



GRASS VALLEY

City Council Regular Meeting, Capital Improvements Authority and Redevelopment "Successor Agency"

Tuesday, June 13, 2023 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

**Mayor Jan Arbuckle, Vice Mayor Hilary Hodge, Councilmember Bob Branstrom,
Councilmember Haven Caravelli, Councilmember Tom Ivy**

MEETING NOTICE

City Council welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 2nd and 4th Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwdN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL - *The City Council reserves the right to hear items in a different order to accomplish business in the most efficient manner.*

REPORT OUT OF CLOSED SESSION

INTRODUCTIONS AND PRESENTATIONS

1. Proclamation for June 2023 as Pride Month

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after 5pm will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item. There is a time limitation of three minutes per person for all emailed, voicemail, or in person comments, and only one type of public comment per person. For any items not on the agenda, and within the jurisdiction or interest of the City, please come to the podium at this time. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item is announced. When recognized, please begin by providing your name and address for the record (optional).*

CONSENT ITEMS - *All matters listed under the Consent Calendar are to be considered routine by the City Council and/or Grass Valley Redevelopment Agency and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council and/or Grass Valley Redevelopment Agency votes on the motion to adopt, members of the Council and/or Agency, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action but Council action is required to do so (roll call vote). Unless the Council removes an item from the Consent Calendar for separate discussion, public comments are invited as to the consent calendar as a whole and limited to three minutes per person.*

2. Approval of the Regular Meeting Minutes of May 23, 2023.

Recommendation: Council approve minutes as submitted.

3. Local Emergency Proclamation (Drought Conditions)

CEQA: Not a Project.

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

4. Local Emergency Proclamation (Winter Storm of February 2023)

CEQA: Not a project

Recommendation: To continue the Winter Storm February 24th, 2023 to March 1st, 2023 proclamation declaring a Local State of Emergency

5. Road Maintenance and Rehabilitation Account Funding - Adopt Project List

CEQA: N/A - Not a Project

Recommendation: That Council adopt a Resolution to include Road Maintenance and Rehabilitation Account (RMRA) funding in the Fiscal Year 2023/24 budget and specifying a list of projects to be funded with RMRA funds.

6. Magenta Drain Restoration Project - Authorized Representative Designation

CEQA: N/A - Procedural Motion

Recommendation: That Council adopt Resolution 2023-23, designating an authorized representative to execute an agreement with the State of California for a Round 2 IRWM Implementation Grant.

7. CDBG Memorial Park Facilities Improvement Project - Final Acceptance

CEQA: N/A - Project is Complete

Recommendation: That Council 1) accept the CDBG Memorial Park Facilities Improvement Project as complete, 2) authorize the City Engineer to execute a change order and process final payment to the contractor for a total contract amount of \$5,615,275.70, and 3) Authorize the City Engineer to file a Notice of Completion with the County Recorder.

8. Adoption of five Resolution of Intention to Order Improvements for Landscaping and Lighting Districts (LLD) - Annual Assessments for Fiscal Year 2023-24 and Benefit Assessment Districts (AD) - Annual Assessments for Fiscal Year 2023-24 and set public hearing on June 27, 2023

CEQA: Not a project

Recommendation: It is recommended that the City Council adopt five Resolutions (2023-25, 2023-26, 2023-27, 2023-28, 2023-29) of Intention for Commercial LLD #1988-1, Residential LLD #1988-2, Morgan Ranch Unit 7 A.D. #2003-1, Morgan Ranch West A.D. #2010-1 and Ridge Meadows A.D. and set public hearing on June 27, 2023. The five Resolutions related to the Commercial and Residential Landscaping and Lighting Districts, the Morgan Ranch-Unit 7 Benefit Assessment District, the Morgan Ranch West Benefit Assessment District and Ridge Meadows Benefit Assessment District are as follows: 1) Resolution of Intention No. 2023-25 to Order Improvements Pursuant to the Landscaping and Lighting Act of 1972 - Assessment District No. 1988-1, Commercial Landscaping and Lighting District, 2) Resolution of Intention No. 2023-26 to Order Improvements Pursuant to the Landscaping and Lighting Act of 1972 - Assessment District No. 1988-2, Residential Landscaping and Lighting District, 3) Resolution of Intention No. 2023-27 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Morgan Ranch - Unit 7 Benefit Assessment District No. 2003-1, 4) Resolution of Intention No. 2023-28 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Morgan Ranch West Benefit Assessment District No. 2010-1, and 5) Resolution of Intention No. 2023-29 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Ridge Meadows Benefit Assessment District No. 2016-1.

9. Consideration of Waste Management's annual fee adjustments and new fees for service

CEQA: Not a project

Recommendation: That Council adopt Resolution 2023-22 adjusting service rates to Waste Management's fee schedule

10. SB 1383 - Purchase Energy Credits to meet requirements

CEQA: Not a Project.

Recommendation: That Council 1) approval the concept of the City purchasing Energy Credits to meet the SB 1383 requirements; 2) authorize the City Manager to negotiate and execute an agreement with Desert View Power LLC not exceed \$70,000, subject to legal review; and 3) authorize the Administrative Services Director to make any necessary budget adjustments and/or transfers to implement this agreement.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

11. Wolf Creek Trail Project - Environmental Determination

CEQA: Initial Study - Mitigated Negative Declaration.

Recommendation: That the City Council take the following actions: 1) Adopt a Mitigated Negative Declaration prepared for the project, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; 2) Adopt a Mitigation Monitoring & Reporting Plan (MMRP), implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and, 3) Approve the Wolf Creek Trail Project, as presented.

ADMINISTRATIVE

BRIEF REPORTS BY COUNCIL MEMBERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a meeting of The City Council, scheduled for Tuesday, June 13, 2023 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, June 9, 2023.

Taylor Day, City Clerk



PROCLAMATION

LGBTQ & PRIDE MONTH
JUNE 2023

Whereas, the City of Grass Valley is a welcoming community and exceptional place to love, learn, work, play, and raise a family; and

Whereas, the nation was founded upon and is guided by a set of principles, including that every person has been created equal, that all have rights to their life, liberty and pursuit of happiness, and that all shall be afforded the full recognition and protection of the law; and

Whereas, the City of Grass Valley recognizes the importance of equality and freedom, and is dedicated to fostering acceptance of all its citizens and preventing discrimination and bullying based on sexual orientation and gender identity; and

Whereas, the City of Grass Valley is strengthened by and thrives upon the rich diversity of ethnic, cultural, racial, sexual orientation and gender identities of its residents, all of which contribute to the vibrant character of the City; and

Whereas, many of the residents, students, City employees, and business owners within the City of Grass Valley who contribute to the enrichment of the City are a part of the LGBTQ+ community; and

Whereas, June has become a symbolic month in which the LGBTQ+ community and supporters come together in various celebrations of pride; now, therefore, be it

NOW, THEREFORE, Be It Resolved that the Grass Valley City Council does hereby proclaim the month of June 2023, as "LGBTQ+ Pride Month" annually in Grass Valley and encourage all residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality and liberty.

Dated this 13th day of June 2023

Jan Arbuckle, Mayor

Hilary Hodge, Vice Mayor

Bob Branstrom, Council Member

Haven Caravelli, Council Member

Thomas Ivy, Council Member



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MINUTES

CALL TO ORDER

Meeting called to order at 7:02PM.

PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Mayor Arbuckle.

ROLL CALL

PRESENT

Councilmember Bob Branstrom

Councilmember Haven Caravelli

Councilmember Tom Ivy

Vice Mayor Hilary Hodge

Mayor Jan Arbuckle

AGENDA APPROVAL -

Motion made to approve the agenda by Councilmember Ivy, Seconded by Councilmember Branstrom.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

REPORT OUT OF CLOSED SESSION

No report.

INTRODUCTIONS AND PRESENTATIONS

1. Proclamation to Recognize Technical Sergeant Breona Calvert as the Lt. Commander Lou Conter Military Ambassador

Mayor Arbuckle read proclamation and noted that it was presented on May 20, 2023 at Armed Forces Day.

PUBLIC COMMENT -

In person comment: Robin Galvan-Davies, Nicole, Brian Hall.

Virtual Comment: Ariana Lang, Laura Adair

CONSENT ITEMS -

Motion made to approve consent items by Councilmember Branstrom, Seconded by Councilmember Caravelli.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

2. Approval of the Regular Meeting Minutes of May 9, 2023

Recommendation: Council approve minutes as submitted.

3. Second reading of ordinance repealing and replacing Chapters 5.16 “Cable Television Franchise”, 5.18 “Cable Systems and Open Video Systems”, and 5.19 “State Video Franchises” of the Grass Valley Municipal Code.

CEQA: Not a Project.

Recommendation: That Council have the second reading and adopt Ordinance No. 825, waive full reading, and read by Title only.

4. Extension of certificated promotional list for Fire Captain.

CEQA: Not a project

Recommendation: That Council 1) extend the current eligibility list for Fire Captain for two months or until creation of a new list. The current promotional list was certified June 29, 2022. The Fire Department expects to fill a vacancy for Captain within the timeframe of the extension.

5. Nevada County Transportation Commission FY 2023/24 Overall Work Program Approval

CEQA: N/A - Not a Project

Recommendation: That Council: 1) review the projects proposed for inclusion in the Nevada County Transportation Commission FY 2023/24 Overall Work Program, 2) adopt a Resolution approving the projects for inclusion in the Nevada County Transportation Commission Overall Work Program

6. Approve a Resolution Adopting Guidelines for the Submission and Tabulation of Protests in Rate Hearings Conducted Pursuant to the California Constitution.

CEQA: Not a Project.

Recommendation: That Council review and approve Resolution 2023-21 adopting guidelines for the submission and tabulation of protests in Rate Hearings conducted pursuant to Article XIII D, Section 6 of the California Constitution.

7. AB 481 - Military Equipment Annual Inventory and Report; renewal of ordinance #815

CEQA: Not a Project

Recommendation: Approve the attached equipment inventory as well as the associated annual report, renew previously adopted ordinance #815 pursuant to requirements of AB-481

8. 2022/23 Annual Street Rehabilitation Project - Authorization to Bid

CEQA: Categorically Exempt - Section 15301 “Existing Facilities”

Recommendation: That Council 1) approve the findings that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); and 2) authorize the advertisement for bids.

9. Grass Valley Professional Services Agreement for Consultant Services for Nevada Cemetery District (NCD)

CEQA: Not a Project

Recommendation: That City Council authorize the City Manager to sign a contract, subject to legal review, with Nevada Cemetery District to provide financial services.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

ADMINISTRATIVE

10. FY 2023-24 Preliminary Budget Overview

CEQA: Not a Project

Recommendation: It is recommended that the City Council, by motion, approve the FY 2023-24 Preliminary Budget and provide further direction to staff as it relates to the preparation of the FY 2023-24 Final Budget; and Set June 27, 2023 as the date for the public hearing for the FY 2023-24 Final Budget.

Finance Director, Andy Heath, gave presentation to Council.

Council asked for clarification on the Sierra College Field project, about social media expenses, water/sewer rate increases, animal control/community service officer position, and asked for a definition of 'non-fundgible'.

Motion made to approve the FY 2023-24 Preliminary Budget and provide further direction to staff as it relates to the preparation of the FY 2023-24 Final Budget by Vice Mayor Hodge, Seconded by Councilmember Branstrom.

Voting Yea: Councilmember Branstrom, Councilmember Caravelli, Councilmember Ivy, Vice Mayor Hodge, Mayor Arbuckle

BRIEF REPORTS BY COUNCIL MEMBERS

Councilmember Caravelli attended Armed Forces Day and watched Aztec Dancers bless Mill St and the merchants with their dance. Councilmember Ivy attended the NCTC meeting. Councilmember Branstrom attended the Peggy Lavine award event at the Northstar House, attended broadband workshop, partook in the \$5 classic movies at the Del Oro, and saw 5 plays. Vice Mayor Hodge toured the Mondavi Center, and attended the Penn Valley Rodeo and Armed Forces Day. Mayor Arbuckle attended the Nevada County Ag Tour, NCCLI Government Day, attended Sac Valley Division meeting in Redding and attended Armed Forces Day.

ADJOURN

Meeting adjourned at 8:10PM.

Jan Arbuckle, Mayor

Taylor Day, City Clerk

Adopted on: _____

Taylor Day

From: [REDACTED]
Sent: Sunday, May 21, 2023 1:15 PM
To: Public Comments
Subject: Save the 49er Fun Park

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good afternoon City Council members,

It has come to my attention this weekend that the 49er Fun Park has been permanently closed. Two people that I know were supposed to go to birthday parties there this weekend. The parties were canceled without notice and no deposit has been refunded.

As a parent of young children and wife of a lifelong Grass Valley resident, this news is very sad for our community. It has been a staple here for decades and is a wonderful place for kids to be kids and families to come together.

I would like to know what the city of Grass Valley plans to do with this property. I believe if we can get an investor and all come together as a community, we can save this beautiful gem.

Laura Adair

Taylor Day

From: Arianna Lang [REDACTED]
Sent: Thursday, May 18, 2023 4:33 PM
To: Public Comments
Subject: Permit Parking

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

My name is Arianna and I live on Mill Street. Currently the only parking for myself and a few of my neighbors is public street parking. I would like to petition for this parking to be made into permit only parking. Due to the new parking lot being put in on Mill Street I figured this would be a good time to bring this issue to light. Over the last 6 years I have lived on Mill Street the parking situation has become worse and worse. I've come home countless times to cars illegally parked, RVs/trailers staying the night in front of our home, and leaving no space for myself or my neighbors to park. I appreciate you taking the time to read my email. Please let me know if you need anymore information from me. I look forward to hearing about any next steps to grant this petition.

Thank you,
Arianna Lang



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Drought Conditions)

CEQA: Not a Project.

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 6/13/2023

Date Prepared: 6/8/2023

Agenda: Consent

Background Information: On May 10, 2021, Governor Newsom modified a State of Emergency Proclamation that declared that a State of Emergency to exist in California due to severe drought conditions to include 41 counties, including Nevada County. The Proclamation directed state agencies to partner with local water suppliers to promote conservation through the Save Our Water campaign, a critical resource used by Californians during the 2012-2016 drought. Some municipalities have already adopted mandatory local water-saving requirements, and many more have called for voluntary water use reductions.

Nevada Irrigation District (NID) declared a drought emergency throughout the District's service area on April 28, 2021, which includes portions of the City of Grass Valley, and requested that customers conserve 10 percent of their normal water usage. Both NID and Nevada City have now mandated at least 20% conservation requirements.

On June 22, 2021, City Council approved Resolutions No. 2021-41 declaring a local emergency due to drought conditions and No.2021-42 mandating water conservation. All treated Water Customers are required to reduce water use by 20%.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Water and Wastewater Systems and Underground Infrastructure. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact to the Water Fund should be minor, but if the drought continues for several years the impact could be more significant.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Winter Storm of February 2023)

CEQA: Not a project

Recommendation: To continue the Winter Storm February 24th, 2023 to March 1st, 2023 proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 6/13/2023

Date Prepared: 6/8/2023

Agenda: Consent

Background Information: Due to conditions of extreme peril to the safety of persons and property have arisen within the City of Grass Valley, caused by the winter storm February 24th, 2023 to March 1st, 2023 which has cut power, downed trees, blocked roads and created other hazards to health and human safety commencing at which time the City Council of the City of Grass Valley was not in session. The city found it necessary to proclaim the existence of a local emergency throughout the city.

On March 2nd, Tim Kiser, the Emergency Services Director, proclaimed an existence of a local emergency. On March 8th, 2023, at a special City Council Meeting council adopted Resolution 2023-07 confirming the Emergency Services Director's proclamation of a local emergency.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The City will be requesting reimbursement for repair costs from the California Office of Emergency Services. If approved, costs would be reimbursable around 75% and sufficient General Funds exist to cover any shortfall.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Road Maintenance and Rehabilitation Account Funding - Adopt Project List

CEQA: N/A - Not a Project

Recommendation: That Council adopt a Resolution to include Road Maintenance and Rehabilitation Account (RMRA) funding in the Fiscal Year 2023/24 budget and specifying a list of projects to be funded with RMRA funds.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 06/13/2023

Date Prepared: 06/7/2023

Agenda: Consent

Background Information: California State Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, was passed by the Legislature and signed into law by the Governor in April 2017 in order to address significant transportation infrastructure funding shortfalls statewide. SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Grass Valley are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year. SB 1 requires the City of Grass Valley to provide a specific list of projects proposed to receive funding from RMRA funding, including a description and location of each proposed project.

Overall, the City of Grass Valley is scheduled to receive an estimated \$330,000 in RMRA funding in Fiscal Year 2023/24. Staff recommends that the FY 2023/24 budget and specifically the South Auburn Street Renovation Project budget, include the full \$330,000 in RMRA funds.

The South Auburn Street Renovation Project proposes rehabilitation of the street infrastructure, with construction of Complete Streets components including improved sidewalks, curb ramps and bicycling facilities on South Auburn Street between Neal Street and Main Street. Staff requests that Council adopt the attached Resolution specifying the list of RMRA funded projects in the CIP Budget.

Council Goals/Objectives: Utilization of RMRA funding executes portions of work tasks towards achieving/maintaining Strategic Plan - Community Safety and City Infrastructure Investment.

Fiscal Impact: The City of Grass Valley will receive an estimated \$330,000 in 23/24 RMRA funding which will supplement local Measure E funds to fully fund the project.

Funds Available: N/A

Account #: N/A

Reviewed by: _____ City Manager

RESOLUTION NO. R2023-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
AUTHORIZING THE INCLUSION OF ROAD MAINTENANCE AND REHABILITATION
ACCOUNT FUNDS IN THE FISCAL YEAR 2023/24 BUDGET AND INCORPORATING A LIST
OF PROJECTS FUNDED BY SENATE BILL 1**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Grass Valley are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Grass Valley must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Grass Valley will receive an estimated \$330,000 in RMRA funding in Fiscal Year 2023/24 from SB 1; and

WHEREAS, the funding from SB 1 will help the City of Grass Valley continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Grass Valley has undergone a robust public process to ensure public input into our community's transportation priorities; and

WHEREAS, the funding from SB 1 will help the City of Grass Valley maintain and rehabilitate various streets and add active transportation infrastructure throughout the City, this year and in numerous similar projects into the future; and

WHEREAS, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City of Grass Valley streets are in a "at-risk" condition and funding from SB 1 will increase the overall quality of the street system over the next decade to help bring City streets into a "good" condition; and

WHEREAS, the funding from SB 1 and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. The 2023/24 fiscal year budget include an estimated \$330,000 in Road Maintenance and Rehabilitation Account revenue.

2. The attached list of newly proposed projects will be funded in-part or solely with Fiscal Year 2023/24 Road Maintenance and Rehabilitation Account revenues.

PASSED AND ADOPTED as a Resolution by the City Council of the City of Grass Valley at a regular meeting thereof held on the 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jan Arbuckle, MAYOR

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, CITY ATTORNEY

Taylor Day, CITY CLERK

SB 1 - ROAD MAINTENANCE AND REHABILITATION ACCOUNT PROJECTS

PROJECT TITLE: SOUTH AUBURN STREET RENOVATION PROJECT

PROJECT STATUS: New road rehabilitation project to utilize next fiscal year's SB 1 RMRA apportionment.

PROJECT DESCRIPTION: The Project will address deferred street maintenance and rehabilitation of the location(s) listed. Complete Streets components, including accessible curb ramp replacement and bicycle lanes installation, will be incorporated in the project's scope of work in accordance with the City's Active Transportation Plan goals. Fiscal Year 2023/24 RMRA apportionments will be used to fund the pavement replacement work and the construction of Complete Street components.

PROJECT LOCATION: The following location is scheduled for rehabilitation in Fiscal Year 2023/24:

- South Auburn Street, between Neal Street and Main Street

ESTIMATED PROJECT SCHEDULE: It is anticipated that the project will be completed before the end of the fiscal year in which the project is identified.

ESTIMATED USEFUL LIFE: Many factors can affect a pavement's useful life, including the quality of the subgrade, drainage conditions, traffic loads, etc. Typically, the City of Grass Valley expects a 20 year useful life out of the pavement overlay/pavement replacement treatment proposed with this project.



City of Grass Valley City Council Agenda Action Sheet

Title: Magenta Drain Restoration Project - Authorized Representative Designation

CEQA: N/A - Procedural Motion

Recommendation Motion: That Council adopt Resolution 2023-23, designating an authorized representative to execute an agreement with the State of California for a Round 2 IRWM Implementation Grant.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 06/13/2023

Date Prepared: 06/8/2023

Agenda: Consent

Background Information: The Cosumnes, American, Bear, and Yuba Integrated Regional Water Management group (CABY IRWM) is a collaborative effort to manage all aspects of water resources in a large watershed region that encompasses the City of Grass Valley area. In October 2022, CABY and their Regional Water Management Group (RWMG) steering committee reviewed several projects for consideration for \$1.1 million of available funding under a Proposition 1, Round 2 IRWM Implementation Grant. City of Grass Valley Staff had requested funding for the Memorial Park Magenta Drain Restoration Project, which was identified as one of the top ranking projects recommended for inclusion by the steering committee.

South Yuba River Citizens League (SYRCL), working on behalf of CABY and the City subsequently submitted an application to the California Department of Water Resources (CA DWR) requesting grant funding for four projects out of over 70 projects that had initially applied for funding. In May 2023, the City was notified that the application was successful, and that the Memorial Park Magenta Drain Restoration Project was eligible for \$319,847.94 in Prop 1 grant funding.

The Magenta Drain Restoration Project will restore a stretch of creek that runs through Memorial Park that has been fenced off and neglected for many years. At one time the waterway was contaminated by runoffs from the Empire Mine site, but with recent remediation efforts by the State and the City of Grass Valley, the creek now runs clean again. Restoration of the creek will include restoring approximately half an acre of riparian habitat through the removal of non-native vegetation in and along the creek banks and replacement with native riparian vegetation, along with removing perimeter fencing to improve public access.

As a condition of funding the City of Grass Valley must enter into an agreement with the CA DWR and must identify an authorized representative to execute the grant agreement and any associated amendments. Staff request that Council adopt the attached Resolution identifying the City Engineer as the authorized representative.

Council Goals/Objectives: The Magenta Drain Restoration Project executes portions of work tasks towards achieving/maintaining Strategic Plan Goal - Recreation and Parks.

Fiscal Impact: The City will receive \$319,847.94 in Prop 1 grant funding.

Funds Available: N/A

Account #: 300-406-TBD

Reviewed by: _____ City Manager

RESOLUTION NO. R2023-23**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DESIGNATING AN AUTHORIZED REPRESENTATIVE TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR A ROUND 2 IRWM IMPLEMENTATION GRANT**

WHEREAS, A proposal was made by the City of Grass Valley to the California Department of Water Resources to obtain a Round 2 Integrated Regional Water Management Implementation Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code § 79700 et seq.) ; and

WHEREAS, The City of Grass Valley was notified that the proposed Memorial Park Magenta Drain Restoration Project was recommended for funding in the amount of \$319,847.94; and

WHEREAS, the funding from the Round 2 IRWM Implementation Grant will allow the City to restore a neglected and previously contaminated stretch of Magenta Drain, improving water quality and stormwater flows, with benefits to park users, the community surrounding the waterway and numerous downstream property owners, consumers and users; and

WHEREAS, the City of Grass Valley must enter into an agreement with the California Department of Water Resources to receive the grant funds; and

WHEREAS, the City of Grass Valley must designate an authorized representative to execute the grant agreement and any amendments; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. The City Engineer of the City of Grass Valley, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such proposal, and execute a grant agreement or any amendments thereto with California Department of Water Resources.

PASSED AND ADOPTED as a Resolution by the City Council of the City of Grass Valley at a regular meeting thereof held on the 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jan Arbuckle, MAYOR

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, CITY ATTORNEY

Taylor Day, CITY CLERK



City of Grass Valley City Council Agenda Action Sheet

Title: CDBG Memorial Park Facilities Improvement Project - Final Acceptance

CEQA: N/A - Project is Complete

Recommendation Motion: That Council 1) accept the CDBG Memorial Park Facilities Improvement Project as complete, 2) authorize the City Engineer to execute a change order and process final payment to the contractor for a total contract amount of \$5,615,275.70, and 3) Authorize the City Engineer to file a Notice of Completion with the County Recorder.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 06/13/2023

Date Prepared: 06/8/2023

Agenda: Consent

Background Information: On May 11, 2021, Council authorized the award of a construction contract to Western Water Features, Inc. for the CDBG Memorial Park Facilities Improvement Project. The project involved a complete overhaul of the existing swimming pool, softball field upgrades, restroom replacement, and the addition of two pickleball courts and one basketball court, among other park improvements.

A total of fifteen change orders were authorized in the course of construction, as well as two prior Council approved contract amendments. One final contract change order in the amount of \$108,955.60 is necessary to account for a number of miscellaneous additions and unforeseen conditions that required added work. The majority of this change order would compensate for an improved slot drainage system utilized on the pool deck and for increasing the pavement thickness and limits throughout the park after the existing parking lot and drive aisles were found to be wholly substandard.

All of the work has now been completed by the contractor, pending a few minor punch list/warranty items under discussion, with a final project cost totaling \$5,615,275.70. The Engineering Division has field accepted the work and the contractor has provided the City with a guarantee of work for a period of one year following the date of acceptance of the project. Upon Council's acceptance, Staff will file a Notice of Completion with the County Recorder's Office. If no Stop Notices are received by the City after a period of thirty-five (35) days from the filing date of the Notice, all appropriate bonds will be released to the contractor.

Staff requests that Council accept the project as complete, authorize the City Engineer to execute a change order in the amount of \$108,955.60, and authorize final payment to the contractor.

Council Goals/Objectives: The CDBG Memorial Park Facilities Improvement Project executes portions of work tasks towards achieving/maintaining Strategic Plan Goal - Recreation and Parks.

Fiscal Impact: The project is fully funded in the FY 2022/2023 CIP Budget with CDBG and Measure E funds.

Funds Available: Yes

Account #: 300-406-63350

Reviewed by: _____ City Manager

RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:

**ENGINEERING DIVISION
CITY OF GRASS VALLEY
125 East Main Street
Grass Valley, CA 95945**

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest or estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is the **City of Grass Valley**.
3. The FULL ADDRESS of the OWNER is **125 East Main Street, Grass Valley, CA 95945**.
4. The nature of the INTEREST or ESTATE of the undersigned is: **FEE**.
5. A work of improvement on the property hereinafter described was COMPLETED: **June 14, 2023**
6. The work of improvement completed is described as follows: **CDBG Memorial Park Facility Improvements Project**
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: **Western Water Features, Inc.**
8. The street address of said property is: **350 Race Street**
9. The property on which said work of improvement was completed is in the City of **Grass Valley**, County of **Nevada**, State of California and is described as follows: **Memorial Park**

City of Grass Valley
Owner

by: _____
Bjorn P. Jones PE, City Engineer

"I certify under penalty of perjury that the foregoing is true and correct."

(Date and Place)

(Signature)



City of Grass Valley City Council Agenda Action Sheet

Title: Adoption of five Resolution of Intention to Order Improvements for Landscaping and Lighting Districts (LLD) - Annual Assessments for Fiscal Year 2023-24 and Benefit Assessment Districts (AD) - Annual Assessments for Fiscal Year 2023-24 and set public hearing on June 27, 2023

CEQA: Not a project

Recommendation: It is recommended that the City Council adopt five Resolutions (2023-25, 2023-26, 2023-27, 2023-28, 2023-29) of Intention for Commercial LLD #1988-1, Residential LLD #1988-2, Morgan Ranch Unit 7 A.D. #2003-1, Morgan Ranch West A.D. #2010-1 and Ridge Meadows A.D. and set public hearing on June 27, 2023. The five Resolutions related to the Commercial and Residential Landscaping and Lighting Districts, the Morgan Ranch-Unit 7 Benefit Assessment District, the Morgan Ranch West Benefit Assessment District and Ridge Meadows Benefit Assessment District are as follows:

1. Resolution of Intention No. 2023-25 to Order Improvements Pursuant to the Landscaping and Lighting Act of 1972 - Assessment District No. 1988-1, Commercial Landscaping and Lighting District.
2. Resolution of Intention No. 2023-26 to Order Improvements Pursuant to the Landscaping and Lighting Act of 1972 - Assessment District No. 1988-2, Residential Landscaping and Lighting District.
3. Resolution of Intention No. 2023-27 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Morgan Ranch - Unit 7 Benefit Assessment District No. 2003-1.
4. Resolution of Intention No. 2023-28 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Morgan Ranch West Benefit Assessment District No. 2010-1.
5. Resolution of Intention No. 2023-29 to Order Improvements Pursuant to the Benefit Assessment Act of 1982 (Sections 54703 and following, California Government Code; hereafter the "1982 Act") - Ridge Meadows Benefit Assessment District No. 2016-1.

Prepared by: Andy Heath

Council Meeting Date: 06/13/2023

Date Prepared: 06/03/2023

Agenda: Consent

Discussion:

In order to continue funding for the maintenance of improvements in the City's landscaping and lighting districts and benefit assessment districts, an annual assessment must be levied and placed on the County of Nevada Tax Roll. The proceeds of the annual landscaping and lighting district assessments pay for maintenance of landscaping and associated structures, landscape related utilities, city administration costs and street lighting costs within the boundaries of the district. The proceeds of the annual benefit assessment districts pay for storm drain maintenance, retaining wall maintenance and city administration costs within the boundaries of the district.

The Engineer's reports and assessment spreads are complete and will be filed within the time required prior to the public hearing scheduled for June 27, 2023.

Council Goals/Objectives: The Landscape & Lighting Districts (LLD) and Benefit Assessment Districts (A.D.) annual assessments supports the Strategic Plan - City Infrastructure Investment by covering costs for community-specific structures and services.

Fiscal Impact: The proposed fiscal year 2023-24 assessments for the City's Landscape and Lighting Districts and Benefit Assessment Districts total \$81,985 as compared to \$78,307 for Fiscal Year 2022-23, an increase of \$3,678. This is due to CPI increases for some Districts while other Districts will be leaving amounts the same as the prior year.

Funds Available: NA

Account #: NA

Reviewed by: City Manager

CEQA: Not a Project.

Attachments:

Resolutions (5)

RESOLUTION NO. 2023-25

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
ASSESSMENT DISTRICT NO. 1988-1 (Commercial Landscaping and
Lighting District, Whispering Pines and Litton Business Park)

The City Council of the City of Grass Valley resolves:

1. The City Council intends to levy and collect assessments within City of Grass Valley Assessment District No. 1988-1 (Commercial Landscaping and Lighting District – Whispering Pines and Litton Business Park) during Fiscal Year 2023-24. The area of land to be assessed is located in the City of Grass Valley, Nevada County.

2. The improvements to be made in this assessment district are generally described as follows:

Zone 1 – Whispering Pines

The maintenance of landscaping and operation of associated structures including payment for the cost of water and power utilities for irrigation controllers and street lights.

Zone 2 – Litton Business Park

The maintenance of landscaping and operation of associated structures including payment for the cost of water and power utilities for irrigation controllers and street lights; and the maintenance of drainage ditches and operation of associated structures including the removal of silt.

This description is from the Commercial Landscaping & Lighting District No. 1988-1 Engineer's Report.

3. Bjorn Jones, P.E., Engineer of Work, has filed with the City Clerk the Commercial Landscaping & Lighting District No 1988-1 Engineer's Report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels

of land within the assessment district.

4. The Council hereby approves the Engineer's report as filed, incorporated herein by reference.

5. On Tuesday, the 27th day of June, 2023, at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter can be heard; the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Grass Valley City Council Chambers, Grass Valley, California.

6. For Fiscal Year 2023-24, the Engineering Department has proposed \$29,100.30 assessment revenue for Whispering Pines. The increase of \$1,646.60 represents a 6.0 percent inflation adjustment. For Litton Business Park, \$6,550.50 is proposed assessment revenue. The increase of \$371.70 represents a 6.0 percent inflation adjustment.

7. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 13th day of June, 2023, by the following vote:

AYES:	Council Members
NOES:	Council Members
ABSENT:	Council Members
ABSTAINING:	Council Members

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney



May, 18, 2023

Item # 8.

ENGINEER'S REPORT

COMMERCIAL LANDSCAPING AND LIGHTING DISTRICT NO. 1988-1

ANNUAL ASSESMENT 2023/2024

for

CITY OF GRASS VALLEY

NEVADA COUNTY, CALIFORNIA

Respectfully submitted, as directed by the City Council.

By: _____

Bjorn P. Jones, P.E.
R.C.E. No. 75378

ENGINEER'S REPORT AFFIDAVIT**COMMERCIAL LANDSCAPING AND LIGHTING DISTRICT NO. 1988-1**

(Whispering Pines and Litton Business Park)

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Grass Valley, California, on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Nevada on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

OVERVIEW

Bjorn P. Jones, Engineer of Work for Commercial Landscaping and Lighting District No. 1988-1 (Zone 1 - Whispering Pines and Zone 2 - Litton Business Park), City of Grass Valley, Nevada County, California makes this report, as directed by City Council, pursuant to Section 22585 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The improvements which are the subject matter of this report are briefly described as follows:

Zone 1 - Whispering Pines

The installation, maintenance and servicing of landscaping and associated improvements, as delineated on the plans prepared by Josephine McProud, Landscape Architect, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. Irrigation, including the operation, adjustment and repair of the irrigation system.
4. The removal of trimmings, rubbish, debris and solid waste.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

Zone 2 - Litton Business Park

The installation, maintenance and servicing of landscaping and associated improvements, as delineated on the plans prepared by Josephine McProud, Landscape Architect, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. Irrigation, including the operation, adjustment and repair of the irrigation system.
4. The removal of trimmings, rubbish, debris and solid waste.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

The installation and maintenance of drainage ditches, trails and associated improvements, as delineated on the improvement plans for Litton Business Park - Phase One prepared by Nevada City Engineering, Inc., on file with the City of Grass Valley, including:

1. The repair, removal or replacement of any improvement.
2. The trimming, pruning, spraying and removal of vegetative matter.
3. The removal of silt, rubbish debris and solid waste.

This report consists of five (5) parts, as follows:

PART A - Plans and specifications for the improvements that are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference only.

PART B - An estimate of the cost of the improvements for Fiscal Year 2023/2024.

PART C - An assessment of the estimated cost of the improvement and levy on each benefiting parcel of land within the district.

PART D - The Method of Apportionment by which the undersigned has determined the amount proposed to be levied on each parcel.

PART E - A diagram showing all parcels of real property within this district. The diagram is keyed to Part C by Assessor's Parcel Number.

PART A
PLANS

Plans for the landscape, irrigation and street lighting for each zone have been prepared by a variety of landscape architects and engineers. These Plans have been filed separately with the City Engineer's office and are incorporated in this Report by reference only as the initial improvements were completed by separate contracts.

