would add traffic to the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.

12. **Impact 4.15-3:** The Proposed Project would add traffic to the intersection of La Barr Meadows Drive and McKnight Way. This intersection is projected to operate at LOS F on the worst approach (unacceptable) in the PM peak hour.

13. **Impact 4.15-4:** The Proposed Project would add traffic to the intersection of Brunswick Road and Triple Crown Road. This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the PM peak hour.

14. **Impact 5.2.14.1:** Cumulative Impact: The Proposed Project would add traffic to the signalized intersection of Nevada City Highway and Brunswick Road. This intersection is projected to operate at LOS E (unacceptable) in the PM peak hour.

15. **Impact 5.2.14.2:** Cumulative Impact: The proposed project would add traffic to the intersection of Brunswick road and Town Talk Road (Sites 7 and 8 access). This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the pm peak hour.

16. **Impact 5.2.14.3:** Cumulative Impact: The Proposed Project would add traffic to the intersection of SR 49 northbound ramps and McKnight Way. This intersection is projected to operate at overall LOS E (unacceptable) in the PM Peak Hour.

Under CEQA, where a significant impact can be substantially lessened (i.e. mitigated to an acceptable level) by adoption of mitigation measures, the agency has no obligation to consider the feasibility of project alternatives with respect to those impacts, even if an alternative would mitigate the impact to a greater degree than the proposed project. Basically, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant impacts that would otherwise occur. Project modifications or alternatives are not required where such changes are considered infeasible or where

the responsibility of modifying the project lies with some other agency (CEQA Guidelines 15091).

As is evident from the text of the EIR, all but the sixteen impacts identified above have been mitigated to a level of less than significant. These sixteen impacts, although substantially lessened through implementation of mitigation measures, remain significant and unavoidable.

Therefore, the Board of Supervisors (“Board”), in considering the four alternatives identified in the DEIR and these findings, needs to determine whether any alternatives are environmentally superior with respect to those impacts which cannot be mitigated to less than significant. If any of the alternatives are superior with respect to those impacts, the Board is then required to determine whether the alternatives are feasible. If the Board determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified above, then the Board may approve the project as mitigated after adopting a Statement of Overriding Considerations.

Under CEQA, “feasible” means *capable of being accomplished in a successful manner within the reasonable period of time, taking into account economic, environmental, legal, social, and technological factors* (CEQA Guidelines 15364). The concept of feasibility permits an agency’s decision-makers to consider whether an alternative is able to meet some or all of the projects objectives. In addition, the definition of “feasibility” encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by evidence.

## **B. Alternatives Considered**

CEQA does not specify the methodology for comparing alternatives. However, the issues and impacts that are most germane to a particular project must be evaluated when comparing an alternative to a proposed project. As such, the issues and impacts analyzed in project alternatives vary depending on the project type and the environmental setting. Long-term impacts (e.g., visual impacts and permanent loss of habitat or land use conflicts) are those that are generally given more weight in comparing alternatives. Impacts associated with construction (i.e., temporary or short-term) or those that are easily mitigable to less than significant levels are considered to be less important.

The alternatives analysis below compares each alternative to the proposed project according to whether it would have a mitigating or adverse effect for each of the environmental resource areas analyzed in this EIR. The Final EIR identified and compared the significant environmental impacts of the project alternatives listed below in accordance with the provisions of the CEQA Guidelines Section 15126.6. The following project alternatives were evaluated:

**Alternative 1 - No Project/Future Development Under Existing Nevada County General Plan Alternative:** CEQA Guidelines Section

15126.6(e)(1) requires that a No Project Alternative be analyzed. If the No Project/Future Development Under Existing Nevada County General Plan Alternative were implemented, the proposed project would not be implemented and the project area would remain under the jurisdiction of Nevada County. The No Project Alternative assumes that the 19 separate parcels would be developed as is currently allowed under existing County regulations, resulting in a potential construction of a maximum of 17 homes. It should be noted, that although some of the sites are zoned as Office Professional, Business Park, and Medium Density Residential Development, future developments of that nature would require a site plan, discretionary approval, and subsequently CEQA review. In addition, given the options of site design (e.g. densities), it is speculative to determine and compare the type of land use on the sites. Therefore, under the No Project Alternative it is assumed the sites would be developed with single-family residential developments.

