



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617  
(530) 265-1222 www.mynevadacounty.com

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PLANNING DEPARTMENT  
FAX (530) 265-9851

ENVIRONMENTAL HEALTH  
FAX (530) 265-9853

BUILDING DEPARTMENT  
FAX (530) 265-9854

CODE COMPLIANCE  
FAX (530) 265-9851

April 23, 2004

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**SUBJECT:** Public hearing to consider the Planning Commission's recommendation to rezone a 13,750 square-foot easement from TPZ-160 to Public, subject to State Board of Forestry approval. The property is located at 15702 Dog Valley Road, in Supervisor District V. (Z04-001).

**DATE OF HEARING:** May 4, 2004

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**ATTACHMENTS:**

1. Zoning Exhibit
  2. March 25, 2004 Staff Report
  3. Minutes from the March 25, 2004 Hearing.
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**BACKGROUND**

On March 25, 2004, the Nevada County Planning Commission considered the Use Permit and Rezone application of Sierra Pacific Power Company proposing to enlarge and rebuild the existing Hobart Mills electrical substation from 900 to 4,500 square feet and to rezone a 13,750 square-foot easement from Timberland Production Zone (TPZ)-160 to Public. The existing substation was built prior to the parcel being zoned for TPZ. Electrical substations are not allowed within TPZ zoning. Therefore, the easement site for the substation must be rezoned prior to its rebuild and enlargement. The Planning Commission approved the Use Permit.

There were no adverse issues identified with the rezone, and the Commission recommended approval on a 4-0-1 vote (Commissioner Spencer was absent). The staff report to the Planning Commission, which discusses the procedures for immediate removal of the easement from Timberland Production Zoning, is attached for your review. The State Board of Forestry has established specific procedures for the immediate removal of property from TPZ. The Board of Supervisors tentatively approves the rezoning and forwards its tentative approval to the Forestry Board. If the Forestry Board approves the conversion from TPZ, staff will return to the Board of

Supervisors to request actual approval of the rezone from TPZ-160 to Public, amending Zoning District Map (ZDM) 137. The Board of Supervisors actions require at least a 4/5ths vote.

The Planning Commission's action on the Mitigated Negative Declaration in final, as no appeal of those actions was filed.

### **ACTIONS FOR CONSIDERATION**

After reviewing and considering the Mitigated Negative Declaration adopted for the project, and not appealed, the Nevada County Planning Commission recommends the Board of Supervisors take the following action:

- I. Recommend the State Board of Forestry approve the immediate rezone from TPZ-160 to Public based on the following findings:
  - A. That the rezoning to Public is consistent with the FOR-160 land use designations of the Nevada County General Plan;
  - B. That the acreage of the remaining portion of the parcel not being rezoned satisfies the requirements for a TPZ District as set forth in Sec. L-II 2.3.B.4 of the Nevada County Land Use and Development Code;
  - C. That the proposed amendment is in the public interest and will not be detrimental to the health, safety, convenience, or welfare of the County;
  - D. That the rezoning will not have a substantial and unmitigated adverse effect upon timber-growing use of adjacent lands within one mile of the exterior boundaries of the land to be rezoned;
  - E. That the soils, slopes and watershed conditions on the site are suitable for the proposed use as evidenced by its current substation use and the lack of impact to sensitive resources resulting from expansion of the current use;
  - F. That there is no nearby land suitable for the proposed use expansion not allowed within the "TPZ" district, because the current transmission and distribution lines are at the current site, and an alternative location would result in the environmental impact of additional transmission or distribution line construction; and
  - G. The proposed rezone is the result of the property's use as an electrical substation prior to its being zoned TPZ, and it is not caused by any economic decisions related to timber production.

**NEVADA COUNTY PLANNING COMMISSION  
STAFF REPORT**

**APPLICANT:** Sierra Pacific Power Company    **HEARING DATE:** March 25, 2004

**OWNER:** Michael D. Morgan                      **FILE NO:** U03-102, Z04-001, EIS03-103

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**PROJECT:** Use Permit and Rezone applications to rebuild and enlarge the existing Hobart Mills electrical substation from 900 square feet to 4,500 square feet and to improve the existing bladed access road. Enlargement requires rezoning of the 13,750 square-foot substation easement area from Timberland Production Zone (TPZ)-160 to Public

**LOCATION:** 15702 Dog Valley Road, Northeast of Truckee, near the intersection of Dog Valley and Old Reno Roads

**ASSESSOR'S PARCEL NO:** 16-100-28

**PROJECT PLANNER:** Garnet Holden, Assistant Planner

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<b>General Plan:</b>	FOR-160	<b>Water:</b>	N/A
<b>Region:</b>	Rural	<b>Sewage:</b>	N/A
<b>Zoning:</b>	TPZ-160	<b>Fire:</b>	CDF
<b>Flood Map:</b>	FEMA Panel #0250B, Zn C	<b>Schools:</b>	Tahoe/Truckee
<b>ZDM #:</b>	137	<b>Recreation:</b>	Truckee Donner
<b>Lot Size:</b>	103 acres (easement 13,750 s.f.)	<b>Sup. Dist.:</b>	V
<b>Prev. File #s:</b>	Z78-001		
<b>Date Filed:</b>	1/13/04	<b>Receipt #:</b>	1195 & 2817

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**ATTACHMENTS:**

1. Mitigation Measures and Conditions of Approval
  2. Proposed Mitigated Negative Declaration
  3. Zoning Exhibit
  4. Site Plan Reduction and Vicinity Map
  5. Photographs Existing and Proposed Substations
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**STAFF RECOMMENDATIONS:**

1. ENVIRONMENTAL ACTION: Adopt a Mitigated Negative Declaration
2. PROJECT ACTION: Recommend Approval of the Use Permit Subject to Mitigation Measures and Conditions  
Recommend Approval of the Immediate TPZ Rezone of the substation easement to Public

## **BACKGROUND**

This application involves enlargement of an existing 900-square-foot electrical substation built on this site in the early 1960's. The parcel is zoned Timberland Production Zone (TPZ). The two sections of the Zoning Ordinance most relevant to the approval of this application are Section L-II 3.14 E., which provides standards and regulations for Electrical Substations, and Section L-II 2.3.C., which provides Timberland Production Zone standards, including provisions for an immediate rezone from TPZ to another zoning designation rather than the standard 10-year effective date for removal of property from a TPZ.

Following implementation of the Forest Taxation Reform Act of 1976, the subject 103-acre parcel was zoned Timberland Production Zone (TPZ). In 1985, the Nevada County Zoning Ordinance and General Plan were amended (GP85-26) to give the County the authority to review applications for establishment of electrical substations and construction of transmission lines. The 1985 initial study indicated that the amendments were aimed primarily at assuring that major electrical transmission facilities constructed in the county were designed to minimize aesthetic impacts. Section L-II 3.14.F.2., Electrical Lines and Electrical Substations Standards, states that these uses are permitted with a use permit in all base districts except R1, R2 and TPZ. Because the electrical substations section of the Zoning Ordinance does not allow substation placement in TPZ zones, this existing substation is now a legal, nonconforming use. The Zoning Ordinance does not allow enlargement of nonconforming uses. In order for the use to be rebuilt to meet current electrical substation standards and enlarged to meet existing customer requirements, the 13,750 square-foot easement portion of the property requires immediate rezoning from TPZ to Public. The remainder of the parcel will remain TPZ.

The substation rebuild will utilize existing transmission facilities. Only one new power pole will be required for the project.

## **STAFF COMMENT:**

**Project Description:** The existing substation serves approximately forty customers. This project does not propose to extend services from the substation to any new users. The immediate purpose of the substation rebuild is to enable the substation to deliver the amount of load required by an existing customer and served through the existing distribution line. The substation will be rebuilt with a larger transformer and new voltage regulators, which are required to provide the Hobart Mills Industrial Park with service for approximately 500 to 1000 kVA of load. The larger transformer and new voltage regulators will result in 5,000 kVA, three-phase power. The project will provide technologically current substation equipment, a new power pole, and fencing. The new substation will be built on a different site within the 13,750 square-foot easement so that the new facility can be built and brought on-line prior to the dismantling of the existing substation.