PART B
COST ESTIMATE

The estimated cost for the maintenance of improvements described in this report for the fiscal year 2023/2024 includes the use of reserve funds to provide maintenance of the landscape areas and is as follows:

	ZONE 1 (Whispering Pines)	ZONE 2 (Litton Business Park)
COST INFORMATION		
Direct Maintenance Costs	\$44,050	\$3,711
Water and Electricity	\$10,000	\$1,500
County Administrative Fee	\$250	\$230
City Administration Costs	\$500	\$350
Total Direct and Admin Costs	\$54,800	\$5,791
ASSESSMENT INFORMATION		
Direct Costs	\$54,800	\$5,791
Reserve Collections/ (Transfer)	(\$25,700)	\$760
Net Total Assessment	\$29,100	\$6,551
FUND BALANCE INFORMATION		
Projected Reserve After FY 2022/23	\$54,770	\$5,750
Interest Earnings	\$120	\$40
Reserve Fund Adjustments	(\$25,700)	\$760
Projected Reserve at End of Year	\$29,190	\$6,550

PART C**ASSESSMENT ROLL****Zone 1 - Whispering Pines**

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$29,100.00	\$29,100.94	\$29,100.30

Percentage of Net Area	Percent of Whispering Pines Lane frontage	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1.11%	3.82%	717.80	009-680-003	01056	358.90	358.90
1.95%	8.70%	1,549.20	009-680-004	01056	774.60	774.60
1.59%	4.42%	875.40	009-680-005	01056	437.70	437.70
2.16%	3.57%	834.40	009-680-006	01056	417.20	417.20
0.85%	3.31%	604.60	009-680-007	01056	302.30	302.30
1.10%	3.25%	632.30	009-680-009	01056	316.15	316.15
0.93%	3.47%	640.80	009-680-015	01056	320.40	320.40
0.00%	0.00%	0.00	009-680-019	01056	0.00	0.00
0.00%	0.00%	0.00	009-680-022	01056	0.00	0.00
6.33%	0.00%	920.70	009-680-024	01056	460.35	460.35
1.73%	3.03%	692.50	009-680-025	01056	346.25	346.25
1.30%	2.28%	520.60	009-680-026	01056	260.30	260.30
1.30%	2.22%	513.40	009-680-027	01056	256.70	256.70
0.00%	0.00%	0.00	009-680-037	01056	0.00	0.00
0.00%	0.00%	0.00	009-680-038	01056	0.00	0.00
0.66%	1.23%	274.90	009-680-039	01056	137.45	137.45
0.66%	1.23%	274.90	009-680-040	01056	137.45	137.45
0.65%	1.23%	273.50	009-680-041	01056	136.75	136.75
0.00%	0.00%	0.00	009-760-026	01056	0.00	0.00
0.35%	0.37%	104.10	009-760-024	01056	52.05	52.05
0.31%	0.37%	99.20	009-760-023	01056	49.60	49.60
0.32%	0.37%	99.70	009-760-022	01056	49.85	49.85
0.33%	0.37%	101.40	009-760-021	01056	50.70	50.70
0.33%	0.37%	102.00	009-760-020	01056	51.00	51.00
0.32%	0.37%	100.10	009-760-019	01056	50.05	50.05
0.32%	0.37%	100.20	009-760-018	01056	50.10	50.10
0.32%	0.37%	99.50	009-760-017	01056	49.75	49.75
0.31%	0.37%	99.40	009-760-016	01056	49.70	49.70
0.33%	0.37%	101.70	009-760-015	01056	50.85	50.85
0.33%	0.37%	101.40	009-760-001	01056	50.70	50.70
0.32%	0.37%	100.20	009-760-002	01056	50.10	50.10
0.32%	0.37%	100.30	009-760-003	01056	50.15	50.15
0.33%	0.37%	102.00	009-760-004	01056	51.00	51.00
0.33%	0.37%	101.80	009-760-005	01056	50.90	50.90
0.32%	0.37%	99.90	009-760-006	01056	49.95	49.95
0.33%	0.37%	101.60	009-760-007	01056	50.80	50.80
0.34%	0.37%	103.20	009-760-009	01056	51.60	51.60
0.36%	0.37%	105.50	009-760-011	01056	52.75	52.75
0.37%	0.37%	108.20	009-760-013	01056	54.10	54.10
1.12%	2.53%	531.20	009-680-054	01056	265.60	265.60
1.14%	4.16%	770.50	009-690-001	01056	385.25	385.25
1.52%	7.62%	1,330.30	009-690-002	01056	665.15	665.15
1.48%	0.00%	215.60	009-690-004	01056	107.80	107.80
1.87%	8.18%	1,462.20	009-690-005	01056	731.10	731.10
1.06%	2.51%	519.50	009-690-009	01056	259.75	259.75
1.42%	0.00%	206.10	009-690-012	01056	103.05	103.05
1.00%	3.52%	656.60	009-690-013	01056	328.30	328.30

PART C**ASSESSMENT ROLL****Zone 1 - Whispering Pines**

1.86%	3.46%	774.60	009-690-015	01056	387.30	387.30
2.27%	0.00%	330.90	009-690-016	01056	165.45	165.45
1.30%	0.00%	188.50	009-690-019	01056	94.25	94.25
2.12%	0.00%	307.80	009-690-025	01056	153.90	153.90
0.00%	0.00%	0.00	009-750-002	01056	0.00	0.00
0.25%	0.00%	36.30	009-750-003	01056	18.15	18.15
0.28%	0.00%	40.30	009-750-004	01056	20.15	20.15
0.22%	0.00%	32.20	009-750-005	01056	16.10	16.10
0.18%	0.00%	26.80	009-750-006	01056	13.40	13.40
0.25%	0.00%	36.30	009-750-007	01056	18.15	18.15
0.27%	0.00%	39.00	009-750-008	01056	19.50	19.50
0.19%	0.00%	28.10	009-750-009	01056	14.05	14.05
0.22%	0.00%	32.20	009-750-010	01056	16.10	16.10
0.00%	0.00%	0.00	009-690-040	01056	0.00	0.00
0.14%	0.34%	69.70	009-690-041	01056	34.85	34.85
0.12%	0.34%	66.90	009-690-042	01056	33.45	33.45
0.13%	0.34%	68.30	009-690-043	01056	34.15	34.15
0.14%	0.34%	69.70	009-690-044	01056	34.85	34.85
0.11%	0.34%	65.60	009-690-045	01056	32.80	32.80
0.12%	0.34%	66.90	009-690-046	01056	33.45	33.45
0.12%	0.34%	66.90	009-690-047	01056	33.45	33.45
0.10%	0.34%	64.20	009-690-048	01056	32.10	32.10
0.09%	0.34%	62.90	009-690-049	01056	31.45	31.45
0.10%	0.34%	64.20	009-690-050	01056	32.10	32.10
0.09%	0.34%	62.90	009-690-051	01056	31.45	31.45
0.10%	0.34%	64.20	009-690-052	01056	32.10	32.10
0.09%	0.34%	62.90	009-690-053	01056	31.45	31.45
0.09%	0.34%	62.90	009-690-054	01056	31.45	31.45
0.09%	0.34%	62.90	009-690-055	01056	31.45	31.45
0.09%	0.34%	62.90	009-690-056	01056	31.45	31.45
0.10%	0.34%	64.20	009-690-057	01056	32.10	32.10
0.09%	0.34%	62.90	009-690-058	01056	31.45	31.45
0.09%	0.34%	62.90	009-690-059	01056	31.45	31.45
1.72%	3.06%	696.00	009-690-031	01056	348.00	348.00
1.41%	3.06%	649.50	009-690-032	01056	324.75	324.75
1.82%	0.00%	264.40	009-690-036	01056	132.20	132.20
4.41%	0.86%	766.70	009-690-037	01056	383.35	383.35
1.34%	5.39%	980.10	009-690-039	01056	490.05	490.05
1.68%	0.00%	244.10	009-770-021	01051	122.05	122.05
2.04%	0.00%	297.00	009-770-022	01051	148.50	148.50
1.59%	0.00%	231.90	009-770-023	01051	115.95	115.95
2.53%	0.00%	368.80	009-770-024	01051	184.40	184.40
2.52%	0.00%	366.10	009-770-025	01051	183.05	183.05
2.35%	0.00%	341.70	009-770-032	01051	170.85	170.85
1.32%	0.00%	192.60	009-770-033	01051	96.30	96.30
0.00%	0.00%	0.00	009-770-034	01054	0.00	0.00
0.00%	0.00%	0.00	009-770-035	01054	0.00	0.00
0.00%	0.00%	0.00	009-770-037	01051	0.00	0.00
1.40%	0.00%	203.40	009-770-038	01056	101.70	101.70
0.96%	0.00%	139.70	009-770-039	01056	69.85	69.85
1.00%	0.00%	145.10	009-770-049	01051	72.55	72.55
1.18%	0.00%	172.20	009-770-050	01051	86.10	86.10
0.00%	0.00%	0.00	009-770-057	01056	0.00	0.00
3.19%	0.00%	463.80	009-770-058	01051	231.90	231.90
2.29%	0.00%	333.60	009-770-059	01051	166.80	166.80

PART C**ASSESSMENT ROLL****Zone 1 - Whispering Pines**

1.87%	0.00%	272.60	009-770-060	01051	136.30	136.30
3.77%	0.00%	547.80	009-770-063	01051	273.90	273.90
2.34%	0.00%	340.40	009-770-065	01051	170.20	170.20
0.55%	0.00%	80.00	009-770-068	01051	40.00	40.00
1.20%	0.00%	174.90	009-770-069	01051	87.45	87.45
3.73%	0.00%	542.40	009-770-070	01051	271.20	271.20
0.00%	0.00%	0.00	009-770-071	01051	0.00	0.00
0.53%	0.00%	77.70	009-770-072	01051	38.85	38.85
0.00%	0.00%	0.00	009-770-073	01051	0.00	0.00
0.16%	0.00%	23.50	009-770-074	01051	11.75	11.75
0.20%	0.00%	28.90	009-770-075	01051	14.45	14.45
Total - Zone 1 =		\$29,100.30			\$14,550.15	\$14,550.15

PART C

ASSESSMENT ROLL

Zone 2 - Litton Business Park

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$6,551.00	\$6,551.00	\$6,550.50

Development Areas	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	\$344.80	008-060-056	01056	172.40	172.40
1	\$344.80	035-260-085	01056	172.40	172.40
1	\$344.80	035-260-086	01056	172.40	172.40
1	\$344.80	035-330-015	01056	172.40	172.40
0.83	\$286.20	035-330-020	01056	143.10	143.10
0.17	\$58.60	035-330-021	01056	29.30	29.30
1	\$344.80	035-530-009	01056	172.40	172.40
1	\$344.80	035-530-010	01056	172.40	172.40
1	\$344.80	035-530-012	01056	172.40	172.40
1	\$344.80	035-530-013	01056	172.40	172.40
1	\$344.80	035-530-014	01056	172.40	172.40
0.2482	\$85.60	035-530-017	01056	42.80	42.80
0.2482	\$85.60	035-530-018	01056	42.80	42.80
0.5035	\$173.60	035-530-019	01056	86.80	86.80
0	\$0.00	035-540-003	01056	0.00	0.00
0	\$0.00	035-540-014	01056	0.00	0.00
0.0561	\$19.30	035-540-015	01056	9.65	9.65
0.0523	\$18.00	035-540-016	01056	9.00	9.00
0.0523	\$18.00	035-540-017	01056	9.00	9.00
0.0561	\$19.30	035-540-018	01056	9.65	9.65
0.1412	\$48.70	035-540-019	01056	24.35	24.35
0.0546	\$18.80	035-540-020	01056	9.40	9.40
0.0874	\$30.10	035-540-021	01056	15.05	15.05
0.1031	\$35.50	035-540-022	01056	17.75	17.75
0.0575	\$19.80	035-540-023	01056	9.90	9.90
0.0561	\$19.30	035-540-024	01056	9.65	9.65
0.0503	\$17.30	035-540-025	01056	8.65	8.65
0.0499	\$17.20	035-540-026	01056	8.60	8.60
0.0479	\$16.50	035-540-027	01056	8.25	8.25
0.1352	\$46.60	035-540-028	01056	23.30	23.30
1	\$344.80	035-540-005	01056	172.40	172.40
1	\$344.80	035-540-006	01056	172.40	172.40
1	\$344.80	035-540-012	01056	172.40	172.40
1	\$344.80	035-540-032	01056	172.40	172.40
1	\$344.80	035-540-033	01056	172.40	172.40
0.1928	\$66.50	035-590-003	01056	33.25	33.25
0.0628	\$21.60	035-590-004	01056	10.80	10.80

PART C

ASSESSMENT ROLL

Zone 2 - Litton Business Park

0.1570	\$54.10	035-590-005	01056	27.05	27.05
0.0854	\$29.40	035-590-006	01056	14.70	14.70
0.1151	\$39.70	035-590-007	01056	19.85	19.85
0.1412	\$48.70	035-590-008	01056	24.35	24.35
0.0948	\$32.70	035-590-009	01056	16.35	16.35
0.1457	\$50.20	035-590-010	01056	25.10	25.10
0.2641	\$91.10	035-590-011	01056	45.55	45.55
0.0638	\$22.00	035-590-012	01056	11.00	11.00
0.0651	\$22.40	035-590-013	01056	11.20	11.20
0.1123	\$38.70	035-590-014	01056	19.35	19.35
0.0764	\$26.30	035-590-015	01056	13.15	13.15
0.0941	\$32.40	035-590-016	01056	16.20	16.20
0.0855	\$29.50	035-590-017	01056	14.75	14.75
0.0658	\$22.70	035-590-018	01056	11.35	11.35
0.0651	\$22.40	035-590-023	01056	11.20	11.20
0.1129	\$38.90	035-590-020	01056	19.45	19.45
19 (rounded)	\$6,550.50	= Total - Zone 2		\$3,275.25	\$3,275.25

PART D

METHOD OF APPORTIONING

In order to maintain sufficient funding for the Districts, assessments will be adjusted annually by the Consumer Price Indexes (CPI) Pacific Cities and U.S. City Average for February of the year of calculation All Items Indexes for the West. The corresponding CPI for February 2023 was 6.0%.

ZONE 1 - Whispering Pines

The Whispering Pines development created the 1988-1 Commercial L&L District in 1988. Because the district was created before Proposition 218, the initial assessment per property has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year.

This assessment spread uses two factors to determine individual lot assessments. Fifty percent of the cost is spread using the net area of each lot as to the total net area. Net area is the area remaining in each lot after deducting the area dedicated to open space. The remaining fifty percent is spread to those lots fronting Whispering Pines Lane on a front foot basis as a percentage of the total length of frontage along Whispering Pines Lane. The formula is:

Assessment Per Parcel = Round $\left(\left[\frac{\text{Total Assessment}}{2} \right] \times (\% \text{ of Net Area}) \right) + \left[\frac{\text{Total Assessment}}{2} \right] \times (\% \text{ of Whispering Pines Lane Frontage})$

Notwithstanding the foregoing method of apportionment, parcels numbered 19, 20, 21, 22 and 23 shall receive zero assessments for the first year as shown in the second amended Engineer's Report and each of said parcels shall continue to receive no assessment until such time as the parcel is sold or developed. Development shall be evidenced by issuance of a building permit; provided, however, that the issuance of a building permit to reconstruct the sanctuary of the Whispering Pines Church of God located on parcel numbers 19 and 20 shall not be construed to be development. At the time of sale or development of each of said parcels, they shall thereafter be assessed in accordance with the method of apportionment hereinabove set forth.

The total assessment for 2022/2023 was \$27,453.70 Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$29,100.94. The actual total assessment will be \$29,100.30. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula above which incorporates each parcel's net area and length of Whispering Pines Lane frontage.

ZONE 2 - Litton Business Park

The Litton Business Park was annexed into the 1988-1 Commercial L&L District in 1999. Although the district was created after Proposition 218, the initial assessment per property has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund.

The initial assessment spread created a yearly assessment per development area of \$480.00. It is the intent that each development area of the entire project share equally in all Landscaping and Lighting District expenses upon completion of said project. As future phases of this project are incorporated into the Landscaping and Lighting District, the existing assessment area will be reassessed and new assessment values will be calculated equally per development area. The assessment formula is:

Assessment Per Parcel = Round ((# of Development Areas) * (Total Assessment)) / (Total # of Development Areas)

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year.

The total assessment for 2022/2023 was \$6,178.80. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$6,551.00. The actual total assessment will be \$6,550.50. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the original number of parcels. Parcels subdivided after the initial assessment pay a portion of the assessment based on percentage of area of the original parcel.

PART E
ASSESSMENT DIAGRAM

The following pages are excerpts from the latest Assessor's Parcel Maps of the County of Nevada illustrating the approximate location, size and area of the benefiting parcels within the Landscaping and Lighting District.

PTN. SEC'S 25 & 26, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code

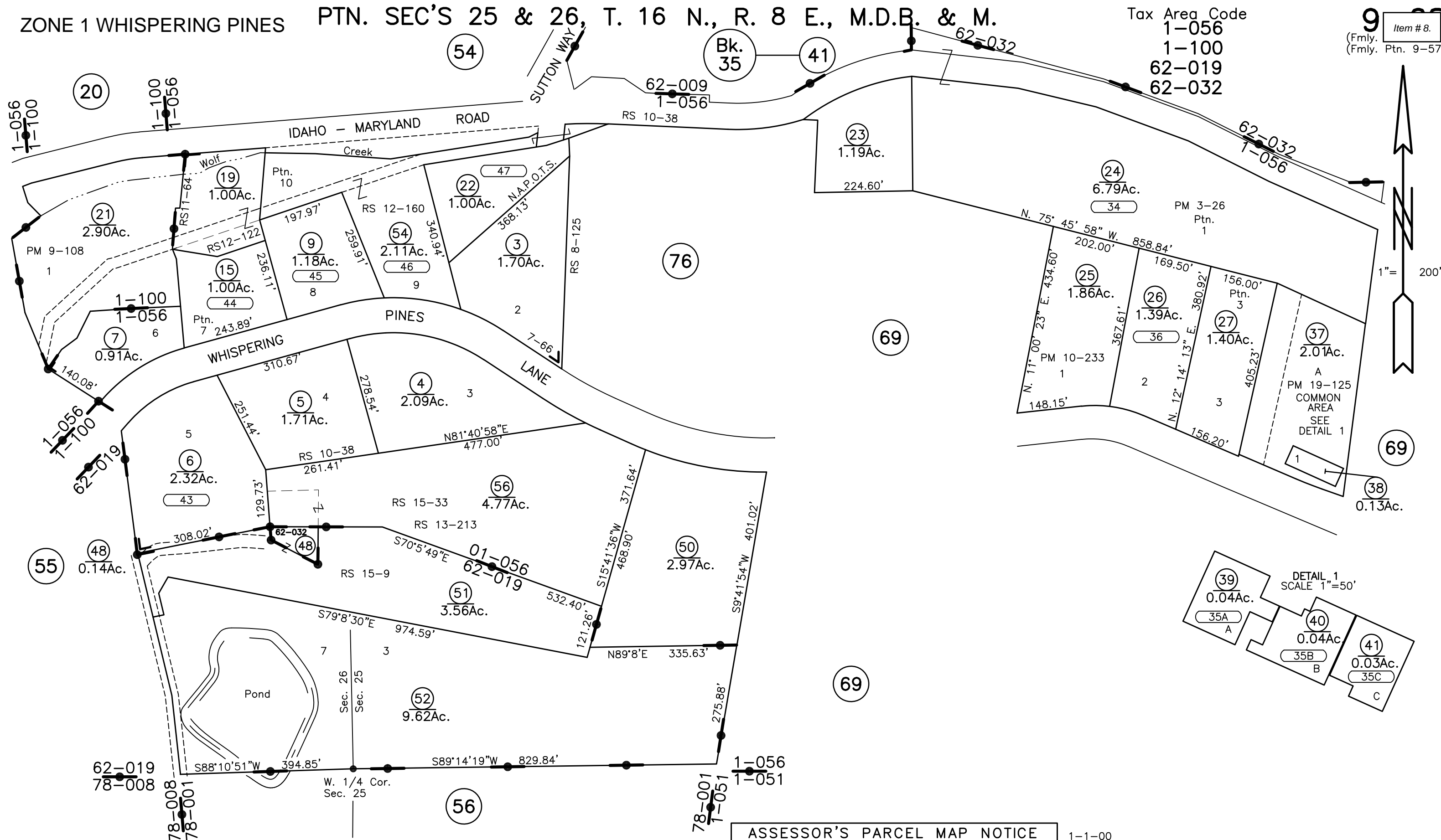
1-056

1-100

62-019

62-032

9 Item # 8.
(Fmly. Ptn. 9-57)



CENTENNIAL PARK SUB. Bk. 7, Pg. 66
GRASS VALLEY ANNEX. No. 67 RS Bk. 9, Pg. 203
WHISPERING PINES/MORGAN RANCH REFUNDING DISTRICT

ASSESSOR'S PARCEL MAP NOTICE

This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances. Assessor's block numbers shown in ellipses; parcel numbers are shown in circles. All distances on curved lines are chord measurements.

1-1-00
1-1-01
1-1-02
1-1-05
1-1-07
1-1-08
1-1-21

1 Assessor's Map Bk. 9 -Pg.68
2 County of Nevada, Calif.
3
4 1999
5
6
7
8

LAST UPDATE: 12-24-20

Page 42

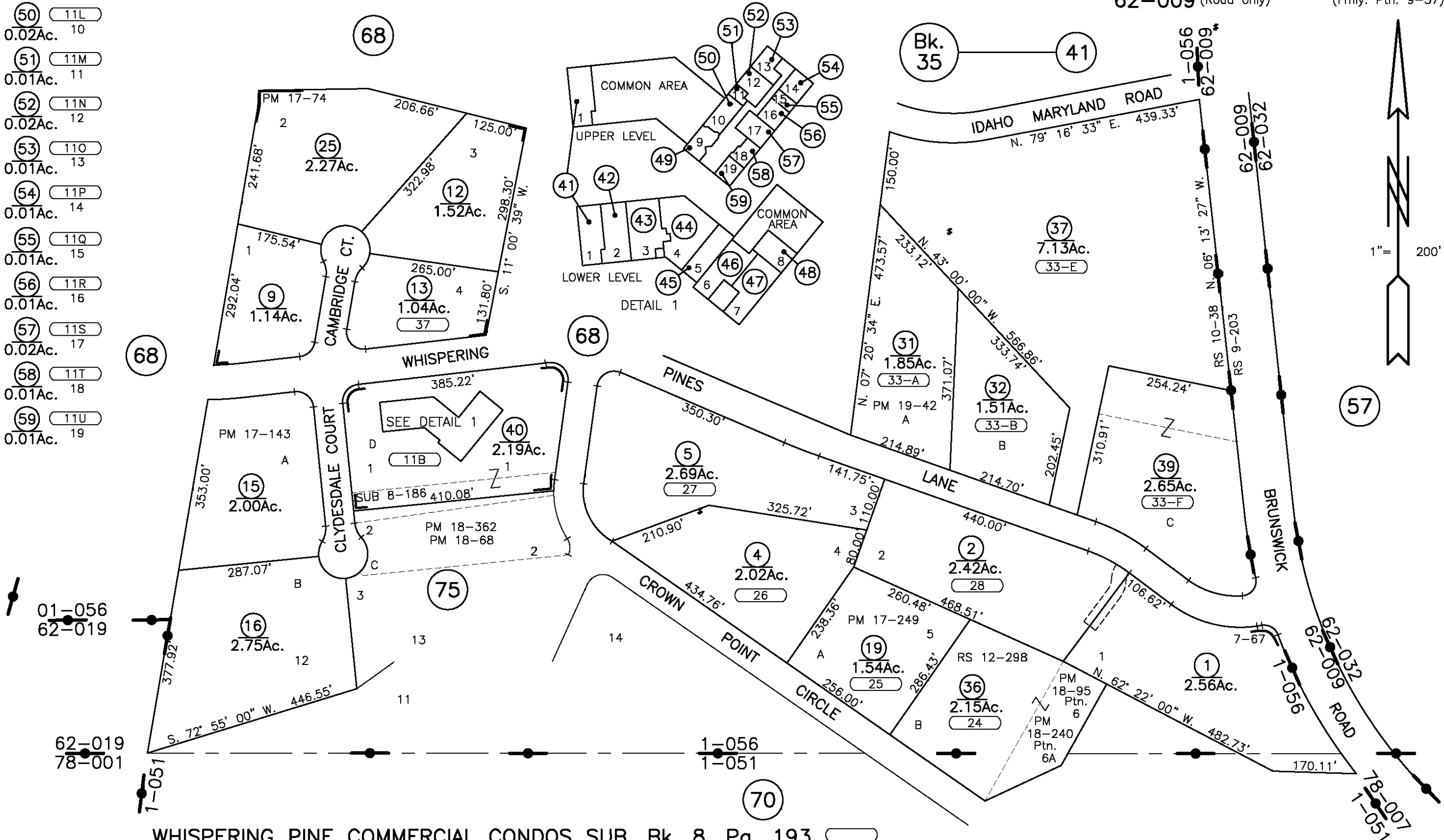
ZONE 1 - WP

PTN. SEC. 25, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-056
62-009 (Road only)

9 Item # 8.
(Fmly. Ptn. 9-57)

- | | |
|-----------------------|------------------------|
| (41) 11C
0.06Ac. 1 | (50) 11L
0.02Ac. 10 |
| (42) 11D
0.04Ac. 2 | (51) 11M
0.01Ac. 11 |
| (43) 11E
0.05Ac. 3 | (52) 11N
0.02Ac. 12 |
| (44) 11F
0.06Ac. 4 | (53) 11O
0.01Ac. 13 |
| (45) 11G
0.03Ac. 5 | (54) 11P
0.01Ac. 14 |
| (46) 11H
0.04Ac. 6 | (55) 11Q
0.01Ac. 15 |
| (47) 11I
0.04Ac. 7 | (56) 11R
0.01Ac. 16 |
| (48) 11J
0.02Ac. 8 | (57) 11S
0.02Ac. 17 |
| (49) 11K
0.01Ac. 9 | (58) 11T
0.01Ac. 18 |
| | (59) 11U
0.01Ac. 19 |



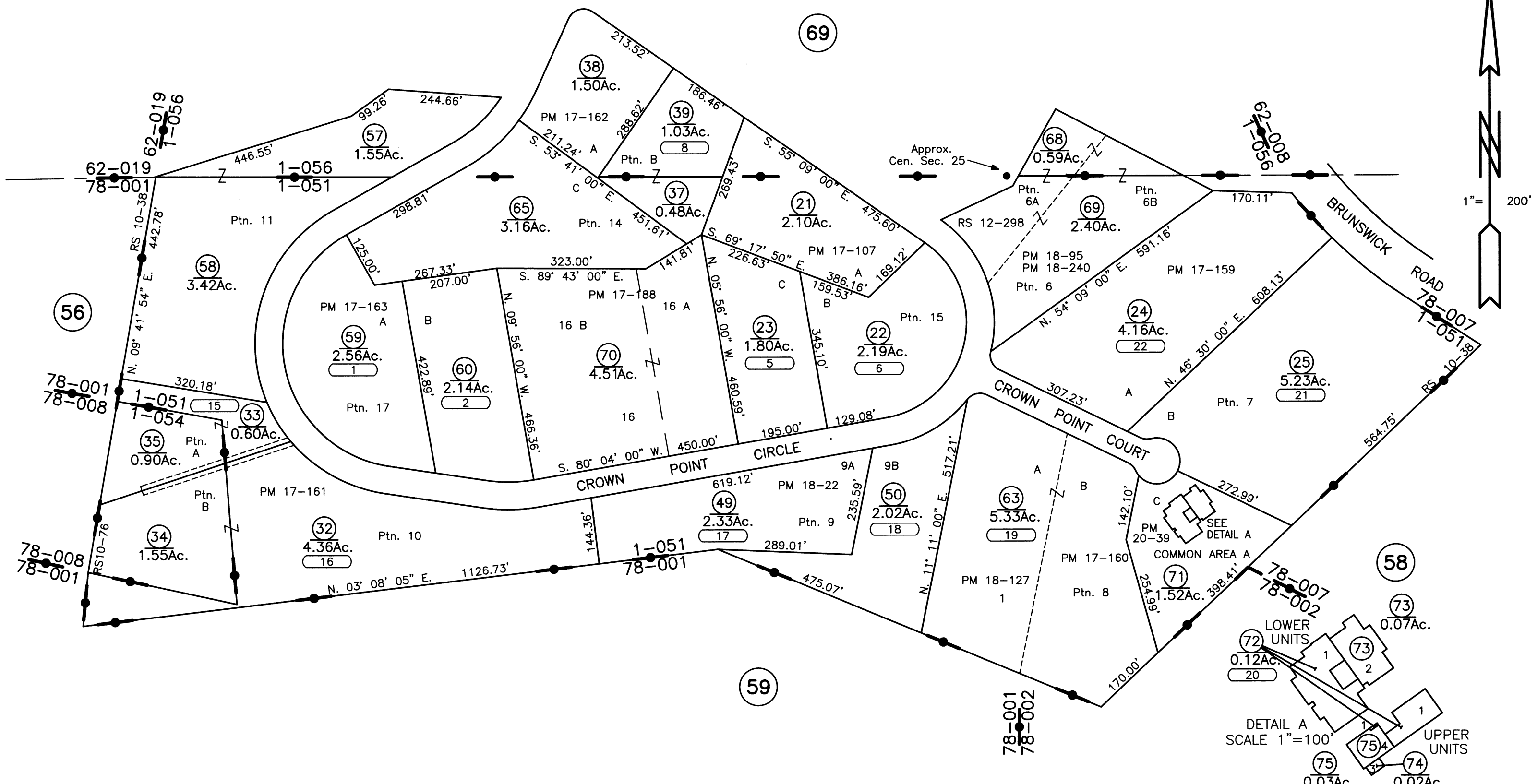
ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

WHISPERING PINE COMMERCIAL CONDOS SUB. Bk. 8, Pg. 193
CLYDESDALE COMMERCE CENTER SUB. Bk. 8, Pg. 186
WHISPERING PINES/MORGAN RANCH REASSESSMENT
CAMBRIDGE PARK P. M. Bk. 17, Pg. 74
GRASS VALLEY ANNEX. No. 67 RS Bk. 9, Pg. 203
WHISPERING PINES PARK SUB. Bk. 7, Pg. 67
WHISPERING PINES/MORGAN RANCH REFUNDING DISTRICT

1-1-99 1-1-04
1-1-00 1-1-05
1-1-01 1-1-07
1-1-02 1-1-10
1-1-03
Assessor's Map Bk. 9 -Pg. 69
County of Nevada, Calif.
2011
LAST UPDATE: 4-10-12
Page 43
AAG 27/T1

Tax Area Code
1-051
1-054
1-056

Item # 8.
(Fmly. Ptn. 9-18)
(Fmly. Ptn. 9-58)



ASSESSOR'S PARCEL MAP
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GRASS VALLEY ANNEX No. 67 R.S. Bk. 9, Pg. 203
WHISPERING PINES PARK SUB. Bk. 7, Pg. 67
WHISPERING PINES/MORGAN RANCH REFUNDING DIST.

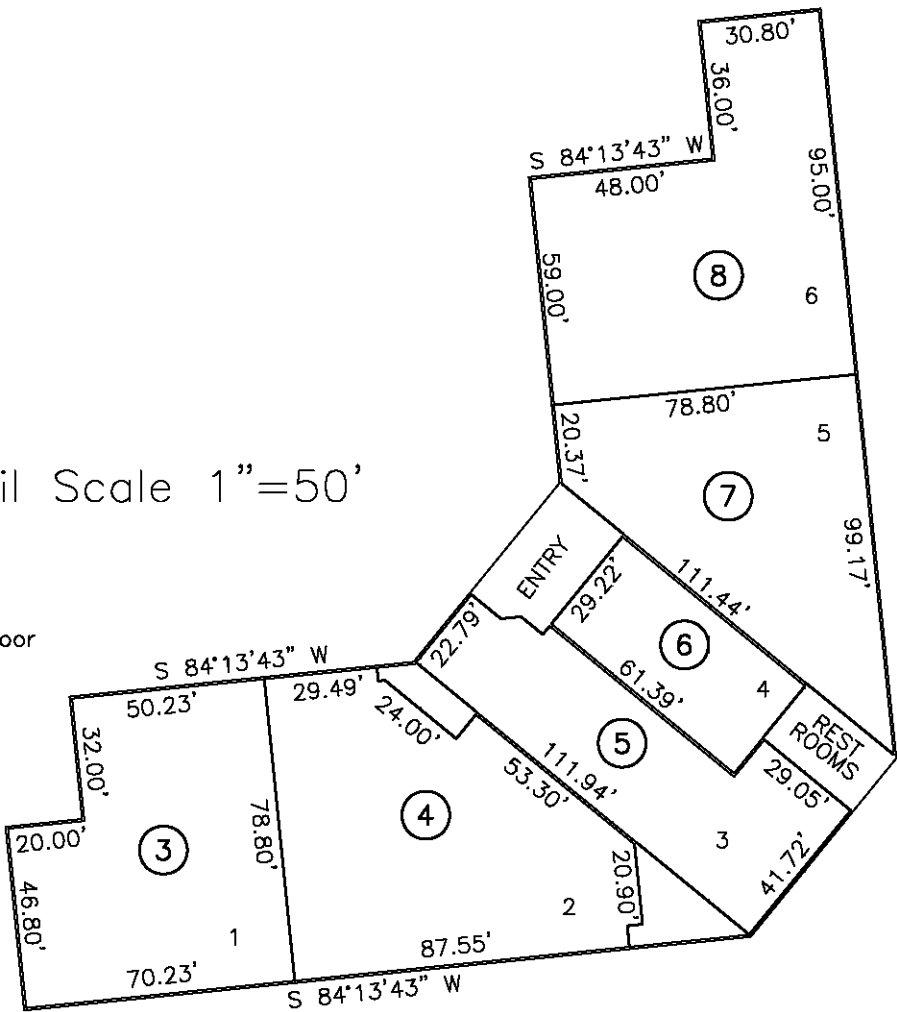
1-1-02
1-1-03
1-1-04
1-1-05
1-1-06
1-1-07
1-1-08

Assessor's Map Bk. 9 -Pg.70
County of Nevada, Calif.
2001

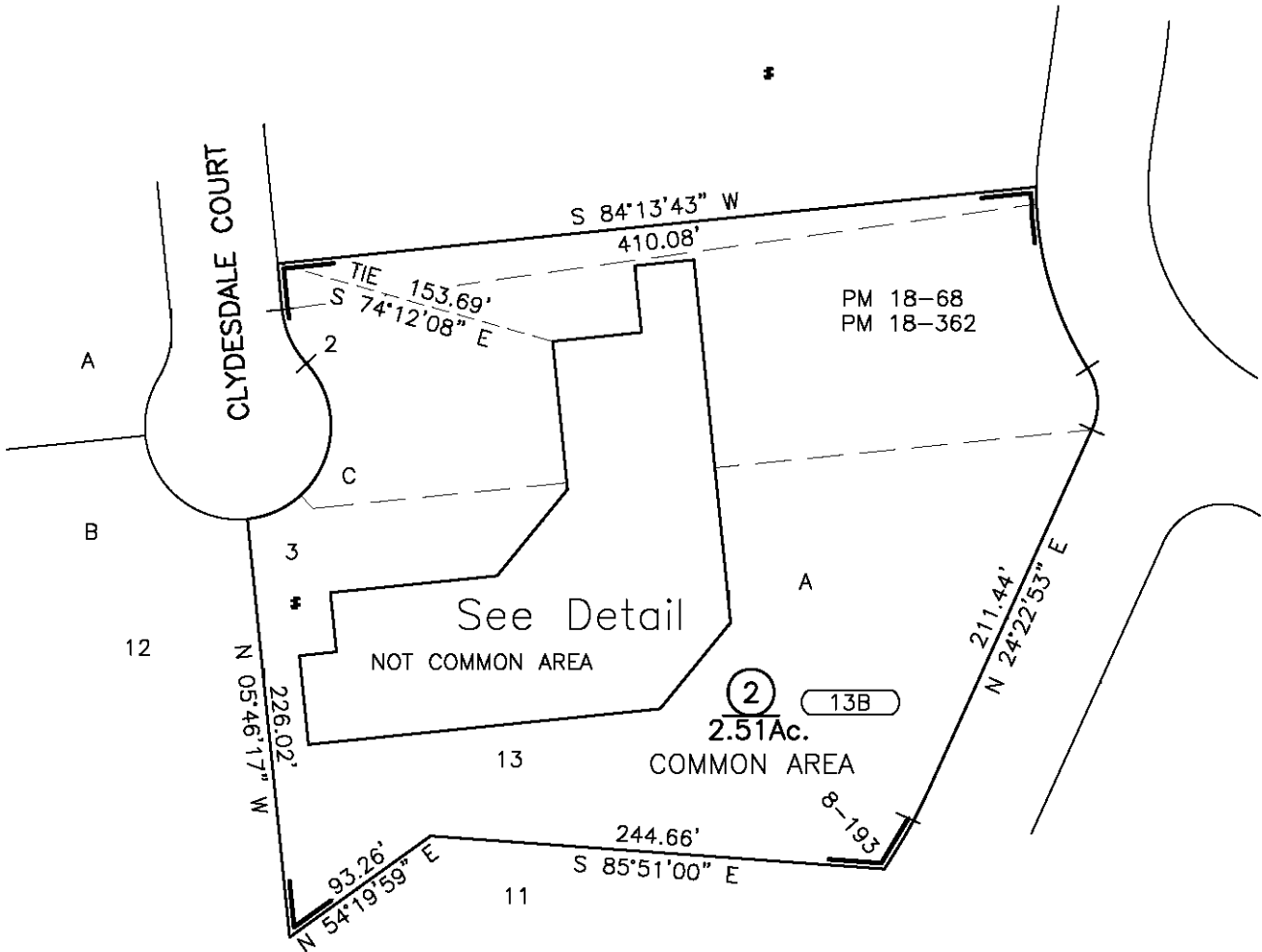
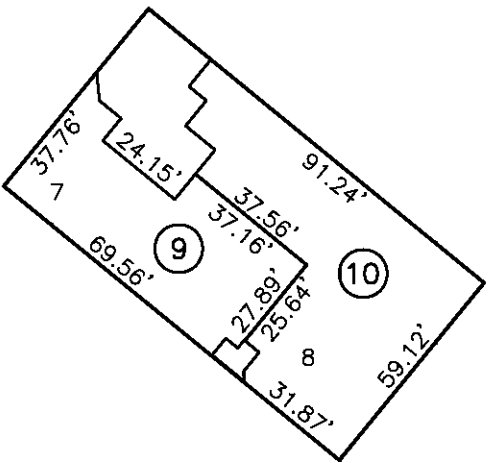
1"= 100'

Detail Scale 1"=50'

First Floor



Second Floor

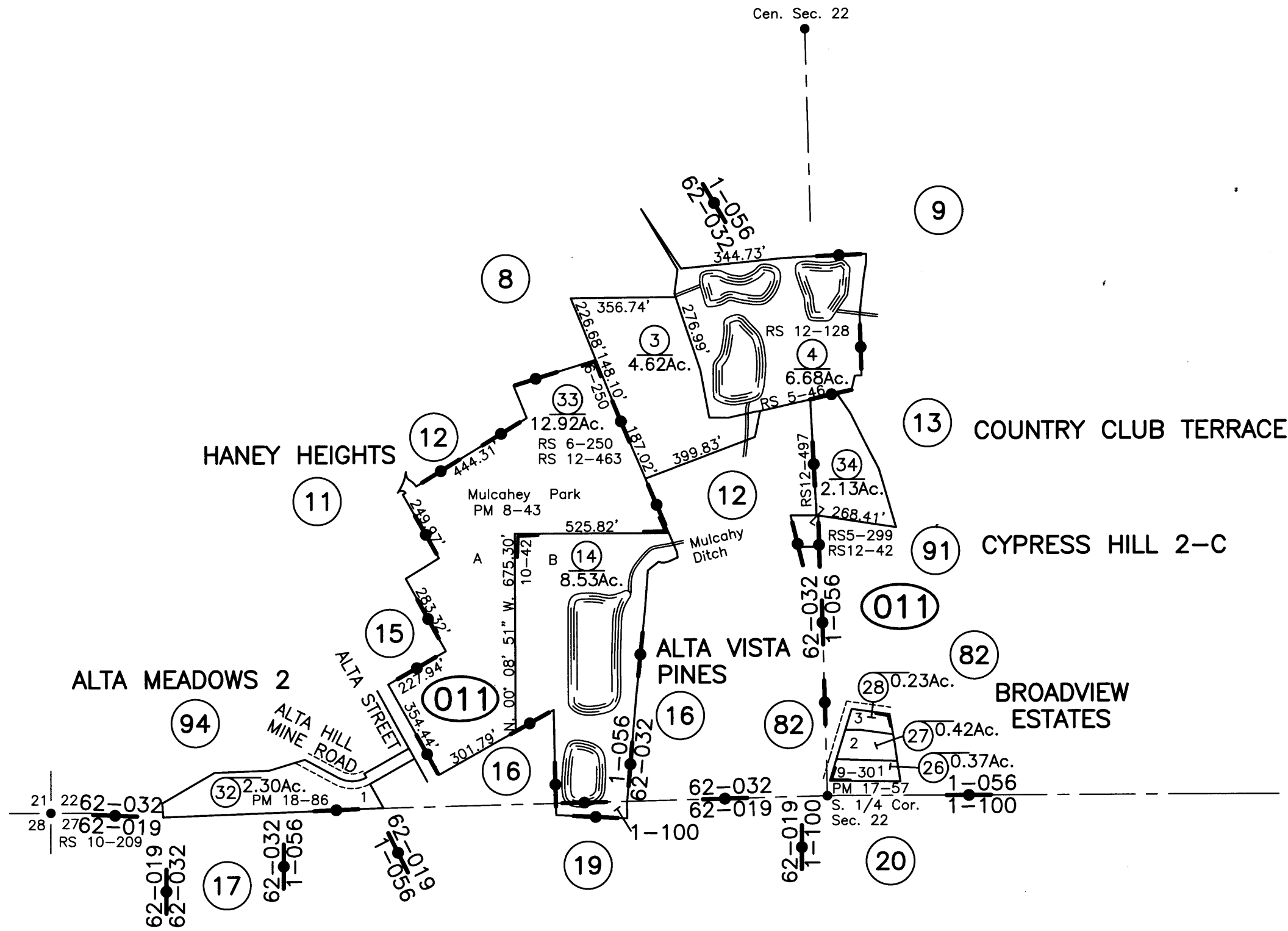


- 3 0.11Ac. 13C
- 4 0.13Ac. 13D
- 5 0.08Ac. 13E
- 6 0.04Ac. 13F
- 7 0.11Ac. 13G
- 8 0.13Ac. 13H
- 9 0.05Ac. 13I
- 10 0.08Ac. 13J

NOTE: Amended Reassessment NO. 13A
See Doc# 11-10381 for revised lien amounts
for Parcels 2 thru 10.