**Alternative 2 – Bennett Street Sites Alternative:** Under Alternative 2, approximately half of the proposed units located on Brunswick Road (Sites 3 through 9) would be relocated along East Bennett Road in an area zoned for business park (west of Lava Rock Road) to reduce the number of proposed units along Brunswick Road. Alternative 2 would generate the same number of units as the proposed project.

**Alternative 3 – Berriman Ranch Sites Alternative:** Alternative 3 includes two separate sites. The larger of the two sites includes a 25.2-acre site within the proposed 129-acre Berriman Ranch Project; the smaller of the two parcels (8 acres) is located across SR 49 to the west adjacent to Site 2. The two new sites would have a maximum yield of 595 units. The properties affected by Alternative 3 are shown in **DEIR Figure 6-1**.

**Alternative 4 – Reduced Development Alternative:** Under Alternative 4, Sites 1, 2, 7, 8, and 17 would be removed from the program to minimize the environmental effects of implementing the Housing Element Rezone. This alternative is intended reduce the overall environmental impact of the program, yet still allow an opportunity for the County to meet the required Regional Housing needs and State law. The maximum number of potential units would be reduced by 637 units or 24%.

**Alternative 5 – Updated Regional Housing Need Alternative:** This Alternative is proposed as a result of the adoption of the County's 5th Revision to the Housing Element (2014-2019 planning cycle), adopted by the Board of Supervisors on June 24, 2014 and certified by HCD on July 17, 2014. As a result, the County was able to reduce the minimum amount of required rezoning from 1,270-units to 699-units. This alternative includes those sites that have been determined to be the most suitable for re-designation and the application of the RH combining districts standards: Sites 3, 5, 6, 11, 12, 14, 16 and 18. These sites and would be considered the first tier for implementing the project and meeting the project

objectives. This alternative would result in 1,542 fewer units (58% fewer) of the maximum yield of the proposed project on 84.02 fewer acres. Based on a development footprint of 47.68 acres, this alternative would yield 759 units. This would exceed the Regional Housing Need of 699 units.

These five alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6 (DEIR, p. 6-1). The environmental impacts of each of these alternatives are identified and compared with the “significant” and “potentially significant” impacts resulting from the proposed project. That comparison is shown on **Table 6-10** at the end of DEIR Section 6.0, Alternatives. Further, the “environmentally superior” alternative is identified in Section 4.0 of the Final EIR (FEIR, p. 4-80).

In addition, the project identified the following Project Objectives (DEIR, p. 3-62):

1. Identify private properties that can be feasibly rezoned to meet the County’s obligation to provide high-density housing opportunities as required by State law;
2. Increase high-density housing opportunities in different areas of unincorporated Nevada County;
3. Identify properties with property owners that consent to participating in the County’s program and agreed to have the RH Combining District on their properties;
4. Identify properties that are large enough to support enough units to make developing affordable high-density financially feasible;
5. Identify participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities);
6. Identify properties that have reasonable access to community services (e.g., public transportation, retail/grocery stores, employment opportunities);
7. Protect the natural environment; and,
8. Establish clear and effective site-specific development standards/mitigation measures for each rezoned property to ensure that the future development of high density housing on that site meets County development standards and does not result in significant and avoidable environmental impacts.

### **C. Alternatives Analysis**

The Board finds that the range of alternatives studied in the EIR along with recognition of the Project Objectives reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project environmental impacts, while accomplishing most of the Project Objectives

The Board is required to determine whether any alternative identified in the EIR is environmentally superior with respect to the project impacts that cannot be reduced to less than significant through mitigation measures. As described above, there are sixteen significant and unavoidable impacts that cannot be mitigated to less than significant. However, the Board finds that the majority of these significant and unavoidable impacts would still occur under the alternatives evaluated.

The following summarizes each of the project alternatives and Project Objectives that were evaluated to determine feasibility:

**Alternative 1 - No Project/Future Development Under Existing Nevada County General Plan Alternative**

CEQA Guidelines Section 15126.6(e)(1) requires that a No Project Alternative be analyzed. If the No Project/Future Development Under Existing Nevada County General Plan Alternative were implemented, the proposed project would not be implemented and the project area would remain under the jurisdiction of Nevada County.