**Project Alternatives:** Both the electrical substations section (L-II 3.14.F.3.b.) and immediate rezoning from TPZ (L-II. 2.3.C.6.b.1.d.) require consideration of alternative sites. No other alternatives are being considered other than a "no project" alternative. The proposed site is located at the intersection of both the transmission line (at the source of power) and the distribution line, which goes to and serves the customer. Any other location would require the construction of a lateral line from either the transmission line, the distribution line or both, which would result in added costs and added environmental impacts for power line construction. The flat terrain of the existing site minimizes the cost of site preparation and reduces environmental impacts.

**Zoning and General Plan Consistency:** In terms of the rezone, the purpose of the Timberland Preserve Zone is to provide for and encourage prudent and responsible timberland resource management. The existing substation preceded TPZ zoning, so the easement site has not been used for timber production since it was designated TPZ. Section L-II 2.3.C.6.b. provides for an immediate rezoning from TPZ to a new zone on all or part of a parcel with a 4/5ths vote by the Board subject to specific findings, including that the immediate rezoning is in the public interest, will not impact timber-growing on lands within one mile of the exterior boundaries of the land to be rezoned, that the soils, slopes and watershed conditions are suitable for the use proposed, that there is no nearby land suitable for an alternative use not allowed within the TPZ district, and that the rezone request is not based upon the uneconomic character of the existing use. Following tentative approval of the rezone by the Board of Supervisors, the Board forwards its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, along with a summary of the public hearings and any other information required by the Board of Forestry. Upon notification by the Board of Forestry that it has given final approval to the conversion, the Board of Supervisors removes the easement portion of the parcel from the timberland preserve zone and specifies the easement as Public zoning. A tax recoupment fee, in accordance with Section 51142 of the State Government Code, is imposed on the owner of the rezoned easement.

General Plan Forest Policy 15.2 directs that provision of public facilities and services shall be limited in important timber areas, except where necessary to address public health or safety problems. This policy discourages conversion of timber areas for the use of public facilities; however, in this case, a small easement area, which is not producing timber, has an outdated electrical substation. The existing equipment is located on wood risers directly on the surface of the ground; current substation construction standards specify placement on concrete/gravel instead of wood. The rebuilt substation will be upgraded to meet current National Electric Safety Code fence and safety clearance.

General Plan Economic Development Policy 2.12 directs that if analysis determines a lack of a facility or service that restricts development potential, an action program to provide the needed facility or service shall be implemented. One of the triggers for the substation rebuild is to meet the electrical service requirements of existing customers in the Hobart Mills industrial area.

A General Plan Amendment is not required, because Public zoning is consistent with the Forest General Plan designation.

### **Use Permit Issues**

**Access and Fire Safety:** Approval of the Use Permit will require that the access road be improved to Fire Safe Driveway standards, and that the encroachment onto Dog Valley Road be brought into compliance with current driveway encroachment standards. A firebreak of 100-foot from structures or to the property line, whichever is closer, is required.

**Design Standards:** The purpose of design standards for electrical substations is to minimize their visual impact on the surrounding area. The Zoning Ordinance, Section 3.14 F.5, includes the following substation design criteria: low-profile designs in order that the substation is completely enclosed with a maximum 8-foot high fence, chain-link fences with slats and landscaping, and earth-tone equipment colors. These criteria are subject to review and approval by the decision-making body.

The height of the proposed new electrical equipment is approximately 12-feet with supporting electrical structure extending in excess of 42' (see Attachment 2, Photographs Existing and

Proposed Substation) in order to meet and match the adjacent transmission line. The maximum structure height allowed within the Public zoning designation is 45 feet.

Regardless of the fencing style, area trees are the most critical factor in minimizing visibility of the substation. Traffic is limited. The substation is adjacent to north-south and east-west distribution lines. No homes or structures are visible from the site, although a residence may overlook the sight from a nearby ridge. The site is approximately 800 feet north of Old Reno Road and 360 feet west of Dog Valley Road. Given the remote location, with dry summers, high fire risk and deep winter snow, additional landscaping and fence slats are not recommended. The electrical equipment will be grey.

**Lighting:** The project proposes as its only lighting a single twenty-foot pole with a 400-watt bulb. The light will utilize a manual switch, and the light will only be used when personnel are present under normal maintenance conditions. Lighting must meet County lighting standards (Sec. L-II 4.2.8) providing that all outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. Parcels adjacent to rural zoning districts, which this is, allow only a maximum 15-foot pole. High efficiency lamps are required: high pressure sodium and mercury vapor light fixtures are prohibited.

**Signs:** A wall sign will be placed on each side of the substation fence warning of high voltage, for a total of four 4-5 square-foot signs. The signs will not be illuminated. Public utility hazard signs are exempt from the County's sign standards.

**ACTIONS FOR CONSIDERATION:** Staff recommends the Planning Commission take the following actions:

- I. After review and consideration of the Initial Study, adopt a Mitigated Negative Declaration for this project, pursuant to Section 15074 of the California Environmental Quality Act. Upon adoption of the Negative Declaration, make the finding that this decision reflects the independent judgment of the Nevada County Planning Commission. Also note that the location and custodian of the documents, which constitute the record of these proceedings, is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City.
- II. Recommend the Board of Supervisors approve the rezone from TPZ-160 to Public for the 13,750 square-foot easement area included in the application and shown on the Zoning Exhibit, subject to State Board of Forestry approval, following procedures for immediate removal of the easement from TPZ, and assigning it to a new zone, including amendment of Zoning District Map #137, based on the following findings:
  - A. That the rezoning to Public is consistent with the FOR-160 land use designations of the Nevada County General Plan;
  - B. That the acreage of the remaining portion of the parcel not being rezoned satisfies the requirements for a TPZ District as set forth in Sec. L-II 2.3.B.4 of the Nevada County Land Use and Development Code;
  - C. That the proposed amendment is in the public interest and will not be detrimental to the health, safety, convenience, or welfare of the County;

- D. That the rezoning will not have a substantial and unmitigated adverse effect upon timber-growing use of adjacent lands within one mile of the exterior boundaries of the land to be rezoned;
  - E. That the soils, slopes and watershed conditions on the site are suitable for the proposed use as evidenced by its current substation use and the lack of impact to sensitive resources resulting from expansion of the current use;
  - F. That there is no nearby land suitable for the proposed use expansion not allowed within the "TPZ" district, because the current transmission and distribution lines are at the current site, and an alternative location would result in the environmental impact of additional transmission or distribution line construction; and
  - G. The proposed rezone is not the result of the uneconomic character of the existing use.
- III. Approve the Use Permit application U03-102, subject to Board of Supervisors and State Board of Forestry approval of the easement rezone and to the attached Mitigation Measures and Conditions of Approval, recommended in Attachment "1", or as may be modified at the public hearing, making the following findings, pursuant to Section L-IV 2.24 of the Nevada County Land Use and Development Code and Government Code Section 66474:
- A. That the proposed 4,500 square foot electrical substation use is consistent with the Forest-160 General Plan land use designation, and with purposes of use set forth in Policies 2.12 and 15.2 of the General Plan. The proposed project is within the Rural Region and is consistent with the anticipated land uses within this region;
  - B. The proposed use, electrical substation rebuild, is allowed within and is consistent with the proposed Public zoning designation;
  - C. The proposed use of this facility meets the applicable provisions of the Nevada County Land Use and Development Code, including the Site Development Standards mitigating the project development impacts, and, to the extent feasible, with the standards of Section L-II 3.14;
  - D. The design of this project, subject to Conditions of Approval, is compatible with its surroundings and therefore meets the intent of the electrical substation design standards; because of the natural screening and landscaping provided by area vegetation, the low profile design, slatted fencing and additional landscaping are not required.
  - E. This project does not require on-site water or sewage disposal;
  - F. The rebuild and enlargement of the substation are compatible with, and not detrimental to, existing and anticipated future uses of this 103-acre parcel and on property in the surrounding area.
  - G. Access to the site will be improved to meet Fire Safe Standard access and to meet encroachment standards for access to the nearby Old Reno and Dog Valley roads;

- H. The proposed facilities are consistent with all elements of the Nevada County General Plan and any applicable specific plan;
- I. There are no superior and feasible alternatives to the project as proposed;
- J. All feasible mitigation measures have been imposed upon the project; and
- K. That the conditions attached to this permit, ensure the protection of human life and health, minimize water quality problems and impacts to the visual character of the area.