LAST UPDATE: 3-8-12

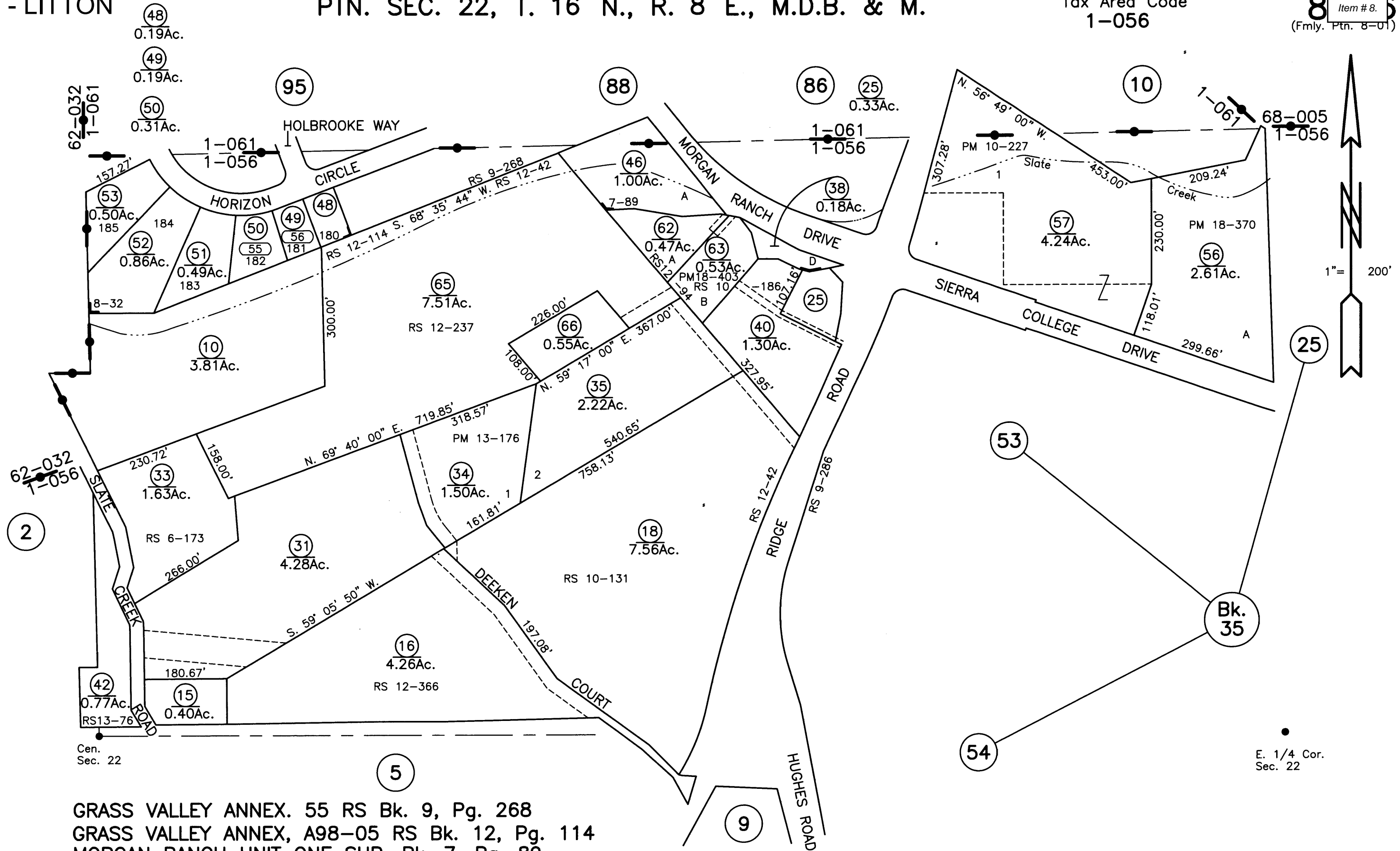
ASSESSOR'S PARCEL MAP
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GRASS VALLEY ANNEX 41 R.S. Bk. 6, Pg. 250
GRASS VALLEY ANNEX 41-A R.S. Bk. 10, Pg. 42
GRASS VALLEY ANNEX 51-A R.S. Bk. 9, Pg. 30

ASSESSOR'S PARCEL MAP
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NOTE: Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Assessor's Map Bk. 8 -Pg. 01
County of Nevada, Calif.
2003
Last Update 8-7-08



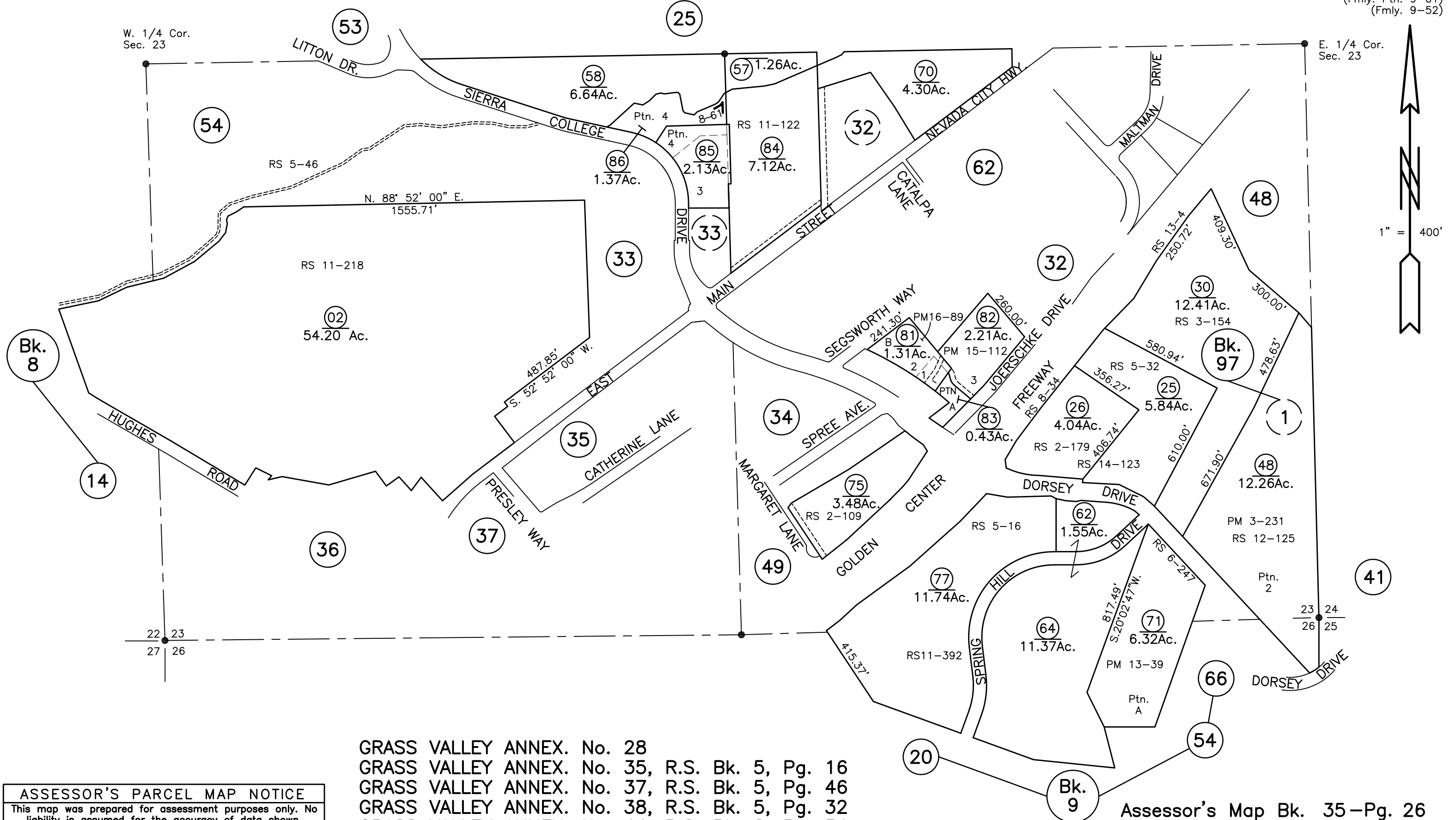
GRASS VALLEY ANNEX. 55 RS Bk. 9, Pg. 268
 GRASS VALLEY ANNEX, A98-05 RS Bk. 12, Pg. 114
 MORGAN RANCH UNIT ONE SUB. Bk. 7, Pg. 89
 MORGAN RANCH UNIT 3A SUB. Bk. 8, Pg. 32
 WHISPERING PINES/MORGAN RANCH REFUNDING DISTRICT

ASSESSOR'S PARCEL MAP
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1-1-99
 1-1-00
 1-1-02
 1-1-03
 1-1-05
 1-1-06
 1-1-07

Assessor's Map Bk. 8 -Pg.06
 County of Nevada, Calif.
 1998

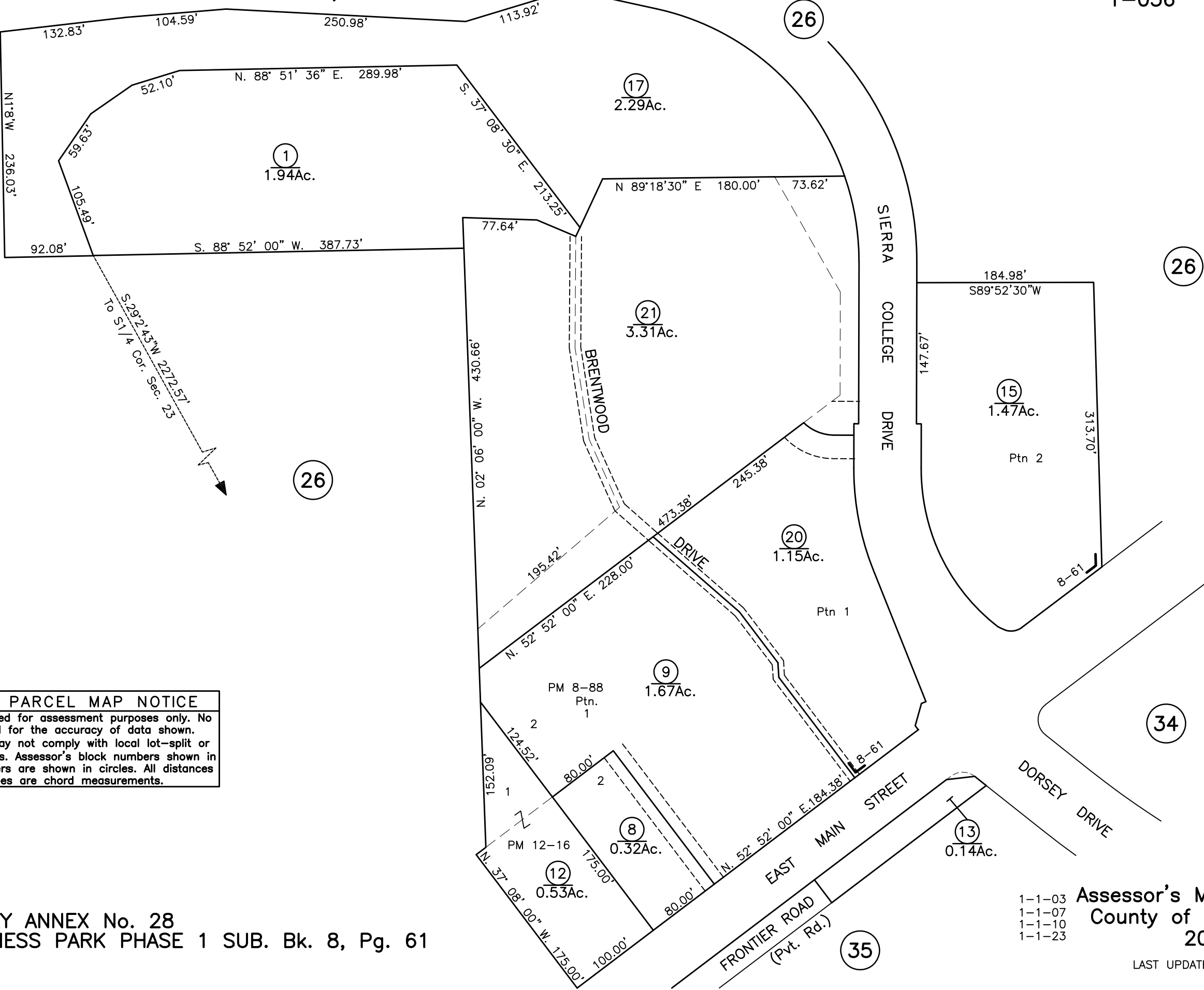
Last Updated 8-7-08



ASSESSOR'S PARCEL MAP NOTICE
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Assessor's Map Bk. 35-Pg. 26
 County of Nevada, Calif.
 1998

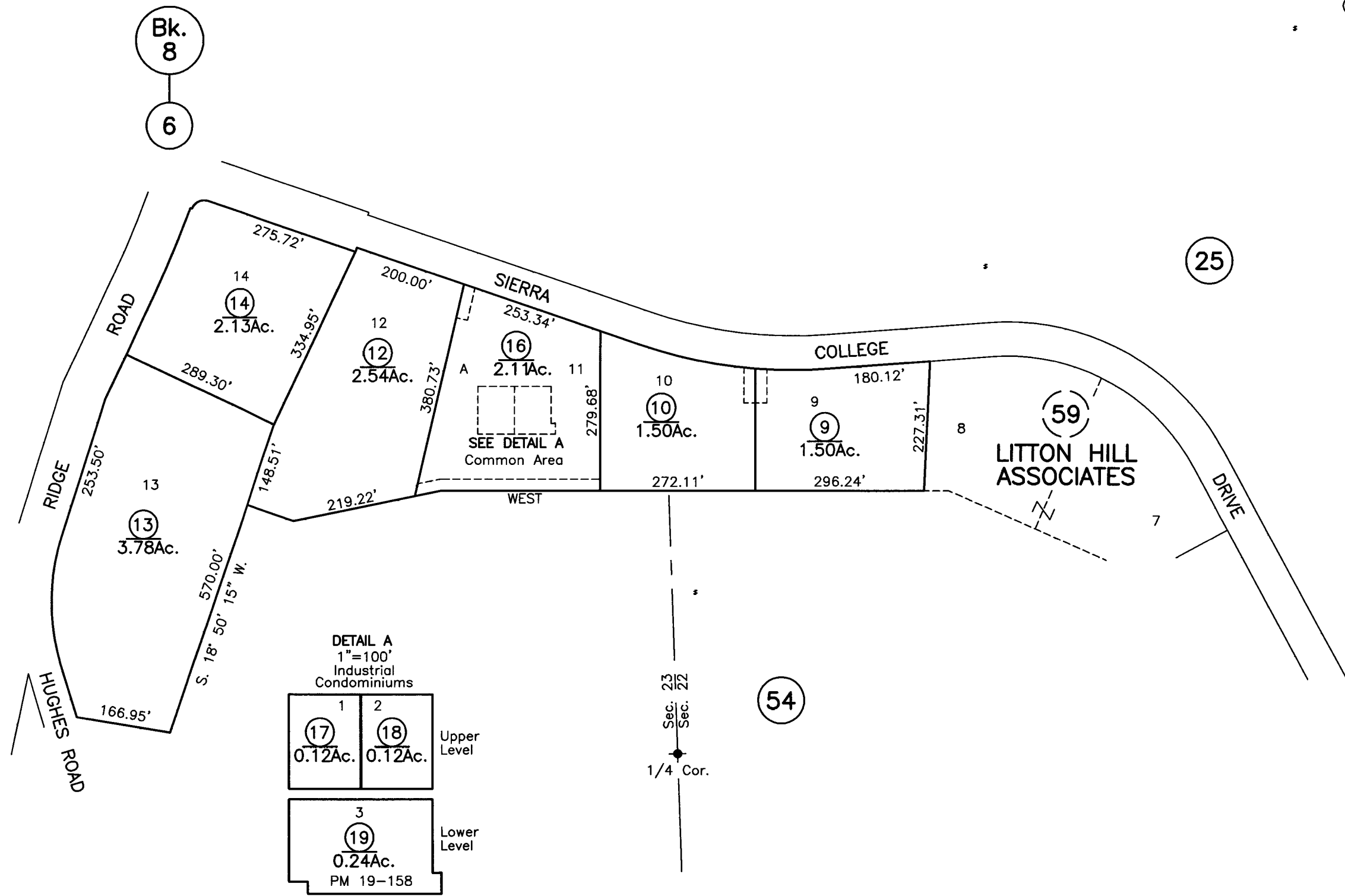
54



ASSESSOR'S PARCEL MAP NOTICE
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances. Assessor's block numbers shown in ellipses; parcel numbers are shown in circles. All distances on curved lines are chord measurements.

GRASS VALLEY ANNEX No. 28
LITTON BUSINESS PARK PHASE 1 SUB. Bk. 8, Pg. 61

1-1-03
1-1-07
1-1-10
1-1-23
Assessor's Map Bk. 35-Pg.33
County of Nevada, Calif.
2002



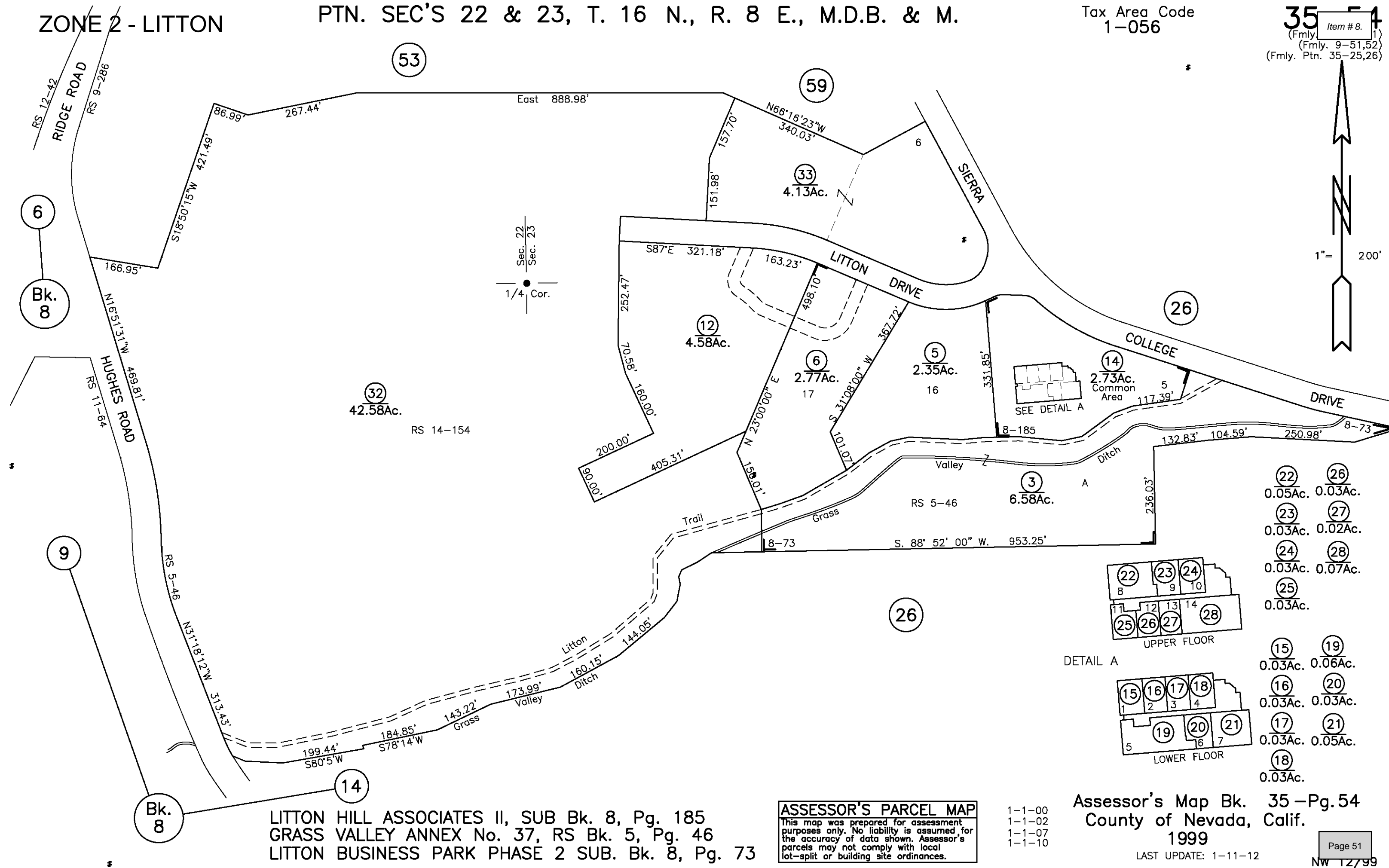
LITTON BUSINESS PARK PHASE ONE SUB. Bk. 8, Pg. 61
SIERRA BUILDING GROUP LLC P.M. Bk. 19, Pg. 158

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-99
1-1-01
1-1-02
1-1-03
1-1-06
1-1-07
1-1-10

Assessor's Map Bk. 35 -Pg.53
County of Nevada, Calif.
1998

Last Update 1-27-11



LITTON HILL ASSOCIATES II, SUB Bk. 8, Pg. 185
GRASS VALLEY ANNEX No. 37, RS Bk. 5, Pg. 46
LITTON BUSINESS PARK PHASE 2 SUB. Bk. 8, Pg. 73

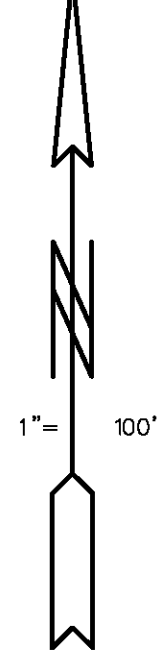
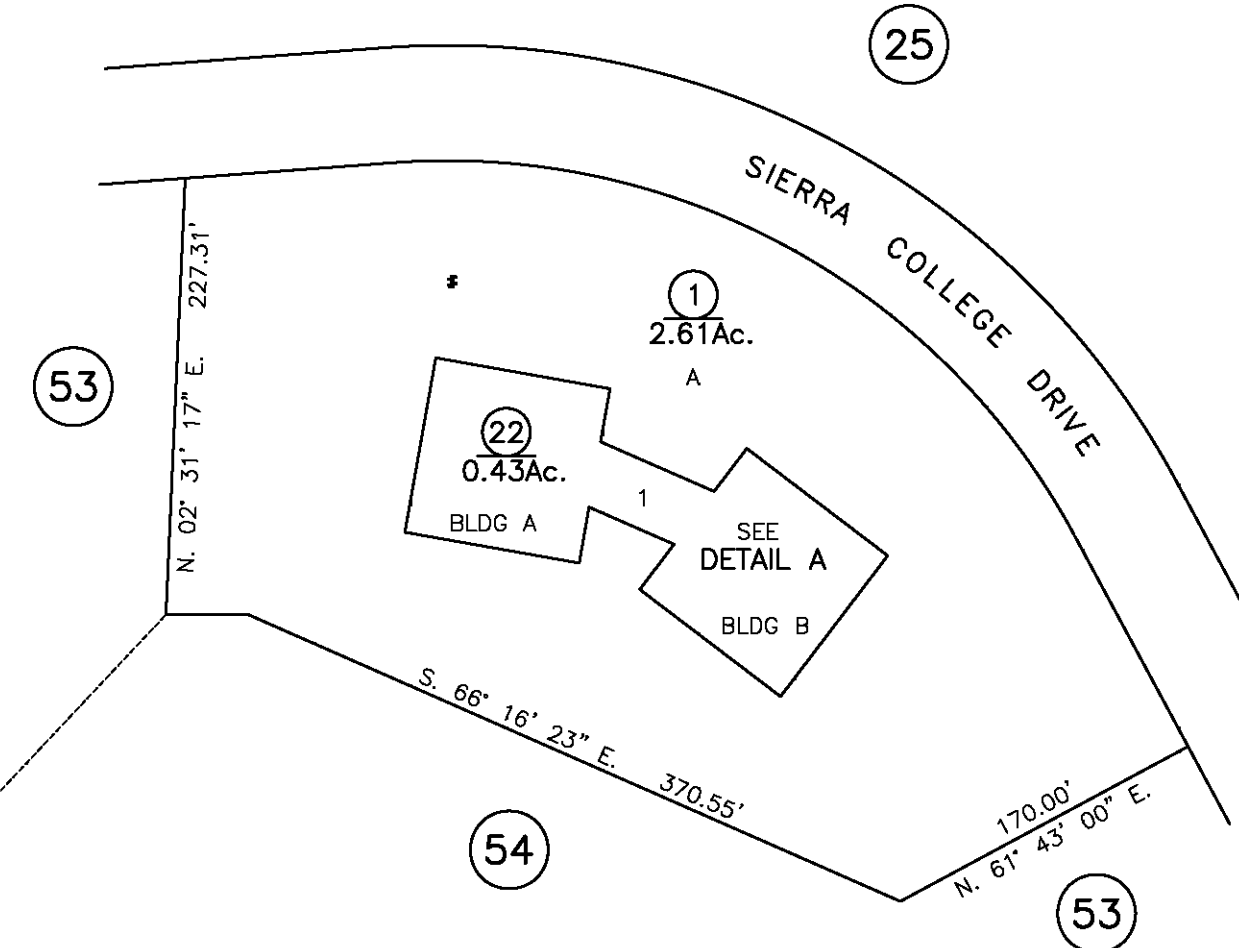
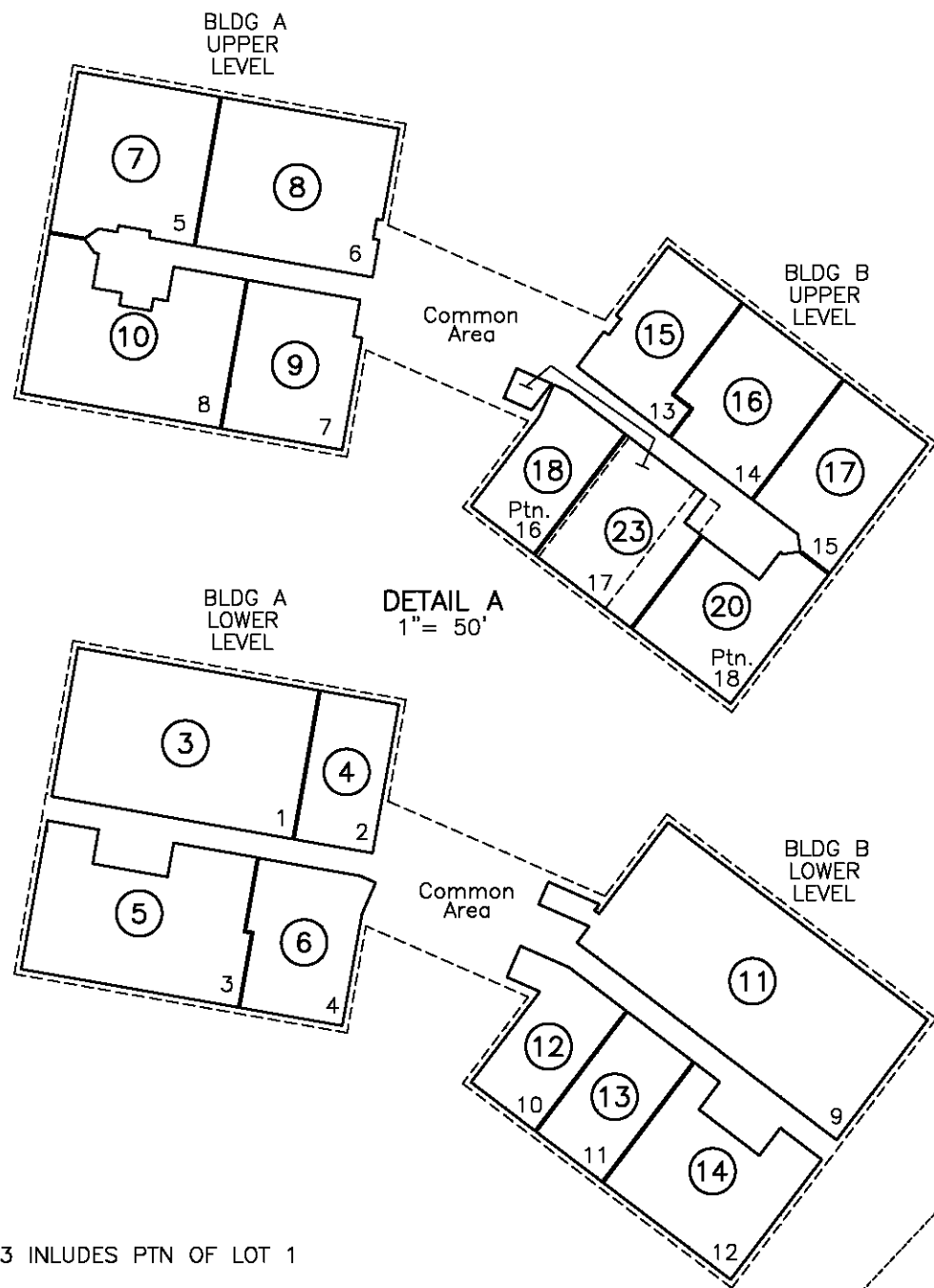
ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-00
1-1-02
1-1-07
1-1-10

Assessor's Map Bk. 35 -Pg.54
County of Nevada, Calif.
1999

LAST UPDATE: 1-11-12

- 3 0.06Ac.
- 4 0.02Ac.
- 5 0.05Ac.
- 6 0.03Ac.
- 7 0.04Ac.
- 8 0.05Ac.
- 9 0.03Ac.
- 10 0.05Ac.
- 11 0.09Ac.
- 12 0.02Ac.
- 13 0.02Ac.
- 14 0.04Ac.
- 15 0.02Ac.
- 16 0.03Ac.
- 17 0.03Ac.
- 18 0.02Ac.
- 23 0.03Ac. NOTE: PCL 23 INCLUDES PTN OF LOT 1
- 20 0.03Ac.



W. 1/4 Cor.
Sec. 23

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-02
1-1-04
1-1-05

RESOLUTION NO. 2023-26

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
ASSESSMENT DISTRICT NO. 1988-2 (Residential Landscaping and Lighting
District – Morgan Ranch, Ventana Sierra, Scotia Pines, Morgan Ranch West and
Ridge Meadows)

The City Council of the City of Grass Valley resolves:

1. The City Council intends to levy and collect assessments within City of Grass Valley Assessment District No. 1988-2 (Residential Landscaping and Lighting District – Morgan Ranch, Ventana Sierra, Scotia Pines, Morgan Ranch West & Ridge Meadows) during Fiscal Year 2023-24.
2. The area of land to be assessed is located in the City of Grass Valley, Nevada County.

2. The improvements to be made in this assessment district are generally described as follows:

Zone I – Morgan Ranch

The maintenance of landscaping and operation of associated structures including payment for the cost of water and power utilities and power costs for street lights.

Zone II – Ventana Sierra (Tract 09-03)

The maintenance of landscaping and operation of associated structures including payment for the cost of water and power utilities; power costs for street lights and a maintenance fund for the retaining walls of the project.

Zone III – Scotia Pines Subdivision

The maintenance of Parcels A, B and C, including weed and mosquito abatement and cost of power for street lights.

Zone IV – Morgan Ranch West

The maintenance and power costs for street lights.

Zone V – Ridge Meadows

The maintenance of landscaping and operation of associated structures including payment for the cost of water and power utilities, power costs for street lights and a maintenance fund for retaining walls of the project.

This description is from the Residential Landscaping & Lighting District 1988-2 Engineer's Report.

3. Bjorn Jones, P.E., Engineer of Work, has filed with the City Clerk the Residential Landscaping & Lighting District 1988-2 Engineer's Report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. The Council hereby approves the Engineer's report as filed, incorporated herein by reference.

5. On Tuesday, the 27th day of June, 2023, at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter can be heard; the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Grass Valley Council Chambers, 125 East Main St., Grass Valley, California.

6. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Scotia Pines in the amount of \$4,288.00. This is an increase of \$254.1 from the prior year and represents a 6.0 percent inflation adjustment. Based on the total number of parcels in Scotia Pines, the levy is \$81.60 per dwelling unit.

7. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Ventana Sierra in the amount of \$3,199.98. There is an increase of \$190.00 from the prior year and represents a 6.0 percent inflation adjustment. Based on the total number of parcels in Ventana Sierra, the levy is \$178.42 per dwelling unit.

8. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Morgan Ranch in the amount of \$28,416.00, which includes appropriate levels of funding for the reserve. This is an increase of \$1,605.12 and represents a 6.0 percent inflation adjustment. Based on the total number of parcels in Morgan Ranch, the levy is \$74.00 per dwelling unit.

9. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Morgan Ranch West in the amount of \$500.00. There is no change in the assessment from the previous year. Based on the total number of parcels in Morgan Ranch

West, the levy is \$20.00 per dwelling unit.

10. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Ridge Meadows in the amount of \$8,000.14. There is no change in the assessment from the previous year. Based on the total number of parcels in Ridge Meadows, the levy is \$216.22 per dwelling unit.

11. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 13th day of June 2023, by the following vote:

AYES: Council Members

NOES: Council Members

ABSENT: Council Members

ABSTAINING: Council Members

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney



May 18, 2023

ENGINEER'S REPORT

RESIDENTIAL LANDSCAPING AND LIGHTING DISTRICT NO. 1988-2

ANNUAL ASSESSMENT 2023/2024

for

CITY OF GRASS VALLEY

NEVADA COUNTY, CALIFORNIA

Respectfully submitted, as directed by the City Council.

By: _____

Bjorn P. Jones, P.E.
R.C.E. No. 75378

ENGINEER'S REPORT AFFIDAVIT

RESIDENTIAL LANDSCAPING AND LIGHTING DISTRICT NO. 1988-2 (Morgan Ranch, Ventana Sierra, Scotia Pines, Morgan Ranch West and Ridge Meadows)

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Grass Valley, California, on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Nevada on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

OVERVIEW

Bjorn P. Jones, Engineer of Work for Residential Landscaping and Lighting District No. 1988-2 (Zone I - Morgan Ranch, Zone II - Ventana Sierra Tract 90-03 Annexation No. 1993-1, and Zone III - Scotia Pines Subdivision Annexation No. 30-A, Zone IV – Morgan Ranch West Annexation No. 2010-1, Zone V – Ridge Meadows Annexation 2016-1), City of Grass Valley, Nevada County, California makes this report, as directed by City Council, pursuant to Section 22585 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The improvements which are the subject matter of this report are briefly described as follows:

Zone I - Morgan Ranch

The installation, maintenance and servicing of landscaping and associated improvements, as delineated on the plans prepared by Josephine McProud, Landscape Architect, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. Irrigation, including the operation, adjustment and repair of the irrigation system.
4. The removal of trimmings, rubbish, debris and solid waste.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

Zone II - Ventana Sierra (Tract 90-03)

The installation, maintenance and servicing of landscaping and associated improvements, as delineated on the plans prepared by Josephine McProud, Landscape Architect, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. Irrigation, including the operation, adjustment and repair of the irrigation system.
4. The removal of trimmings, rubbish, debris and solid waste.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

Zone III - Scotia Pines Subdivision

The installation, maintenance and servicing of landscaping and associated improvements of Parcels A, B, C as delineated on Final Map 91-01, on file with the Nevada County Recorder's Office. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. The removal of trimmings, rubbish, debris and solid waste.
4. Mosquito abatement.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

Zone IV – Morgan Ranch West

The installation, maintenance and servicing of public street light facilities including the furnishing and payment of electric power.

Zone V – Ridge Meadows

The installation, maintenance and servicing of landscaping and associated improvements, as delineated on the plans prepared by K. Clausen, Landscape Architect, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district. Maintenance, in general, means the furnishing of labor and materials for the ordinary upkeep and care of landscape areas including:

1. The repair, removal or replacement of any improvement.
2. Landscaping, including cultivation, weeding, mowing, pruning, tree removal, replanting, spraying, fertilizing, and treating for disease.
3. Irrigation, including the operation, adjustment and repair of the irrigation system.
4. The removal of trimmings, rubbish, debris and solid waste.

Servicing means the furnishing and payment of:

1. Electric power for any public street light facilities or for the operation of any improvements.
2. Water for the irrigation of any landscaping or the maintenance of any improvements.

This report consists of five (5) parts, as follows:

- PART A - Plans and specifications for the improvements that are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference only.
- PART B - An estimate of the cost of the improvements for Fiscal Year 2023/2024.
- PART C - An assessment of the estimated cost of the improvement and levy on each benefiting parcel of land within the district.
- PART D - The Method of Apportionment by which the undersigned has determined the amount proposed to be levied on each parcel.
- PART E - A diagram showing all parcels of real property within this district. The diagram is keyed to Part C by Assessor's Parcel Number.

PART A **PLANS**

Plans for the landscape, irrigation and street lighting for each zone have been prepared by a variety of landscape architects and engineers. These Plans have been filed separately with the City Engineer's office and are incorporated in this Report by reference only as the initial improvements were completed by separate contracts.

The following reference drawings are on file with the office of the City Engineer:

Zone I - Morgan Ranch, Landscape Plans (Dwg. No. 1560)

Zone II - Ventana Sierra, Landscape Plans (Dwg. No. 1689)

Zone III - Scotia Pines, Subdivision Map (Dwg. No. 1719)

Zone IV – Morgan Ranch West, Improvement Plans (Dwg. No. 2000)

Zone V – Ridge Meadows, Improvement and Landscape Plans (Dwg. No. 1453)

PART B **COST ESTIMATE**

The estimated cost for the maintenance of improvements described in this report for the fiscal year 2023/2024 includes the use of reserve funds to provide maintenance of the landscape areas and is as follows:

	ZONE 1 (Morgan Ranch)	ZONE 2 (Ventana Sierra)	ZONE 3 (Scotia Pines)	ZONE 4 (Morgan Ranch West)	ZONE 5 (Ridge Meadows)
COST INFORMATION					
Maintenance Costs	\$45,000	\$1,400	\$300	\$7,500	\$8,930
Water and Electricity Servicing	\$8,900	\$1,700	\$800	\$100	\$650
County Administrative Fee	\$220	\$100	\$180	\$220	\$220
City Administration Costs	\$296	\$190	\$200	\$180	\$300
Total Direct and Admin Costs	\$54,416	\$3,390	\$1,480	\$8,000	\$10,100
ASSESSMENT INFORMATION					
Direct Costs	\$54,416	\$3,390	\$1,480	\$8,000	\$10,100
Reserve Collections/ (Transfer)	(\$26,000)	\$0	\$3,008	(\$7,500)	(\$2,100)
Net Total Assessment	\$28,416	\$3,390	\$4,488	\$500	\$8,000
FUND BALANCE INFORMATION					
Projected Reserve After FY 2022/2023	\$54,652	\$3,344	(\$2,722)	\$8,400	\$10,145
Interest Earnings	\$100	\$20	\$0	\$30	\$40
Reserve Fund Adjustments	(\$26,000)	\$0	\$3,008	(\$7,500)	(\$2,100)
Projected Reserve at End of Year	\$28,752	\$3,364	\$286	\$930	\$8,085

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$28,416.00	\$28,420.26	\$28,416.00

Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	\$74.00	008-060-048	01056	\$37.00	\$37.00
1	\$74.00	008-060-049	01056	\$37.00	\$37.00
1	\$74.00	008-060-050	01056	\$37.00	\$37.00
1	\$74.00	008-060-051	01056	\$37.00	\$37.00
1	\$74.00	008-060-052	01056	\$37.00	\$37.00
1	\$74.00	008-060-053	01056	\$37.00	\$37.00
1	\$74.00	008-861-001	01061	\$37.00	\$37.00
1	\$74.00	008-861-002	01061	\$37.00	\$37.00
1	\$74.00	008-861-003	01061	\$37.00	\$37.00
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1	\$74.00	008-861-027	01061	\$37.00	\$37.00
1	\$74.00	008-861-028	01061	\$37.00	\$37.00
1	\$74.00	008-861-029	01061	\$37.00	\$37.00
1	\$74.00	008-861-030	01061	\$37.00	\$37.00
1	\$74.00	008-861-031	01061	\$37.00	\$37.00
1	\$74.00	008-861-032	01061	\$37.00	\$37.00
1	\$74.00	008-861-033	01061	\$37.00	\$37.00
1	\$74.00	008-861-034	01061	\$37.00	\$37.00
1	\$74.00	008-861-035	01056	\$37.00	\$37.00
1	\$74.00	008-861-036	01056	\$37.00	\$37.00

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

1	\$74.00	008-861-037	01056	\$37.00	\$37.00
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PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

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PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

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1	\$74.00	008-931-050	01061	\$37.00	\$37.00

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

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1	\$74.00	008-932-011	01061	\$37.00	\$37.00
1	\$74.00	008-932-012	01061	\$37.00	\$37.00
1	\$74.00	008-932-013	01061	\$37.00	\$37.00
1	\$74.00	008-932-014	01061	\$37.00	\$37.00
1	\$74.00	008-932-015	01061	\$37.00	\$37.00
1	\$74.00	008-932-016	01061	\$37.00	\$37.00
1	\$74.00	008-932-017	01061	\$37.00	\$37.00
1	\$74.00	008-932-018	01061	\$37.00	\$37.00
1	\$74.00	008-932-019	01061	\$37.00	\$37.00
1	\$74.00	008-932-020	01061	\$37.00	\$37.00
1	\$74.00	008-932-021	01061	\$37.00	\$37.00
1	\$74.00	008-932-022	01061	\$37.00	\$37.00
1	\$74.00	008-932-023	01061	\$37.00	\$37.00
1	\$74.00	008-932-024	01061	\$37.00	\$37.00
1	\$74.00	008-932-025	01061	\$37.00	\$37.00
1	\$74.00	008-932-026	01061	\$37.00	\$37.00
1	\$74.00	008-932-027	01061	\$37.00	\$37.00
1	\$74.00	008-932-028	01061	\$37.00	\$37.00
1	\$74.00	008-932-029	01061	\$37.00	\$37.00
1	\$74.00	008-932-030	01061	\$37.00	\$37.00
1	\$74.00	008-932-031	01061	\$37.00	\$37.00
1	\$74.00	008-932-032	01061	\$37.00	\$37.00
1	\$74.00	008-932-033	01061	\$37.00	\$37.00
1	\$74.00	008-932-034	01061	\$37.00	\$37.00
1	\$74.00	008-932-035	01061	\$37.00	\$37.00
1	\$74.00	008-932-036	01061	\$37.00	\$37.00
1	\$74.00	008-932-037	01061	\$37.00	\$37.00
1	\$74.00	008-932-038	01061	\$37.00	\$37.00
1	\$74.00	008-950-003	01061	\$37.00	\$37.00
1	\$74.00	008-950-004	01061	\$37.00	\$37.00
1	\$74.00	008-950-005	01061	\$37.00	\$37.00
1	\$74.00	008-950-006	01061	\$37.00	\$37.00
1	\$74.00	008-950-007	01061	\$37.00	\$37.00