Under the No Project/Future Development Under Existing Nevada County General Plan Alternative (Alternative 1), the project area would remain under the jurisdiction of Nevada County (County). Since the project site consists of 19 separate parcels (Site 8 consists of two parcels), there is a potential to develop 17 homes (assuming the two existing homes on Sites 8 and 9 remain) under County regulations. However, there would be no environmental review of the potential impacts associated with the construction of the 17 homes, as their construction would require approval of a building permit only (a ministerial action) and would be exempt from the requirements of CEQA. It should be noted, that although some of the sites are zoned as Office Professional, Business Park, and Medium Density Residential Development, future developments of that nature would require a site plan, discretionary approval, and subsequently CEQA review. In addition, given the options of site design (e.g. densities), it is speculative to determine and compare the type of land use on the sites. Therefore, under the No Project Alternative it is assumed the sites would be developed with single-family residential developments.

With the exception of the potential construction of 17 homes, the existing conditions within the project area would remain primarily unchanged. The majority of the undeveloped areas on the properties (woodlands, chaparral, riparian corridors and grasslands) would continue to function in their current capacity.

None of the sites within the Grass Valley Sphere of Influence would annex into the City. The County would not be in compliance with State law with regards to providing enough property with high density residential zoning.

This alternative would reduce the significant and unavoidable impacts as compared to the proposed project with regard to land use and planning; air quality; greenhouse gases; population and housing; public services, utilities, and service systems; and, transportation/traffic to less than significant and would therefore be considered a

substantial improvement. However, this alternative would not satisfy any of the project objectives.

The Board is not required to consider the feasibility of the No Project Alternative. However, the Board does consider this alternative undesirable, unreasonable, infeasible, and inconsistent with the Project Objectives.

### **Alternative 2 - Bennett Street Sites Alternative**

The East Bennett Road Sites Alternative (Alternative 2) would relocate approximately half of the proposed units that are located on Brunswick Road (on Sites 3 through 9) and place them on property on undeveloped land on East Bennett Road, in an area zoned for Business Park west of Lava Rock Road. The purpose of this alternative is to reduce the number of proposed units along Brunswick Road. The proposed project has a total of 7 sites totaling 61.52 acres and a total maximum number of 1,231 units clustered together in Sites 3 through 9. This alternative proposes to move approximately half of the units to properties off of Brunswick Road to disperse the additional demand on existing traffic facilities, sewer and water facilities, and other City of Grass Valley infrastructure. The East Bennett Road sites would be within the Grass Valley Sphere of Influence (Near Term Annexation), the same as the proposed project.

Because Sites 3, 4, 5, and 9 are under a single ownership and represent approximately half of the total acreage within the cluster of sites along Brunswick Road, those sites would remain part of the project as they are in the proposed project. Sites 3, 4, 5, and 9 represent approximately 31.49 acres and 630 units. Sites 6, 7, and 8, which total 30.03 acres and 601 units, would be dropped from the program and no development under the RH Combining District would occur on those sites. Three new sites would be selected on the north side of East Bennett Road. The new site numbers would be 6, 7, and 8 to replace those sites from the proposed project. The three sites are approximately 29.74 acres and would have a maximum yield of 595 units. Alternative 2 would generate the same number of units as the proposed project.

Alternative 2 could meet all of the project objectives with the exception of the objective requiring consenting property owners to participate in the program. Property owner agreement to the RH Combining District was a critical objective of the County Board of Supervisors from the very beginning of the implementation program. Only sites with property owner consent were considered for inclusion in the project.