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**SIERRA PACIFIC POWER COMPANY  
MITIGATION MEASURES AND CONDITIONS OF APPROVAL  
U03-102, Z04-001**

**Mitigation Measures**

**1. *Land Use/Planning***

- A. The 13,750 square-foot Sierra Pacific Power Company easement shall be rezoned from Timberland Production Zone to Public.

**5. *Air Quality***

- A. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- B. The project applicant shall use alternatives to open burning of vegetative material on the project site unless deemed infeasible by the Air Pollution Control Officer (APCO). Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- C. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance

**10. *Noise***

- A. Hours of operation for construction activities shall be limited to the hours of 8:00 a.m. to 7:00 p.m. Monday through Saturday. All construction equipment shall be kept tuned and with appropriate mufflers as standard construction practice. Building permits shall reflect these limited hours of operation and construction practices and shall be reviewed by the Planning Department prior to permit issuance.

**14. *Agricultural Resources.***

- A. See Mitigation Measure 1A.

**15. *Cultural Resources***

- A. The following requirement shall be incorporated into construction plans submitted to the Building Permit Department.

“Contractors and construction personnel involved in any form of ground disturbance (i.e. utility placement or maintenance, grading, etc.) shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately, and the Planning Department and a professional archeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.”

**Mitigation Monitoring Matrix:**

<b>MEASURE</b>	<b>MONITORING AUTHORITY</b>	<b>WHEN IMPLEMENTED</b>
1A	Planning Department	Prior to Building Permit Issuance
5A	Planning Department	Prior to Building Permit Issuance
5B	Planning Department	Prior to Building Permit Issuance
5C	Planning Department	Prior to Building Permit Issuance
10A	Planning Department	Prior to Building Permit Issuance
14A	Planning Department	Prior to Building Permit Issuance.
15A	Planning Department	Prior to Building Permit Issuance.

**Conditions of Approval**

**A. PLANNING DEPARTMENT**

1. This Use Permit approval is limited to the construction of a 4,500 square foot electrical substation, including a single-pole transmission structure outside of the substation placed along the existing transmission, a new guy and anchor to be installed on an existing single pole distribution structure south of the substation, and improvement of the existing bladed access road.
2. Project approval does not become effective unless and until the applicants sign and file with the Nevada County Planning Department an indemnity agreement, approved by the County Counsel, which shall be substantially in the following form:

“The applicants shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul this approval or any prior or subsequent project-related approvals or conditions imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning this project, or to impose personal liability against such agents, officers, or employees resulting from their involvement in the project, which claim, action, or proceeding is brought within the time provided by law, including any claim for private attorney general fees claimed by or awarded to any party from County. The County shall not be required to but may, within its unlimited discretion participate in the defense of any such claim, action, or proceeding in good faith at its own expense. The applicants shall not be required to pay or perform any settlement of such claim, action, or proceeding unless the settlement is approved by the applicants. The applicants’ obligations under this condition shall apply regardless of whether any permits or entitlements are or have been issued under this project.

**Prior to any occupancy:**

3. All exterior lighting shall be top and side screened, directed downward and shielded to prevent spillover onto adjacent properties or roadways. Fixtures shall utilize high efficiency lamps; high-pressure sodium, and mercury vapor light fixtures are prohibited.

4. The project signs shall be nonilluminated.
5. Fencing shall include a maximum eight-foot chain-line fence topped with barbed wire.
6. Light pole shall not exceed 15 feet in height.
7. Maximum impervious surface coverage of screened area shall be exceed 15%.
8. If natural vegetation is not sufficient to provide screening of the substation, landscaping shall be planted to provide screening, consistent with fire safe requirements.

**B. DEPARTMENT OF TRANSPORTATION AND SANITATION**

**Prior to final occupancy of any phase:**

1. Road Access:

The project access road shall be improved, at a minimum, to Fire Safe Driveway standards, from Dog Valley Road to the substation site.

2. Road Encroachment:

The encroachment of the access road onto Dog Valley Road shall be improved to comply with current driveway encroachment standards. An Encroachment Permit, issued by the Department of Transportation and Sanitation, shall be required prior to commencement of any work in the Dog Valley Road right-of-way.

3. Snow Removal:

The applicant shall acknowledge in writing to the Department of Transportation and Sanitation that snow removal services are not expressed or implied by the County of Nevada in the approval of this permit.

**C. CDF/NEVADA COUNTY FIRE PROTECTION PLAN**

**Prior to final occupancy:**

1. All driveways shall be constructed per Nevada County ordinance 1748, Section L-XVI 3.2 of Chapter XVI, Article 3 of the Land Use and Development Code of the County of Nevada. Driveways shall be a minimum of 10 feet in width with unobstructed vertical clearance of 15 feet along its' entire length, and capable of supporting a legally loaded 40,000 lb. vehicle. A fuel modification zone shall be provided on both sides of driveways, extending 10 feet in width from the edge of the driveway surface, 15 feet above the driveway surface including an approved

turnaround facility. The turnaround design may be a hammerhead tee or a terminus bulb.

2. For driveways in excess of 400 feet, a turnaround or hammerhead of 12% maximum grade shall be provided meeting the following standards:
  - a. Turnaround: The terminus bulb shall have a minimum 40' radius
  - b. Hammerhead T: The long axis shall be a minimum of 60' and the leg shall be a minimum of 40'
3. The curve radius of the drive off the private road north of the project location is only R-35' and will need to be R-50', or add 4 feet of width to the turn to compensate.
4. Prior to any occupancy vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a firebreak by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Such clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants, which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire Marshal if extra hazardous conditions exist. Prior to final occupancy, all flammable vegetation and fuels caused by site development shall be legally disposed or removed. **NOTE: While this project is an electrical sub station and not a normal framed type structure, PRC 4291 is still to be applied due to the nature of any possible smoke column that might present itself in and around or adjacent to any part of the project in the wildland brush species and could possibly lead to a carbon arch or smoke explosion, which in either case is a very dangerous situation to be avoided. Clearance shall be 100 feet or to the property line, whichever is closer.**
5. Approved address numbers shall be placed on the building or at the entrance to the project in such a position as to be clearly visible and legible from the street providing access. The address signs shall have 3" high numerals with a ½" stroke and be mounted or placed on a background with contrasting colors. (Ord. #1566, 4-4-89)

**NEVADA COUNTY  
CALIFORNIA  
INITIAL STUDY**

**Date of Initial Study Preparation:** March 3, 2004

**Prepared By:** Garnet Holden, Assistant Planner

**File No(s):** U03-102; Z04-001; EIS03-103

**Assessors Parcel No:** 16-120-28

**Project Location:** 15702 Dog Valley Rd., Northeast of Truckee, near the intersection of Dog Valley and Old Reno Roads

**Applicant:** Sierra Pacific Power Company  
6100 Neil Road  
Reno, NV 89511  
Telephone: (775) 834-3866

**Agent:** None

**General Plan:** Forest – 160

**Zoning:** Timberland Production Zone

**Region:** Rural

**Project Description:**

Use Permit and Rezone Application to rebuild and enlarge the existing Hobart Hills electrical substation from 900 square feet to 4,500 square feet and to improve existing bladed access road. Enlarge requires rezone of 13,750 square-foot easement area from Timberland Production Zone (TPZ)-160 to Public.