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

1	\$74.00	008-950-008	01061	\$37.00	\$37.00
1	\$74.00	008-950-009	01061	\$37.00	\$37.00
1	\$74.00	008-950-010	01061	\$37.00	\$37.00
1	\$74.00	008-950-011	01061	\$37.00	\$37.00
1	\$74.00	008-950-012	01061	\$37.00	\$37.00
1	\$74.00	008-950-013	01061	\$37.00	\$37.00
1	\$74.00	008-950-014	01061	\$37.00	\$37.00
1	\$74.00	008-950-015	01061	\$37.00	\$37.00
1	\$74.00	008-950-016	01061	\$37.00	\$37.00
1	\$74.00	008-950-017	01061	\$37.00	\$37.00
1	\$74.00	008-950-018	01061	\$37.00	\$37.00
1	\$74.00	008-950-019	01061	\$37.00	\$37.00
1	\$74.00	008-950-020	01061	\$37.00	\$37.00
1	\$74.00	008-950-021	01061	\$37.00	\$37.00
1	\$74.00	008-950-022	01061	\$37.00	\$37.00
1	\$74.00	008-950-023	01061	\$37.00	\$37.00
1	\$74.00	008-950-024	01061	\$37.00	\$37.00
1	\$74.00	008-950-025	01061	\$37.00	\$37.00
1	\$74.00	008-950-026	01061	\$37.00	\$37.00
1	\$74.00	008-950-027	01061	\$37.00	\$37.00
1	\$74.00	008-950-028	01061	\$37.00	\$37.00
1	\$74.00	008-950-037	01061	\$37.00	\$37.00
1	\$74.00	008-950-038	01061	\$37.00	\$37.00
1	\$74.00	008-950-039	01061	\$37.00	\$37.00
1	\$74.00	008-950-040	01061	\$37.00	\$37.00
1	\$74.00	008-950-041	01061	\$37.00	\$37.00
1	\$74.00	008-950-042	01061	\$37.00	\$37.00
1	\$74.00	008-950-043	01061	\$37.00	\$37.00
1	\$74.00	008-950-044	01061	\$37.00	\$37.00
1	\$74.00	008-950-045	01061	\$37.00	\$37.00
1	\$74.00	008-950-046	01061	\$37.00	\$37.00
1	\$74.00	008-950-047	01061	\$37.00	\$37.00
1	\$74.00	008-950-048	01061	\$37.00	\$37.00
1	\$74.00	008-950-049	01061	\$37.00	\$37.00
1	\$74.00	008-950-050	01061	\$37.00	\$37.00
1	\$74.00	008-950-051	01061	\$37.00	\$37.00
1	\$74.00	008-950-055	01061	\$37.00	\$37.00
1	\$74.00	008-950-058	01061	\$37.00	\$37.00
1	\$74.00	008-950-060	01061	\$37.00	\$37.00
1	\$74.00	008-950-061	01056	\$37.00	\$37.00
1	\$74.00	008-950-062	01056	\$37.00	\$37.00
1	\$74.00	008-950-063	01056	\$37.00	\$37.00
1	\$74.00	008-950-064	01056	\$37.00	\$37.00
1	\$74.00	008-950-065	01061	\$37.00	\$37.00
1	\$74.00	008-950-066	01061	\$37.00	\$37.00
1	\$74.00	008-950-067	01061	\$37.00	\$37.00
1	\$74.00	008-950-068	01061	\$37.00	\$37.00
1	\$74.00	008-950-069	01061	\$37.00	\$37.00
1	\$74.00	008-950-070	01061	\$37.00	\$37.00
1	\$74.00	008-950-071	01061	\$37.00	\$37.00

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

1	\$74.00	008-950-072	01061	\$37.00	\$37.00
1	\$74.00	008-950-073	01061	\$37.00	\$37.00
1	\$74.00	008-950-074	01056	\$37.00	\$37.00
1	\$74.00	008-950-075	01056	\$37.00	\$37.00
1	\$74.00	008-950-076	01061	\$37.00	\$37.00
1	\$74.00	008-960-003	01061	\$37.00	\$37.00
1	\$74.00	008-960-004	01061	\$37.00	\$37.00
1	\$74.00	008-960-005	01061	\$37.00	\$37.00
1	\$74.00	008-960-006	01061	\$37.00	\$37.00
1	\$74.00	008-960-007	01061	\$37.00	\$37.00
1	\$74.00	008-960-008	01061	\$37.00	\$37.00
1	\$74.00	008-960-010	01061	\$37.00	\$37.00
1	\$74.00	008-960-014	01061	\$37.00	\$37.00
1	\$74.00	008-960-015	01061	\$37.00	\$37.00
1	\$74.00	008-960-016	01061	\$37.00	\$37.00
1	\$74.00	008-960-017	01061	\$37.00	\$37.00
1	\$74.00	008-960-018	01061	\$37.00	\$37.00
1	\$74.00	008-960-019	01061	\$37.00	\$37.00
1	\$74.00	008-960-020	01061	\$37.00	\$37.00
1	\$74.00	008-960-021	01061	\$37.00	\$37.00
1	\$74.00	008-960-022	01061	\$37.00	\$37.00
1	\$74.00	008-960-023	01061	\$37.00	\$37.00
1	\$74.00	008-960-024	01061	\$37.00	\$37.00
1	\$74.00	008-960-028	01061	\$37.00	\$37.00
1	\$74.00	008-960-029	01061	\$37.00	\$37.00
1	\$74.00	008-960-030	01061	\$37.00	\$37.00
1	\$74.00	008-960-031	01061	\$37.00	\$37.00
1	\$74.00	008-960-032	01061	\$37.00	\$37.00
1	\$74.00	008-960-033	01061	\$37.00	\$37.00
1	\$74.00	008-960-034	01061	\$37.00	\$37.00
1	\$74.00	008-960-040	01061	\$37.00	\$37.00
1	\$74.00	008-960-041	01061	\$37.00	\$37.00
1	\$74.00	008-960-042	01061	\$37.00	\$37.00
1	\$74.00	008-960-043	01061	\$37.00	\$37.00
1	\$74.00	008-960-044	01061	\$37.00	\$37.00
1	\$74.00	008-970-002	01056	\$37.00	\$37.00
1	\$74.00	008-970-003	01056	\$37.00	\$37.00
1	\$74.00	008-970-004	01056	\$37.00	\$37.00
1	\$74.00	008-970-005	01056	\$37.00	\$37.00
1	\$74.00	008-970-006	01056	\$37.00	\$37.00
1	\$74.00	008-970-007	01056	\$37.00	\$37.00
1	\$74.00	008-970-008	01056	\$37.00	\$37.00
1	\$74.00	008-970-009	01056	\$37.00	\$37.00
1	\$74.00	008-970-010	01056	\$37.00	\$37.00
1	\$74.00	008-970-011	01056	\$37.00	\$37.00
1	\$74.00	008-970-012	01056	\$37.00	\$37.00
1	\$74.00	008-970-014	01056	\$37.00	\$37.00
1	\$74.00	008-970-015	01056	\$37.00	\$37.00
1	\$74.00	008-970-016	01056	\$37.00	\$37.00
1	\$74.00	008-970-017	01056	\$37.00	\$37.00

PART C**ASSESSMENT ROLL****Zone 1 - Morgan Ranch Subdivision**

1	\$74.00	008-970-018	01056	\$37.00	\$37.00
1	\$74.00	008-970-019	01056	\$37.00	\$37.00
1	\$74.00	008-970-020	01056	\$37.00	\$37.00
1	\$74.00	008-970-021	01056	\$37.00	\$37.00
1	\$74.00	008-970-022	01056	\$37.00	\$37.00
1	\$74.00	008-970-023	01056	\$37.00	\$37.00
1	\$74.00	008-970-024	01056	\$37.00	\$37.00
1	\$74.00	008-970-025	01056	\$37.00	\$37.00
1	\$74.00	008-970-026	01056	\$37.00	\$37.00
1	\$74.00	008-970-027	01056	\$37.00	\$37.00
1	\$74.00	008-970-028	01056	\$37.00	\$37.00
1	\$74.00	008-970-029	01056	\$37.00	\$37.00
1	\$74.00	008-970-030	01056	\$37.00	\$37.00
1	\$74.00	008-970-031	01056	\$37.00	\$37.00
1	\$74.00	008-970-032	01056	\$37.00	\$37.00
1	\$74.00	008-970-033	01056	\$37.00	\$37.00
1	\$74.00	008-970-034	01056	\$37.00	\$37.00
1	\$74.00	008-970-036	01061	\$37.00	\$37.00
1	\$74.00	008-970-037	01061	\$37.00	\$37.00
1	\$74.00	008-970-039	01061	\$37.00	\$37.00
1	\$74.00	008-970-040	01056	\$37.00	\$37.00
1	\$74.00	008-970-041	01056	\$37.00	\$37.00
1	\$74.00	008-970-042	01056	\$37.00	\$37.00
1	\$74.00	008-970-043	01056	\$37.00	\$37.00
1	\$74.00	008-970-044	01056	\$37.00	\$37.00
1	\$74.00	008-970-045	01056	\$37.00	\$37.00
1	\$74.00	008-970-046	01056	\$37.00	\$37.00
1	\$74.00	008-970-047	01056	\$37.00	\$37.00
1	\$74.00	008-970-048	01056	\$37.00	\$37.00
1	\$74.00	008-970-049	01056	\$37.00	\$37.00
1	\$74.00	008-970-050	01056	\$37.00	\$37.00
1	\$74.00	008-970-051	01056	\$37.00	\$37.00
1	\$74.00	008-970-052	01056	\$37.00	\$37.00
1	\$74.00	008-970-053	01056	\$37.00	\$37.00
1	\$74.00	008-970-054	01056	\$37.00	\$37.00
1	\$74.00	008-970-055	01056	\$37.00	\$37.00
1	\$74.00	008-970-056	01056	\$37.00	\$37.00
1	\$74.00	008-970-057	01056	\$37.00	\$37.00
1	\$74.00	008-970-058	01056	\$37.00	\$37.00
1	\$74.00	008-970-059	01056	\$37.00	\$37.00
1	\$74.00	008-970-060	01056	\$37.00	\$37.00
1	\$74.00	008-970-061	01056	\$37.00	\$37.00
1	\$74.00	008-970-062	01056	\$37.00	\$37.00
1	\$74.00	008-970-063	01056	\$37.00	\$37.00
384	\$28,416.00	Subtotal - Developed Land		\$14,208.00	\$14,208.00

PART C

ASSESSMENT ROLL

Zone 2 - Ventana Sierra (Tract 90-03)

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$3,390.00	\$3,552.21	\$3,389.98

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
-	-	-	-	-----	-
1	178.42	004-630-002	01061	89.21	89.21
1	178.42	004-630-003	01061	89.21	89.21
1	178.42	004-630-004	01061	89.21	89.21
1	178.42	004-630-005	01061	89.21	89.21
1	178.42	004-630-006	01061	89.21	89.21
1	178.42	004-630-007	01061	89.21	89.21
1	178.42	004-630-008	01061	89.21	89.21
1	178.42	004-630-009	01061	89.21	89.21
1	178.42	004-630-010	01061	89.21	89.21
1	178.42	004-630-011	01061	89.21	89.21
1	178.42	004-630-012	01061	89.21	89.21
1	178.42	004-630-013	01061	89.21	89.21
1	178.42	004-630-014	01061	89.21	89.21
1	178.42	004-630-015	01061	89.21	89.21
1	178.42	004-630-016	01061	89.21	89.21
1	178.42	004-630-017	01061	89.21	89.21
1	178.42	004-630-020	01061	89.21	89.21
1	178.42	004-630-021	01061	89.21	89.21
1	178.42	004-630-023	01061	89.21	89.21
19	\$3,389.98			\$1,694.99	\$1,694.99

PART C

ASSESSMENT ROLL

Zone 3 - Scotia Pines Subdivision

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$4,488.00	\$4,488.45	\$4,488.00

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	81.60	029-330-001	01000	40.80	40.80
1	81.60	029-330-002	01000	40.80	40.80
1	81.60	029-330-003	01000	40.80	40.80
1	81.60	029-330-005	01000	40.80	40.80
1	81.60	029-330-006	01000	40.80	40.80
1	81.60	029-330-007	01000	40.80	40.80
1	81.60	029-330-008	01000	40.80	40.80
1	81.60	029-330-009	01000	40.80	40.80
1	81.60	029-330-010	01000	40.80	40.80
1	81.60	029-330-011	01000	40.80	40.80
1	81.60	029-330-012	01000	40.80	40.80
1	81.60	029-330-013	01000	40.80	40.80
1	81.60	029-330-014	01000	40.80	40.80
1	81.60	029-330-015	01000	40.80	40.80
1	81.60	029-330-016	01000	40.80	40.80
1	81.60	029-330-017	01000	40.80	40.80
1	81.60	029-330-018	01000	40.80	40.80
1	81.60	029-330-019	01000	40.80	40.80
1	81.60	029-330-020	01000	40.80	40.80
1	81.60	029-330-021	01000	40.80	40.80
1	81.60	029-330-022	01000	40.80	40.80
1	81.60	029-330-023	01000	40.80	40.80
1	81.60	029-330-024	01000	40.80	40.80
1	81.60	029-330-026	01000	40.80	40.80
1	81.60	029-330-027	01000	40.80	40.80
1	81.60	029-330-030	01000	40.80	40.80
1	81.60	029-330-031	01000	40.80	40.80
1	81.60	029-330-032	01000	40.80	40.80
1	81.60	029-330-033	01000	40.80	40.80
1	81.60	029-330-034	01000	40.80	40.80
1	81.60	029-330-035	01000	40.80	40.80
1	81.60	029-330-036	01000	40.80	40.80
1	81.60	029-330-037	01000	40.80	40.80
1	81.60	029-330-038	01000	40.80	40.80
1	81.60	029-330-039	01000	40.80	40.80
1	81.60	029-330-040	01000	40.80	40.80

PART C**ASSESSMENT ROLL****Zone 3 - Scotia Pines Subdivision**

1	81.60	029-330-041	01000	40.80	40.80
1	81.60	029-330-042	01000	40.80	40.80
1	81.60	029-330-043	01000	40.80	40.80
1	81.60	029-330-044	01000	40.80	40.80
1	81.60	029-330-047	01000	40.80	40.80
1	81.60	029-330-048	01000	40.80	40.80
1	81.60	029-330-049	01000	40.80	40.80
1	81.60	029-330-050	01000	40.80	40.80
1	81.60	029-330-051	01000	40.80	40.80
1	81.60	029-330-052	01000	40.80	40.80
1	81.60	029-330-053	01000	40.80	40.80
1	81.60	029-330-054	01000	40.80	40.80
1	81.60	029-330-055	01000	40.80	40.80
1	81.60	029-330-056	01000	40.80	40.80
1	81.60	029-330-061	01000	40.80	40.80
1	81.60	029-330-062	01000	40.80	40.80
1	81.60	029-330-064	01000	40.80	40.80
1	81.60	029-330-065	01000	40.80	40.80
1	81.60	029-330-066	01000	40.80	40.80
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55	\$4,488.00			\$2,244.00	\$2,244.00

PART C
ASSESSMENT ROLL
Zone 4 - Morgan Ranch West

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$500.00	\$572.93	\$500.00

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
-	-	-	-	-	-
1	20.00	004-660-002	01056	10.00	10.00
1	20.00	004-660-003	01056	10.00	10.00
1	20.00	004-660-004	01056	10.00	10.00
1	20.00	004-660-005	01056	10.00	10.00
1	20.00	004-660-006	01056	10.00	10.00
1	20.00	004-660-007	01056	10.00	10.00
1	20.00	004-660-008	01056	10.00	10.00
1	20.00	004-660-009	01056	10.00	10.00
1	20.00	004-660-010	01056	10.00	10.00
1	20.00	004-660-011	01056	10.00	10.00
1	20.00	004-660-012	01056	10.00	10.00
1	20.00	004-660-013	01056	10.00	10.00
1	20.00	004-660-014	01056	10.00	10.00
1	20.00	004-660-015	01056	10.00	10.00
1	20.00	004-660-016	01056	10.00	10.00
1	20.00	004-660-017	01056	10.00	10.00
1	20.00	004-660-018	01056	10.00	10.00
1	20.00	004-660-019	01056	10.00	10.00
1	20.00	004-660-020	01056	10.00	10.00
1	20.00	004-660-021	01056	10.00	10.00
1	20.00	004-660-022	01056	10.00	10.00
1	20.00	004-660-023	01056	10.00	10.00
1	20.00	004-660-024	01056	10.00	10.00
1	20.00	004-660-029	01056	10.00	10.00
1	20.00	004-660-027	01056	10.00	10.00
25	\$500.00			\$250.00	\$250.00

PART C
ASSESSMENT ROLL
Zone 5 - Ridge Meadows

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$8,000.14	\$10,477.95	\$8,000.14

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	216.22	008-980-001	01056	108.11	108.11
1	216.22	008-980-002	01056	108.11	108.11
1	216.22	008-980-003	01056	108.11	108.11
1	216.22	008-980-004	01056	108.11	108.11
1	216.22	008-980-005	01056	108.11	108.11
1	216.22	008-980-006	01056	108.11	108.11
1	216.22	008-980-007	01056	108.11	108.11
1	216.22	008-980-008	01056	108.11	108.11
1	216.22	008-980-009	01056	108.11	108.11
1	216.22	008-980-010	01056	108.11	108.11
1	216.22	008-980-011	01056	108.11	108.11
1	216.22	008-980-012	01056	108.11	108.11
1	216.22	008-980-013	01056	108.11	108.11
1	216.22	008-980-014	01056	108.11	108.11
1	216.22	008-980-015	01056	108.11	108.11
1	216.22	008-980-016	01056	108.11	108.11
1	216.22	008-980-017	01056	108.11	108.11
1	216.22	008-980-018	01056	108.11	108.11
1	216.22	008-980-019	01056	108.11	108.11
1	216.22	008-980-020	01056	108.11	108.11
1	216.22	008-980-021	01056	108.11	108.11
1	216.22	008-980-022	01056	108.11	108.11
1	216.22	008-980-023	01056	108.11	108.11
1	216.22	008-980-024	01056	108.11	108.11
1	216.22	008-980-025	01056	108.11	108.11
1	216.22	008-980-026	01056	108.11	108.11
1	216.22	008-980-027	01056	108.11	108.11
1	216.22	008-980-028	01056	108.11	108.11
1	216.22	008-980-029	01056	108.11	108.11
1	216.22	008-980-030	01056	108.11	108.11
1	216.22	008-980-031	01056	108.11	108.11
1	216.22	008-980-032	01056	108.11	108.11
1	216.22	008-980-033	01056	108.11	108.11
1	216.22	008-980-034	01056	108.11	108.11
1	216.22	008-980-035	01056	108.11	108.11
1	216.22	008-980-036	01056	108.11	108.11
1	216.22	008-980-037	01056	108.11	108.11
37	\$8,000.14			\$4,000.07	\$4,000.07

PART D **METHOD OF APPORTIONING**

In order to maintain sufficient funding for the Districts, assessments will be adjusted annually by the Consumer Price Indexes (CPI) Pacific Cities and U.S. City Average for February of the year of calculation All Items Indexes for the West. The corresponding CPI for February 2023 was 6.0%.

ZONE I - Morgan Ranch

The Morgan Ranch Subdivision was annexed into the 1988-2 Residential L&L District in 1996. Because the district was created before Proposition 218, the initial assessment per dwelling unit of \$87.00 has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund. Per the formation documents, it is the intent that each dwelling unit of the project shares equally in all expenses of Zone I.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year. The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

Based on the total build-out number of parcels as of 6/1/2023, and the total assessment needed for FY 2023/2024, the levy will be increased \$4.18 per dwelling unit to \$74.00 per dwelling unit in accordance with the Consumer Price Index.

The total assessment for 2022/2023 was \$24,811.57. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$28,420.26. The actual total assessment will be \$28,416.00. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the number of parcels.

ZONE II - Ventana Sierra (Tract 90-03)

The Ventana Sierra Subdivision was annexed into the 1988-2 Residential L&L District in 1993. Because the district was created before Proposition 218, the initial assessment per dwelling unit of \$190.00 has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund. Per the formation documents, it is the intent that each dwelling unit of the project shares equally in all expenses of Zone II.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments

("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year. The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

Based on the total number of parcels in Ventana Sierra as of 6/1/2023 and the total assessment needed for FY 2023/2024, the levy will be increased \$10.00 per dwelling unit to \$178.42 per dwelling unit in accordance with the Consumer Price Index.

The total annual assessment for 2022/2023 was \$3,351.14. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$3,552.21. The actual total assessment will be \$3,389.98. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the number of parcels.

ZONE III - Scotia Pines Subdivision

The Scotia Pines Subdivision was annexed into the 1988-2 Residential L&L District in 1996. Because the district was created before Proposition 218, the initial assessment per dwelling unit of \$66.27 has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund. Per the formation documents, it is the intent that each dwelling unit of the project shares equally in all expenses of Zone III.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year. The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

Based on the total number of parcels in Scotia Pines as of 6/1/2023 and the total assessment needed for FY 2023/2024, the levy will be increased \$4.62 per dwelling unit to \$81.60 per dwelling unit in accordance with the CPI.

The total annual assessment for 2022/2023 was \$4,233.39. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$4,488.45. The actual total assessment will be \$4,488.00. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the number of parcels.

ZONE IV - Morgan Ranch West

The Morgan Ranch West Subdivision was annexed into the 1988-2 Residential L&L District in 2010. Because the district was created before Proposition 218, the initial assessment per dwelling unit of \$51.08 has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund. Per the formation documents, it is the intent that each dwelling unit of the project shares equally in all expenses of Zone IV.

The street lights in Morgan Ranch West and the maintenance of those street lights are of entirely local and special benefit to the parcels in Morgan Ranch West, and no general benefits are provided by them. The street lighting services funded by the District constitute residential street lighting which provides safety lighting and sidewalk and parking illumination for the special benefit of assessed parcels.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year. The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

Based on the total build-out number of parcels as of 6/1/2023, and the total assessment needed for FY 2023/2024, the levy will remain unchanged at \$20.00 per dwelling unit.

The total annual assessment for 2022/2023 was \$500. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$572.93. The actual total assessment will be \$500.00. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the number of parcels.

ZONE V – Ridge Meadows

The Ridge Meadows Subdivision was annexed into the 1988-2 Residential L&L District in 2016. Because the district was created before Proposition 218, the initial assessment per dwelling unit of \$239.72 has been adjusted annually based on actual increases in utility and maintenance costs and the balance of the operational reserve fund. Per the formation documents, it is the intent that each dwelling unit of the project shares equally in all expenses of Zone V.

The landscaping, irrigation and street lights in Ridge Meadows and the maintenance of the landscaping, irrigation and street lights are of entirely local and special benefit to the parcels in Ridge Meadows, and no general benefits are provided by them. The street lighting services funded by the District constitute residential street lighting which provides safety lighting and sidewalk and parking illumination for the special benefit of assessed parcels.

The annual maximum assessments shall be adjusted annually, as set forth hereinafter, based upon the Consumer Price Indexes Pacific Cities and U.S. City Average as issued by the United States Department of Labor, Bureau of Labor Statistics. The Base Index to be used for subsequent annual adjustments ("Base Index") shall be the Index published annually in February ("Base Month"). The annual maximum assessment per lot, as defined in this report, shall be adjusted every year based upon the cumulative increase, if any, in the Index as it stands on the Base Month of each year over the Base Index. Any reduction or de-escalation in the Index from one year to the next will not result in a reduction of the annual costs. The annual costs will be levied consistent with the previous year. The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

Based on the total build-out number of parcels as of 6/1/2023, and the total assessment needed for FY 2023/2024, the levy will remain unchanged at \$216.22 per dwelling unit.

The total annual assessment for 2022/2023 was \$8,000.14. Applying the inflation adjustment based on the cumulative increase to the initial assessment, the maximum allowable assessment for 2023/2024 is \$10,477.95. The actual total assessment will be \$8,000.14. Each parcel's assessment rate, as depicted in Part C was calculated by using the assessment per parcel formula shown above which evenly distributes the assessment over the number of parcels.

PART E **ASSESSMENT DIAGRAM**

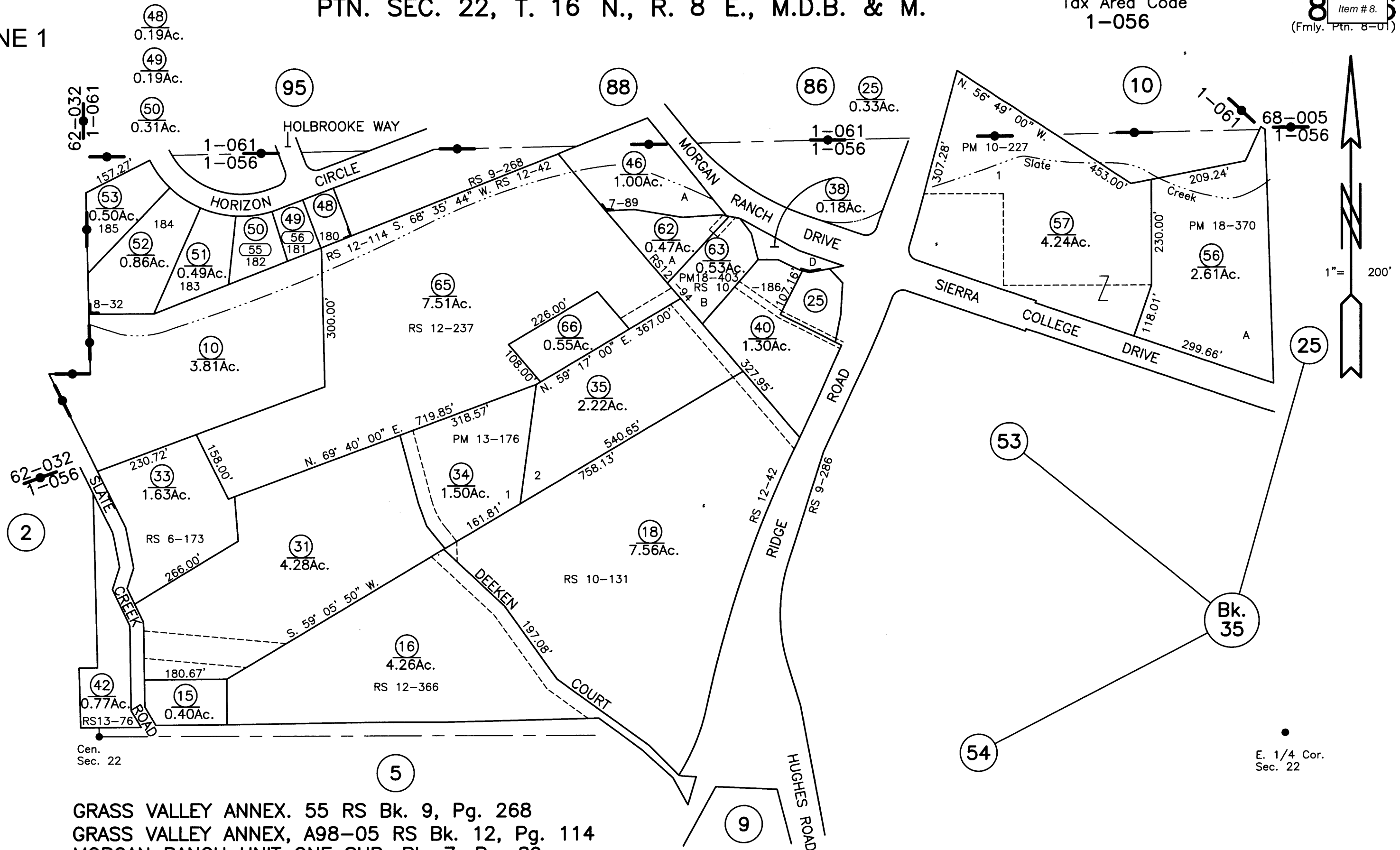
The following pages are excerpts from the latest Assessor's Parcel Maps of the County of Nevada illustrating the approximate location, size and area of the benefiting parcels within the Landscaping and Lighting District.

ZONE 1

PTN. SEC. 22, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-056

8 Item # 8.
(Fmly. Ptn. 8-01)



GRASS VALLEY ANNEX. 55 RS Bk. 9, Pg. 268
GRASS VALLEY ANNEX, A98-05 RS Bk. 12, Pg. 114
MORGAN RANCH UNIT ONE SUB. Bk. 7, Pg. 89
MORGAN RANCH UNIT 3A SUB. Bk. 8, Pg. 32
WHISPERING PINES/MORGAN RANCH REFUNDING DISTRICT

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-99
1-1-00
1-1-02
1-1-03
1-1-05
1-1-06
1-1-07

Assessor's Map Bk. 8 -Pg.06
County of Nevada, Calif.
1998

Last Updated 8-7-08

Page 81
NW 12/98

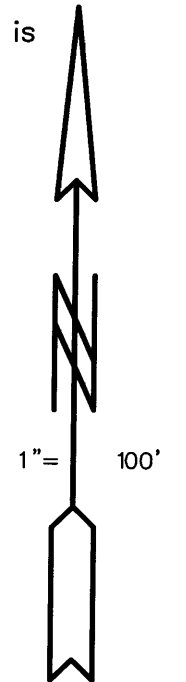
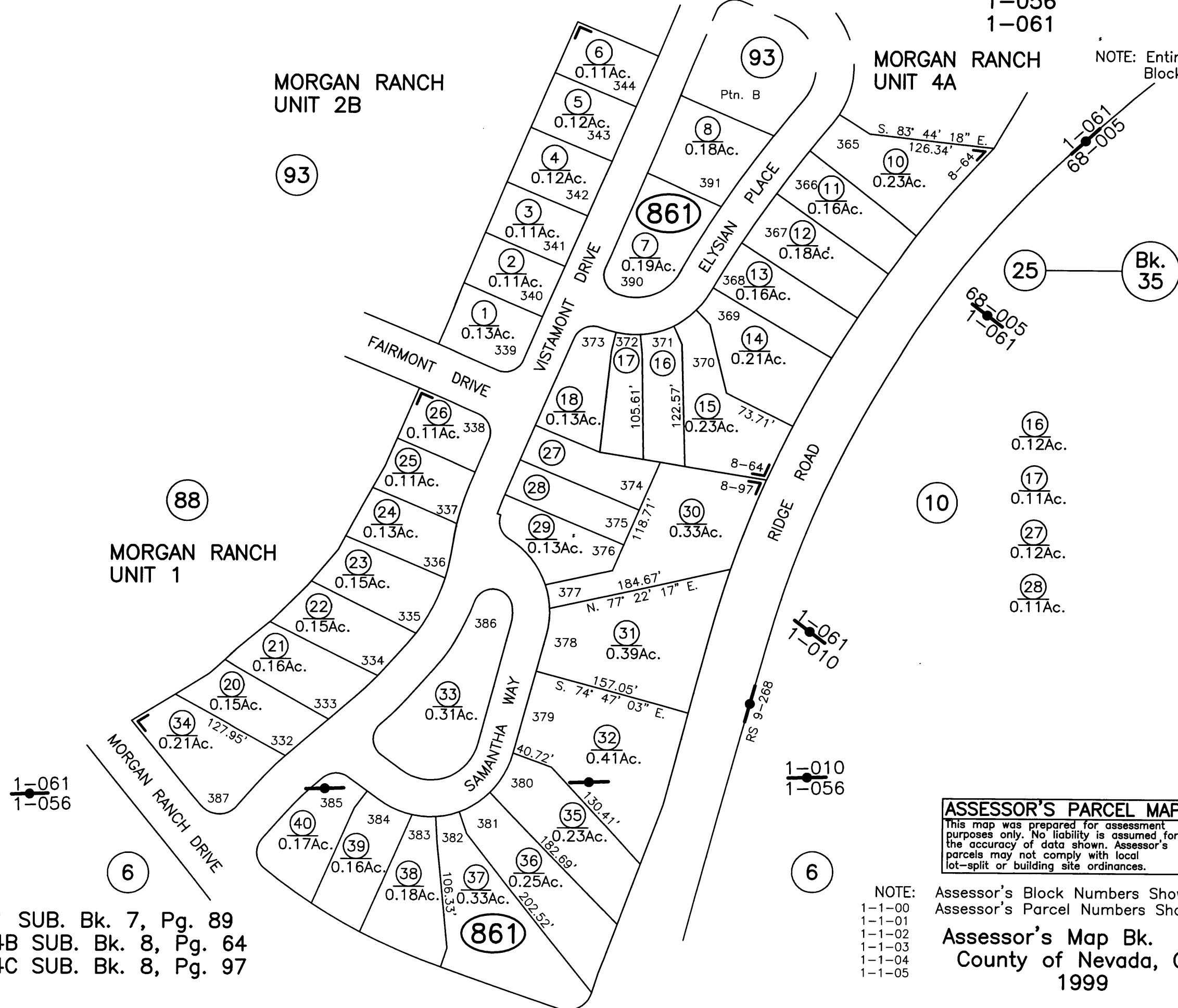
PTN. N.E. 1/4 SEC. 22, T. 16 N., R. 8 E., M.D.B. & M.

ZONE 1

Tax Area Code
1-056
1-061

8 Item # 8.
(Fmly. Ptn. 8-01)
(Fmly. Ptn. 8-10)

NOTE: Entire page is Block 861



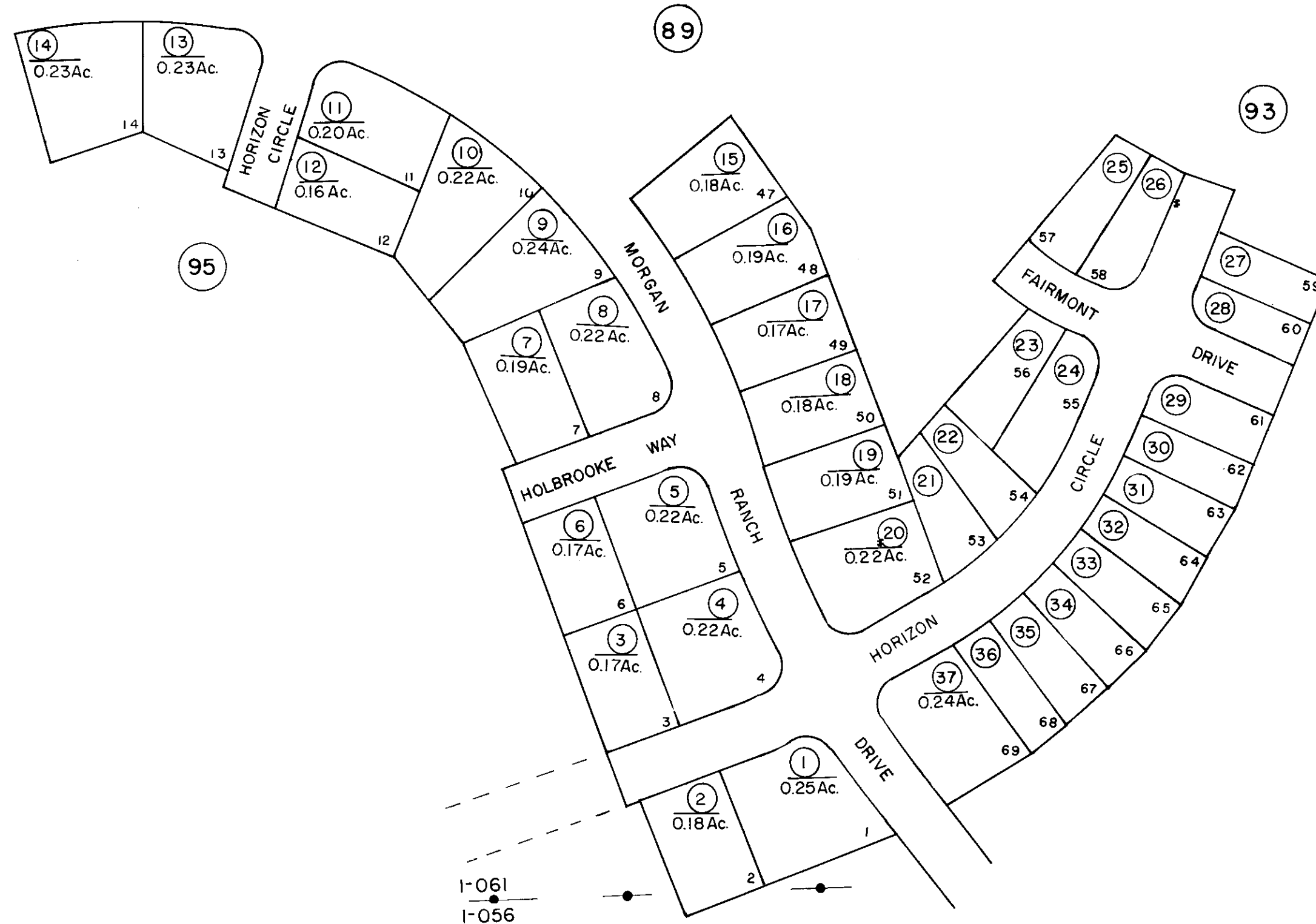
ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

NOTE:
1-1-00
1-1-01
1-1-02
1-1-03
1-1-04
1-1-05

Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Assessor's Map Bk. 8 -Pg.86
County of Nevada, Calif.
1999

MORGAN RANCH UNIT 1 SUB. Bk. 7, Pg. 89
MORGAN RANCH UNIT 4B SUB. Bk. 8, Pg. 64
MORGAN RANCH UNIT 4C SUB. Bk. 8, Pg. 97

ZONE 1



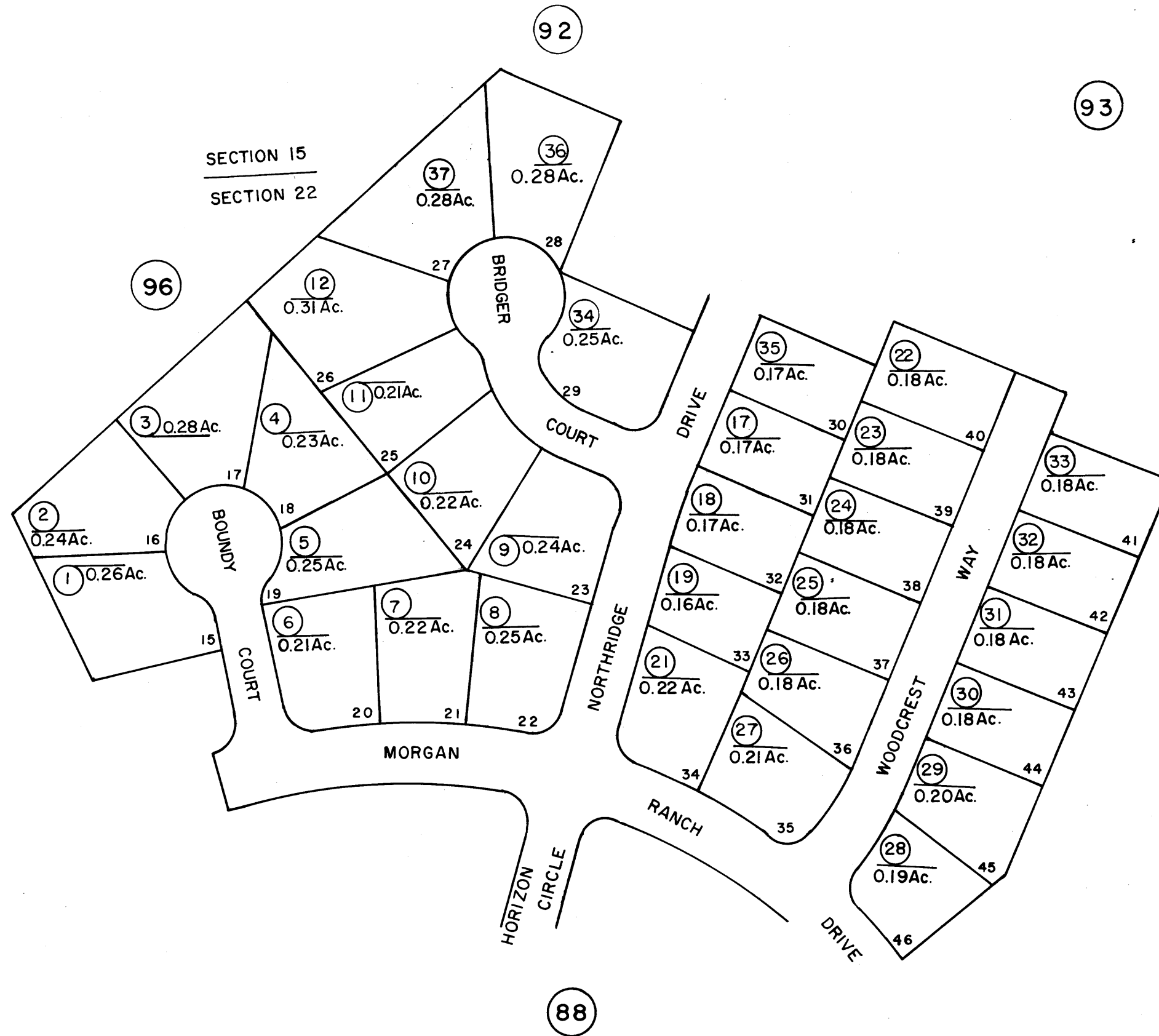
MORGAN RANCH UNIT ONE SUB. Bk. 7 Pg. 89

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

Assessor's Map Bk. 8 - Pg. 88
County of Nevada, Calif.