As indicated in Section IV.A, *Basis for Alternatives Analysis*, above, the proposed project would result in significant and unavoidable impacts with regard to land use and planning; air quality; greenhouse gases; population and housing; public services, utilities, and service systems; and, transportation/traffic. This alternative would not avoid any of the significant and unavoidable impacts as compared to the proposed project. However, although impacts with regard to transportation/traffic would be remain significant and unavoidable with this alternative, such impacts would be reduced as compared to the proposed project as up to 595 units would be

relocated, thereby reducing cumulative traffic impacts on Brunswick Road at the Town Talk and SR 49 intersections. Additionally, this alternative would result in increased impacts with regard to land use and planning as compared to the proposed project, as this alternative would convert approximately 30 acres of land previously zoned for business park into residential use, thereby removing future opportunities for expansion of business park uses within the City and thereby causing an incremental increase in land use conflicts as the result of the loss of previously-zoned business park land. Should the Board of Supervisors wish to pursue the Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

### **Alternative 3 - Berriman Ranch Sites Alternative**

The Berriman Ranch Sites Alternative (Alternative 3) includes two separate sites. The larger of the two sites includes a 25.2-acre site (portions of APNs 22-160-03 and 22-160-02) within the proposed 129-acre Berriman Ranch Project. The smaller of the two parcels is located across SR 49 to the west adjacent to Site 2. Only a portion of this 19-acre site (APN 09-620-12) adjacent to Site 2 would be used for this Alternative. Approximately eight acres of this site, the area adjacent to Site 2, would be used for development associated with the implementation of the RH Combining District. The 129-acre Berriman Ranch Property is located adjacent to the City boundary of Grass Valley. Currently, there is no improved access to the 25.2-acre site. An access road would have to be extended from an existing public road or through a private road easement. The 8-acre site would be accessed off of La Barr Meadows Road which runs along the property frontage or through a connection to Site 2. The properties affected by Alternative 3 are shown in DEIR Figure 6-1.

For Alternative 3, the new site numbers would be 6 and 7 to replace those sites removed from the proposed project. The two new sites included in this alternative are approximately 33.2 acres and would have a maximum yield of 595 units. The proposed project would have a maximum yield of 2,680 units, and Alternative 3 would yield a maximum of 2,744 units, an increase of 69 units.

Alternative 3 could meet all of the project objectives with the exception of the objective requiring consenting property owners to participate in the program. Property owner agreement to the RH Combining District was a critical objective of the County Board of Supervisors from the very beginning of the implementation program. Only sites with property owner consent were considered for inclusion in the proposed project.

As indicated in Section IV.A, *Basis for Alternatives Analysis*, above, the proposed project would result in significant and unavoidable impacts with regard to land use and planning; air quality; greenhouse gases; population and housing; public services, utilities, and service systems; and, transportation/traffic. This alternative would not avoid any of the significant and unavoidable impacts as compared to the

proposed project. Additionally, this alternative would result in increased impacts with regard to transportation/traffic, due to an increase in the number of potential units and associated traffic that would affect La Barr Meadows Road, project to operate at an unacceptable LOS with or without the proposed project. This alternative does not reduce any of the significant and unavoidable impacts to a threshold level of less than significant. Should the Board of Supervisors wish to pursue the Berriman Ranch Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

#### **Alternative 4 – Reduced Development Alternative**

The Reduced Development Alternative (Alternative 4) removes four of the most environmentally sensitive sites from the program to minimize the environmental effects of implementing the Housing Element Rezone. The purpose of this alternative is to remove the sites with the most physical constraints to development such that the overall environmental impact of the implementing the program is reduced, yet still leaving enough opportunity to for the County to meet the required Regional Housing needs and state law. The sites that have the most physical constraints were removed to decrease impacts on biological resources, cultural resources, traffic, aesthetics, and other issues that would be adversely affected by development.

The following sites would be removed from the project under this alternative:

*Site 1:* This site is removed because it is a relatively small site of approximately one acre and does not contribute a significant number of units towards the overall goal a minimum of 1,270 units. Additionally, the site is located within the City of Grass Valley Sphere of Influence, removing the site from consideration incrementally reduces the number of units from the project within the City's SOI.

*Site 2:* This site is removed from consideration because the property owner has indicated that he is no longer interested in participating in the program.

*Site 7:* This site is removed because of physical constraints associated with the property. A tributary to Wolf Creek traverses the southeast portion of the site as well as intermittent streams riparian vegetation on other places throughout the site. Potential historic resources were identified at this site. Additionally, as one of the three largest parcels in the cluster of sites along Brunswick Road, it has one of the highest maximum yield of units at 198 units. Removal of these units would reduce the amount of traffic from this cluster of development. Additionally, this site is located adjacent to the recently approved Loma Rica Ranch Project. By removing this site from the program it would provide an additional visual and physical buffer from the future development on the Loma Rica Ranch site.