The following land use permits are needed for this project:

- A. Use Permit
- B. Rezone

**Other Permits Which May Be Necessary:**

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

1. Building Permit - Nevada County Building Department (265-1444)
2. Encroachment Permit – Nevada County Department of Transportation & Sanitation (265-7022)

**SUMMARY OF PROPOSED MITIGATION MEASURES**

**Environmental Factors Potentially Affected:**

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

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

**Summary of Recommended Mitigation Measures:**

**1. Land Use/Planning**

- A. The 13,750 square-foot Sierra Pacific Power Company easement shall be rezoned from Timberland Production Zone to Public.

**5. Air Quality**

- A. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- B. The project applicant shall use alternatives to open burning of vegetative material on the project site unless deemed infeasible by the Air Pollution Control Officer (APCO). Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- C. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance

**10. Noise**

- A. Hours of operation for construction activities shall be limited to the hours of 8:00 a.m. to 7:00 p.m. Monday through Saturday. All construction equipment shall be kept tuned and with appropriate mufflers as standard construction practice. Building permits shall reflect these limited hours of operation and construction practices and shall be reviewed by the Planning Department prior to permit issuance.

**14. Agricultural Resources.**

- A. See Mitigation Measure 1A.

**15. Cultural Resources**

- A. The following requirement shall be incorporated into construction plans submitted to the Building Permit Department.

“Contractors and construction personnel involved in any form of ground disturbance (i.e. utility placement or maintenance, grading, etc.) shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately, and the Planning Department and a professional archeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.”

**Mitigation Monitoring Matrix:**

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10A	Planning Department	Prior to Building Permit Issuance
14A	Planning Department	Prior to Building Permit Issuance.
15A	Planning Department	Prior to Building Permit Issuance.

## INITIAL STUDY AND CHECKLIST

**Introduction:**

This checklist is to be completed for all projects, which are not exempt from environmental review under the California Environmental Quality Act (CEQA). The information, analysis and conclusions contained in the checklist are the basis for deciding whether an Environmental Impact Report (EIR) or Negative Declaration is to be prepared. Additionally, the checklist shall be used to focus an EIR on the effects determined to be potentially significant.

**Project Environmental Setting:**

The subject site is located approximately 5.5 miles northeast of the Town of Truckee and east of Highway 89. The project site is dominated by sparse second growth Jeffrey pine with ground cover consisting mainly of mountain sagebrush and associated species. The site has a moderate slope draining to the south. Elevation of the project area is approximately 5,900 feet in elevation. The semi-arid climate of the area is typical for high mountain valleys in an alpine setting with cold, wet winters and warm, dry summers.

**Relationship to Other Projects:**

Staff is not aware of any other project directly related to this development.

1. LAND USE / PLANNING

**Environmental Setting:** The site is designated Forest on the General Plan and is zoned Timberland Production Zone (TPZ)-160. The surrounding parcels on the north, west and south are zoned Forest-640. The property to the east is zoned TPZ-160. To the south of the parcel is Old Reno Road. Dog Valley Road borders the eastern property line.

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Structures and/or land-use incompatible with existing land-use?	_____	_____	_____✓_____	_____	_____
b. The induction of growth or concentration of population?	_____	_____	_____✓_____	_____	_____
c. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?	_____	_____	_____✓_____	_____	_____
d. The loss of open space?	_____	_____	_____✓_____	_____	_____
e. Conflict with general plan designation or zoning?	_____	_____✓_____	_____	_____	_____A_____



Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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f. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

_____	_____✓_____	_____	_____	_____A_____
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g. Disrupting or dividing the physical arrangement of an established community including a low-income or minority community?

_____	_____	_____	_____✓_____	_____
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**Impact Discussion:** The existing substation was built in the early 1960's, prior to the property being designated as Timberland Production Zone. The Nevada County Zoning Ordinance, Section L-II 3.14.F.2., Electrical Lines and Electrical Substations Standards, states that these uses are permitted with a use permit in all base districts except R1, R2 and TPZ. Because this project will rebuild and increase the capacity of an already existing substation, a rezone of only the public-utility easement portion of the parcel is recommended. A General Plan Amendment is not required, because Public zoning is consistent with the Forest General Plan designation.

**Mitigation Measures:** To eliminate the conflict with the Zoning Ordinance prohibition against electrical substations in TPZ districts, the following mitigation measure shall be required:

- A. The 13,750 square-foot Sierra Pacific Power Company easement shall be rezoned from Timberland Production Zone to Public.

**2. POPULATION / HOUSING**

**Environmental Setting:** As indicated on the General Plan, this parcel is designated Forest. The parcel is already developed with an electrical substation constructed in the 1960's. The substation would continue to only provide services to existing customers in the Hobart Mills area.

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

_____	_____	_____	_____✓_____	_____
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b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

_____	_____	_____	_____✓_____	_____
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<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	✓	_____

**Impact Discussion:** The project proposes to serve only existing customers with the rebuilt substation. No new transmission lines are proposed to extend service throughout the area. This use is not expected to have any impact on population or housing.

**Mitigation Measures:** No mitigation is required.

### 3. GEOLOGY / SOILS

**Environmental Setting:** The eastern portion of the County, in which the project is located, is identified as part of geologic substructure zone III, Mesozoic Jura-Trias Metavolcanic and Mesozoic Granitic Formations. The project site is located within Seismic Hazard Zone III, which is an area of high seismic activity. The site is located between two historic faults: Dog Valley Fault and an unnamed fault that may have been the effect of the 1966 Truckee earthquake. This unnamed fault is located adjacent to if not closer to the project site than the Dog Valley Fault. Earthquakes within the 4.5-6.4-magnitude range have historically occurred in the greater area surrounding the project site, although none have occurred directly on the project site. The expansion of the substation would not place persons or buildings at significant risk of damage or injury. The soils in this area are identified on the Tahoe National Forest, 1974 Soil Resource Inventory as Fugawee Variant, a shallow, well-drained soil with high erosion potential. This site is already developed with a substation. The area to be cleared for the proposed substation rebuild is approximately 120 feet wide by 135 feet long, totaling about 0.4 acre of Sagebrush Scrub habitat.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?	_____	_____	_____	✓	_____
b. Disruptions, displacements, compaction or over covering of the soil by cuts, fills, or extensive grading?	_____	_____	_____	✓	_____
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	_____	_____	_____	✓	_____

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	_____	_____	_____	✓	_____
e. Any increase in wind or water erosion of soils, on or off the site?	_____	_____	_____	✓	_____
f. Changes in siltation, deposition or erosion, which may modify the channel of a river, or stream, or the bed any bay, inlet or lake?	_____	_____	_____	✓	_____
g. Excessive grading on slopes of over 30 percent?	_____	_____	_____	✓	_____

**Impact Discussion:** The project is not expected to have a significant impact on soils or geology. Twenty-seven (27) cubic yards of soil will be cut and redistributed in place to form a plane surface 60' x 75' in size at approximately the same slope as existing natural terrain. The rebuilt substation would be subject to seismic risks at the same level as the existing facility, and no increase of this risk would occur. The building permit will address standard erosion control measures.

**Mitigation & Residual Impact:** No mitigation is required.

**4. HYDROLOGY / WATER QUALITY**

**Environmental Setting:** The Flood Insurance Rate Map (FIRM) for this area, prepared by the Federal Emergency Management Agency, does not identify this site as being within the 100-year flood plain. The site has a moderate slope draining to the south where a shallow ephemeral drainage is present approximately 328 feet south of the project area.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements?	_____	_____	_____	✓	_____
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of	_____	_____	_____	_____	_____

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	_____	_____	_____	✓	_____
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	_____	_____	_____	✓	_____
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	_____	_____	_____	✓	_____
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	_____	_____	_____	✓	_____
f. Otherwise substantially degrade water quality?	_____	_____	_____	✓	_____
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	_____	_____	_____	✓	_____
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	_____	_____	_____	✓	_____
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	✓	_____
j. Inundation by mudflow?	_____	_____	_____	✓	_____

**Impact Discussion:** The proposed site will be graded at existing terrain slopes and covered with gravel to avoid concentrated runoff. The project is not expected to impact hydrology or water resources.