1988
3-1-89 3-1-95
3-1-90 3-1-96
3-1-91 1-1-00
3-1-93 1-1-03
3-1-94

ZONE 1



MORGAN RANCH UNIT ONE SUB. Bk. 7 Pg. 89

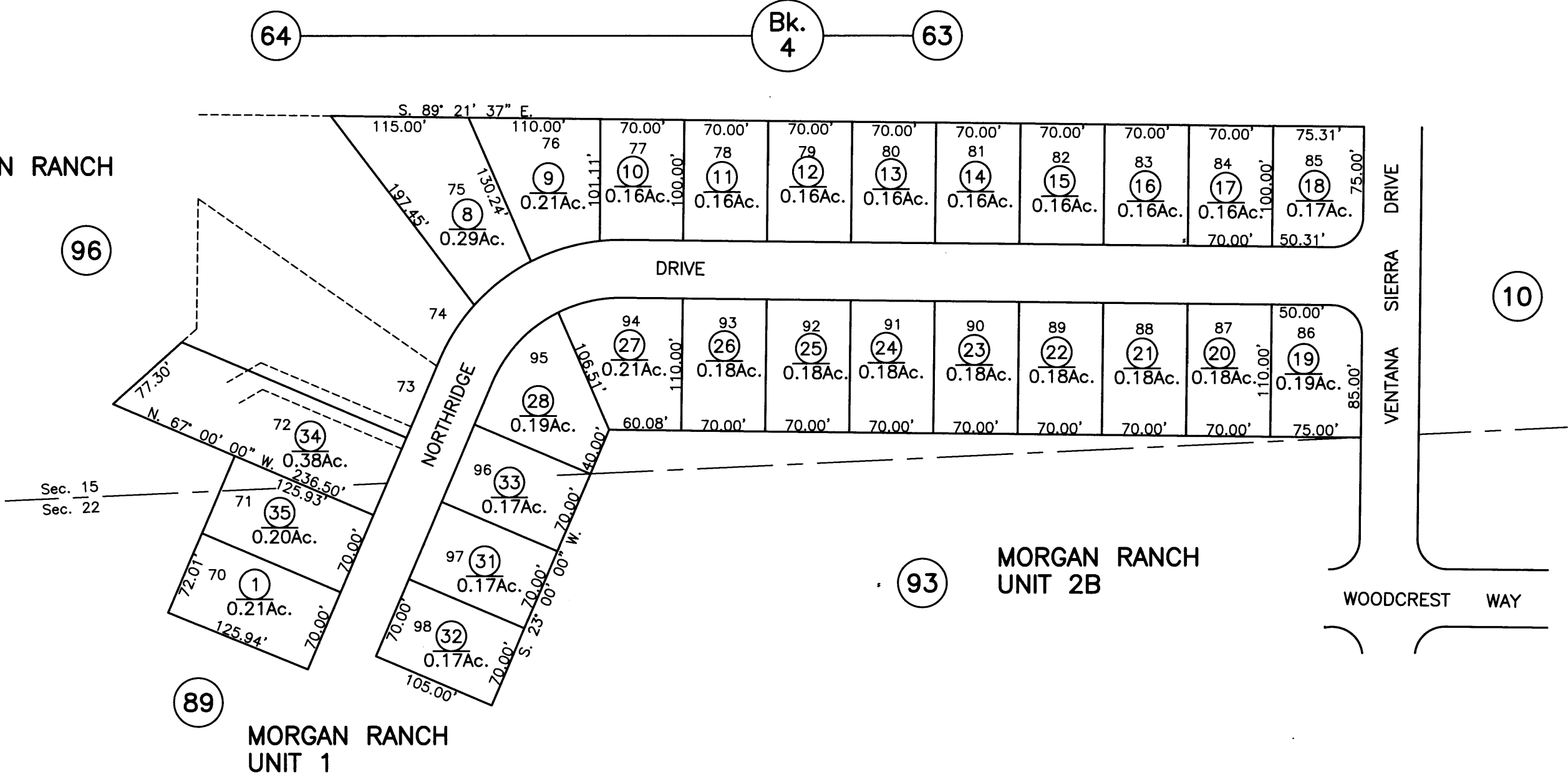
ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

Assessor's Map Bk. 8 - Pg. 89
County of Nevada, Calif.

1988 3-1-89 3-1-95
3-1-90 3-1-96
3-1-91 1-1-97
3-1-92 1-1-99
3-1-94 1-1-00
1-1-06

ZONE 1

MORGAN RANCH
UNIT 5



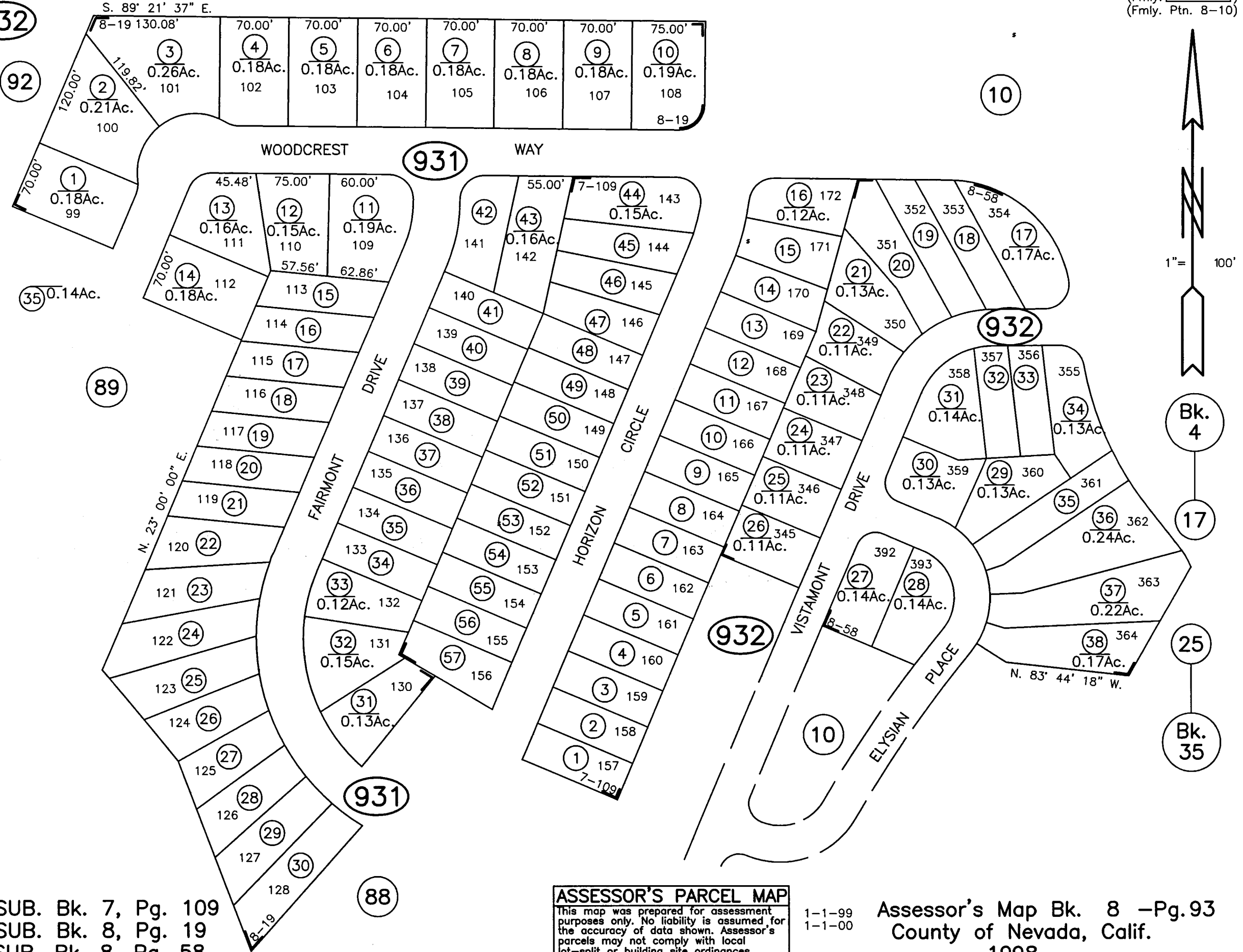
MORGAN RANCH UNIT 2A SUB. Bk. 7, Pg. 100

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-00
1-1-01
1-1-02
1-1-03
1-1-06
Assessor's Map Bk. 8 -Pg.92
County of Nevada, Calif.
1999

Zone 1

- | | | |
|--------------|--------------|--------------|
| (15) 0.10Ac. | (38) 0.10Ac. | (1) 0.10Ac. |
| (16) 0.10Ac. | (39) 0.10Ac. | (2) 0.10Ac. |
| (17) 0.10Ac. | (40) 0.10Ac. | (3) 0.10Ac. |
| (18) 0.10Ac. | (41) 0.10Ac. | (4) 0.10Ac. |
| (19) 0.10Ac. | (42) 0.13Ac. | (5) 0.10Ac. |
| (20) 0.10Ac. | (43) 0.11Ac. | (6) 0.10Ac. |
| (21) 0.10Ac. | (44) 0.11Ac. | (7) 0.10Ac. |
| (22) 0.13Ac. | (45) 0.10Ac. | (8) 0.10Ac. |
| (23) 0.14Ac. | (46) 0.10Ac. | (9) 0.10Ac. |
| (24) 0.16Ac. | (47) 0.10Ac. | (10) 0.10Ac. |
| (25) 0.14Ac. | (48) 0.10Ac. | (11) 0.10Ac. |
| (26) 0.12Ac. | (49) 0.10Ac. | (12) 0.10Ac. |
| (27) 0.11Ac. | (50) 0.10Ac. | (13) 0.10Ac. |
| (28) 0.12Ac. | (51) 0.10Ac. | (14) 0.10Ac. |
| (29) 0.13Ac. | (52) 0.10Ac. | (15) 0.11Ac. |
| (30) 0.15Ac. | (53) 0.10Ac. | (16) 0.12Ac. |
| (31) 0.10Ac. | (54) 0.10Ac. | (18) 0.12Ac. |
| (32) 0.10Ac. | (55) 0.10Ac. | (19) 0.12Ac. |
| (33) 0.10Ac. | (56) 0.10Ac. | (20) 0.15Ac. |
| (34) 0.10Ac. | (57) 0.11Ac. | (32) 0.09Ac. |
| (35) 0.10Ac. | | (33) 0.09Ac. |



MORGAN RANCH UNIT 2B SUB. Bk. 7, Pg. 109
MORGAN RANCH UNIT 2C SUB. Bk. 8, Pg. 19
MORGAN RANCH UNIT 4A SUB. Bk. 8, Pg. 58

ASSESSOR'S PARCEL MAP
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1-1-99
1-1-00

Assessor's Map Bk. 8 -Pg. 93
County of Nevada, Calif.
1998

ZONE 1

PTN. NE 1/4 SEC. 22, T. 16 N., R. 8 E., M.D.B. & M.

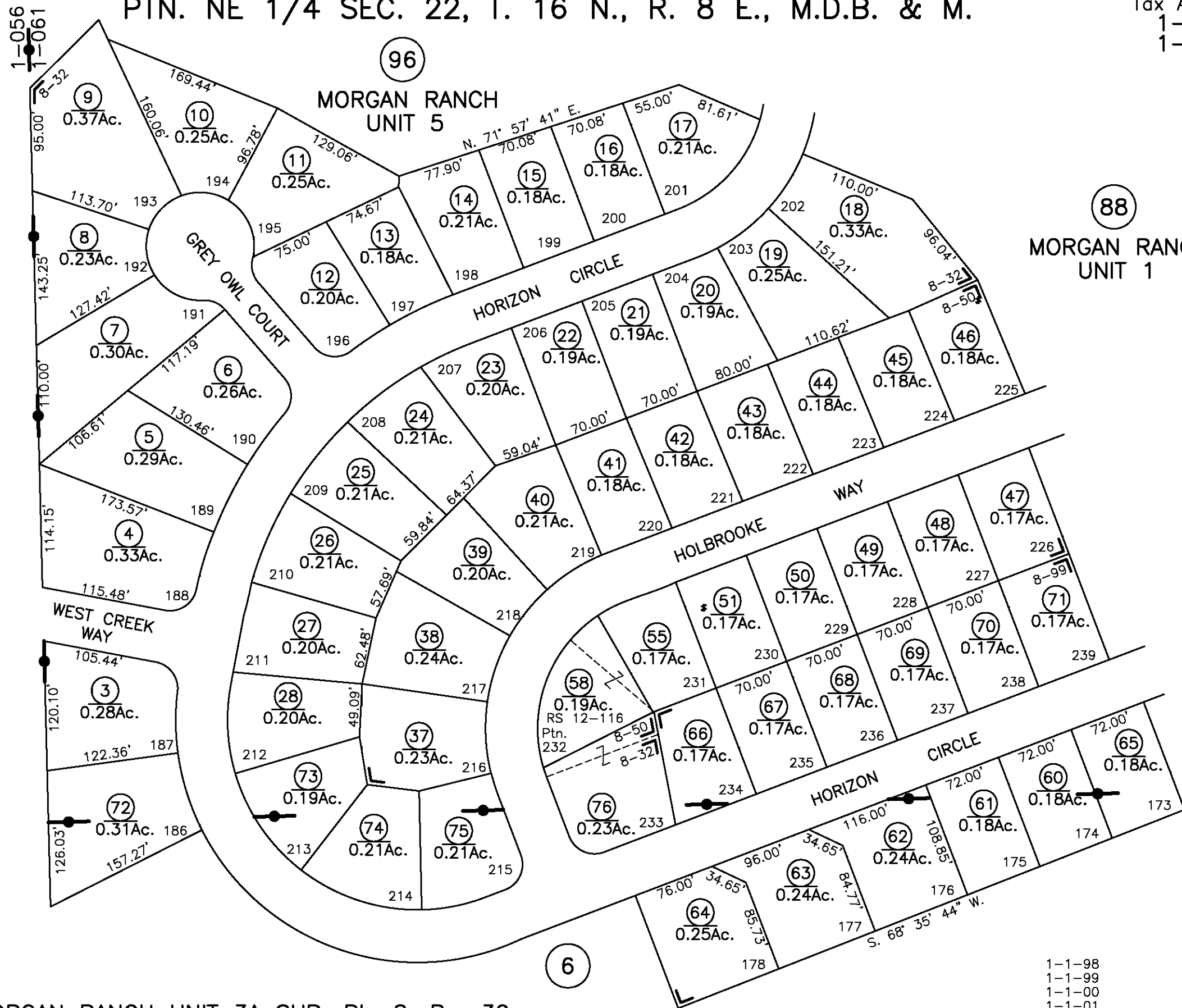
Tax Area Code

1-056
1-061

8-05
Item # 8.

(Fmly. Ptn. 8-01)
(Fmly. Ptn. 8-06, 8-10)

10



MORGAN RANCH UNIT 3A SUB. Bk. 8, Pg. 32
MORGAN RANCH UNIT 3B SUB. Bk. 8, Pg. 50
MORGAN RANCH UNIT 3C SUB. Bk. 8, Pg. 99
WHISPERING PINES/MORGAN RANCH REFUNDING DISTRICT

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-98
1-1-99
1-1-00
1-1-01
1-1-02
1-1-03
1-1-04
1-1-05
1-1-06
1-1-09

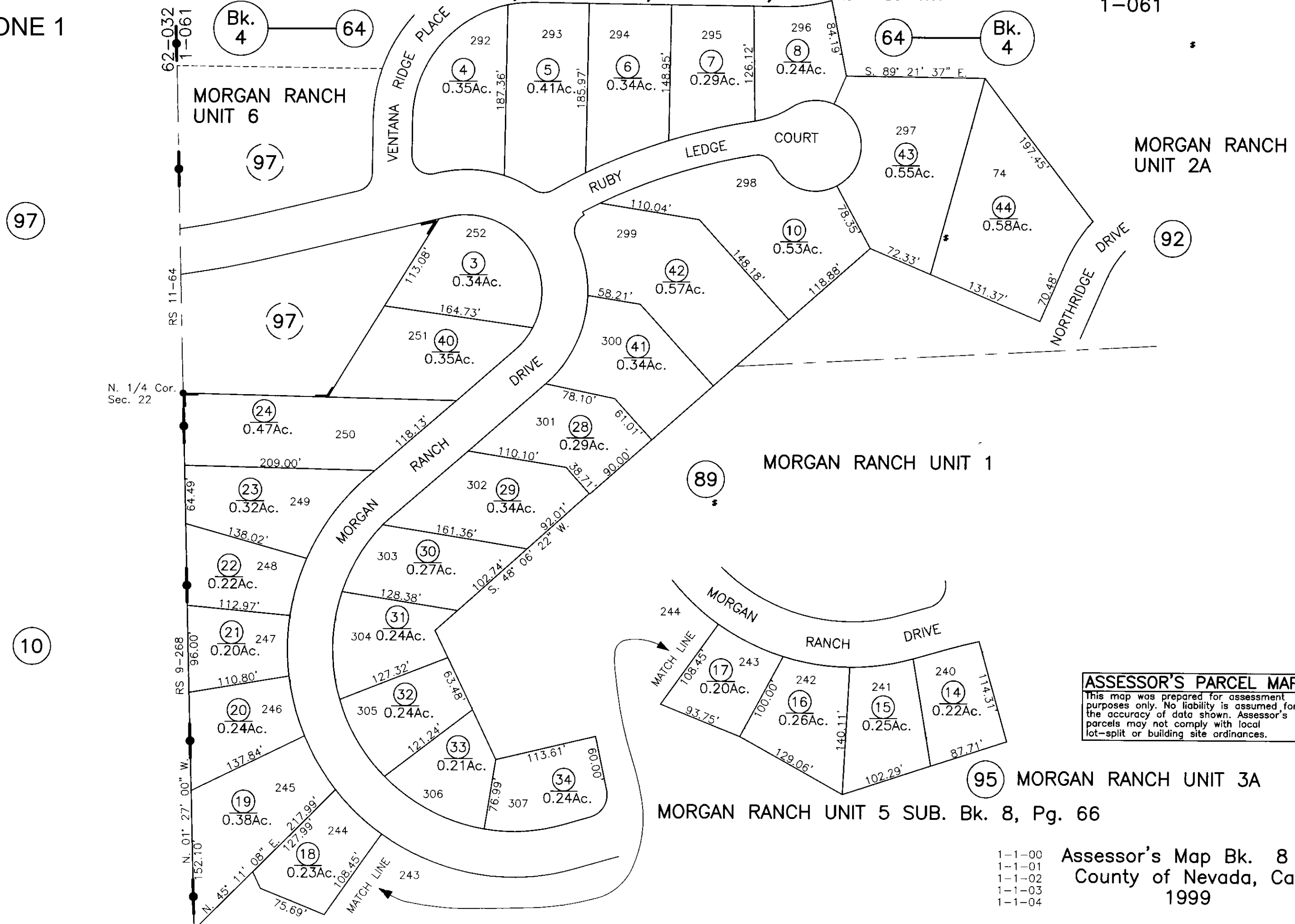
Assessor's Map Bk. 8 -Pg.95
County of Nevada, Calif.

1997

LAST UPDATE: 2-2-12

Page 87

mm 9/97



1-1-00
1-1-01
1-1-02
1-1-03
1-1-04

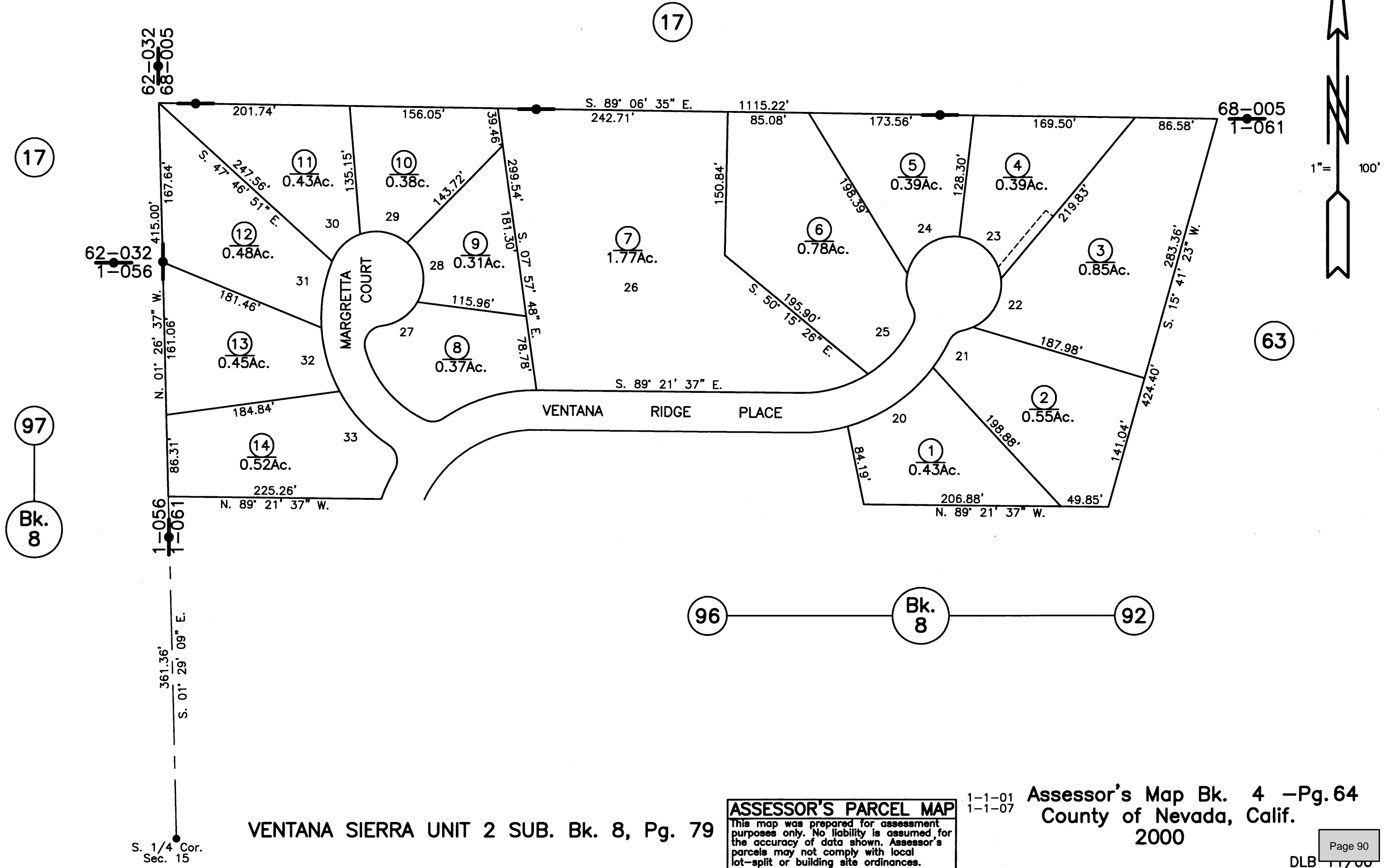
Assessor's Map Bk. 8 -Pg.96
County of Nevada, Calif.
1999

ZONE 2

PTN. S.E. 1/4 SEC. 15, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-061

4 Item # 8.
(Fmly. P. 1-061)



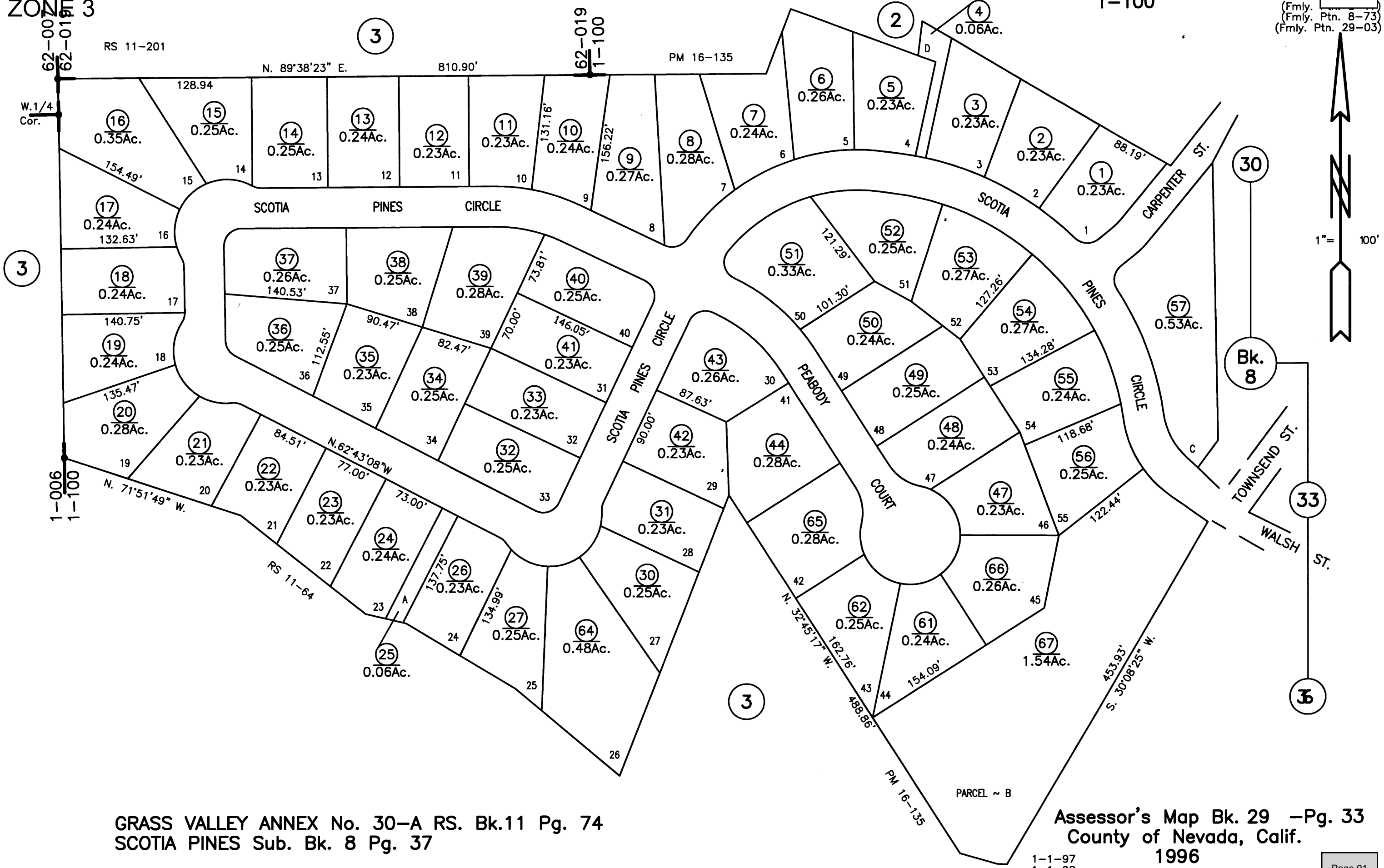
VENTANA SIERRA UNIT 2 SUB. Bk. 8, Pg. 79

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-01
1-1-07
Assessor's Map Bk. 4 -Pg. 64
County of Nevada, Calif.
2000

Page 90
DLB 11/00

ZONE 3



GRASS VALLEY ANNEX No. 30-A RS. Bk.11 Pg. 74
SCOTIA PINES Sub. Bk. 8 Pg. 37

Assessor's Map Bk. 29 -Pg. 33
County of Nevada, Calif.
1996

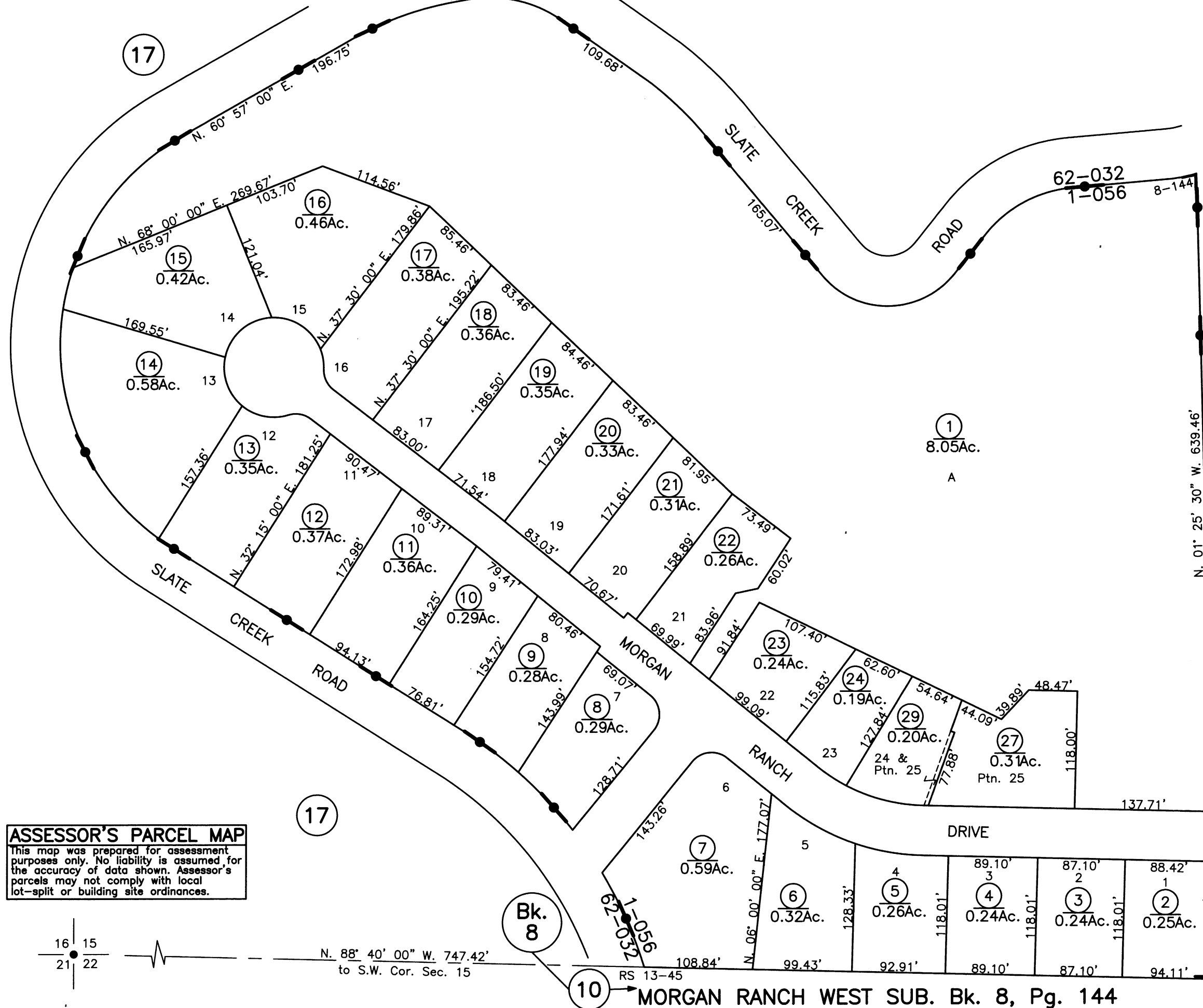
1-1-97
1-1-98
1-1-07

ZONE 4

PTN. S.W. 1/4 SEC. 15, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-056

4 Item # 8.
(Fmly.)



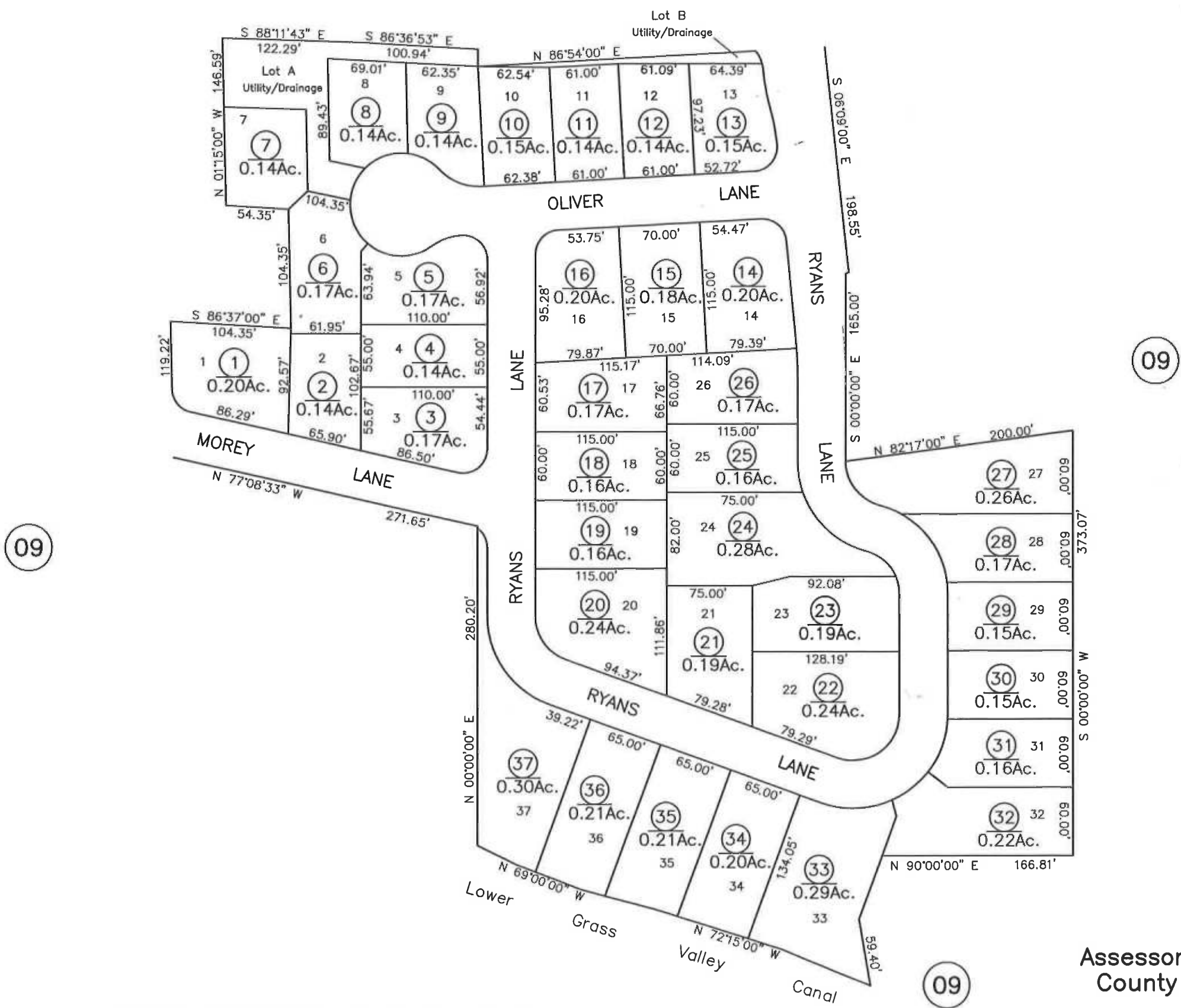
ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

MORGAN RANCH 7

1-1-06

Assessor's Map Bk. 4 -Pg.66
County of Nevada, Calif.
2005

LAST UPDATE 9-12-08



ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

RESOLUTION NO. 2023-27

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS
PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982
ASSESSMENT DISTRICT NO. 2003-1
(Morgan Ranch-Unit 7)

The City Council of the City of Grass Valley resolves:

1. The City Council intends to levy and collect assessments within City of Grass Valley Benefit Assessment District No. 2003-1 (Morgan Ranch – Unit 7) during Fiscal Year 2023-24. The area of land to be assessed is located in the City of Grass Valley, Nevada County.
2. The improvements to be made in this assessment district are generally described as the maintenance, operation and servicing of drainage improvements in the District
3. Bjorn Jones, P.E., Engineer of Work has filed with the City Clerk the report required by the Benefit Assessment Act of 1982. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.
4. On Tuesday, the 27th day of June, 2023, at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter can be heard; the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Grass Valley Council Chambers, 125 East Main St., Grass Valley, California.
5. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Morgan Ranch-Unit 7 in the amount of \$480.00. This

amount represents the same amount as the prior year. Based on the total number of parcels in Morgan Ranch-Unit 7, the levy is \$20.00 per dwelling unit.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Benefit Assessment District Act of 1982.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 13th day of June, 2023, by the following vote:

AYES:	Council Members
NOES:	Council Members
ABSENT:	Council Members
ABSTAINING:	Council Members

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney



MAY 18, 2023

Item # 8.

ENGINEER'S REPORT

MORGAN RANCH UNIT 7 BENEFIT ASSESSMENT DISTRICT NO. 2003-1

ANNUAL ASSESMENT 2023/2024

for

CITY OF GRASS VALLEY

NEVADA COUNTY, CALIFORNIA

Respectfully submitted, as directed by the City Council.

By: _____

Bjorn P. Jones, P.E.
R.C.E. No. 75378

ENGINEER'S REPORT AFFIDAVIT

BENFIT ASSESSMENT DISTRICT NO. 2003-1 (Morgan Ranch Unit 7)

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Grass Valley, California, on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Nevada on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

OVERVIEW

Bjorn P. Jones, Engineer of Work for Morgan Ranch Unit 7 Benefit Assessment District No. 2003-1, City of Grass Valley, Nevada County, California makes this report, as directed by City Council, pursuant to Section 54715 of the Government Code (Benefit Assessment District of 1982).

The improvements which are the subject matter of this report are briefly described as follows:

Morgan Ranch Unit 7

The maintenance, operation and servicing of drainage improvements, as delineated on plans prepared by Nevada City Engineering, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district, including the maintenance, operations, and servicing of the drainage improvements.

This report consists of five (5) parts, as follows:

PART A - Plans and specifications for the improvements that are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference only.

PART B - An estimate of the cost of the improvements for Fiscal Year 2023/2024.

PART C - An assessment of the estimated cost of the improvement and levy on each benefiting parcel of land within the district.

PART D - The Method of Apportionment by which the undersigned has determined the amount proposed to be levied on each parcel.

PART E - A diagram showing all parcels of real property within this district. The diagram is keyed to Part C by Assessor's Parcel Number.

PART A **PLANS**

Plans and specifications for the drainage improvements have been prepared by Nevada City Engineering. These Plans and Specifications have been filed separately with the City Clerk and the City Engineer's office and are incorporated in this Report by reference only; the initial improvements were completed by separate contracts.

The following reference drawings are on file with the office of the City Engineer:

Morgan Ranch - Unit 7 Plans (Dwg No. 1892)

PART B **COST ESTIMATE**

The estimated cost for the maintenance of improvements described in this Report for the fiscal year 2023/2024 includes the use of reserve funds to provide maintenance to the detention basins and is as follows:

Morgan Ranch Unit 7	
COST INFORMATION	
Direct Maintenance Costs	\$10,000
County Administrative Fee	\$215
City Administration Costs	\$265
Total Direct and Admin Costs	\$10,480
ASSESSMENT INFORMATION	
Direct Costs	\$10,480
Reserve Collections/ (Transfer)	(\$10,000)
Net Total Assessment	\$480
FUND BALANCE INFORMATION	
Projected Reserve After FY 2022/2023	\$19,390
Interest Earnings	\$65
Reserve Fund Adjustments	(\$10,000)
Projected Reserve at End of Year	\$9,455

PART C **ASSESSMENT ROLL**

Morgan Ranch - Unit 7 Subdivision

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$480.00	\$550.01	\$480.00

Percent of Undeveloped Land or No. of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	\$20.00	008-970-040	01056	\$10.00	\$10.00
1	\$20.00	008-970-041	01056	\$10.00	\$10.00
1	\$20.00	008-970-042	01056	\$10.00	\$10.00
1	\$20.00	008-970-043	01056	\$10.00	\$10.00
1	\$20.00	008-970-044	01056	\$10.00	\$10.00
1	\$20.00	008-970-045	01056	\$10.00	\$10.00
1	\$20.00	008-970-046	01056	\$10.00	\$10.00
1	\$20.00	008-970-047	01056	\$10.00	\$10.00
1	\$20.00	008-970-048	01056	\$10.00	\$10.00
1	\$20.00	008-970-049	01056	\$10.00	\$10.00
1	\$20.00	008-970-050	01056	\$10.00	\$10.00
1	\$20.00	008-970-051	01056	\$10.00	\$10.00
1	\$20.00	008-970-052	01056	\$10.00	\$10.00
1	\$20.00	008-970-053	01056	\$10.00	\$10.00
1	\$20.00	008-970-054	01056	\$10.00	\$10.00
1	\$20.00	008-970-055	01056	\$10.00	\$10.00
1	\$20.00	008-970-056	01056	\$10.00	\$10.00
1	\$20.00	008-970-057	01056	\$10.00	\$10.00
1	\$20.00	008-970-058	01056	\$10.00	\$10.00
1	\$20.00	008-970-059	01056	\$10.00	\$10.00
1	\$20.00	008-970-060	01056	\$10.00	\$10.00
1	\$20.00	008-970-061	01056	\$10.00	\$10.00
1	\$20.00	008-970-062	01056	\$10.00	\$10.00
1	\$20.00	008-970-063	01056	\$10.00	\$10.00
24	\$480.00	Subtotal - Developed Land		\$240.00	\$240.00

PART D

METHOD OF APPORTIONING

In order to maintain sufficient funding for the Districts, assessments will be adjusted annually by the Consumer Price Indexes (CPI) Pacific Cities and U.S. City Average for February of the year of calculation All Items Indexes for the West. The corresponding CPI for February 2022 was 8.1%.