*Site 8:* This site has similar physical constraints as those described for Site 7 and has been removed from the program for the same reasons. A tributary to Wolf Creek traverses the site near the center of the property which substantially restricts

the amount of area available for development due to wetland protection requirements. Intermittent wetlands also are located along the property frontage of Brunswick Road which would result in potential wetland impacts associated with roadway improvements.

*Site 17:* This site is removed because of the physical constraints associated with developing the property. The site is bisected by Ragsdale Creek and has a wide riparian zone associated with the creek that would make avoidance difficult. The site also contains sensitive black oak dominated woodland outside the riparian zone. Ragsdale Creek is potential habitat for sensitive aquatic species.

This alternative would reduce the total acreage of properties in the program by 37.36 acres or 25%. The maximum number of units would be reduced by 637 units or 24%.

The Reduced Development Alternative would be able to satisfy a majority of the project objectives as well as provide the County with enough area to meeting the Regional Housing Needs requirements and satisfy State law for providing adequate multi-family housing development opportunities.

As indicated in Section IV.A, *Basis for Alternatives Analysis*, above, the proposed project would result in significant and unavoidable impacts with regard to land use and planning; air quality; greenhouse gases; population and housing; public services, utilities, and service systems; and, transportation/traffic. Overall, as a reduced amount of development would occur under this alternative, the significant and unavoidable impacts with regard to air quality; greenhouse gases; public services, utilities, and service systems; and transportation/traffic would be reduced as compared to the proposed project. However, such impacts would not be reduced to a level of less than significant. Therefore, this alternative would reduce but not altogether avoid any of the significant and unavoidable impacts as compared to the proposed project.

#### **Alternative 5- Updated Regional Housing Need Alternative**

This Alternative is proposed as a result of the adoption of the County's 5th Revision to the Housing Element (2014-2019 planning cycle), adopted by the Board of Supervisors on June 24, 2014 and certified by HCD on July 17, 2014. As a result, the County was able to reduce the minimum amount of required rezoning from 1,270-units to 699-units. The same sites that are included in the analysis of 2009-2014 planning cycle (those evaluated in Chapter 4 of this EIR) were retained as potential candidate rezone sites in the latest revision of the County's Housing Element, with the exception of Site 2 which was withdrawn from the Program in November 2013 at the request of the property owner.

As result of the reduction in Regional Housing Need from 1,270 units to 699 units, County staff looked at alternatives to rezoning fewer properties to decrease potential impacts on the environment as a result of the project. County staff evaluated the proposed properties and ranked the properties in "Tiers" based on the

suitability of the properties for re-designation. With the required number of overall units reduced to 699, County staff considered options for reducing the number of sites in each of the three communities in which the re-designation was proposed.

The following sites have been determined by County staff to be the most suitable for re-designation and the application of the RH combining districts standards: Sites 3, 5, 6, 11, 12, 14, 16 and 18. These sites and would be considered the first tier for implementing the project and meeting the project objectives.

Development of these first tier sites would generate a maximum of 1,130 units on 64.97 acres. Compared to the proposed project that is 1,542 fewer units (58% fewer) on 84.02 fewer acres. The aggregate density of the Tier 1 sites, based on building footprint of each site, would yield 759 units on a development footprint of 47.68 acres compared to the proposed project with 1,612 units on 101.19 acres. Under this alternative the aggregate density of 759 units would exceed the Regional Housing Need of 699 units.

As indicated in Section IV.A, *Basis for Alternatives Analysis*, above, the proposed project would result in significant and unavoidable impacts with regard to land use and planning; air quality; greenhouse gases; population and housing; public services, utilities, and service systems; and, transportation/traffic. Overall, as a reduced amount of development would occur under this alternative, the significant and unavoidable impacts with regard to air quality; greenhouse gases; public services, utilities, and service systems; and transportation/traffic would be reduced as compared to the proposed project. However, such impacts would not be reduced to a level of less than significant. Therefore, this alternative would reduce but not altogether avoid any of the significant and unavoidable impacts as compared to the proposed project.