**Mitigation & Residual Impact:** No mitigation is required.

5. AIR QUALITY

**Environmental Setting:** The overall air quality in Nevada County is declining. Eastern Nevada County (Truckee) has exceeded the CAAQS for particulate matter (PM10) and the 24 hour NAAQS for particulate matter (PM10), but is not yet designated as federal non-attainment for PM10. The major sources of PM10 in eastern Nevada County are from the use of wood heating devices, residential open burning, prescribed burning, and sanding of roads in the winter. In mid-1997, the Environmental Protection Agency declared a National Ambient Air Quality Standard for PM2.5 (particulate matter with an aerodynamic diameter of 2.5 microns or less). PM2.5 is primarily a product of combustion processes, e.g. firewood and yard debris burning common in the populated areas of Nevada County. Unpaved roads, which create dust, surround the site, but the level of use of these roads is very low and does not significantly contribute to particulate matter release or vehicle emissions. No homes or schools, which would be considered sensitive receptors, are in the immediate vicinity of the substation.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	_____✓	_____	_____
b. A violation of any air quality standard or contribute to an existing or projected air quality violation?	_____	_____	_____✓	_____	_____
c. Exposure of sensitive receptors to pollutants?	_____	_____	_____	_____✓	_____
d. The creation of objectionable smoke, ash or odors?	_____	_____✓	_____	_____	_____
e. Dust generation?	_____	_____✓	_____	_____	_____
f. Exceeding any potentially significant thresholds adopted in County Plans and Goals?	_____	_____	_____✓	_____	_____

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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g. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

_____	_____	_____ ✓	_____	_____
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**Impact Discussion:** Construction is likely to cause short-term emissions through construction equipment emissions and dust. Substation operation will not cause an increase of pollutants in the area. Neither construction activity nor the proposed use will generate particulate matter that will significantly affect air quality.

**Mitigation & Residual Impact:** To offset the potential adverse air quality impact associated with construction, the following mitigation measures shall be required:

- D. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- E. The project applicant shall use alternatives to open burning of vegetative material on the project site unless deemed infeasible by the Air Pollution Control Officer (APCO). Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- F. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance

**6. TRANSPORTATION / CIRCULATION:**

**Environmental Setting:** The project site is accessed via private driveway from Dog Valley Road, a publicly maintained road. The proposed substation is an unattended facility, and site visits will occur only for periodic maintenance.

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

_____	_____	_____	_____ ✓	_____
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b. A need for private or public road maintenance, or need for new roads?

_____	_____	_____	_____ ✓	_____
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<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Effects on existing parking facilities, or demand for new parking?	_____	_____	_____	✓	_____
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	_____	✓	_____
e. A substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?	_____	_____	_____	✓	_____
f. An alteration of waterborne, rail or air traffic?	_____	_____	_____	✓	_____
g. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians, including short-term construction and long-term operational?	_____	_____	_____	✓	_____
h. Inadequate:					
Sight distance?	_____	_____	_____	✓	_____
Ingress/egress?	_____	_____	_____	✓	_____
General road capacity?	_____	_____	_____	✓	_____
Emergency access (4290 Standard)?	_____	_____	_____	✓	_____
i. Conflicts with adopted policies supporting alternative transportation, e.g. bus turnouts, bicycle racks?	_____	_____	_____	✓	_____

**Impact Discussion:** Access to the project site is via private driveway from Dog Valley Road. The private driveway will be improved to Fire Safe Driveway standards from Dog Valley Road to the substation site, prior to issuance of an Occupancy Permit. No significant increase in traffic will occur as a result of this unattended facility.

**Mitigation & Residual Impact:** No mitigation is required.

## 7. BIOLOGICAL RESOURCES

**Environmental setting:** The project area is situated on the margin of a moderately dense Jeffrey pine stand to the north and an open area to the south with Sagebrush Scrub characteristics. The trees within the project area are widely spaced. The surrounding forest exhibits second growth characteristics, with a uniform age structure and minimal canopy layers. The project area falls within the summer range of the Truckee-Loyalton mule deer heard.

A minor migration corridor is delineated approximately one mile to the east of the project site. The area to be cleared for the proposed substation totals about 0.4 acre of Sagebrush Scrub habitat.

Will the proposal result in:

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



Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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g. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals), which could hinder the normal activities of wildlife?

_____	_____	_____	✓	<u>0</u>
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**Impact Discussion:** Clearing of the proposed area would include the removal of one 5-inch dbh pine, one 12-inch dbh western juniper, and one 36-inch dbh pine. Surveys of the project site did not reveal any special status wildlife or plant species. The project site does not contain any suitable habitat that is currently occupied by sensitive wildlife or plant species. The project would not have a significant impact to biological resources.

**Mitigation & Residual Impact:** No mitigation is required.

**8. MINERAL RESOURCES**

**Environmental Setting:** This site is not designated as MRZ-2 lands, and there is no knowledge of previous mining activity.

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

_____	_____	_____	✓	<u>19</u>
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b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

_____	_____	_____	✓	<u>19</u>
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**Impact discussion:** This project is not anticipated to have any impact on mineral resources.

**Mitigation & Residual Impact:** No mitigation is required.

**9. HAZARDS / HAZARDOUS MATERIALS**

**Environmental Setting:** The property is not within or adjacent to any abandoned solid waste disposal sites that are known to the County.

a. In the known history of this property, have there been any past uses, storage, or discharge of hazardous materials? (Examples include, but are not limited to, fuel or oil stored in underground tanks, pesticides, solvents, or other chemicals.)

Yes \_\_\_ Maybe \_\_\_ No ✓

b. Will the proposed project involve the use, production or disposal of materials, which pose a hazard to people or animal, or plant populations in the area effected? Yes \_\_\_ Maybe \_\_\_ No

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	___	___	<input checked="" type="checkbox"/>	___	___
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	___	___	<input checked="" type="checkbox"/>	___	___
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	___	___	___	<input checked="" type="checkbox"/>	___
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	___	___	___	<input checked="" type="checkbox"/>	<u>C</u>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	<input checked="" type="checkbox"/>	___
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	<input checked="" type="checkbox"/>	___
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	___	___	___	<input checked="" type="checkbox"/>	___

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

_____	_____	_____	_____ ✓ _____	_____
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**Impact Discussion:** The project is not within or adjacent to any abandoned solid waste disposal sites that are known to the Nevada County Environmental Health Department. Non-toxic, food grade mineral oil is used to run the equipment on the site. If the oil leaked from a piece of equipment, the earthen clay berm and gravel surrounding the substation would collect the oil so that it does not disturb vegetation or soils beyond the perimeter of the substation and does not enter a larger area of groundwater. Environmental Health does not anticipate any significant or potentially significant impacts to water quality or quantity, or to public health, as a result of the approval of the proposed project. Vegetation removal and driveway improvement for fire safety will be addressed by standard conditions of approval.

**Mitigation & Residual Impact:** No mitigation is required.

**10. NOISE**

**Environmental Setting:** The project site is located on private property, with no surrounding development. The nearest residence overlooks the site from a ridge more than one-quarter mile from the site. A residential neighborhood is located approximately 1.5 miles north of the site. The existing substation does not emit significant, if any, noise. More noise is created during site access and maintenance than during regular operation. The proposed substation will not impact operational noise levels.

Will the proposal result in:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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a. Exposure of persons to, or the generation of, noise levels in excess of the County's adopted standards established in the General Plan and Zoning Ordinance?

_____	_____	_____ ✓ _____	_____	_____
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b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels (e.g., blasting)?

_____	_____	_____ ✓ _____	_____	_____
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c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

_____	_____	_____	_____ ✓ _____	_____
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Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____✓_____	_____	_____
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	_____✓_____	_____
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	_____✓_____	_____

**Impact Discussion:** This proposed project is not expected to generate additional traffic or to result in any increase in long-term noise generation.