Morgan Ranch Unit 7

The initial assessment spread created a yearly assessment per dwelling unit of \$84.29. It is the intent that each dwelling unit of the entire project share equally in all expenses upon completion.

The 2021/2022 assessment was \$480. Applying the inflation adjustment, the maximum allowable assessment for 2022/2023 is \$550.01. The actual total assessment will remain unchanged at \$480.00. Based on the total build-out number of parcels and the total assessment needed, the FY 2022/2023 levy will remain at \$20.00 per dwelling unit.

The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

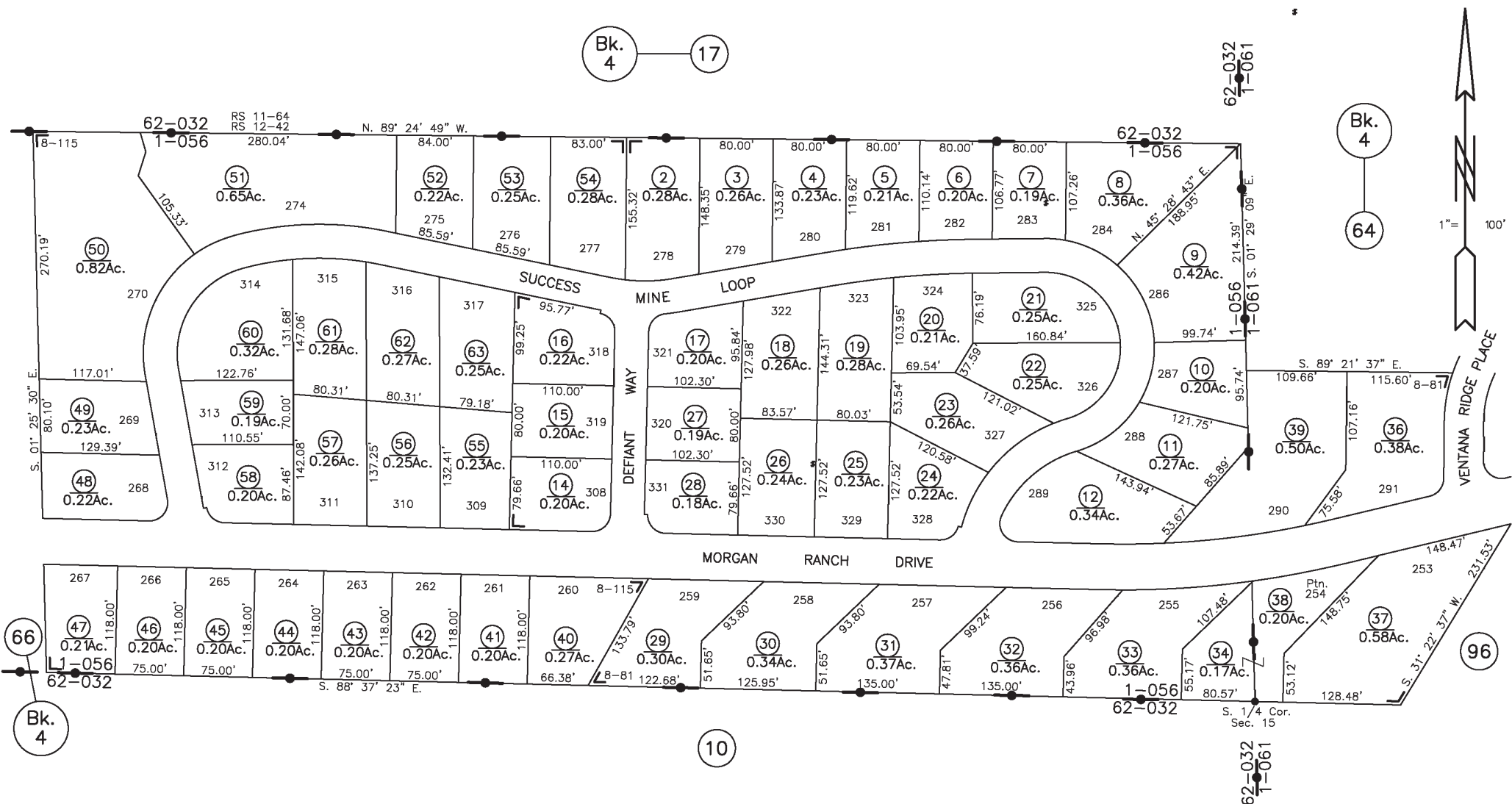
PART E **ASSESSMENT DIAGRAM**

The following pages are excerpts from the latest Assessor's Parcel Maps of the County of Nevada illustrating the approximate location, size and area of the benefiting parcels within the Benefit Assessment District.

PTN. S.1/2 SEC. 15, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-056
1-061

8-97
(Fmly. Ptn. 4-17)
(Fmly. Ptn. 8-10)



MORGAN RANCH UNIT 6 Bk. 8, Pg. 81
MORGAN RANCH UNIT 7 Bk. 8, Pg. 115
MORGAN RANCH BENEFIT ASSESSMENT DISTRICT

ASSESSOR'S PARCEL MAP
This map was prepared for assessment purposes only. No liability is assumed for the accuracy of data shown. Assessor's parcels may not comply with local lot-split or building site ordinances.

1-1-01
1-1-02
1-1-05
1-1-06
1-1-09

Assessor's Map Bk. 8 -Pg.97
County of Nevada, Calif.
2000

LAST UPDATE: 2-2-12

DLB 12/00

RESOLUTION NO. 2023-28

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS
PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982
ASSESSMENT DISTRICT NO. 2010-1
(Morgan Ranch West)

The City Council of the City of Grass Valley resolves:

1. The City Council intends to levy and collect assessments within City of Grass Valley Benefit Assessment District No. 2010-1 (Morgan Ranch West) during Fiscal Year 2023-24. The area of land to be assessed is located in the City of Grass Valley, Nevada County.
2. The improvements to be made in this assessment district are described as the maintenance, operation and servicing of drainage improvements in the District.
3. Bjorn Jones, P.E., Engineer of Work, has filed with the City Clerk the report required by the Benefit Assessment Act of 1982. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.
4. On Tuesday, the 27th day of June, 2023, at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter can be heard; the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Grass Valley Council Chambers, 125 East Main St., Grass Valley, California.
5. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Morgan Ranch West in the amount of \$750.00. This is amount represents the same amount as the prior fiscal year. Based on the total

number of parcels in Morgan Ranch West, the levy is \$30.00 per dwelling unit.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Benefit Assessment District Act of 1982.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 13th day of June, 2023, by the following vote:

AYES: Council Members

NOES: Council Members

ABSENT: Council Members

ABSTAINING: Council Members

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney



MAY 18, 2023

Item # 8.

ENGINEER'S REPORT

MORGAN RANCH WEST BENEFIT ASSESSMENT DISTRICT NO. 2010-1

ANNUAL ASSESMENT 2023/2024

for

CITY OF GRASS VALLEY

NEVADA COUNTY, CALIFORNIA

Respectfully submitted, as directed by the City Council.

By: _____

Bjorn P. Jones P.E.
R.C.E. No. 75378

ENGINEER'S REPORT AFFIDAVIT

BENEFIT ASSESSMENT DISTRICT NO. 2010-1 (Morgan Ranch West)

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Grass Valley, California, on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Nevada on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

OVERVIEW

Bjorn P. Jones Engineer of Work for Morgan Ranch West Benefit Assessment District No. 2010-1, City of Grass Valley, Nevada County, California makes this report, as directed by City Council, pursuant to Section 54715 of the Government Code (Benefit Assessment District of 1982).

The improvements which are the subject matter of this report are briefly described as follows:

Morgan Ranch West

The maintenance, operation and servicing of drainage improvements, as delineated on plans prepared by Nevada City Engineering, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district, including the maintenance, operations, and servicing of the drainage improvements.

This report consists of five (5) parts, as follows:

PART A - Plans and specifications for the improvements that are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference only.

PART B - An estimate of the cost of the improvements for Fiscal Year 2023/2024.

PART C - An assessment of the estimated cost of the improvement and levy on each benefiting parcel of land within the district.

PART D - The Method of Apportionment by which the undersigned has determined the amount proposed to be levied on each parcel.

PART E - A diagram showing all parcels of real property within this district. The diagram is keyed to Part C by Assessor's Parcel Number.

PART A **PLANS**

Plans for the landscape, irrigation and street lighting for each zone have been prepared by a variety of landscape architects and engineers. These Plans have been filed separately with the City Engineer's office and are incorporated in this Report by reference only as the initial improvements were completed by separate contracts.

The following reference drawings are on file with the office of the City Engineer:

Morgan Ranch West Improvement Plans (Dwg No. 2000)

PART B **COST ESTIMATE**

The estimated cost for the maintenance of improvements described in this Report for the fiscal year 2023/2024 includes the use of reserve funds to provide maintenance to the detention basins and is as follows:

Morgan Ranch West	
COST INFORMATION	
Direct Maintenance Costs	\$5,260
County Administrative Fee	\$215
City Administration Costs	\$275
Total Direct and Admin Costs	\$5,750
ASSESSMENT INFORMATION	
Direct Costs	\$5,750
Reserve Collections/ (Transfer)	(\$5,000)
Net Total Assessment	\$750
FUND BALANCE INFORMATION	
Projected Reserve After FY 2022/2023	\$11,211
Interest Earnings	\$35
Reserve Fund Adjustments	(\$5,000)
Projected Reserve at End of Year	\$6,246

PART C**ASSESSMENT ROLL****Morgan Ranch West**

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$750.00	\$859.40	\$750.00

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
-	-	-	-	-	-
1	30.00	004-660-002	01056	15.00	15.00
1	30.00	004-660-003	01056	15.00	15.00
1	30.00	004-660-004	01056	15.00	15.00
1	30.00	004-660-005	01056	15.00	15.00
1	30.00	004-660-006	01056	15.00	15.00
1	30.00	004-660-007	01056	15.00	15.00
1	30.00	004-660-008	01056	15.00	15.00
1	30.00	004-660-009	01056	15.00	15.00
1	30.00	004-660-010	01056	15.00	15.00
1	30.00	004-660-011	01056	15.00	15.00
1	30.00	004-660-012	01056	15.00	15.00
1	30.00	004-660-013	01056	15.00	15.00
1	30.00	004-660-014	01056	15.00	15.00
1	30.00	004-660-015	01056	15.00	15.00
1	30.00	004-660-016	01056	15.00	15.00
1	30.00	004-660-017	01056	15.00	15.00
1	30.00	004-660-018	01056	15.00	15.00
1	30.00	004-660-019	01056	15.00	15.00
1	30.00	004-660-020	01056	15.00	15.00
1	30.00	004-660-021	01056	15.00	15.00
1	30.00	004-660-022	01056	15.00	15.00
1	30.00	004-660-023	01056	15.00	15.00
1	30.00	004-660-024	01056	15.00	15.00
1	30.00	004-660-029	01056	15.00	15.00
1	30.00	004-660-027	01056	15.00	15.00
25	\$750.00			\$375.00	\$375.00

PART D

METHOD OF APPORTIONING

In order to maintain sufficient funding for the Districts, assessments will be adjusted annually by the Consumer Price Indexes (CPI) Pacific Cities and U.S. City Average for February of the year of calculation All Items Indexes for the West. The corresponding CPI for February 2023 was 6.0%.

Morgan Ranch West

The initial assessment spread created a yearly assessment per dwelling unit of \$84.29. It is the intent that each dwelling unit of the entire project share equally in all expenses upon completion.

The 2022/2023 assessment was \$750.00. Applying the inflation adjustment, the maximum allowable assessment for 2023/2024 is \$859.40. The actual total assessment will remain unchanged at \$750.00. Based on the total build-out number of parcels and the total assessment needed, the FY 2023/2024 levy will be \$30.00 per dwelling unit.

The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

PART E **ASSESSMENT DIAGRAM**

The following pages are excerpts from the latest Assessor's Parcel Maps of the County of Nevada illustrating the approximate location, size and area of the benefiting parcels within the Landscaping and Lighting District.

RESOLUTION NO. 2023-28

RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS
PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982
ASSESSMENT DISTRICT NO. 2016-1
(Ridge Meadows)

The City Council of the City of Grass Valley resolves:

1. The City Council intends to levy and collect assessments within City of Grass Valley Benefit Assessment District No. 2016-1 (Ridge Meadows) during Fiscal Year 2023-24. The area of land to be assessed is located in the City of Grass Valley, Nevada County.
2. The improvements to be made in this assessment district are described as the maintenance, operation and servicing of drainage improvements in the District.
3. Bjorn Jones, P.E., Engineer of Work, has filed with the City Clerk the report required by the Benefit Assessment Act of 1982. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.
4. On Tuesday, the 27th day of June, 2023, at the hour of 7:00 o'clock p.m. or as soon thereafter as the matter can be heard; the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Grass Valley Council Chambers, 125 East Main St., Grass Valley, California.
5. For Fiscal Year 2023-24, the Engineering Department has proposed a revenue assessment estimate for Ridge Meadows in the amount of \$700.04. This amount represents the same amount levied in FY 2022-23. Based on the total number

of parcels in Ridge Meadows, the levy is \$18.92 per dwelling unit.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Benefit Assessment District Act of 1982.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 13th day of June, 2023, by the following vote:

AYES: Council Members
 NOES: Council Members
 ABSENT: Council Members
 ABSTAINING: Council Members

 Jan Arbuckle, Mayor

ATTEST:

 Taylor Day, City Clerk

APPROVED AS TO FORM:

 Michael Colantuono, City Attorney



MAY 18, 2023

Item # 8.

ENGINEER'S REPORT

RIDGE MEADOWS BENEFIT ASSESSMENT DISTRICT NO. 2016-1

ANNUAL ASSESMENT 2023/2024

for

CITY OF GRASS VALLEY

NEVADA COUNTY, CALIFORNIA

Respectfully submitted, as directed by the City Council.

By: _____

Bjorn P. Jones, P.E.
R.C.E. No. 75378

ENGINEER'S REPORT AFFIDAVIT

BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (Ridge Meadows)

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Grass Valley, California, on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Nevada on the _____ day of _____, 2023.

City Clerk, City of Grass Valley
Nevada County, California

OVERVIEW

Bjorn P. Jones, Engineer of Work for Ridge Meadows Benefit Assessment District No. 2016-1, City of Grass Valley, Nevada County, California makes this report, as directed by City Council, pursuant to Section 54715 of the Government Code (Benefit Assessment District of 1982).

The improvements which are the subject matter of this report are briefly described as follows:

Ridge Meadows

The maintenance, operation and servicing of drainage improvements, as delineated on plans prepared by Nevada City Engineering, on file with the City of Grass Valley, and modified by subsequent development, or changes instituted by the City of Grass Valley in the routine administration of the district, including the maintenance, operations, and servicing of the drainage improvements.

This report consists of five (5) parts, as follows:

PART A - Plans and specifications for the improvements that are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference only.

PART B - An estimate of the cost of the improvements for Fiscal Year 2023/2024.

PART C - An assessment of the estimated cost of the improvement and levy on each benefiting parcel of land within the district.

PART D - The Method of Apportionment by which the undersigned has determined the amount proposed to be levied on each parcel.

PART E - A diagram showing all parcels of real property within this district. The diagram is keyed to Part C by Assessor's Parcel Number.

PART A **PLANS**

Plans for the drainage facilities have been prepared by a variety of landscape architects and engineers. These Plans have been filed separately with the City Engineer's office and are incorporated in this Report by reference only as the initial improvements were completed by separate contracts.

The following reference drawings are on file with the office of the City Engineer:

Ridge Meadows Improvement Plans (Dwg No. 1453)

PART B **COST ESTIMATE**

The estimated cost for the maintenance of improvements described in this Report for the fiscal year 2023/2024 includes the use of reserve funds to provide maintenance to the drainage facilities and is as follows:

Ridge Meadows BAD	
COST INFORMATION	
Direct Maintenance Costs	\$6,200
County Administrative Fee	\$215
City Administration Costs	\$285
Total Direct and Admin Costs	\$6,700
ASSESSMENT INFORMATION	
Direct Costs	\$6,700
Reserve Collections/ (Transfer)	(\$6,000)
Net Total Assessment	\$700
FUND BALANCE INFORMATION	
Projected Reserve After FY 2022/2023	\$15,665
Interest Earnings	\$35
Reserve Fund Adjustments	(\$6,000)
Projected Reserve at End of Year	\$9,700

PART C

ASSESSMENT ROLL

Zone 5 - Ridge Meadows

FISCAL YEAR	TOTAL ASSESSMENT GOAL	MAX ASSESSMENT Last Year Max + 6.0% CPI	TOTAL ASSESSMENT
2023/2024	\$700.00	\$2,119.84	\$700.04

Number of Dwelling Units	Levy	Assessor Parcel No.	Tax Area Code	1st Installment	2nd Installment
1	18.92	008-980-001	01056	9.46	9.46
1	18.92	008-980-002	01056	9.46	9.46
1	18.92	008-980-003	01056	9.46	9.46
1	18.92	008-980-004	01056	9.46	9.46
1	18.92	008-980-005	01056	9.46	9.46
1	18.92	008-980-006	01056	9.46	9.46
1	18.92	008-980-007	01056	9.46	9.46
1	18.92	008-980-008	01056	9.46	9.46
1	18.92	008-980-009	01056	9.46	9.46
1	18.92	008-980-010	01056	9.46	9.46
1	18.92	008-980-011	01056	9.46	9.46
1	18.92	008-980-012	01056	9.46	9.46
1	18.92	008-980-013	01056	9.46	9.46
1	18.92	008-980-014	01056	9.46	9.46
1	18.92	008-980-015	01056	9.46	9.46
1	18.92	008-980-016	01056	9.46	9.46
1	18.92	008-980-017	01056	9.46	9.46
1	18.92	008-980-018	01056	9.46	9.46
1	18.92	008-980-019	01056	9.46	9.46
1	18.92	008-980-020	01056	9.46	9.46
1	18.92	008-980-021	01056	9.46	9.46
1	18.92	008-980-022	01056	9.46	9.46
1	18.92	008-980-023	01056	9.46	9.46
1	18.92	008-980-024	01056	9.46	9.46
1	18.92	008-980-025	01056	9.46	9.46
1	18.92	008-980-026	01056	9.46	9.46
1	18.92	008-980-027	01056	9.46	9.46
1	18.92	008-980-028	01056	9.46	9.46
1	18.92	008-980-029	01056	9.46	9.46
1	18.92	008-980-030	01056	9.46	9.46
1	18.92	008-980-031	01056	9.46	9.46
1	18.92	008-980-032	01056	9.46	9.46
1	18.92	008-980-033	01056	9.46	9.46
1	18.92	008-980-034	01056	9.46	9.46
1	18.92	008-980-035	01056	9.46	9.46
1	18.92	008-980-036	01056	9.46	9.46
1	18.92	008-980-037	01056	9.46	9.46
37	\$700.04			\$350.02	\$350.02

PART D

METHOD OF APPORTIONING

In order to maintain sufficient funding for the Districts, assessments will be adjusted annually by the Consumer Price Indexes (CPI) Pacific Cities and U.S. City Average for February of the year of calculation All Items Indexes for the West. The corresponding CPI for February 2023 was 6.0%.

Ridge Meadows

General Benefit

The drainage facilities in Ridge Meadows and the maintenance, operation, and servicing of those facilities are of entirely local and special benefit to the parcels in Ridge Meadows, and no general benefits are provided by them.

Apportionment of Special Benefits

The initial assessment spread created a yearly assessment per dwelling unit of \$104.80. It is the intent that each dwelling unit of the project shares equally in all expenses.

The 2022/2023 assessment was \$700.04. Applying the inflation adjustment, the maximum allowable assessment for 2023/2024 is \$1,999.85 The actual total assessment will remain unchanged at \$700.04 Based on the total build-out number of parcels and the total assessment needed, the FY 2023/2024 levy will remain at \$18.92 per dwelling unit.

The assessment formula is:

Assessment Per Parcel = Round (Total Assessment / # of Parcels)

PART E **ASSESSMENT DIAGRAM**

The following pages are excerpts from the latest Assessor's Parcel Maps of the County of Nevada illustrating the approximate location, size and area of the benefiting parcels within the Landscaping and Lighting District.



TM 01/17



**City of Grass Valley
City Council
Agenda Action Sheet**

Title: Consideration of Waste Management's annual fee adjustments and new fees for service

Recommendation: That Council adopt Resolution 2023-22 adjusting service rates to Waste Management's fee schedule

Prepared by: Zac Quentmeyer, Deputy Public Works Director

Council Meeting Date: 6/13/2023

Date Prepared: 6/6/2023

Agenda: Consent

Background Information: In 2012, the City entered into a 20-year franchise agreement with Waste Management to provide for a full range of solid waste, recycling, and green waste services. The original resolution included service rates and specific services Waste Management was to provide to the City. Attached are two letters from Waste Management to amend the fee schedule to address the following:

1. Annual CPI adjustments of 5.46% for services and 3.99% for the disposal gate fee at the transfer station. These rates are consistent with the existing agreement and will commence July 1, 2023.

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goals #4&5 - Economic Development and Vitality and High-Performance Government and Quality Service for the FY 2023/24.

Fiscal Impact: Increased service fees for residents and businesses, but consistent with the Contract

Funds Available: N/A

Account #: N/A

Reviewed by: City Manager

Attachments: R2023-22; CPI Increase Letter and Proposed Fees

RESOLUTION NO 2023-22**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ADDING NEW RATES TO
WASTE MANAGEMENT'S SERVICE SCHEDULE**

WHEREAS, the City Council adopted an updated franchise agreement with Waste Management in 2012, and

WHEREAS, Waste Management may request annual rate adjustments or establish charges for fees not specified in the original agreement, and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Grass Valley that:

The City Council finds the proposed rate adjustment in accordance with the Franchise Agreement between Grass Valley and Waste Management, and

The City Council finds the proposed changes to the Rate Sheet appropriate and in accordance with the Franchise Agreement, and

The City Council hereby adopts the attached "Exhibit A" to be added to the Rate Sheet and become effective on July 1, 2023.

ADOPTED as a Resolution of the City Council of the City of Grass Valley at a meeting thereof held on June 13, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ASBTAINING:

Jan Arbuckle, Mayor

ATTEST: _____
Taylor Day, City Clerk

APPROVED AS TO FORM: _____

Michael Colantuono, City Attorney



May 10, 2023

Mr. Tim Kiser
City Manager
City of Grass Valley
125 E. Main Street
Grass Valley, CA 95945

In accordance with Sections VI.A and VI.B. of our solid waste, recyclables, and green waste franchise agreement, attached are the calculations for our 2023 rate increase and the updated rate sheet effective July 1, 2023.

The adjustment is based on the contractual CPI formula for the 12-month period ending March 31, as calculated in the attached rate package. The 2023 service portion of the rate was adjusted by 5.46% based on CPI and disposal changes

In accordance with Section VI.D, the disposal portion of the rates is being increased by 3.99% due to the proposed July 1, 2023 rate increase at the transfer station.

The impact on the most common residential rate (35-gallon cart) is an increase of \$1.09.

Please do not hesitate to contact me or our Public Sector Manager, Shavati Karki-Pearl with any questions at skarkip@wm.com or 530-559-1128.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry Picard", is written over a light blue horizontal line.

Larry Picard, District Manager
WM/Grass Valley Disposal
lpicard@wm.com

Enclosures: 2023 CPI Excel Submittal



**Grass Valley
Rates Effective July 1, 2023**

RESIDENTIAL	DISPOSAL (GATE FEE)			SERVICE			Total Current Rates Eff. 7/01/2022	Total New Rates Effective 7/1/2023
	Current - Eff. 7/1/2022	3.99% * Disposal Price Adjustment	New - Eff. 7/01/2023	Current - Eff. 7/1/2022	5.46% CPI Increase	New - Eff. 7/01/2023		
TRASH SERVICES								
1 - 20G CART TRASH	\$3.45	\$0.14	\$3.59	\$12.31	\$0.67	\$12.98	\$15.76	\$16.57
1 - 35G CART TRASH	\$4.47	\$0.18	\$4.65	\$16.61	\$0.91	\$17.52	\$21.08	\$22.17
1 - 64G CART TRASH	\$8.99	\$0.36	\$9.35	\$21.10	\$1.15	\$22.25	\$30.09	\$31.60
1 - 96G CART TRASH	\$13.45	\$0.54	\$13.99	\$30.29	\$1.65	\$31.94	\$43.74	\$45.93
ADDITIONAL 35G TRASH CARTS	\$1.01	\$0.04	\$1.05	\$4.87	\$0.27	\$5.14	\$5.88	\$6.19
ADDITIONAL 64G TRASH CARTS	\$1.01	\$0.04	\$1.05	\$4.87	\$0.27	\$5.14	\$5.88	\$6.19
ADDITIONAL 96G TRASH CARTS	\$1.01	\$0.04	\$1.05	\$4.87	\$0.27	\$5.14	\$5.88	\$6.19
RECYCLE SERVICES								
1 - 35 GAL RECYCLING - WITH TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 64 GAL RECYCLING - WITH TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 96 GAL RECYCLING - WITH TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 35G CART RECYCLING (NO TRASH SERVICE)	\$0.00	\$0.00	\$0.00	\$9.36	\$0.51	\$9.87	\$9.36	\$9.87
1 - 64G CART RECYCLING (NO TRASH SERVICE)	\$0.00	\$0.00	\$0.00	\$9.36	\$0.51	\$9.87	\$9.36	\$9.87
1 - 96G CART RECYCLING (NO TRASH SERVICE)	\$0.00	\$0.00	\$0.00	\$9.36	\$0.51	\$9.87	\$9.36	\$9.87
ADDITIONAL 35G RECYCLE CART (AFTER TWO CARTS)	\$0.00	\$0.00	\$0.00	\$3.12	\$0.17	\$3.29	\$3.12	\$3.29
ADDITIONAL 64G RECYCLE CART (AFTER TWO CARTS)	\$0.00	\$0.00	\$0.00	\$3.12	\$0.17	\$3.29	\$3.12	\$3.29
ADDITIONAL 96G RECYCLE CART (AFTER TWO CARTS)	\$0.00	\$0.00	\$0.00	\$3.12	\$0.17	\$3.29	\$3.12	\$3.29
GREENWASTE SERVICES								
1 - 64G GREENWASTE	\$1.01	\$0.04	\$1.05	\$4.66	\$0.25	\$4.91	\$5.67	\$5.96
1 - 96G GREENWASTE	\$1.09	\$0.04	\$1.13	\$4.90	\$0.27	\$5.17	\$5.99	\$6.30
ADDITIONAL 64G GREENWASTE CARTS	\$1.01	\$0.04	\$1.05	\$4.66	\$0.25	\$4.91	\$5.67	\$5.96
ADDITIONAL 96G GREENWASTE CARTS	\$1.09	\$0.04	\$1.13	\$4.90	\$0.27	\$5.17	\$5.99	\$6.30
EXTRA PICKUPS								
35G - SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$7.88	\$0.43	\$8.31	\$8.97	\$9.44
64G - SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$7.88	\$0.43	\$8.31	\$8.97	\$9.44
96G - SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$7.88	\$0.43	\$8.31	\$8.97	\$9.44
35G - NON-SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$52.34	\$2.86	\$55.20	\$53.43	\$56.33
64G - NON-SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$52.34	\$2.86	\$55.20	\$53.43	\$56.33
96G - NON-SERVICE DAY EXTRA PICKUP	\$1.09	\$0.04	\$1.13	\$52.34	\$2.86	\$55.20	\$53.43	\$56.33



**Grass Valley
Rates Effective July 1, 2023**

COMMERCIAL	DISPOSAL (GATE FEE)			SERVICE			Total Current Rates Eff. 7/01/2022	Total New Rates Effective 7/1/2023
	Current - Eff. 7/1/2022	3.99% * Disposal Price Adjustment	New - Eff. 7/01/2023	Current - Eff. 7/1/2022	5.46% CPI Increase	New - Eff. 7/01/2023		
TRASH CARTS SERVICES								
1 - 35G CART TRASH	\$4.76	\$0.19	\$4.95	\$17.06	\$0.93	\$17.99	\$21.82	\$22.94
1 - 64G CART TRASH	\$9.54	\$0.38	\$9.92	\$34.11	\$1.86	\$35.97	\$43.65	\$45.89
1 - 96G CART TRASH	\$14.29	\$0.57	\$14.86	\$60.82	\$3.32	\$64.14	\$75.11	\$79.00
TRASH BIN SERVICES								
2 YD 1 X WEEK	\$60.14	\$2.40	\$62.54	\$259.98	\$14.19	\$274.17	\$320.12	\$336.71
2 YD 2 X WEEK	\$120.26	\$4.80	\$125.06	\$416.47	\$22.74	\$439.21	\$536.73	\$564.27
2 YD 3 X WEEK	\$180.42	\$7.20	\$187.62	\$568.35	\$31.03	\$599.38	\$748.77	\$787.00
2 YD 4 X WEEK	\$240.53	\$9.60	\$250.13	\$761.22	\$41.56	\$802.78	\$1,001.75	\$1,052.91
2 YD 5 X WEEK	\$300.67	\$12.00	\$312.67	\$932.67	\$50.92	\$983.59	\$1,233.34	\$1,296.26
2 YD 6 X WEEK	\$360.81	\$14.40	\$375.21	\$1,107.27	\$60.45	\$1,167.72	\$1,468.08	\$1,542.93
3 YD 1 X WEEK	\$90.20	\$3.60	\$93.80	\$316.01	\$17.25	\$333.26	\$406.21	\$427.06
3 YD 2 X WEEK	\$180.42	\$7.20	\$187.62	\$500.56	\$27.33	\$527.89	\$680.98	\$715.51
3 YD 3 X WEEK	\$270.60	\$10.80	\$281.40	\$694.04	\$37.89	\$731.93	\$964.64	\$1,013.33
3 YD 4 X WEEK	\$360.81	\$14.40	\$375.21	\$879.86	\$48.04	\$927.90	\$1,240.67	\$1,303.11
3 YD 5 X WEEK	\$451.01	\$18.00	\$469.01	\$1,068.27	\$58.32	\$1,126.59	\$1,519.28	\$1,595.60
3 YD 6 X WEEK	\$541.19	\$21.59	\$562.78	\$1,274.45	\$69.58	\$1,344.03	\$1,815.64	\$1,906.81
4 YD 1 X WEEK	\$120.26	\$4.80	\$125.06	\$395.05	\$21.57	\$416.62	\$515.31	\$541.68
4 YD 2 X WEEK	\$240.53	\$9.60	\$250.13	\$639.24	\$34.90	\$674.14	\$879.77	\$924.27
4 YD 3 X WEEK	\$360.81	\$14.40	\$375.21	\$930.69	\$50.81	\$981.50	\$1,291.50	\$1,356.71
4 YD 4 X WEEK	\$481.05	\$19.19	\$500.24	\$1,213.20	\$66.24	\$1,279.44	\$1,694.25	\$1,779.68
4 YD 5 X WEEK	\$601.33	\$23.99	\$625.32	\$1,500.73	\$81.93	\$1,582.66	\$2,102.06	\$2,207.98
4 YD 6 X WEEK	\$721.59	\$28.79	\$750.38	\$1,765.55	\$96.39	\$1,861.94	\$2,487.14	\$2,612.32
6 YD 1 X WEEK	\$180.42	\$7.20	\$187.62	\$457.04	\$24.95	\$481.99	\$637.46	\$669.61
6 YD 2 X WEEK	\$360.81	\$14.40	\$375.21	\$723.86	\$39.52	\$763.38	\$1,084.67	\$1,138.59
6 YD 3 X WEEK	\$541.19	\$21.59	\$562.78	\$1,031.39	\$56.31	\$1,087.70	\$1,572.58	\$1,650.48
6 YD 4 X WEEK	\$721.59	\$28.79	\$750.38	\$1,384.06	\$75.56	\$1,459.62	\$2,105.65	\$2,210.00
6 YD 5 X WEEK	\$902.00	\$35.99	\$937.99	\$1,632.51	\$89.13	\$1,721.64	\$2,534.51	\$2,659.63
6 YD 6 X WEEK	\$1,082.41	\$43.19	\$1,125.60	\$1,927.70	\$105.24	\$2,032.94	\$3,010.11	\$3,158.54
8 YD 1 X WEEK	\$237.16	\$9.46	\$246.62	\$594.53	\$32.46	\$626.99	\$831.69	\$873.61
8 YD 2 X WEEK	\$474.38	\$18.93	\$493.31	\$882.46	\$48.18	\$930.64	\$1,356.84	\$1,423.95
8 YD 3 X WEEK	\$711.61	\$28.39	\$740.00	\$1,323.67	\$72.27	\$1,395.94	\$2,035.28	\$2,135.94
8 YD 4 X WEEK	\$948.77	\$37.86	\$986.63	\$1,764.91	\$96.36	\$1,861.27	\$2,713.68	\$2,847.90
8 YD 5 X WEEK	\$1,186.00	\$47.32	\$1,233.32	\$2,206.14	\$120.45	\$2,326.59	\$3,392.14	\$3,559.91
8 YD 6 X WEEK	\$1,423.16	\$56.78	\$1,479.94	\$2,647.37	\$144.54	\$2,791.91	\$4,070.53	\$4,271.85
COMMERCIAL RECYCLE CART SERVICES								
1 - 35 gal recycling - with trash service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 64 gal recycling - with trash service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 96 gal recycling - with trash service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 - 35G cart recycling - no trash service	\$0.00	\$0.00	\$0.00	\$9.13	\$0.50	\$9.63	\$9.13	\$9.63
1 - 64G cart recycling - no trash service	\$0.00	\$0.00	\$0.00	\$9.13	\$0.50	\$9.63	\$9.13	\$9.63
1 - 96G cart recycling - no trash service	\$0.00	\$0.00	\$0.00	\$9.13	\$0.50	\$9.63	\$9.13	\$9.63
Additional 35 gal recycle cart - after two carts	\$0.00	\$0.00	\$0.00	\$3.04	\$0.17	\$3.21	\$3.04	\$3.21
Additional 64 gal recycle cart - after two carts	\$0.00	\$0.00	\$0.00	\$3.04	\$0.17	\$3.21	\$3.04	\$3.21
Additional 96 gal recycle cart - after two carts	\$0.00	\$0.00	\$0.00	\$3.04	\$0.17	\$3.21	\$3.04	\$3.21



**Grass Valley
Rates Effective July 1, 2023**

RECYCLE BIN SERVICES								
2 YD - with existing trash service	\$0.00	\$0.00	\$0.00	\$101.07	\$5.52	\$106.59	\$101.07	\$106.59
3 YD - with existing trash service	\$0.00	\$0.00	\$0.00	\$114.19	\$6.23	\$120.42	\$114.19	\$120.42
4 YD - with existing trash service	\$0.00	\$0.00	\$0.00	\$127.30	\$6.95	\$134.25	\$127.30	\$134.25
6 YD - with existing trash service	\$0.00	\$0.00	\$0.00	\$139.76	\$7.63	\$147.39	\$139.76	\$147.39
2 YD - WITH NO EXISTING TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$127.30	\$6.95	\$134.25	\$127.30	\$134.25
3 YD - WITH NO EXISTING TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$140.43	\$7.67	\$148.10	\$140.43	\$148.10
4 YD - WITH NO EXISTING TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$153.55	\$8.38	\$161.93	\$153.55	\$161.93
6 YD - WITH NO EXISTING TRASH SERVICE	\$0.00	\$0.00	\$0.00	\$166.02	\$9.06	\$175.08	\$166.02	\$175.08
GREENWASTE SERVICES								
1 - 64G GREENWASTE	\$1.01	\$0.04	\$1.05	\$4.66	\$0.25	\$4.91	\$5.67	\$5.96
1 - 96G GREENWASTE	\$1.09	\$0.04	\$1.13	\$4.90	\$0.27	\$5.17	\$5.99	\$6.30
EXTRA 64G GREENWASTE CART	\$1.01	\$0.04	\$1.05	\$4.66	\$0.25	\$4.91	\$5.67	\$5.96
EXTRA 96G GREENWASTE CART	\$1.09	\$0.04	\$1.13	\$4.90	\$0.27	\$5.17	\$5.99	\$6.30
TEMPORARY BINS								
Temp 2 YARD BIN	\$13.89	\$0.55	\$14.44	\$71.57	\$3.91	\$75.48	\$85.46	\$89.92
Temp 3 YARD BIN	\$20.83	\$0.83	\$21.66	\$107.35	\$5.86	\$113.21	\$128.18	\$134.87
Temp 4 YARD BIN	\$27.74	\$1.11	\$28.85	\$110.61	\$6.04	\$116.65	\$138.35	\$145.50
Temp 6 YARD BIN	\$41.62	\$1.66	\$43.28	\$137.78	\$7.52	\$145.30	\$179.40	\$188.58
EXTRA PICKUPS								
2 YARD - SERVICE DAY EXTRA PICKUP	\$13.89	\$0.55	\$14.44	\$68.32	\$3.73	\$72.05	\$82.21	\$86.49
3 YARD - SERVICE DAY EXTRA PICKUP	\$20.83	\$0.83	\$21.66	\$102.47	\$5.59	\$108.06	\$123.30	\$129.72
4 YARD - SERVICE DAY EXTRA PICKUP	\$27.74	\$1.11	\$28.85	\$136.61	\$7.46	\$144.07	\$164.35	\$172.92
6 YARD - SERVICE DAY EXTRA PICKUP	\$41.62	\$1.66	\$43.28	\$204.92	\$11.19	\$216.11	\$246.54	\$259.39
2 YARD - NON-SERVICE DAY EXTRA PICKUP	\$13.89	\$0.55	\$14.44	\$92.07	\$5.03	\$97.10	\$105.96	\$111.54
3 YARD - NON-SERVICE DAY EXTRA PICKUP	\$20.83	\$0.83	\$21.66	\$126.20	\$6.89	\$133.09	\$147.03	\$154.75
4 YARD - NON-SERVICE DAY EXTRA PICKUP	\$27.74	\$1.11	\$28.85	\$160.35	\$8.75	\$169.10	\$188.09	\$197.95
6 YARD - NON-SERVICE DAY EXTRA PICKUP	\$41.62	\$1.66	\$43.28	\$228.68	\$12.49	\$241.17	\$270.30	\$284.45



**Grass Valley
Rates Effective July 1, 2023**

ROLL OFF SERVICES	DISPOSAL (GATE FEE)			SERVICE			Total Current Rates Eff. 7/01/2022	Total New Rates Effective 7/1/2023
	Current - Eff. 7/1/2022	3.99% * Disposal Price Adjustment	New - Eff. 7/01/2023	Current - Eff. 7/1/2022	5.46% CPI Increase	New - Eff. 7/01/2023		
ROLL OFF BINS								
20 yard to 40 Yard C&D	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
20 yard to 40 Yard Refuse	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
20 yard to 40 Yard Metals	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
20 yard to 40 Yard Wood Lumber	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
20 yard to 40 Yard Recycle - Comingled	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
10 Yard - dirt, rock, concrete only	\$0.00	\$0.00	\$0.00	\$214.77	\$11.73	\$226.50	\$214.77	\$226.50
DISPOSAL								
Cost per Ton - Refuse	\$0.00	\$0.00	\$0.00	\$98.56	\$5.38	\$103.94	\$98.56	\$103.94
Cost per Ton - C&D	\$0.00	\$0.00	\$0.00	\$83.81	\$4.58	\$88.39	\$83.81	\$88.39
Cost per Ton - dirt, rock, concrete (same as C&D rate)	\$0.00	\$0.00	\$0.00	\$83.81	\$4.58	\$88.39	\$83.81	\$88.39
Cost per Ton - Metal ** May Vary per 3rd Party Charges	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cost per Ton - Wood/Lumber/GreenWaste	\$0.00	\$0.00	\$0.00	\$69.32	\$3.78	\$73.10	\$69.32	\$73.10
MISCELLANEOUS SERVICES								
Inactivity Fee - Per Day after 7th	\$0.00	\$0.00	\$0.00	\$12.47	\$0.68	\$13.15	\$12.47	\$13.15
COMPACTOR: PER CUBIC YARD	\$20.83	\$0.83	\$21.66	\$31.48	\$1.72	\$33.20	\$52.31	\$54.86
Relocation Charge - at customer's request	\$0.00	\$0.00	\$0.00	\$85.49	\$4.67	\$90.16	\$85.49	\$90.16
Delivery - Applied to Roll off and Instabin	\$0.00	\$0.00	\$0.00	\$85.49	\$4.67	\$90.16	\$85.49	\$90.16

ANCILLARY SERVICES	DISPOSAL (GATE FEE)			SERVICE			Total Current Rates Eff. 7/01/2022	Total New Rates Effective 7/1/2023
	Current - Eff. 7/1/2022	3.99% * Disposal Price Adjustment	New - Eff. 7/01/2023	Current - Eff. 7/1/2022	5.46% CPI Increase	New - Eff. 7/01/2023		
RESIDENTIAL ANCILLARY SERVICES								
BAD/RETURN CHECK FEE	\$0.00	\$0.00	\$0.00	\$37.14	\$2.03	\$39.17	\$37.14	\$39.17
ACTIVATION/DELIVERY FEES	\$0.00	\$0.00	\$0.00	\$22.33	\$1.22	\$23.55	\$22.33	\$23.55
RESTART FEE W/O DELIVERY	\$0.00	\$0.00	\$0.00	\$17.87	\$0.98	\$18.85	\$17.87	\$18.85
RESTART FEE W/DELIVERY	\$0.00	\$0.00	\$0.00	\$51.97	\$2.84	\$54.81	\$51.97	\$54.81
EARLY RETRIEVAL RESIDENTIAL - SERVICE LESS THAN 1YR	\$0.00	\$0.00	\$0.00	\$37.14	\$2.03	\$39.17	\$37.14	\$39.17
RESIDENTAL CART REPLACEMENT FEE	\$0.00	\$0.00	\$0.00	\$111.40	\$6.08	\$117.48	\$111.40	\$117.48
LATE FEE IS 2.5% OR \$5.00 WHICH EVER IS GREATER	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RESIDENTIAL MULTIPLE CART EXCHANGE FEE (MORE THAN 1 CART CHANGE WITHIN 12 MONTHS)	\$0.00	\$0.00	\$0.00	54.80	2.99	57.79	54.80	\$57.79
COMMERCIAL ANCILLARY SERVICES								
BAD/RETURN CHECK FEE	\$0.00	\$0.00	\$0.00	\$37.14	\$2.03	\$39.17	\$37.14	\$39.17
ACTIVATION/DELIVERY FEES	\$0.00	\$0.00	\$0.00	\$37.14	\$2.03	\$39.17	\$37.14	\$39.17
RESTART FEE W/O DELIVERY	\$0.00	\$0.00	\$0.00	\$17.87	\$0.98	\$18.85	\$17.87	\$18.85
RESTART FEE W/DELIVERY	\$0.00	\$0.00	\$0.00	\$51.97	\$2.84	\$54.81	\$51.97	\$54.81
OVERFLOW FEE	\$0.00	\$0.00	\$0.00	\$98.09	\$5.36	\$103.45	\$98.09	\$103.45
LATE FEE IS 2.5% OR \$5.00 WHICH EVER IS GREATER	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SALE OF LOCKS	\$0.00	\$0.00	\$0.00	\$42.60	\$2.33	\$44.93	\$42.60	\$44.93
LOCK FEE PER BIN / PER OCCURANCE MONTHLY	\$0.00	\$0.00	\$0.00	\$1.39	\$0.08	\$1.47	\$1.39	\$1.47
PUSH OUT FEE 10'-20' FEET- Per Bin Per Service	\$0.00	\$0.00	\$0.00	\$2.44	\$0.13	\$2.57	\$2.44	\$2.57
PUST OUT FEE 20' OR MORE -Per Bin Per Service	\$0.00	\$0.00	\$0.00	\$4.87	\$0.27	\$5.14	\$4.87	\$5.14
Difficult to Service / Scout Truck Services								
CONTAMINATION CHARGE - 35 Gal*	N/A	N/A	N/A	N/A	N/A	N/A	\$5.04	\$5.30
CONTAMINATION CHARGE - 64 Gal*	N/A	N/A	N/A	N/A	N/A	N/A	\$10.08	\$10.60
CONTAMINATION CHARGE - 96 Gal*	N/A	N/A	N/A	N/A	N/A	N/A	\$17.35	\$18.24
CONTAMINATION CHARGE - 2 YARD BIN*	N/A	N/A	N/A	N/A	N/A	N/A	\$73.93	\$77.76
CONTAMINATION CHARGE - 4 YARD BIN*	N/A	N/A	N/A	N/A	N/A	N/A	\$119.01	\$125.10
CONTAMINATION CHARGE - 6 YARD BIN*	N/A	N/A	N/A	N/A	N/A	N/A	\$147.22	\$154.64

*Commercial Contamination Charge - If recycle bin is more than 5% contaminated, customer will be charged 100% of the corresponding monthly trash rate for equivalent bin size.