## **V. Statement of Overriding Considerations.**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social, and other benefits of the Project.

Approval by the Nevada County Board of Supervisors (the “Board”) of the Nevada County Housing Element Rezone Implementation Program and the corresponding General Plan and Zoning Ordinance text amendments (the “Project”) will result in significant adverse environmental effects which cannot be mitigated or avoided, notwithstanding the Board has adopted all feasible mitigation measures. Despite the ultimate occurrence of these expected effects, the Board, in accordance with *Public Resources Code* Section 21081(b) and *CEQA Guidelines* Section 15093, has balanced the benefits of the proposed Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The Board has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts

resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and, (iii) balanced the project's benefits against the project's significant unavoidable impacts. The Board has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The Board has chosen to approve the Project EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant effects on the environment. Substantial evidence supports the various benefits and can be found at a minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the DEIR, and the documents which make up the record of proceedings.

**A. Significant and Unavoidable Impacts**

Based on the information and analysis set forth in the Draft Environmental Impact Report ("DEIR") and the record of proceedings, construction of the proposed project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

1. **Impact 4.2-1:** The Proposed Project could conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project.
2. **Impact 4.5-1:** The Proposed Project would result in temporary construction-related dust and vehicle emissions during construction within the project area.
3. **Impact 4.5-2:** The Proposed Project could result in an overall increase in local and regional mobile and stationary source emissions, which may exceed air quality standards.
4. **Impact 4.5-5:** The project may not be consistent with the air quality attainment plan (AQAP) criteria.
5. **Cumulative Impact (Air Quality):** The project would result in additional vehicular travel to and from the project sites, with the resultant exhaust emissions that contain ozone precursors and particulate matter. The County is within an area classified as nonattainment for federal and State O<sub>3</sub> and State PM<sub>10</sub> standards.
6. **Cumulative Impact (Air Quality):** The Housing Element Rezone's GHG emissions in combination with GHG emissions from other known and reasonably foreseeable project would result in a greater amount of GHG emissions. Therefore, the amount of cumulative GHG emissions would be cumulatively considerable, and would potentially hinder the intent and Statewide reduction goals of AB 32.
7. **Impact 4.6-1:** Greenhouse gas emissions generated by the project would not have a significant impact on the environment.

8. **Impact 4.12-1:** The Proposed Project would directly induce population growth in the City of Grass Valley.
9. **Impact 4.13-2:** The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity (including conveyance, collection, and wastewater treatment facilities) to provide for the project's projected demand in addition to the provider's existing commitments.
10. **Impact 4.13-3:** Sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources; no new or expanded entitlements would be required. However, the Proposed Project could require local infrastructure improvements to increase capacity prior to construction. The capacity of the existing water infrastructure to deliver water at the time of construction is unknown because it is unknown when development will occur within the RH Combing District.
11. **Impact 4.15-2:** The Proposed Project would add traffic to the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.
12. **Impact 4.15-3:** The Proposed Project would add traffic to the intersection of La Barr Meadows Drive and McKnight Way. This intersection is projected to operate at LOS F on the worst approach (unacceptable) in the PM peak hour.
13. **Impact 4.15-4:** The Proposed Project would add traffic to the intersection of Brunswick Road and Triple Crown Road. This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the PM peak hour.
14. **Impact 5.2.14.1:** The Proposed Project would add traffic to the signalized intersection of Nevada City Highway and Brunswick Road. This intersection is projected to operate at LOS E (unacceptable) in the PM peak hour.
15. **Impact 5.2.14.2:** The proposed project would add traffic to the intersection of Brunswick road and Town Talk Road (Sites 7 and 8 access). This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the pm peak hour.
16. **Impact 5.2.14.3:** The Proposed Project would add traffic to the intersection of SR 49 northbound ramps and McKnight Way. This intersection is projected to operate at overall LOS E (unacceptable) in the PM Peak Hour.