**Mitigation & Residual Impact:** To offset the potential temporary noise impact associated with construction, the following mitigation measure shall be required:

- A. Hours of operation for construction activities shall be limited to the hours of 8:00 a.m. to 7:00 p.m. Monday through Saturday. All construction equipment shall be kept tuned and with appropriate mufflers as standard construction practice. Building permits shall reflect these limited hours of operation and construction practices and shall be reviewed by the Planning Department prior to permit issuance.

**11. PUBLIC SERVICES:**

**Environmental Setting:** The following public services are provided to this site:

Fire: Fire protection is provided by the California Department of Forestry and Fire Protection, the U. S. Forest Service, and the Truckee Fire Protection District may provide assistance during severe fire events.

Police: The Nevada County Sheriff provides law enforcement services.

Solid Waste Disposal: In the Truckee area, solid waste generated either during the development of the site or after occupancy is disposed of at the Eastern Regional Landfill (Transfer Site). The County contracts with a solid waste disposal company to haul material to a permitted sanitary landfill.

Other: No other public services will be affected by this project.

Will the proposal result in:

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

**Impact Discussion:**

Fire: State and County Codes require that any development in this area comply with minimum fire safety requirements, including improved access for fire equipment, and clearance of native brush from around structures. Correspondence from the Fire District notes that these conditions are applicable and will be included in the conditions of approval.

Police: No significant impacts on the Nevada County Sheriff's Department are anticipated with this project.

Solid Waste Disposal: No impacts on the solid waste system are anticipated with this project.

Other: Not applicable.

**Mitigation Measures:** No mitigation is required.

**12. UTILITIES / SERVICE SYSTEMS**

**Environmental Setting:** This unstaffed facility does not require any sewage disposal or water supply systems. The site generates its own electricity.

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Require a need for the extension of electrical power or natural gas?	_____	_____	_____	_____✓_____	_____

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____	✓	_____
c. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____	✓	_____
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	_____	_____	_____	✓	_____
e. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____	✓	_____
f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	_____	_____	✓	_____	_____
g. Comply with federal, state, and local statutes and regulations related to solid waste?	_____	_____	✓	_____	_____
h. Require a need for the extension of communication systems?	_____	_____	_____	✓	_____

**Impact Discussion:** No water or sewage disposal is required for this project. No impact is anticipated to utilities/service systems.

**Mitigation and Residual Impact:** No mitigation is required.

**13. AESTHETICS**

**Environmental Setting:** The project site is located in an open area within an existing power line utility corridor. The existing substation is the only facility on the site. The existing landscape is primarily low shrubs and other sparse vegetation. Second growth trees are scattered in the area. Power lines, which intersect on the site, provide the dominant feature. Hills and denser canopies of second growth trees are visible beyond the project site.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Demonstrable, negative, aesthetic effects on scenic vistas or views open to the public?	_____	_____	✓ _____	_____	_____
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	✓ _____	_____	_____
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	✓ _____	_____	_____
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	_____	_____	✓ _____	_____	_____
e. A visually incompatible structure within a designated historic district?	_____	_____	✓ _____	_____	_____

**Impact Discussion:** The site is currently developed with an electrical substation. Although the new substation will be roughly twice the size of the existing substation, the visual impact will not be significantly changed. Design standards for location of electrical substations are contained within the Zoning Ordinance and will be addressed by conditions of approval.

**Mitigation Measures:** No mitigation is required.

#### 14. AGRICULTURE RESOURCES

**Environmental Setting:** This easement site is located on private property zoned Timberland Production Zone. However, the existing substation was constructed during the 1960's prior to the land being zoned for Timberland Production.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	_____	_____	_____	✓ _____	_____

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____✓_____	_____	_____	_____
c. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	_____	_____	_____	_____✓_____	_____

**Impact Discussion:** Zoning regulations do not allow location of electrical substations with TPZ zoning. Given the existing substation on an already disturbed site, and the presence of the intersecting power lines at the site, the application will be addressed by rezoning only the easement portion of the site from TPZ to Public. Public zoning is compatible with all General Plan designations except for Open Space. Timberland Production Zone standards (Section L-II 2.3.C.6.b.1-3) provides for approval of an immediate rezoning from TPZ to a new zone on all or part of a parcel upon request by the landowner.

**Mitigation and Residual Impact:** In order to address TPZ zoning district limitations on electrical substations, the following mitigation measure shall be required:

- A. See Mitigation Measure 1A.

## 15. CULTURAL RESOURCES

**Environmental Setting:** The northern Sierra Nevada region has a rich prehistoric, ethnographic and historic record. The prehistoric period spans the time from 8,000 years before the present to the time of Euro-American contact in the mid-1800's. The project area falls within the core of traditional Washoe territory.

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?	_____	_____	_____	_____✓_____	_____
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?	_____	_____	_____	_____✓_____	_____



<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	✓	_____
d. Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	✓	_____

**Impact Discussion:** Background research and a field survey yielded no evidence of any historical, archaeological, or paleontological resources within a one-mile radius of the project area, nor were any human remains detected.

**Mitigation and Residual Impact:** To offset the potentially adverse impacts associated with construction activities and the discovery of cultural or historic resources, the following mitigation measures shall be required:

- B. The following requirement shall be incorporated into construction plans submitted to the Building Permit Department.

“Contractors and construction personnel involved in any form of ground disturbance (i.e. utility placement or maintenance, grading, etc.) shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately, and the Planning Department and a professional archeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.”

**16. RECREATION**

**Environmental Setting:** The project site is located near the Tahoe National Forest and a number of lakes and reservoirs including Prosser Creek Reservoir and Stampede Reservoir. Lakeside campground and Prosser Creek campground, picnic area, and boat ramp are less than 1.5 miles south of the project site at Prosser Creek Reservoir. The project site is under private ownership where trespassing from unauthorized visitors is not allowed.

<u>Will the proposal result in:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	_____	_____	_____	✓	_____

Will the proposal result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	_____	_____	_____	✓	_____
c. A conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?	_____	_____	_____	✓	_____

**Impact Discussion:** The project will not impact recreation use or resources.

**Mitigation and Residual Impact:** No mitigation is required.

**17. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California's history or prehistory?	_____	_____	_____	_____✓_____	_____
b. Does the project have environmental effects, which are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)	_____	_____	_____	_____✓_____	_____
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____	_____✓_____	_____
d. <u>Alternatives to the Proposed Action:</u> Does the project require the discussion and evaluation of a range of reasonable alternatives, which could feasibly attain the basic objectives of the project?	_____	_____	_____	_____✓_____	_____

**RECOMMENDATION OF THE PROJECT PLANNER:**

On the basis of this initial evaluation:

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

\_\_\_\_\_  
Garnet Holden, Assistant Planner

March 4, 2004  
Date

## APPENDIX A

### REFE

### RENCE SOURCES

- A. Planning Department
  - B. Department of Transportation and Sanitation
  - C. Environmental Health Department
  - D. Building Inspection Department
  - E. Nevada Irrigation District
  - F. Natural Resource Conservation District
  - G. Northern Sierra Air Quality Management District
  - H. CalTrans
  - I. California Department of Forestry and Fire Protection
  - J. Regional Water Quality Control Board (Central Valley Region)
  - K. North Central Information Service, Anthropology Department, California State University, Sacramento
  - L. California Department of Fish & Game
  - M. Nevada County Consolidated Fire District
  - N. City of Grass Valley Planning Department
  - O. Biological Resources Technical Report, prepared by Parsons, October 2003
- 
- 1. State Division of Mines and Geology, *Mineral Classification Map*, 1990
  - 2. State Department of Fish and Game, *Migratory Deer Ranges*, 1988
  - 3. State Department of Fish and Game, *Natural Diversity Data Base Maps*, as updated
  - 4. State Department of Forestry and Fire Protection, *Fire Hazard Severity Zone Maps*, 1990
  - 5. State Division of Mines and Geology, *Geologic Map of the Chico, California Quadrangle*, 1992
  - 6. State Division of Mines and Geology, *Fault Map of California*, 1990.
  - 7. State Dept. of Conservation, *Important Farmland Map*, as updated
  - 8. State Dept. of Forestry & Fire Protection, *Nevada County Hardwood Rangelands*, 1993
  - 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated
  - 10. U.S. Fish and Wildlife Service, *National Wetlands Inventory*, December 1995
  - 11. U. S. Soil Conservation Service, *Soil Survey of Nevada County*, 1975
  - 12. U.S. Department of Agriculture, *Soil Survey of the Tahoe National Forest*, 1974
  - 13. U.S. Bureau of Reclamation, *Seismotectronic Study of the Truckee/Lake Tahoe Area*, 1986 (Generalized Geology and Major Faults in the Northeastern Sierra Nevada Map)
  - 14. U.S. Geological Service, *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3
  - 15. Federal Emergency Management Agency, *Flood Insurance Rate Maps*, as updated
  - 16. Wilson, Norman, *Avalanche Hazard Study - Nevada County*, 1982
  - 17. County of Nevada, *Nevada County General Plan Noise Contour Maps*, 1993
  - 18. County of Nevada, *High Traffic Accident Locations Map*, 1991, as found in the Nevada County General Plan, Master Environmental Inventory, 1991, Figure 9-4
  - 19. *Nevada County General Plan, Master Environmental Inventory*, December 1991
  - 20. All Final Environmental Impact Reports, certified by the County of Nevada
  - 21. Foothill Airport Land Use Commission, *Nevada County Air Park Comprehensive Land Use Plan Safety Zones*, as updated

22. Foothill Airport Land Use Commission, *Truckee-Tahoe Airport Comprehensive Land Use Plan Safety Zones*, as updated
23. California Native Plant Society (James Smith and Ken Berg), *Inventory of Rare and Endangered Vascular Plants of California*, 1994



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-1272 [www.co.nevada.ca.us/cda](http://www.co.nevada.ca.us/cda)

PLANNING DEPARTMENT  
PHONE (530) 265-1440  
FAX (530) 265-1798

ENVIRONMENTAL HEALTH  
PHONE (530) 265-1452  
FAX (530) 265-7056

BUILDING DEPARTMENT  
PHONE (530) 265-1444  
FAX (530) 265-1272

CODE COMPLIANCE  
PHONE (530) 265-1362  
FAX (530) 265-1625

**MEMORANDUM**

TO: Alfred & Karla Pombo  
P.O. Box 1102  
Truckee, Ca. 96160

Dale Creighton  
Sylvester, Creighton & Ozanich  
140 Litton Drive, Suite 240  
Grass Valley, Ca. 95945

FROM: Nevada County Planning Commission

SUBJECT: Conditional Use Permit Approval - U99-004; EIS99-009 & Z99-001  
AP#: 16-540-04, -08 & -09

DATE OF APPROVAL: June 28, 2001

DATE OF MEMO: July 5, 2001

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

---

You are hereby notified that the Nevada County Planning Commission, at a regular meeting held on June 28, 2001, after public hearing, did duly consider your application filed on March 19, 1999, for a Comprehensive Master Plan and Conditional Use Permit proposing to 1) rezone 133 acres from the current "IDR" (Interim Development Reserve) zone to establish the following zoning districts: 30 acres of "M1-SP" (Light Manufacturing and Industrial - Site Performance); 33.10 acres of "REC-SP" (Recreation - Site Performance); and 69.60 acres of "OS-SP" (Open Space - Site Performance). The "SP" Combining District establishes a master design theme and specific use regulations. The "SC" (Scenic Corridor) Combining District (1200') will remain on the westerly portion of the property; and 2) Conditional Use Permit to reestablish the topsoil processing operation and a new concrete batch plant operation, both uses to be located within the proposed Industrial zoning designation. The project is located at 14825 Old Highway 89, approximately three miles north of the Town of Truckee, on the east side of Highway 89. A legal description of the property is on file in the Planning Department, 950 Maidu Avenue, Nevada City, California.

After said hearing, and upon the evidence thereat submitted, the Nevada County Planning Commission does hereby notify you that your application for use permit is granted, subject to the following mitigation measures and conditions. Your rezone application is scheduled for review by the Nevada County Board of Supervisors on Tuesday, August 14, 2001 at 1:30 p.m. You will receive a notice and a staff report for this rezone application approximately one (1) week prior to the Board of Supervisors hearing.

**Mitigation Measures**

3. **GEOLOGIC PROCESSES:** To reduce the potential impacts to geologic resources to a less than significant level the following mitigation measures shall be required:
  - A. Storm water generation from proposed buildings and parking areas shall be retained onsite through the use of retention/detention basins, resulting in no net increase in storm water runoff.
  - B. Development is subject to review by and compliance with erosion control and storm water runoff standards adopted by the Lahontan Region of the State Water Quality Control Board.
4. **WATER RESOURCES/FLOODING:** To reduce the potential impacts to water resources to a less than significant level the following mitigation measures shall be required:
  - A. The following water protection measures shall be implemented during on-site construction activities, and noted on the construction plans:
    1. Sediment ponds shall be used to settle out turbid water at construction areas, or shall be transported to offsite sediment ponds. Before the first heavy storm, these sediment basins shall be cleaned of accumulated debris and the debris shall be transported outside the area for disposal.
    2. The operation of heavy equipment in flowing water shall be avoided at all times.
    3. Construction byproducts such as oil, cement, and wash water shall be prohibited from discharging from areas that might flow into the creek.
    4. Potential pollutants such as temporary on-site toilets and petroleum products shall be collected and removed from the site after construction.
  - B. The proposed sewage disposal system is subject to Lahontan Region-State Water Quality Control Board, which currently implements a septic prohibition for this Truckee River Hydrologic Unit. Sewage disposal is subject to review by and compliance with standards adopted by the Lahontan Region-State Water Quality Control Board.
5. **AIR QUALITY:** To reduce the potential impacts to air quality resources to a less than significant level the following mitigation measure shall be required:
  - A. All project development shall comply with the requirements of the Northern Sierra Air Quality Management District (NSAQMD) as follows:
    1. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless deemed infeasible by the APCO. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
    2. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
    3. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
    4. All areas with vehicle traffic, including unpaved roads, shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
    5. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
    6. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
    7. During construction, paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.



- 8. 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 of California Air Resources Board standards.
- 9. If serpentine rock is found in the area, the presence of asbestos, in the chrysotile or amphibole forms must be determined. Additional mitigation's may be needed on a site-specific basis.
- B. For the ongoing topsoil and bark processing plant, the operator shall continue to work with the NSAQMD office in fulfilling the requirements for the Permit to Operate.
- C. When the bark extraction area(s) are completed, the operator shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.
- 6. **TRANSPORTATION/CIRCULATION:** To reduce the impact the project traffic would have on surrounding roadways, the following mitigation measures are provided:
  - A. Prior to final occupancy of any future buildings on site, the developer shall widen the westbound approach to the SR 89/Fiberboard Road intersection to accommodate trucks with 50 foot turning radii. A "Stop Ahead" warning sign (W3-1a) shall be placed on the westbound Fiberboard approach to warn drivers of the upcoming stop sign.
  - B. Stop signs shall be placed on the side street approaches to Hobart Mills Road in the project vicinity.
  - C. All new on-site roadways and existing on-site dirt roadways to be used by the project shall be paved.
- 11. **PUBLIC SERVICES:** To reduce the potential impacts to public services to a less than significant level the following mitigation measures shall be required:
  - A. Prior to the issuance of any building permits for new structures on site, the project developer shall complete annexation into the Truckee Fire Protection District.
- 14. **CULTURAL RESOURCES:** To reduce the potential impacts to cultural resources to a less than significant level the following mitigation measures shall be required:
  - A. The following note shall be incorporated into any future Grading, Improvement or Construction Plans:

"All construction plans shall advise contractors and construction personnel involved in any form of ground disturbance, i.e. utility placement or maintenance, grading, etc., of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Planning Department contacted. A professional archaeologist shall be consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment."