**CITY OF GRASS VALLEY
CPI RATE ADJUSTMENT FACTOR CALCULATION
ANNUAL RATE INCREASE - EFFECTIVE JULY 1, 2022**

Index Point Change	
April 2021 thru March 2022	276.211
April 2022 thru March 2023	296.778
Equals Index Point Change	20.57

Percent Change	
Index Point Change	20.57
% Calculated CPI Change	7.45%
Effective CPI % Change	5.46%
If % Change is more than 1% and less than or equal to 3.5%, then increase is 2.5%	
If % change is greater than 3.5%, then increase is 2.5% plus an amount equal to 75% of the difference between the % change and 3.5%	
If % change is less than or equal to 1%, then increase is equal to the % change, but not less than 0%	
The % change will not exceed 10% in any single year	

<http://data.bls.gov/cgi-bin/surveymost>

Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SA0

Not Seasonally Adjusted

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974
2020	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.28	260.388	260.229	260.474
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.31	276.589	277.948	278.802
2022	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808	298.012	297.711	296.797



GRASS VALLEY
DISPOSAL RATE ADJUSTMENT FACTOR CALCULATION

Trash Disposal Cost Change

New Rate Effective	7/1/2023	\$ 89.56
<u>Minus Current Rate</u>	<u>7/1/2022</u>	<u>\$ 86.12</u>
Rate Change		\$ 3.44
% Rate Change		3.99%

C&D Disposal Cost Change

New Rate Effective	7/1/2023	\$ 76.14
<u>Minus Current Rate</u>	<u>7/1/2022</u>	<u>\$ 73.21</u>
Rate Change		\$ 2.93
% Rate Change		4.00%



City of Grass Valley City Council Agenda Action Sheet

Title: SB 1383 - Purchase Energy Credits to meet requirements

CEQA: Not a Project.

Recommendation: That Council 1) approval the concept of the City purchasing Energy Credits to meet the SB 1383 requirements; 2) authorize the City Manager to negotiate and execute an agreement with Desert View Power LLC not exceed \$70,000, subject to legal review; and 3) authorize the Administrative Services Director to make any necessary budget adjustments and/or transfers to implement this agreement.

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: June 13, 2023

Date Prepared: June 9, 2023

Agenda: Consent

Background Information: The California State Senate Bill (SB) 1383 requires local jurisdictions to purchase recycled organic mulch/compost products and/or energy credits derived from using recycle mulch/compost products to create the energy. SB 1383 requires the City of Grass Valley based upon our size to purchase 1,991 tons of recycled mulch generated by SB 1383 requirements over the next three years. Not knowing the quality of mulch/compost (how much foreign material will be allowed {i.e. plastic, etc.}), the City is unsure how this much mulch could be used if purchased and trucked to the City. Pioneer Community Energy on behalf of their members evaluated the purchasing of energy credits on behalf of their members and negotiated a template contract for member agencies to purchase the credits in leu of purchasing the mulch/compost.

Staff is recommending the City moved forward with purchasing the energy credits for the first three years at a cost similar to purchasing the mulch/compost for use in the City. Attached is final draft contract for Council information.

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goal #5 - High Performance Government and Quality Service.

Fiscal Impact: The fiscal impact to the General Fund for total agreement is estimated at \$59,500 (First Year \$9,140, Second Year \$19,840, and Third Year \$30,520). There are sufficient funds in the General Fund to cover these costs.

Funds Available: Yes

Account #: General Fund

Reviewed by: Tim Kiser, City Manager

Attachments: Procurement Compliance Attribute Purchase Agreement

PROCUREMENT COMPLIANCE ATTRIBUTE PURCHASE AGREEMENT

This PROCUREMENT COMPLIANCE ATTRIBUTE PURCHASE AGREEMENT (this “Agreement”) is made and entered into as of [*date*] (the “Effective Date”) by and between DESERT VIEW POWER LLC, a Delaware limited liability company (“Seller”), and the City of Grass Valley, a California municipal corporation (“Buyer”). Seller and Buyer are sometimes referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the Parties desire to enter into this Agreement in order to set forth the terms and conditions relating to the purchase and sale of certain biomass electricity compliance attributes for Buyer to satisfy its “Procurement of Recycled Organic Products by Local Jurisdictions” requirement of Senate Bill (SB) 1383.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

ARTICLE 1 DEFINITIONS

As used in this Agreement, the following defined terms have the meanings set forth below:

“Annual Report” means, with respect to any Contract Year, a report in the form attached hereto as Exhibit A setting forth the Facility, the number of Contract PCAs delivered in the Contract Year, the number of kWh produced by the Facility with Feedstock during such Contract Year, the amount of Buyer Energy Consumption during such Contract Year, and other terms applicable to such Contract PCAs.

“Applicable Standards” means the Recovered Organic Waste Product procurement standards enacted by the State of California and set forth in Health and Safety Code Sections 39730, et seq., 42652, 42652.5, and 42653, and the rules and regulations promulgated by CalRecycle thereunder, including those regulations set forth in 14 Cal. Code Regs. Sections 18993.1 and 18993.2, all as may be amended from time to time.

“Business Day” means a day on which Federal Reserve member banks in San Francisco, California, are open for business.

“Buyer Energy Consumption” means, with respect to any period, the number of kWh of electricity that is consumed by municipal operations of Buyer or another eligible direct service provider to Buyer permitted by 14 Cal. Code Regs. Sections 18993.1(e)(2) during such period (either from the grid or directly), as certified in writing by Buyer to Seller from time to time at Seller’s reasonable request.

“CalRecycle” means the California Department of Resources Recycling and Recovery, or a successor governmental authority responsible for implementing and/or promulgating the Applicable Standards and overseeing the qualification and use of PCAs in California.

“Contract Year” means each twelve (12) calendar month period during the Term beginning on January 1 and ending on December 31.

“Contract Year-to-Date” means, as of any date in any Contract Year, the period from January 1 of such Contract Year through such date.

“Disallowed PCAs” is defined in Section 5.4 below;

“Effective Date” is defined in the first paragraph of this Agreement above;

“Event of Default” means, with respect to a Party, any of the following events:

(a) The failure of such Party to pay any amount when due in full as and when required under this Agreement, and such amount is not paid in full within five (5) Business Days after receiving Notice thereof;

(b) With respect to Seller, the failure of Seller to satisfy its Contract PCA delivery obligations under this Agreement (other than following a payment default by Buyer), and such failure is not cured within five (5) Business Days of the date that it receives Notice from Buyer of such failure;

(c) With respect to Buyer, the failure of Buyer to purchase Contract PCAs when required under this Agreement, and such failure is not cured within five (5) Business Days of the date that it receives Notice from Seller of such failure;

(d) If any representation or warranty made by such Party in Section 5.1 or Section 5.2, as applicable, proves to have been materially misleading or false in any material respect when made and such Party does not cure the underlying facts so as to make such representation and warranty materially correct and not misleading in any material respect within thirty (30) calendar days of receipt of Notice from the other Party setting forth in reasonable detail the circumstances underlying such materially false or misleading representation or warranty;

(e) With respect to Seller, the failure to provide Buyer with Notice as required under Section 2.3 that qualifying electricity generated at the Facility and sold into the grid during such period is not sufficient to produce the number of PCAs required to be delivered during such period and that therefore Seller’s obligation to deliver PCAs to Buyer during that period is excused to the extent qualifying electricity is insufficient.

(f) Any other failure of performance by such Party of its material obligations under this Agreement not otherwise specified as a separate Event of Default hereunder, and such failure is not cured within thirty (30) calendar days of receipt of Notice of Event of Default; or

(g) Such Party (i) is dissolved (other than pursuant to a consolidation, amalgamation or merger); (ii) becomes insolvent or is unable to pay its debts or fails or admits in writing its inability generally to pay its debts as they become due; (iii) institutes or has instituted against it a proceeding seeking a judgment of insolvency or bankruptcy or any other relief under any bankruptcy or insolvency law or other similar law affecting creditors’ rights that is not dismissed within sixty (60) days; or (iv) has a secured party take possession of all or substantially all of its assets or has a distress, execution, receivership, attachment, sequestration or other legal process levied, enforced or sued on or against all or substantially all of its assets and such secured party maintains possession, or any such process is not dismissed, discharged, stayed or restrained, in each case within thirty (30) days thereafter;

provided, that a Final Determination that any PCAs are Disallowed PCAs shall not be an Event of Default.

“Facility” means the biomass fueled electricity generation facility operated by Seller and located at 62300 Gene Welmas Way, Mecca, California 92254 or another biomass fueled electricity generation facility identified by Seller receiving Feedstock in compliance with 14 Cal. Code Regs. Section 18993.1(i) which may from time to time produce PCAs on the Seller’s behalf.

“Feedstock” means biomass feedstock received directly from one or more eligible solid waste facilities described in 14 Cal. Code Regs. Section 18993.1(i).

“Final Determination” means a determination by CalRecycle that any Contract PCAs are Disallowed PCAs, which determination is either (a) challenged in a court of competent jurisdiction and upheld in a final, non-appealable order by a court of competent jurisdiction; or (b) not challenged in any court prior to expiration of the period allowed for any court challenge. The order of a court will be deemed a “Final Determination” when the time for appeal, if any, has expired and no appeal has been taken or when all appeals taken have been finally determined.

“Interest Rate” means a rate equal to two percent (2%) over the per annum rate of interest equal to the prime lending rate as may from time to time be published in the Wall Street Journal under “Money Rates”; provided such interest rate shall never exceed the maximum lawful rate permitted by applicable law.

“kWh” means kilowatt-hours.

“Notice” means the process described in Section 7.2.

“Procurement Compliance Attribute” or “PCA” means an attribute associated with Recovered Organic Waste Products generated by the Facility with Feedstock that may be used by an eligible jurisdiction toward its SB 1383 Recovered Organic Waste Product procurement target, together with all associated Reporting Rights. For the avoidance of doubt, Procurement Compliance Attributes do not include any energy generated, or any other attributes, including renewable energy credits, capacity, avoided greenhouse gas emissions, avoided pollutant emissions, or any other credit, benefit, emission reduction, offset, or allowances, howsoever entitled, whether currently identified or identified any time in the future, attributable from a biomass conversion facility and/or its avoided emission of pollutants. A quantity of PCAs (including Contract PCAs) shall be expressed in kWh, and shall be converted into equivalent tons using the conversion ratio of one ton for every 650 kWh or such other conversion ratio required by the Applicable Standards.

“PCA Certificate” means, with respect to any Contract PCAs, a certificate required by 14 Cal. Code Regs. Section 18993.2(a)(6) in the form attached hereto as Exhibit B relating to such Contract PCAs.

“Quarterly Certificate” means, with respect to any Quarterly Period, a certificate in the form attached hereto as Exhibit C setting forth the number of Contract PCAs (a) delivered in such Quarterly Period, the Purchase Price to be paid for such Contract PCAs, Buyer Energy Consumption during such Quarterly Period, and other terms applicable to such Contract PCAs; and (b) delivered in the applicable Contract Year through the end of such Quarterly Period, the Purchase Price paid (or to be paid) for such Contract PCAs for the Contract Year through the end of such Quarterly Period, Buyer Energy Consumption during the Contract Year through the end of such Quarterly Period, and other terms applicable to such Contract PCAs.

“Quarterly Period” means each three (3) calendar month period during the Term ending on each March 31, June 30, September 30, and December 31; provided that the first and last Quarterly Periods of the Term shall be pro-rated based on the start date or end date of the Term, as applicable.

“Recovered Organic Waste Products” has the meaning set forth in 14 Cal. Code Regs. Section 18982(60) and that meets the requirements set forth in 14 Cal. Code Regs. Section 18993.1.

“Reporting Rights” means, with respect to any PCA, the right of Buyer to report that it owns such PCA to CalRecycle for purposes of applying such PCA to its SB 1383 Recovered Organic Waste Product procurement target.

“Unit Contingent” means that Seller’s obligation to deliver PCAs to Buyer during any period shall be excused to the extent qualifying electricity generated at the Facility and sold into the grid during such period is not sufficient to produce the number of PCAs required to be delivered during such period.

“Vintage Year” means, with respect to any PCAs, the calendar year or years during which such PCAs were generated, as set forth in the applicable Quarterly Certificate or Annual Report.

“SB 1383” means California’s Short-Lived Climate Pollutant Reduction law.

“Term” means the period defined in Section 6.1.

ARTICLE 2 PURCHASE AND SALE OF PCAS

2.1 Purchase and Sale. Subject to the terms and conditions of this Agreement, Seller shall sell to Buyer, and Buyer shall purchase from Seller:

(a) Contract Years. During each Contract Year, a number of PCAs equal to the lesser of the following (“Total Annual Generated PCAs”): (i) the number of PCAs allocated to Buyer on Schedule I attached hereto as Exhibit D for such Contract Year; (ii) if Seller determines that the total PCA generation from the Facility for a Contract Year (“Total Facility Generation”) is or will be insufficient for any reason to produce enough PCAs for Seller to meet its delivery obligations under this Agreement and all other PCA sales agreements for such Contract Year (“Seller’s Total Delivery Obligation”), the number of PCAs allocated to Buyer by Seller on a pro-rata basis based on Total Facility Generation and Seller’s Total Delivery Obligation; and (iii) the number of PCAs corresponding to the total aggregate Buyer Energy Consumption during such Contract Year; provided, that Seller shall not be obligated to sell to Buyer in any Contract Year PCAs in excess of the percentage of generation allocated to Buyer on Schedule I attached hereto as Exhibit D for such Contract Year; and

(b) Quarterly Periods. During each Quarterly Period within a Contract Year, (i) a number of PCAs (if positive) equal to the lesser of (1) Total Annual Generated PCAs allocated to Buyer for such Contract Year-to-Date through the end of such Quarterly Period; and (2) the number of PCAs corresponding to the total aggregate Buyer Energy Consumption during such Contract Year-to-Date through the end of such Quarterly Period; minus (ii) the total aggregate number of PCAs purchased and sold under this Agreement during the applicable Contract Year prior to the first day of such Quarterly Period; provided, that Seller shall not be obligated to sell to Buyer in any Quarterly Period PCAs in excess of the percentage of generation allocated to Buyer on Schedule I attached hereto as Exhibit D.

(c) The PCAs required to be purchased and sold pursuant to this Section 2.1 are referred to herein as the “Contract PCAs”. Buyer shall not directly or indirectly sell or transfer any Contract PCAs to any person or entity without Seller’s prior written consent in each instance.

2.2 Pricing. Subject to the terms and conditions of this Agreement, Buyer shall purchase the Contract PCAs at a price per Contract PCA set forth in Schedule I (the “Per PCA Price”) attached hereto

as Exhibit D. The total aggregate amount due for all Contract PCAs in any period (calculated by multiplying the number of Contract PCAs during such period by the Per PCA Price) is referred to herein as the “Purchase Price”.

2.3 Delivery Obligation. Notwithstanding anything to the contrary in this Agreement, the obligation of Seller to sell and deliver Contract PCAs, and of Buyer to purchase and accept the Contract PCAs, is Unit Contingent. Within five (5) Business Days of Seller making a final determination that qualifying electricity generated at the Facility and sold into the grid during an applicable period is not sufficient to produce the number of PCAs required by this Agreement to be delivered during such period, Seller shall provide Buyer with Notice of such final determination.

2.4 Fulfillment of Obligations. Buyer covenants and agrees that during the Term, Buyer shall accurately and completely report all Buyer Energy Consumption and will not seek to circumvent its obligation to purchase all of the Contract PCAs required to be purchased by Buyer under this Agreement. Seller covenants and agrees that during the Term, Seller shall not reduce the number of Contract PCAs in order for Seller to sell such Contract PCAs to another purchaser at a higher Per PCA Price, except to the extent Seller is permitted to do so by this Agreement.

ARTICLE 3 TRANSFERS

3.1 Delivery. The Contract PCAs set forth on each PCA Certificate shall become usable by Buyer towards Buyer’s SB 1383 Recovered Organic Waste Products procurement target upon Seller’s receipt of payment in full for such Contract PCAs in accordance with Article 4.

3.2 Further Assurances. The Parties shall cooperate fully and assist each other to obtain any and all required approvals and/or forms which may reasonably be required to effectuate the transfer of the Contract PCAs to Buyer in accordance with this Agreement, and to comply with the Applicable Standards and any and all other regulatory obligations relating to SB 1383 Recovered Organic Waste Products procurement as required by CalRecycle.

3.3 Responsibility. Each Party shall be responsible for all costs, fees, brokerage commissions, taxes, and charges of whatever kind and amount that such Party incurs in connection with the performance of its respective obligations under this Agreement.

3.4 Cooperation. Upon notification that any transfer contemplated by this Agreement will not be completed, the Parties shall promptly confer within five (5) days of Notice thereof and shall cooperate in taking reasonable actions necessary to cure any defects in the proposed transfer, so that the transfer can be completed.

3.5 Maximums.

(a) Energy Usage Maximum. Notwithstanding anything in this Agreement to the contrary, Buyer covenants and agrees that Buyer shall not apply (or seek to apply) Contract PCAs toward Buyer’s SB 1383 Recovered Organic Waste Product procurement target in any Contract Year to the extent the number of kWh of energy covered by such Contract PCAs, on an as converted to kWh basis, exceeds the amount of Buyer Energy Consumption.

(b) Maximum PCAs. Notwithstanding anything in this Agreement to the contrary, but subject in all respects to Article 2, Buyer shall not be required to purchase PCAs in any Contract Year, on an as-converted-to-kWh basis, in excess of the number of PCAs corresponding to the Buyer Energy

Consumption during such Contract Year. In the event Buyer Energy Consumption during any Contract Year is not sufficient to support the purchase and sale of all Contract PCAs, then Seller shall, in addition to any other rights or remedies available to Seller under this Agreement, at law or in equity, have the right (but not the obligation) to sell such excess PCAs to any purchaser other than Buyer at any price negotiated by Seller, and Seller shall be permitted to retain all proceeds of such sales.

ARTICLE 4 REPORTS; BILLING; PAYMENT

4.1 Monthly Energy Usage. Within ten (10) calendar days after the last day of each calendar month, Buyer shall provide Seller with a statement of the Buyer Energy Consumption during such calendar month, together with true, accurate and complete copies of all bills, invoices and other documentation reasonably requested by Seller for energy purchased and consumed by Buyer for its own municipal operations, and energy purchased and consumed by each eligible direct service provider to Buyer allowable by the Applicable Standards (if any) for its own operations, during such calendar month (“Consumption Documents”).

4.2 Reporting.

(a) Quarterly Certificates. Within thirty (30) calendar days after the last day of each Quarterly Period, Seller shall provide to Buyer a Quarterly Certificate, together with an invoice relating to such Quarterly Period (each, a “Quarterly Invoice”).

(b) Annual Reports. Within thirty (30) calendar days after the last day of each Contract Year, Seller shall provide to Buyer an Annual Report, together with an invoice relating to such Contract Year (each, an “Annual Invoice”; Quarterly Invoices and Annual Invoices are referred to herein as “Invoices”) and a PCA Certificate for such Contract Year. For the avoidance of doubt, each Annual Invoice will include a netting of all Purchase Price invoiced in respect of the applicable Contract Year against all Purchase Price paid in respect of the applicable Contract Year, with a statement of the resulting payment or credit due.

(c) Other Information. Each Party shall provide such other information relevant to the performance of such Party’s obligations under this Agreement, or to confirm compliance by such Party with its obligations under this Agreement, as may be reasonably requested by the other Party.

(d) Extension; Deemed Purchase. If Buyer fails to deliver all Consumption Documents relating to any applicable period within the period provided in Section 4.1, the deadline for Seller to deliver a Quarterly Certificate or Annual Report shall be automatically extended to the thirtieth (30th) calendar day from and after the date that Seller receives all Consumption Documents for such period. If Buyer fails to deliver all Consumption Documents relating to any Contract Year or Quarterly Period, as applicable, within twenty-five (25) calendar days after the last day of such Contract Year or Quarterly Period, as applicable, then Seller shall provide Buyer with Notice and ten (10) days opportunity to deliver the Consumption Documents. If Buyer fails to provide all Consumption Documents during such ten (10) day period, the Seller shall have the right, but not the obligation, to Invoice Buyer for one hundred percent (100%) of the Contract PCAs required to be purchased and sold for such Contract Year or Quarterly Period, as applicable, pursuant to Section 2.1, regardless of the amount of Buyer Energy Consumption, and Buyer shall be obligated to pay the full Purchase Price for such PCAs. Buyer shall be solely responsible for any and all matters resulting from any delay or failure to provide Consumption Documents, including any refusal by CalRecycle to accept or apply any PCAs towards Buyer’s SB 1383 Recovered Organic Waste Product procurement target.

4.3 Review.

(a) Quarterly Invoices. Buyer shall have thirty (30) days from the date of a Quarterly Invoice (the “Quarterly Invoice Review Period”) to review and confirm the calculation of the Purchase Price set forth in the Quarterly Invoice in accordance with this Agreement. If Buyer has a good faith dispute that the Purchase Price in the Quarterly Invoice has not been calculated in accordance with this Agreement, Buyer shall deliver Seller a written notice of such dispute reasonably describing the basis therefor prior to 4:30 p.m. Pacific Time on the last Business Day of the Quarterly Invoice Review Period (each, a “Notice of Dispute”). Failure to deliver a Notice of Dispute prior to 4:30 p.m. Pacific Time on the last Business Day of the Quarterly Invoice Review Period for any Quarterly Invoice (the “Quarterly Invoice Dispute Deadline”) shall, subject to Section 5.4, result in Buyer irrevocably accepting the applicable Quarterly Invoice and waiving any dispute with respect to the applicable Quarterly Invoice and all audit rights under Section 4.6 with respect thereto. If Buyer delivers a valid Notice of Dispute prior to the Quarterly Invoice Dispute Deadline for a Quarterly Invoice, the Parties shall meet in a good faith effort to resolve such dispute during the thirty (30) day period following delivery of the Notice of Dispute.

(b) Annual Invoices. Buyer shall have thirty (30) days from the date of an Annual Invoice (the “Annual Invoice Review Period”) to review and confirm the calculation of the net Purchase Price set forth in the Annual Invoice in accordance with this Agreement. If Buyer has a good faith dispute that the Purchase Price in the Annual Invoice has not been calculated in accordance with this Agreement, Buyer shall deliver Seller a Notice of Dispute prior to 4:30 p.m. Pacific Time on the last Business Day of the Annual Invoice Review Period. Failure to deliver a Notice of Dispute prior to 4:30 p.m. Pacific Time on the last Business Day of the Annual Invoice Review Period for any Annual Invoice (the “Annual Invoice Dispute Deadline”) shall, subject to Section 5.4, result in Buyer irrevocably accepting the applicable Annual Invoice and waiving any dispute with respect to the applicable Annual Invoice and all audit rights under Section 4.6 with respect thereto. If Buyer delivers a valid Notice of Dispute prior to the Annual Invoice Dispute Deadline for an Annual Invoice, the Parties shall meet in a good faith effort to resolve such dispute during the thirty (30) day period following delivery of the Notice of Dispute.

4.4 Payment. Buyer shall pay each Invoice within thirty (30) days from the date of such Invoice. All payments made under this Agreement shall be made in immediately available United States Dollars by electronic transfer without additional notice, and without fees, deductions for counterclaims, set off (except as expressly provided in Section 5.4) or other claims, to the following account:

Seller:	Desert View Power LLC
Bank:	[●]
Account Number:	[●]
ABA Number:	[●]

4.5 Late Payment. If Buyer fails to remit any amount payable hereunder by it when due, interest on such unpaid amount shall accrue daily at the Interest Rate and be payable on demand. The right to collect such interest shall be in addition to, and not in lieu of, any other rights or remedies available to the receiving Party, whether pursuant to this Agreement at law or in equity.

4.6 Audit Rights. Each Party (or its designee) shall have the right, with at least two (2) Business Days’ prior written notice, at its sole expense and during normal working hours, to examine and make copies of the books and records of the other Party to the extent reasonably necessary to verify the accuracy of any payment, charge or computation made pursuant to this Agreement; provided, that no adjustment for any Invoice disputed in accordance with Section 4.3 will be made unless a Notice of Dispute is submitted prior to the applicable Dispute Deadline. If any such examination reveals any inaccuracy, the necessary adjustments in payments due will be promptly made and paid or refunded, as applicable.

ARTICLE 5 REPRESENTATIONS AND WARRANTIES

5.1 Mutual Representations and Warranties. Each Party represents and warrants to the other Party, as of the date of this Agreement, that:

(a) It is duly organized and validly existing under the laws of the jurisdiction of its organization and, if relevant under such laws, in good standing;

(b) It has the organizational authority and power to execute, deliver and perform its obligations under this Agreement;

(c) Assuming execution and delivery by the other Party, this Agreement constitutes a legal, valid and binding obligation of such Party, enforceable against such Party in accordance with its terms, subject to bankruptcy, reorganization, and similar laws affecting creditors' rights generally and to general principals of equity (regardless of whether considered in a proceeding in equity or at law);

(d) There is no pending or (to its knowledge) threatened litigation, arbitration or administrative proceeding that materially adversely affects its ability to perform its obligations under this Agreement; and

(e) It is not relying upon any advice, reports, analyses, or representations of the other Party other than those expressly set forth in this Agreement, or any guarantee of the obligations of such other Party, and the other Party has not given to it any assurance or guarantee as to the expected financial performance or results of this transaction, and it has entered into this transaction as principal and for its own account (and not as advisor, agent, broker or in any other capacity, fiduciary or otherwise), with a full understanding of, and the ability to assume, the terms and risks of the same, and has made its trading and investment decisions (including regarding the suitability thereof) based upon its own judgment and any advice from such advisors as it has deemed necessary.

5.2 Contract PCAs. Seller warrants with respect to Contract PCAs delivered by Seller pursuant to this Agreement that (a) the Facility received Feedstock during the Vintage Year from one or more of the facilities set forth in 14 Cal. Code Regs. Section 18993.1(i) in a sufficient amount to produce electricity underlying such Contract PCAs; (b) such Contract PCAs are derived from electricity generated from Feedstock at the Facility during the Vintage Year; (c) Seller has the right and power to sell such Contract PCAs; (d) such Contract PCAs are delivered free from all liens, claims, security interests, encumbrances and other defects of title arising through Seller prior to delivery (other than Buyer's obligation to pay Seller the Purchase Price); and (e) such Contract PCAs have not otherwise been sold or transferred by Seller to any jurisdiction other than Buyer to satisfy any Recovered Organic Waste Product obligation elsewhere under any standard, marketplace or jurisdiction.

5.3 Buyer Consumption. Buyer represents and warrants that Buyer is, and at all times during the term will be, a jurisdiction within the meaning of 14 Cal. Code Regs. Section 18993.1(a), and that Buyer will exercise Reporting Rights with respect to Contract PCAs for any period only to the extent Buyer Energy Consumption during such period permits Buyer to do so.

5.4 Disallowed PCAs. If there is a Final Determination that any Contract PCAs purchased by Buyer hereunder do not meet the requirements for Buyer's SB 1383 Recovered Organic Waste Product procurement target as set forth in the Applicable Standards due solely to the feedstock used to generate electricity at the Facility to produce such PCAs not qualifying as "Feedstock" ("Disallowed PCAs"), then Seller shall refund to Buyer (or, if Buyer owes any amounts hereunder to Seller, apply toward such balance)

the Purchase Price actually paid by Buyer for such Disallowed PCAs or, if Seller has not yet invoiced Buyer for such Disallowed PCAs, Seller shall not invoice Buyer (and Buyer shall not be required to pay the Purchase Price) for such Disallowed PCAs. Buyer acknowledges and agrees that the remedies granted to Buyer in this Section shall be the sole and exclusive remedies of Buyer for any Final Determination that any PCAs are Disallowed PCAs. Notwithstanding the foregoing, if any person or entity challenges in a court of competent jurisdiction a Final Determination that any PCAs are Disallowed PCAs, then (a) the Parties shall reasonably cooperate with such person or entity in its efforts to challenge such Final Determination; and (b) neither Party shall oppose such person or entity in its efforts to challenge such Final Determination; and (c) the remedies set forth in this Section shall not be exercisable unless and until a Final Determination is made that PCAs are Disallowed PCAs.

5.5 Limitation of Warranties. EXCEPT AS EXPRESSLY SET FORTH IN SECTIONS 5.1, 5.2, 5.3 and 5.4, NEITHER PARTY MAKES ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, AND EACH PARTY EXPRESSLY DISCLAIMS, AND THE OTHER PARTY ACKNOWLEDGES THAT SUCH PARTY IS NOT RELYING UPON, ANY OTHER REPRESENTATIONS OR WARRANTIES, WHETHER WRITTEN OR ORAL, AND WHETHER EXPRESS OR IMPLIED, INCLUDING ANY REPRESENTATION OR WARRANTY WITH RESPECT TO (A) CONFORMITY TO MODELS OR SAMPLES, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE; OR (B) ANY ACTION OR FAILURE TO ACT, OR APPROVAL OR FAILURE TO APPROVE, OF ANY AGENCY OR GOVERNMENTAL ENTITY.

5.6 Limitations of Liability. THE PARTIES CONFIRM AND AGREE THAT UNDER THIS AGREEMENT, NO PARTY IS REQUIRED TO PAY OR WILL BE LIABLE FOR SPECIAL, CONSEQUENTIAL, INCIDENTAL, PUNITIVE, EXEMPLARY, OR INDIRECT DAMAGES, LOST PROFIT, LOST REVENUE, COSTS OF DELAY, LIABILITY TO THIRD PARTIES, BUSINESS INTERRUPTION DAMAGES, OR OTHERWISE, WHETHER BY STATUTE, IN TORT, CONTRACT OR OTHERWISE IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT OR THE PARTIES' PERFORMANCE (OR NON-PERFORMANCE) UNDER THIS AGREEMENT. IN NO EVENT WILL EITHER PARTY'S LIABILITY FOR ANY CLAIM OF ANY KIND (INCLUDING, TO, NEGLIGENCE) FOR ANY LOSS OR DAMAGE ARISING OUT OF OR IN CONNECTION WITH OR RESULTING FROM THIS AGREEMENT OR FROM PERFORMANCE OR BREACH THEREOF EXCEED THE PURCHASE PRICE REQUIRED TO BE PAID HEREUNDER.

5.7 Survival. The representations in Sections 5.1 5.2, 5.3 and 5.4 shall survive any expiration or termination of this Agreement until the first (1st) anniversary of the termination of the Term, whereupon they shall automatically terminate and be of no further force or effect.

ARTICLE 6 TERM; SURVIVAL.

6.1 Term. This Agreement is effective as of the Effective Date and will remain effective until the earlier to occur of (a) delivery of all of the Contract PCAs and Seller's receipt of the full Purchase Price for all Contract PCAs; (b) the termination of this Agreement pursuant to Section 6.2 or Section 7.9; or (c) [date] (the "Term").

6.2 Termination Due to Event of Default. If an Event of Default occurs with respect to either Party (the "Defaulting Party") at any time during the Term, the other Party (the "Performing Party") may, in addition to any other rights or remedies available to the Performing Party, (a) designate by written Notice delivered to the Defaulting Party a date, no earlier than the day such Notice is delivered and no later than twenty (20) days after such notice is delivered, as the early termination date of the Term; or (b) by written Notice delivered to the Defaulting Party, immediately suspend transfers of Contract PCAs due in respect

of this Agreement (provided that such suspension shall not suspend or otherwise affect Buyer's obligations to pay for Contract PCAs delivered prior to the date of suspension).

6.3 Survival. Except as set forth herein, Article 1, Article 2, Article 3, Article 4, Section 5.5, Section 5.6, Section 5.7, this Section 6.3, and Article 7 (subject to the limitation in Section 7.6) shall survive expiration or termination of the Term. Termination of the Term or this Agreement shall not release any Party from the obligation to pay any amounts which may be due or owing under this Agreement with respect to any period prior to the date of termination of this Agreement.

ARTICLE 7 GENERAL PROVISIONS

7.1 Waiver of Immunity. Each Party waives, to the fullest extent permitted by applicable law, with respect to itself and its revenues and assets (irrespective of their use or intended use), all immunity on the grounds of sovereignty or other similar grounds from (a) suit; (b) jurisdiction of any court; (c) relief by way of injunction or order for specific performance or recovery of property; (d) attachment of its assets (whether before or after judgment); and (e) execution or enforcement of any judgment to which it or its revenues or assets might otherwise be entitled in any suit, action, or proceedings relating to any dispute arising out of or in connection with this Agreement.

7.2 Notices. All notices, invoices, other formal communications which either Party may give to the other under or in connection with this Agreement shall be in writing and shall be sent by any of the following methods: hand delivery; reputable overnight courier; certified mail, return receipt requested; or e-mail. Notices, invoices and communications shall be deemed given when (a) actually received; (b) delivered by private courier (with confirmation of delivery); (c) transmitted by e-mail (with confirmation of transmission) (d) the next Business Day after delivery to a reputable overnight courier with all charges prepaid; or (e) five (5) Business Days after being deposited in the United States mail, first-class, registered or certified, return receipt requested, with postage paid. The communications shall be sent to the following addresses, or a different address provided by the receiving Party in accordance with the notice delivery requirements above:

If to Seller:

Desert View Power LLC
3600 American River Drive, Suite 160
Sacramento, California 95864
Attention:
Phone:
E-mail:

If to Buyer:

[name]
[address]
Attention: [●]
Phone: [●]
Email: [●]

7.3 Force Majeure. Neither Party shall be liable for any failure or delay in the performance of its respective obligations hereunder (other than the obligation to make any payment) if and to the extent that such delay or failure is due to a cause or circumstance beyond the reasonable control of such Party,

which event or circumstance was not anticipated as of the Effective Date, including acts of God; expropriation or confiscation of facilities by a governmental agency (including a tribal authority); compliance with any change of law or government regulation, or order by government authority; act of war, rebellion or sabotage or damage resulting therefrom; fire, flood, earthquake, explosion or accident; epidemic or pandemic; riot, strike, or other concerted acts of workmen, whether direct or indirect ("Force Majeure"). Notwithstanding the foregoing, Force Majeure shall not include (a) the loss of Buyer's markets for PCAs; (b) Buyer's inability to use PCAs for regulatory compliance reasons caused by Buyer; (c) Buyer's ability to purchase PCAs from another source or at a price lower than the Per PCA Price; or (d) Seller's ability to sell PCAs at a price greater than the Per PCA Price. To the extent either Party is prevented by Force Majeure from carrying out, in whole or part, its obligations under this Agreement and such Party (the "Claiming Party") gives written Notice and details of the Force Majeure to the other Party as soon as practicable, then, the Claiming Party shall be excused from the performance of its obligations hereunder (other than the obligation to make payments then due or becoming due with respect to performance prior to the Force Majeure). The Claiming Party shall seek to remedy the Force Majeure with commercially reasonable efforts. The non-Claiming Party shall not be required to perform or resume performance of its obligations to the Claiming Party corresponding to the obligations of the Claiming Party excused by Force Majeure. A Party seeking to be excused from performance of any of its obligations hereunder is not required to rely solely on this Section, but shall be entitled to rely on any other applicable provision of this Agreement.