## **B. Overriding Considerations**

The following statement of considerations identifies why, in the Board's judgment, the Project and its benefits to Nevada County outweigh its unavoidable significant environmental impacts. The Board has determined that any one of these considerations override, on balance, the cumulative significant negative environmental impacts of the Project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the Project:

### **1. Maintain a current and valid comprehensive General Plan.**

The requirements for updating and maintaining Housing Elements in the state of California are established by the California Department of Housing and Community Development (HCD). If the (HCD) determines that a Housing Element fails to substantially comply with the State's Housing Element Law, there are potentially serious repercussions for the local jurisdiction that extend beyond conflicts in residential land use planning. When a jurisdiction's Housing Element is found to be out of compliance, its General Plan is at risk of being deemed inadequate, and therefore invalid. Another repercussion of not having a legally compliant housing element includes the possibility of legal action against the jurisdiction. If a jurisdiction's Housing Element is not compliant with State law, then developers and advocates have the right to sue the jurisdiction for failing to have a legal housing element. This project will ensure the County has adequate suitable sites to accommodate current and future Regional Housing Needs Allowances which will assist that County in obtaining a certified Housing Element during current and future Housing Element Planning Cycles. Thereby reducing the potential for future lawsuits that could challenge the validity of the County's General Plans, should HCD find the County's Housing Element to be out of compliance due to lack of suitable sites.

### **2. Maintain the County's eligibility to meet the minimal qualifications for California Strategic Growth Bonds and other important housing grant and loan programs such as Community Development Block Grant, HOME, Liheap, etc. funding.**

In addition to meeting the requirements of state law, the County also seeks to have a certified Housing Element in order to be eligible for state grant funding programs such as Community Development Block Grants (CDGB), HOME, Liheap, and other programs which are used to fund a variety of public projects in the County. To incentivize and reward local governments that have adopted compliant and effective housing elements, several housing, community development and infrastructure funding programs include housing element compliance as a rating and ranking or threshold requirement.

**3. The project will help meet the increasing demand for new housing opportunities in Nevada County.**

- a. To meet State housing requirements identified in the County's Housing Element, high-density residential zoning (R3) for an additional 1,270 housing units are required to meet the County's unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to assist in providing a variety of housing types for all income segments of the population and by density alone would be inherently more affordable to existing and future residents of the County. The maximum yield of all the proposed project sites is 2,675 units over approximately 149 acres, thereby exceeding the 1,270 unit requirement identified in the County's Housing Element.

**4. The project will allow for the construction of needed affordable housing within Nevada County while ensuring that impacts on the natural environment are minimized as development occurs.**

- a. As described in the Project Summary on page 2-2 of the DEIR, the project will result in development of a Regional Housing Need Implementation Plan, as outlined in the "RH" Zoning Combining District Ordinance (Section L-II 2.7.11.C.3 of the Nevada County Land Use and Development Code). This Plan will outline site-specific development standards and any CEQA mitigation measures adopted for each site that must be adhered to in order for the site to develop consistent with the purpose of the rezone and to ensure that the development of the site does not result in a significant environmental impact.

**5. The project provides regionally significant roadway and intersection improvements that would improve existing local and regional traffic operations.**

- a. The Project Developer will be required to mitigate for traffic impacts through contribution to the County's Traffic Impact Mitigation Program, established through adoption of a Local Traffic Mitigation Fee (LTMF). Further, the adoption of a Regional Traffic Mitigation Fee (RTMF) recognized cross-jurisdictional traffic between western County cities and unincorporated County. The LTMF and RTMF combine to provide both local and regional methods to allow development on an incremental basis while collecting fees to offset growth impacts. Additionally, the Grass Valley Traffic Impact Fee Program (GVTIF) collects fees from future developments as mitigation to improve the City's road network infrastructure as the City reaches buildout of the General Plan.

Prior to the development of the project site, the Project Developer will pay a fair share contribution to the LTMF, RTMF, or City of Grass

Valley Development Impact Fee Capital Improvement Program, or construct improvements that contribute to overall improvement of local and/or regional conditions on the following roadways and intersections:

- Idaho-Maryland Road and Brunswick Road
- La Barr Meadows Drive and McKnight Way
- Brunswick Road and Triple Crown Road
- SR 49 / Combie Road
- Higgins Road and Combie Road

(DEIR, Section 4.15, p. 4.15-44 to -78)

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