**Mitigation Monitoring Program**

<b><i>MEASU</i></b>	<b><u>MONITORING AUTHORITY</u></b>	<b><u>WHEN IMPLEMENTED</u></b>
3A	County Building Dept.	Prior to issuance of grading and construction permit
3B	County Building Dept.	Prior to issuance of grading and construction permit
4A	County Building Dept.	Prior to issuance of grading and construction permit
4B	RWQCB	Prior to issuance of building permit

5A	County Building Dept.	Prior to issuance of grading and construction permit. During grading and construction activities.
5B	Northern Sierra Air Quality Management District	On going during the topsoil operation.
5C	Northern Sierra Air Quality Management District	Upon completion of the topsoil operation.
6A	Department of Transportation and Sanitation	Prior to final occupancy of the first building permit for new development on site.
6B	Department of Transportation and Sanitation	Prior to final occupancy of the first building permit for new development on site.
6C	Department of Transportation and Sanitation	As a condition of approval for any subsequent development permit(s).
11A	County Planning Dept.	Prior to issuance of building permit
14A	County Planning Dept.; County Building Dept.	Prior to issuance of grading and construction permit

**Conditions of Approval**

**A. PLANNING DEPARTMENT**

1. The Use Permit authorizes the continuance of the topsoil operation (last permitted via U97-010) and the addition of a concrete batch plant within the northeastern portion of the 22-acre M1-SP area within the Hobart Mills Master Plan. There are no buildings or structures (other than the concrete batch plant) authorized by this permit.
2. All signage shall require a sign permit from the Planning Department and shall be designed in accordance with Section VII of the Hobart Mills Master Plan, adopted by the "SP" zoning for this site.
3. All exterior lighting shall be top and side screened, directed downward and shielded to prevent spill-over onto adjacent properties or roadways. Lighting that casts a shadow across the property line shall be considered "trespassing" and is prohibited.
4. There shall be no on-site sales of topsoil to the public.

**B. DEPARTMENT OF TRANSPORTATION AND SANITATION**

1. Prior to commencing with the use, improve that portion of Fiberboard and Hobart Mills Roads proposed for use by heavy vehicles to a Local Class 3 standard for lane, shoulder, and snow storage area dimensions:
  - a. The actual road structural section shall be designed based upon the R-value of the underlying material. The location of the R-value tests within the project area shall be selected so as to provide representative samples for the entire project area. The design shall also take into account future traffic and the percentage of that traffic which will be heavy vehicles.
  - b. Submit and obtain approval of engineered road construction plans consistent with Chapter 17 of the Nevada County Land Use and Development Code prior to any construction. The plans shall be prepared under the direction of a licensed civil engineer.
  - c. Obtain an encroachment permit prior to any work within County-maintained right-of-ways and complete construction consistent with the terms of the permit.

2. Obtain an encroachment permit and construct all driveway encroachments to "Commercial Approach" standards consistent with the terms of the permit.

**C. ENVIRONMENTAL HEALTH**

1. Comply with Chapter 6.95 of the California Health and Safety Code, Hazardous Materials Release Plans and Inventory, as well as Chapter 6.6 of the Safe Drinking Water and Toxic Environment Act of 1986.
2. Above-ground fuel storage shall comply with Chapter 6.67, Division 20 of the California Health and Safety Code.
3. Lacking an approved sewage disposal system and potable water supply, the site shall not be used for residences.
4. The site is not served by public sewer and is in a septic prohibition area established by the Lahontan Region of the California Regional Water Quality Control Board. The applicant shall show proof of an approved variance from Lahontan prior to application of any on-site building permit for a structure that contains, or requires use of, a restroom facility.

Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the permit, which would be **July 10, 2004**, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Zoning Administrator pursuant to Article 32 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.

Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this permit is not valid until the expiration of ten (10) days from the date of the Zoning Administrator's action (*Effective Date: July 11, 2001*). **If the granting of the permit is appealed or submitted to the Board of Supervisors for final action, the effective date is stayed until final action by said Board.** Any appeal must be submitted on the proper form which is available from the Clerk to the Board of Supervisors, Eric Rood Administrative Center, Nevada City, California 95959 (Deadline for appeal: July 10, 2001, at 5:00 p.m.).

You are advised not to commence any work on this permit until the ten-day period expires and to check with the Planning Department to determine if any appeal has been submitted.

NOTE: A fee may be imposed by the Department of Fish & Game pursuant to Section 711.4 of the Fish & Game Code after their review of the Notice of Determination and the DeMinimus Statement.

**NEVADA COUNTY PLANNING COMMISSION**  
**MARK TOMICH**

By \_\_\_\_\_  
Jean Jacobs  
Clerk to the Planning Commission

MT:jj

Approval Letter for U99-004; Z99-001; EIS99-009 Alfred & Karla Pombo  
July 5, 2001

cc: Building Department  
Rod McConnell/Tom Martin, Department of Transportation/Sanitation  
Kurtis Zumwalt, Nevada County Environmental Health Dept.

**PROOF OF SERVICE BY MAIL**

(Code of Civil Procedure Sections 1013a and 2015.5)

I am a resident of the United States and of the State of California, County of Nevada; I am over the age of eighteen years and not a party to the within action; my business address is:

ERIC ROOD ADMINISTRATIVE CENTER  
950 Maidu Avenue  
Nevada City, California 95959-6100

I am readily familiar with the Nevada County Planning Department's business practice for the collection and processing of correspondence for mailing with the United States Postal Service. The within documents will be deposited with the United States Mail on July 6, 2001, in the ordinary course of business.

The names and addresses of the persons served as shown on the envelopes are as follows:

Alfred & Karla Pombo  
P.O. Box 1102  
Truckee, Ca. 96160

Dale Creighton  
Sylvester, Creighton & Ozanich  
140 Litton Drive, Suite 240  
Grass Valley, Ca. 95945

The foregoing persons were served with approval letter for U99-004: Z99-001; EIS99-009, by placing same for collection and mailing on July 6, 2001, at Nevada City, California, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 6, 2001, at Nevada City, California.

\_\_\_\_\_  
Signature

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

*DEMINIMUS IMPACT FINDING*

APPLICANT: (PHONE #: XXX)

ENGINEER: (PHONE #: XXX)

COUNTY: Nevada

LOCATION:

**Project Description:**

XXX

**Findings of Exemption:**

A project description was transmitted to the Department of Fish and Game as a part of the initial study. Based on the receipt of XX no comment/     comment from the Department of Fish and Game and the initial study conducted for the project; the Nevada County Planning Department concludes no evidence exists that the project will have the potential for any adverse effect, either individually or cumulatively on wildlife resources.

**Certification:**

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
(Chief Planning Official)

\_\_\_\_\_  
(Title)

*Nevada County Planning Department*  
(Lead Agency)

\_\_\_\_\_  
(Date)

**NOTICE OF DETERMINATION**

**TO:**        Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

XX County Recorder  
 County of Nevada

**FROM:** Nevada County Planning Department  
 950 Maidu Avenue  
 Nevada City, CA 95959-8617

**SUBJECT:** Filing of Notice of Determination in compliance  
 with Section 21108 or 21152 of the Public  
 Resources Code.

**Project Title**

U00-XXX (Phone #: XXX)

<u>State Clearinghouse</u> (If submitted to Clearinghouse)	<u>Contact Person</u>	<u>Telephone Number</u>
---	-----------------------	-------------------------

N/A

**Project Location:**

XXX

**Project Description:**

XXX

This is to advise that the Nevada County Planning Commission (Lead Agency) approved the above described project on XXX and made the following determinations regarding the above described project:

1. The project    will, XX will not, have a significant effect on the environment.
2.    An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
XX A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures XX were,    were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations    was, XX was not, adopted for this project.
5. Findings XX were,    were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California 95959.

---

Signature (Public Agency)	Title	Date
---------------------------	-------	------

FISH & GAME FEE: XXX  
 ADM. FEE PD.    YES    N/A