7.4 Entire Agreement; Amendments. The terms of this Agreement constitute the entire agreement between the Parties with respect to the matters set forth in this Agreement and supersede all prior and contemporaneous representations, warranties, covenants and agreements, whether oral or written. This Agreement may be changed only by written agreement identified as an amendment to this Agreement executed and delivered after the date hereof by both Parties.

7.5 Waiver. Either Party may waive compliance with any of the agreements or conditions of the other Party contained herein. Any such waiver shall be valid only if expressly set forth in an instrument in writing signed by the Party to be bound thereby. Any waiver of any breach, term or condition shall not be construed as a waiver of any subsequent breach or a subsequent waiver of the same term or condition, or a waiver of any other term or condition, of this Agreement. No delay by Buyer or Seller in exercising its rights or remedies hereunder, including the right to terminate this Agreement or suspend performance, shall be deemed to constitute or evidence any waiver by Buyer or Seller of any right hereunder. The rights granted in this Agreement are cumulative of every other right or remedy that the enforcing Party may otherwise have at law or in equity or by statute.

7.6 Confidentiality.

(a) Definition. For purposes of this Agreement, "Confidential Information" means oral and written information exchanged between the Parties in connection with this Agreement, including to utility customer account data, trade secret, and proprietary information, and personal financial data. Notwithstanding the foregoing, the following shall not constitute Confidential Information: (i) information which was already in a Party's possession on a non-confidential basis prior to its receipt from the other Party; (ii) information which is obtained from a third person who, insofar as is known to the Party, is not prohibited from transmitting the information to the Party by an obligation of confidentiality to the other Party; (iii) information which is or becomes publicly available through no fault of the Party; (iv) information which is at any time independently developed by employees or consultants of a Party who have not had access to Confidential Information in the possession of that Party; and (v) records which are deemed to be public records subject to disclosure under the California Public Records Act, Government Code Section 7920.000, et seq.

(b) Generally. Except as provided in this Section 7.6, neither Party shall use Confidential Information for any purpose other than completing the transactions contemplated by this Agreement, nor publish, disclose, or otherwise divulge Confidential Information to any person at any time during or after the Term, without the other Party's prior express written consent. Each Party may permit knowledge of and access to Confidential Information only to those of its affiliates and its and their members, directors, managers, officers, attorneys, accountants, representatives, agents and employees that have a need to know related to this Agreement and agree to keep such information confidential.

(c) Required Disclosure. Notwithstanding the foregoing, if required by any law, statute, ordinance, decision, order or regulation passed, adopted, issued or promulgated, or if requested by a court, governmental agency or authority having jurisdiction over a Party, that Party may release Confidential Information, or a portion thereof, to the court, governmental agency or authority, as required or requested, provided that, if permitted by applicable laws, such Party has notified the other Party of the required disclosure, such that the other Party may attempt (if such Party so chooses) to cause that court, governmental agency, or authority to treat such information in a confidential manner or to prevent such information from being disclosed or otherwise becoming part of the public domain, and the Party being compelled to disclose shall reasonably cooperate (at its own expense) with the other Party's reasonable requests to limit or prevent such disclosure.

(d) Survival. This Section 7.6 survives for a period of one (1) year following the expiration or termination of this Agreement.

7.7 Governing Law. This Agreement, and all claims or causes of action (whether in contract, tort or statute) that may be based upon, arise out of or relate to this Agreement, or the negotiation, execution or performance of this Agreement (including any claim or cause of action based upon, arising out of or related to any representation or warranty made in or in connection with this Agreement or as an inducement to enter into this Agreement), shall be governed by, and enforced in accordance with, the internal laws of the State of California, including its statutes of limitations and repose, but without regard to any borrowing statute that would result in the application of the statute of limitations or repose of any other jurisdiction.

7.8 Venue. Each Party hereby (a) irrevocably consents to the exclusive jurisdiction of any California State and Federal courts sitting in Sacramento, California with respect to all actions and proceedings arising out of or relating to this Agreement; (b) agrees that all claims with respect to any such action or proceeding shall be heard and determined exclusively in such California State or Federal court; (c) waives the defense of an inconvenient forum; (d) consents to service of process by mailing or delivering such service to it at its address set forth below and (v) agrees that a final judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

7.9 Change in Law. If any statutes, rules, or regulations are enacted, amended or revoked which (other than statutes, rules, or regulations are enacted, amended or revoked by Buyer) have the effect of (a) changing the transfer and sale procedures set forth in this Agreement so that the implementation of this Agreement becomes impossible or impracticable; (b) making this Agreement illegal or unenforceable; or (c) eliminating the existence of the Contract PCAs or prohibiting Buyer from applying PCAs to Buyer's SB 1383 Recovered Organic Waste Product procurement target (a "Change in Law"), the Parties agree to negotiate in good faith to amend this Agreement to conform with such Change in Law in order to maintain the original intent of the Parties under this Agreement. If the Parties cannot agree in good faith to amend this Agreement to conform with such Change in Law in order to maintain the original intent of the Parties under this Agreement within sixty (60) days of a Party providing the other Party with Notice of a Change in Law, then either Party may terminate this Agreement upon delivery of Notice of termination to the other Party.

7.10 Construction; Interpretation. All Article and Section headings contained in this Agreement are for convenience of reference only, do not form a part of this Agreement, and shall not affect in any way the meaning or interpretation of this Agreement. Words used herein, regardless of the number and gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine, or neuter, as the context requires. Unless otherwise expressly provided, the words “include” and “including” do not limit the preceding words or terms, and mean “including without limitation”. In the calculation of any period of time, if the last day of such period falls on a day other than a Business Day, the period of time shall be automatically extended to the next Business Day. With regard to all dates and time periods set forth or referred to in this Agreement, time is of the essence. The Parties have participated jointly in the negotiation and drafting of this Agreement. In the event of an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provisions of this Agreement.

7.11 Assignment. Buyer may not assign this Agreement or its rights or obligations hereunder in whole or in part. Seller may assign, mortgage, pledge, sell, or otherwise directly or indirectly assign its interest in this Agreement or its rights hereunder with the prior written consent of Buyer which shall not be unreasonably withheld.

7.12 No Third-Party Beneficiaries. This Agreement is solely for the benefit of the Parties (and their successors and assigns permitted hereunder) shall not impart any rights enforceable by any other party.

7.13 Electronic Transmissions. Each Party agrees that (a) any signature page to this Agreement, consent or signed document transmitted by electronic transmission shall be treated in all manner and respects as an original written document; (b) any such signature page, consent or document shall be considered to have the same binding and legal effect as an original document; and (c) at the request of any Party, any such signature page, consent or document transmitted by electronic transmission shall be re-executed and/or re-delivered, as appropriate, by the relevant Party or parties in its original form. Each Party further agrees that such Party will not raise the transmission of a signature page, consent or document by electronic transmission as a defense in any proceeding or action in which the validity of such signature page, consent or document is at issue and hereby forever waives such defense. For purposes of this Agreement, the term “electronic transmission” means any form of communication not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process.

7.14 Counterparts. This Agreement may be executed in one or more counterparts and by different Parties in separate counterparts, each of which will be deemed an original, but all of which will together constitute one instrument.

[remainder of page intentionally blank]

IN WITNESS WHEREOF, each Party has caused this Agreement to be executed by its duly authorized representatives as of the date first set forth above.

DESERT VIEW POWER, LLC

By: _____
Name:
Title:

[LEGAL NAME OF ENTITY (ALL CAPS)]

By: _____
Name:
Title:

-Signature Page-

Procurement Compliance Attribute Purchase Agreement

EXHIBIT A

FORM OF
ANNUAL REPORT

This Annual Report, dated as of [*date*], evidences the purchase and sale of the number of Contract PCAs during the Contract Year set forth below pursuant to that certain Procurement Compliance Attribute Purchase Agreement, dated as of [*date*] (the "Purchase Agreement"), between Desert View Power LLC ("Seller") and [*name of buyer*] ("Buyer"). Capitalized terms used but not defined in this Certificate shall have the meanings assigned in the Purchase Agreement.

Contract Year Ending:	[●]
Facility:	[●]
Contract PCAs During Contract Year (kWh):	[●]
Buyer Energy Consumption (kWh) During Contract Year:	[●]
Total PCAs Delivered During Contract Year (kWh):	[●]
Total PCAs Delivered During Contract Year (equivalent tons):	[●]

[Note to Draft: this Form of Report to be adjusted to reflect annual reporting requirements specified by CalRecycle]

EXHIBIT B

FORM OF
PCA CERTIFICATE

DESERT VIEW POWER LLC (“Seller”), through the undersigned authorized representative in his official capacity as an officer, DOES HEREBY CERTIFY UNDER PENALTY OF PURJURY as of [*date*] that:

1. This Certificate is being delivered pursuant to that certain Procurement Compliance Attribute Purchase Agreement, dated as of [*date*] (the “Purchase Agreement”), between Seller and [*name of buyer*] (“Buyer”). Capitalized terms used but not defined herein shall have the meanings assigned in the Purchase Agreement.

2. Seller is the owner and operator of the biomass-fueled electricity generation facility located at 62300 Gene Welmas Way, Mecca, California 92254 (the “Facility”).

3. The Facility qualifies as a biomass conversion facility that generates electricity for sale to the California electricity grid through the use of biomass feedstock received directly from one or more permitted solid waste facilities described in 14 Cal. Code Regs. Section 18993.1(i).

4. During the Contract Year identified below, the Facility generated electricity from biomass feedstock received directly from one or more permitted solid waste facilities described in 14 Cal. Code Regs. Section 18993.1(i) sufficient to produce the number of PCAs transferred to Buyer under the Purchase Agreement during the Contract Year identified below (the “Transferred PCAs”):

<u>Number of Transferred PCAs</u>	<u>Contract Year Ended</u>
[•]	December 31, [•]

5. Upon payment in full for the Transferred PCAs, the Transferred PCAs have not otherwise been sold or transferred by Seller to any jurisdiction other than Buyer to satisfy any recovered organic waste obligation elsewhere under any standard, marketplace or jurisdiction.

IN WITNESS WHEREOF, this Certificate has been executed and delivered by a duly authorized representative as of the date first set forth above.

DESERT VIEW POWER, LLC

By: _____
Name:
Title:

EXHIBIT C

FORM OF
QUARTERLY CERTIFICATE

This Quarterly Certificate, dated as of [*date*], evidences the purchase and sale of the number of Contract PCAs during the Quarterly Period and Contract Year set forth below pursuant to that certain Procurement Compliance Attribute Purchase Agreement, dated as of [*date*] (the “Purchase Agreement”), between Desert View Power LLC (“Seller”) and [*name of buyer*] (“Buyer”). Capitalized terms used but not defined in this Certificate shall have the meanings assigned in the Purchase Agreement.

Facility: [●]

Quarterly Period Ending: [●]

Contract Year Ending: [●]

(a) Buyer Energy Consumption for Contract Year-to-Date through end of Quarterly Period: [●]

(b) PCAs allocated to Buyer Contract Year-to-Date through end of Quarterly Period: [●]

(c) PCAs delivered by Seller to Buyer during prior Quarterly Periods of Contract Year: [●]

PCAs delivered by Seller to Buyer this Quarterly Period, equal to the lesser of (a) or (b), less (c) [●]

Price per kWh: \$[●]

Price per Equivalent Ton: \$[●]

Aggregate Purchase Price Due: \$[●]

Expected Energy Consumption 1,214,993
Contract PCA Volume 750,750

	Original Projection Consumption*	Original Projection PCAs generated*
January	101,249	37,538
February	101,249	37,538
March	101,249	37,538
April	101,249	37,538
May	101,249	90,090
June	101,249	90,090
July	101,249	90,090
August	101,249	90,090
September	101,249	90,090
October	101,249	75,075
November	101,249	37,538
December	101,249	37,538
YTD / Future	1,214,993	750,750

Actual Consumption*	Actual PCAs generated*	Updated Forecast Consumption*	Updated Forecast PCAs generated*	Total Projected Consumption*	Total Projected PCAs generated*
85,000	50,000			85,000	50,000
85,000	50,000			85,000	50,000
85,000	50,000			85,000	50,000
90,000	75,000			90,000	75,000
95,000	130,000			95,000	130,000
100,000	175,000			100,000	175,000
		110,000	80,000	110,000	80,000
		110,000	80,000	110,000	80,000
		100,000	30,000	100,000	30,000
		95,000	16,000	95,000	16,000
		95,000	13,000	95,000	13,000
		95,000	1,750	95,000	1,750
540,000	530,000	605,000	220,750	1,145,000	750,750

* Attributed to this jurisdiction

EXHIBIT DSCHEDULE IPRICING AND VOLUME

The example schedules below represent pricing based on the cumulative volume signed up by June 30, 2023 by all Pioneer Community Energy jurisdictions. The contract with each individual jurisdiction will have its individualized schedule inserted into the document.

Pricing is in three tiers: 0-10,000 tons; 10,001-20,000 tons; 20,001+ tons.

All PCAs purchased will be priced at the total volume signed up by June 30, 2023.

If Total 2025 Commitment from all Pioneer Community Energy jurisdictions is **up to 10,000** tons as of 6/30/2023:

Then Schedule 1 would look like this:

<u>Vintage Year</u>	<u>Per PCA Price (\$/ton equivalent)</u>	<u>Per PCA Price (\$/kWh)</u>	<u>Volume (tons equivalent)</u>	<u>Volume (kWh)</u>	<u>Percentage of Generation</u>	<u>Purchase Price (Contract Year)</u>
2023	\$31.50	\$0.0485	3,000	1,950,000	1.30%	\$ 94,500.00
2024	\$32.45	\$0.0499	6,500	4,225,000	2.82%	\$ 210,892.50
2025	\$33.42	\$0.0514	10,000	6,500,000	4.33%	\$ 334,183.50
2026	\$34.42	\$0.0530	10,000	6,500,000	4.33%	\$ 344,209.01
2027*	\$35.45	\$0.0545	TBD	TBD	TBD	TBD

If Total 2025 Commitment from all Pioneer Community Energy jurisdictions is **10,001 to 20,000** tons as of 6/30/2023:

Then Schedule 1 would look like this:

<u>Vintage Year</u>	<u>Per PCA Price (\$/ton equivalent)</u>	<u>Per PCA Price (\$/kWh)</u>	<u>Volume (tons equivalent)</u>	<u>Volume (kWh)</u>	<u>Percentage of Generation</u>	<u>Purchase Price (Contract Year)</u>
2023	\$30.25	\$0.0465	3,942	2,562,300	1.71%	\$ 119,245.50
2024	\$31.16	\$0.0479	8,541	5,551,650	3.70%	\$ 266,116.21
2025	\$32.09	\$0.0494	13,140	8,541,000	5.69%	\$ 421,691.84
2026	\$33.05	\$0.0509	13,140	8,541,000	5.69%	\$ 434,342.59
2027*	\$34.05	\$0.0524	TBD	TBD	TBD	TBD

If Total 2025 Commitment from all Pioneer Community Energy jurisdictions is **20,001 to 30,000** tons as of 6/30/2023:

Then Schedule 1 would look like this:

<u>Vintage Year</u>	<u>Per PCA Price (\$/ton equivalent)</u>	<u>Per PCA Price (\$/kWh)</u>	<u>Volume (tons equivalent)</u>	<u>Volume (kWh)</u>	<u>Percentage of Generation</u>	<u>Purchase Price (Contract Year)</u>
2023	\$29.00	\$0.0446	6,265	4,071,990	2.71%	\$ 181,673.40
2024	\$29.87	\$0.0460	13,573	8,822,645	5.88%	\$ 405,434.47
2025	\$30.77	\$0.0473	20,882	13,573,300	9.05%	\$ 642,457.70
2026	\$31.69	\$0.0488	20,882	13,573,300	9.05%	\$ 661,731.43
2027*	\$32.64	\$0.0502	TBD	TBD	TBD	TBD

* The volume in 2027 will automatically adjust to represent 100% of the Buyer's Recovered Organic Waste Product target as provided by CalRecycle, with the Percentage of Generation and the Purchase Price filled in accordingly.



City of Grass Valley City Council Agenda Action Sheet

Title: Wolf Creek Trail Project - Environmental Determination

CEQA: Initial Study - Mitigated Negative Declaration.

Recommendation: That the City Council take the following actions:

1. Adopt a Mitigated Negative Declaration prepared for the project, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt a Mitigation Monitoring & Reporting Plan (MMRP), implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and,
3. Approve the Wolf Creek Trail Project, as presented.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 06/13/2023

Date Prepared: 06/07/2023

Agenda: Public Hearing

Background Information: On January 28, 2020, Council authorized the award of a professional services agreement to Surf to Snow Environmental Resource Management, Inc. (S2S ERM) for the engineering design, environmental studies, planning and related services for the Wolf Creek Trail Project. Over the past several years, the consultant and the City have been working closely to develop the most feasible and desirable trail alignment, while concurrently performing the surveys, studies, outreach and coordination necessary to establish an appropriate level of environmental review.

On April 25, 2023 the consultant and City staff presented to Council the culmination of their work, including the final preferred trail alignment, along with the accepted 30% design level engineering plans for the entire trail system.

Environmental Determination: An environmental review was completed in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063. This process resulted in the preparation of a draft Initial Study which was reviewed at the April 25th Council meeting. Based upon the Initial Study, Biological, Cultural and Tribal Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Noise, were identified as having potentially significant impacts requiring mitigation measures. Other resource categories were determined to be less than significant or have no impact based upon site and project specific impacts (**Attachment 1 - Initial Study/Mitigated Negative Declaration**).

In accordance with CEQA Section 15097, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP identifies the mitigation measures that reduce potential project impacts to a less than significant level (**Attachment 2 - Mitigation Monitoring & Reporting Program**).

Public Notice and Agency Comments: Public notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was circulated through the Office of Planning & Research for a 30-day public review period commencing on April 20, 2023, and ending close of business on May 19, 2023.

Comment letters on the project are in **Attachment 3 - Comments on Initial Study/Mitigated Negative Declaration**. One standard regulatory letter was received from the Regional Water Quality Control Board and the only other response was from the California Department of Transportation, noting they had no comments at this time.

Actions: The Wolf Creek Trail Project as proposed encompasses six distinct segments, with segment 1 already having been completed in 2019. Future segments would likely be advanced individually and Staff would return to Council for final design approval and authorization to bid each trail segment as funding and resources allow.

At this time, Staff requests that Council approve the Wolf Creek Trail Project as presented and adopt a Mitigated Negative Declaration and a Mitigation Monitoring & Reporting Plan in accordance with the California Environmental Quality Act.

Council Goals/Objectives: The Wolf Creek Trail Engineering Design and Environmental Studies Project executes portions of work tasks towards achieving/maintaining Strategic Goal #1 - Community and Sense of Place and Strategic Goal #3 - Recreation and Parks

Fiscal Impact: The Wolf Creek Trail Engineering Design and Environmental Services Project is fully funded in the FY 2022/23 CIP Budget.

Funds Available: Yes

Account #: 300-406-63350

Reviewed by: _____ City Manager

Attachments:

Attachment 1 - Initial Study/Mitigated Negative Declaration

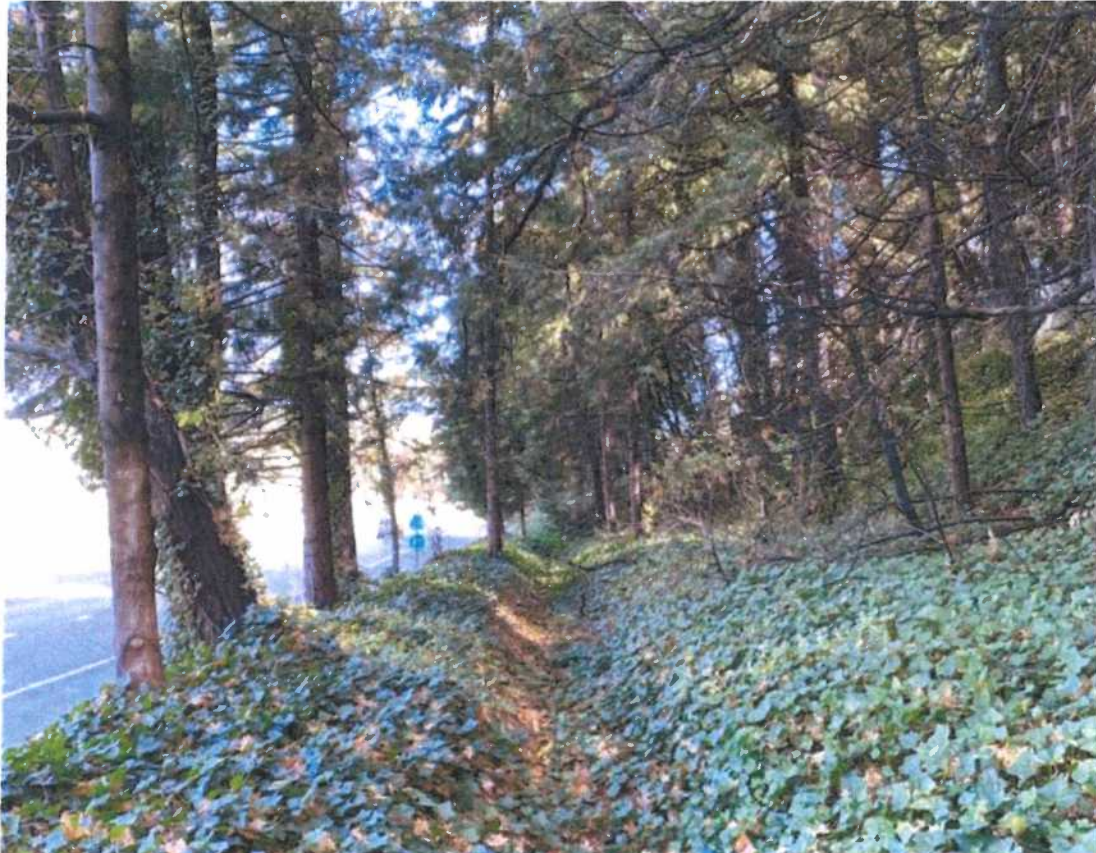
Attachment 2 - Mitigation Monitoring & Reporting Program

Attachment 3 - Comments on Initial Study/Mitigated Negative Declaration

Wolf Creek Trail Project

City of Grass Valley

Draft Initial Study/Mitigated Negative Declaration



SCH#2023040524

April 2023

ATTACHMENT

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Appendix B: Biological Constraints Report
Appendix C: Phase I Archaeological Survey Report
Appendix D: Phase I/II Environmental Site Assessment Report
Appendix E: Transportation Analysis
Appendix F: Preliminary Improvement Plans

ACRONYM LIST

A

AB	Assembly Bill
ADL	Aerially Deposited Lead
APE	Area of Potential Effect

B

BCR	Biological Constraints Report
BMP	Best Management Practice
BSA	Biological Study Area

C

CalFire	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CRPR	California Rare Plant Ranks
CWA	Clean Water Act

D

DBH	Diameter at Breast Height
DGS	Department of General Services
DVBE	Disabled Veteran Business Enterprise

E

EIR	Environmental Impact Report
ESA	Environmentally Sensitive Area

F

FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FTA	Federal Transit Administration
FTE	Full Time Equivalent

G

GHG	Greenhouse Gas
GIS	Geographic Information System

H

HMA	Hot Mix Asphalt
-----	-----------------

L

LID	Low Impact Development
-----	------------------------

M

MBTA	Migratory Bird Treaty Act
MM	Mitigation Measure
MME	Mineral Management Element
MND	Mitigated Negative Declaration
MRZ	Mineral Resource Zone
MUTCD	Manual on Uniform Traffic Control Devices

N

NAHC	Native American Heritage Commission
NCCFD	Nevada County Consolidated Fire District
NID	Nevada Irrigation District
NOA	Naturally Occurring Asbestos
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NSAQMD	Northern Sierra Air Quality Management District
NWI	National Wetlands Inventory

O

OES	Office of Emergency Services
OHWM	Ordinary High-Water Mark
OPR	Office of Planning and Research

P

PG&E	Pacific Gas & Electric Co.
PM	Particulate Matter
PPV	Peak Particle Velocity
PRC	Public Resource Code

R

ROG	Reactive Organic Gasses
ROW	Right of Way
RWQCB	Regional Water Quality Control Board

S

SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resource Control Board

T

THPO	Tribal Historic Preservation Officer
TTLC	Total Threshold Limit Concentration

U

UAIC	United Auburn Indian Community
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

V

VHFHSZ	Very High Severity Fire Hazard Zone
--------	-------------------------------------

W

WCCA	Wolf Creek Community Alliance
WDID	Waste Discharge Identification
WPA	Works Project Administration

I. INTRODUCTION AND PURPOSE

Background Summary

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study), the City of Grass Valley (City) has prepared this Initial Study to assess the potential environmental impacts of the Wolf Creek Trail project. On the basis of the Initial Study, the City finds that the proposed project will not have a significant adverse effect on the environment and will not require the preparation of an Environmental Impact Report. Therefore, this Mitigated Negative Declaration has been prepared as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines Sections 15063 and 15070 et. seq.

Public and Agency Review

This Initial Study/Mitigated Negative Declaration will be circulated for a **30-day** public and agency review commencing **April 20, 2023**. Copies of this Initial Study and cited references may be obtained at the City of Grass Valley at the address noted below. Written comments on this Initial Study/Mitigated Negative Declaration may also be addressed as noted below.

Project title: Wolf Creek Trail Project

Lead agency name and address

City of Grass Valley
125 E. Main Street
Grass Valley, CA 95945

Contact person, phone number, and e-mail

Bjorn Jones, City Engineer
125 East Main St.
Grass Valley, CA 95945
(530) 274-4353
bjornj@cityofgrassvalley.com

I.1 Project Location and Site Description

The Wolf Creek Trail ("proposed project") is an approximately 2.3-mile trail that roughly follows the alignment of Wolf Creek through the City of Grass Valley from its southern limits to the northeast corner of town. The trail, as currently proposed, is located entirely within existing public right of way, primarily in City right of way with portions of the trail situated in California Department of Transportation (Caltrans)

right of way. The project site is located in Section 26, Township 16N, Range 8E Mt. Diablo Base Meridian on City of Grass Valley 7.5-minute USA quadrangle (**Figure 1: Vicinity Map** and **Figure 2: Project Location Map**). Approximate coordinates at its center are 39° 13' 13" north and -121° 03' 15" west.

The general environmental setting of the site is indicative of the Grass Valley Foothill habitat, and includes Ponderosa Pine, Sierra Mixed Conifer, Riparian, Landscaped, and Developed habitat. The site slopes are generally minor, being less than 10% with some steeper slopes primarily where grading has occurred.

Surrounding Land Uses

The project is predominantly in areas of developed residential, commercial, and light industrial uses but also includes undeveloped habitat (Riparian, Ponderosa Pine, and Sierra Mixed Conifer habitat). The project area is located adjacent to and on the eastern side of SR 49.

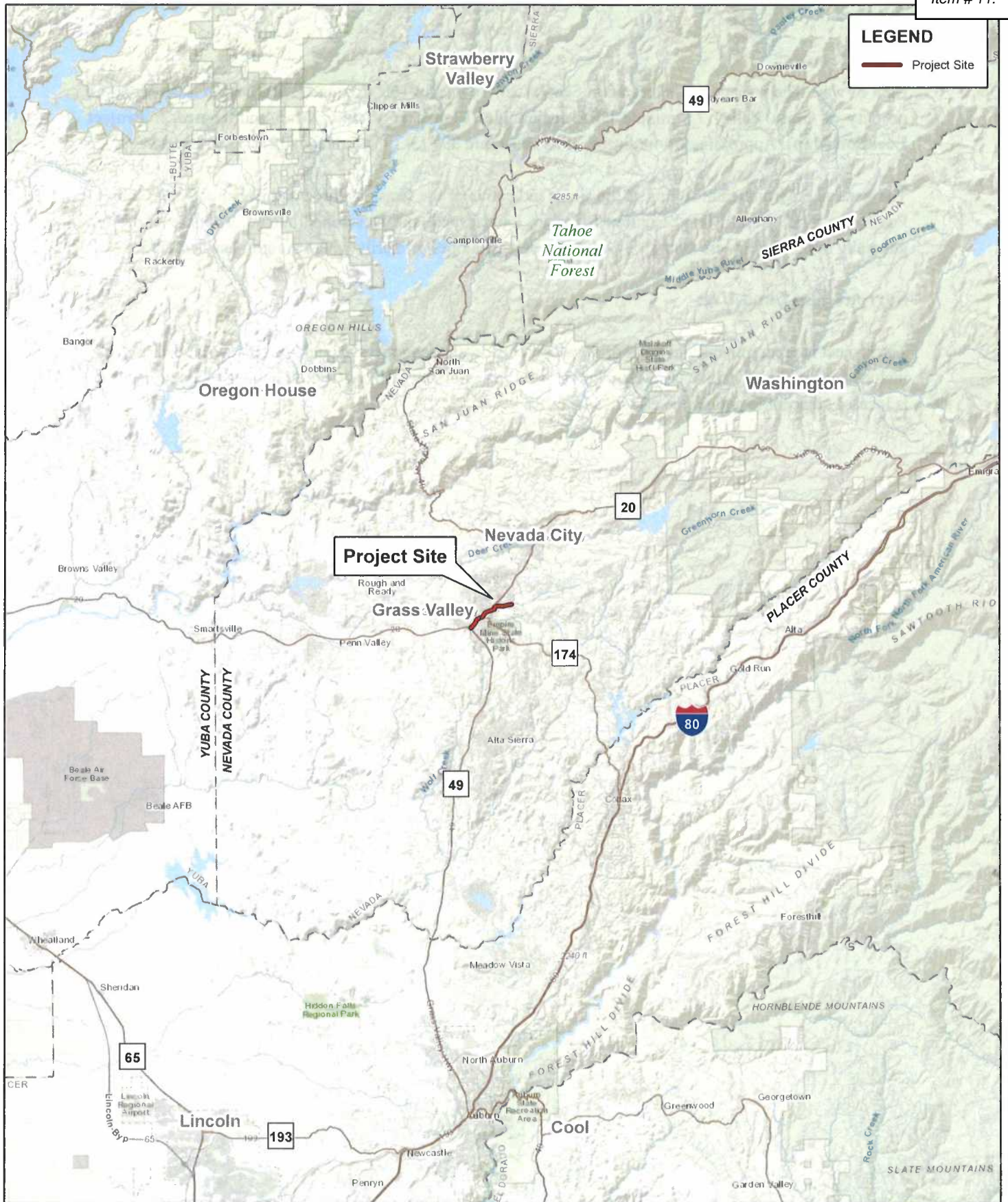
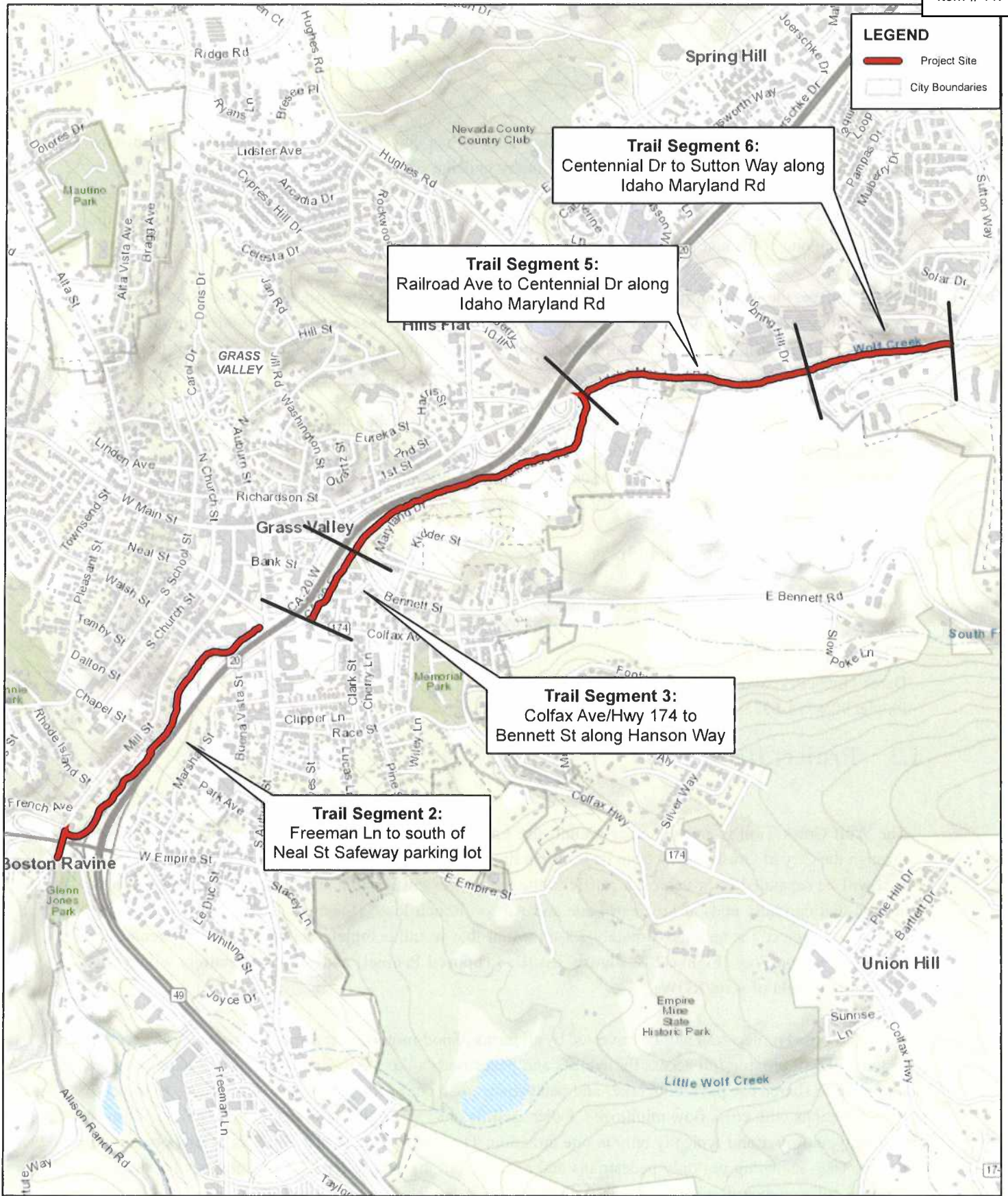


Figure 1: Vicinity Map
Wolf Creek Trail



2246 Camino Ramon
San Ramon, CA 94583
(925) 362-3041

Figure 2: Project Location Map
Wolf Creek Trail

Project Objective

The community of Grass Valley is confined by the valley topography. Once one considers the historic narrow streets, the flow of Wolf Creek, foothill topography and the SR- 20/49 freeway alignment, it is easy to understand the challenges pedestrians and cyclists have with navigating through town conveniently and safely. The Wolf Creek trail looks to add the primary spine for pedestrians and cyclists to move through the valley using one of the nicest assets the valley has to offer: Wolf Creek.

Once in place, the community and visitors will have a convenient option for non-motorized travel through Grass Valley and along Wolf Creek. Today much of Wolf Creek is inaccessible and hidden. In the future, with the trail following the creek, Wolf Creek will become a much more prominent component for people that live and visit Grass Valley.

Additional benefits of the project include the increased use of multi-modal transportation methods stemming from trail use, which will serve to reduce vehicular traffic, Vehicle Miles Traveled, improve air quality, and reduce greenhouse gas emissions; recreational and associated health and well-being benefits from use of the trail; and additional focus on the restoration of degraded reaches of Wolf Creek.

Project sponsor's name and address

Surf to Snow Environmental Resource Management, Inc.
2246 Camino Ramon
San Ramon, CA 94583
Derek Hitchcock, Senior Environmental Project Manager
Phone: 925-718-6275/ Email: derek.hitchcock@s2serm.com

I.2 Project Description

The Wolf Creek Trail is envisioned as a multi-use trail that roughly follows the alignment of Wolf Creek through the City of Grass Valley from its southern limits to the northeast corner of the City (**Figure 1**). The trail will be separated from vehicular traffic to the greatest extent feasible and extend an existing 1.2-mile section that currently ends at Freeman Lane and Allison Ranch Road (Segment 1). The Wolf Creek Trail ("proposed project") is an approximately 2.3-mile trail that would complete Segments 2-6 lengthening the trail up to Sutton Way (**Figure 2 & Figure 3A-3E: Proposed Project**) and is located entirely within City and Caltrans right of way (ROW).

As the proposed project trail will be traversed by all forms of non-motorized transportation users, each section of the trail will provide full access for cyclists and pedestrians alike. As a Class I Bikeway, typically called multi-use or shared use path, both bikes and pedestrians use a completely separated right of way to travel in both directions with cross flow minimized. Other facilities like sidewalks or bike lanes can only be utilized by one type of user and typically only in one direction. The goal would be that all types of users be able to use the trail, including not only pedestrians and cyclists, but joggers, roller-bladers, parents with strollers, scooters and skateboards and of course the disabled.

Additional improvements throughout the proposed trail include trail signage, benches, interpretive signage, murals, and fencing along the edge of some property lines. Safety improvements and signage would be installed at crossings to conform to applicable local, Caltrans, and California Manual on Uniform Traffic Control Devices (California MUTCD) standards.

The entire 3.5-mile trail, including the existing Segment 1 is described below in 6 segments:

Segment 1 – to Freeman Ln and Allison Ranch Rd

The first segment was constructed in 2018-19 and ends at Freeman Lane and Allison Ranch Road. It is the furthest downstream section and runs along the east side of the creek through City easements and City properties. Segment 1 is not a part of this analysis.

Segment 2 – Freeman Ln to south of Neal St Safeway parking lot

This segment extends the trail from the end of Segment 1 at Freeman Ln up to the south of Neal St. Safeway shopping center parking lot. The initial approximately 350-feet of Segment 2 along Mill St. includes installation of a new sidewalk and new curb and gutter, before turning east into a wooded area and toward Wolf Creek. The majority of Segment 2 is proposed along the east banks of Wolf Creek with significant portions within the Caltrans ROW. The proposed path would be 8-feet wide with 1-ft shoulders in most locations, narrowing to a lesser width in constrained locations. The trail would be an asphalt paved trail installed over aggregate base, with paved shoulders. Grading would occur beyond the shoulders to conform the trail to existing grade up to a maximum slope of 2:1 as dictated by geotechnical conditions. In the areas with significant slope, retaining walls will be installed as edge treatments.

Segment 3 – Colfax Ave/Hwy 174 to Bennett St along Hanson Way

At this point a short segment of the eventual completed trail passes through the complex intersection of South Auburn St./Neal St./Hanson Way/Tinloy St. This intersection is being rebuilt by the City under a separate CEQA analysis and therefore is excluded from this analysis. The third segment of the proposed project starts at Colfax Ave/Hwy 174 at Hanson Way and continues adjacent to the east side of Hanson Way and ends at Bennett St. This segment is entirely on City streets. The proposed bike path is an 8-foot wide hot mix asphalt (HMA) Bike path with colored paving separated from parking along Hanson way by an approximately 5-foot wide median with vertical curb planted with trees or river rock. The pedestrian path would be an 8-foot-wide new sidewalk separated from the bike path by a mountable rolled curb and gutter.

Segment 4 – Bennett St to Railroad Ave and Idaho Maryland Rd

This segment begins at Bennett Street and runs adjacent to the onramp to Highway 49 within Caltrans ROW in the hillside above the freeway before leaving the Caltrans ROW for Railroad Avenue where it remains a Class 1 bikeway within the City street ROW. Segment 4 ends at Idaho Maryland Rd. and Railroad Ave. The proposed trail between Bennett St. and Railroad Ave. would be 8 feet wide with 1-foot shoulders for a total width of 10 feet in most locations. The trail would be an asphalt paved trail installed over aggregate base, with paved shoulders. Grading would occur beyond the shoulders to conform the trail to existing grade up to a maximum slope of 2:1 as dictated by geotechnical conditions. In the areas with significant slope, a cut retaining wall will be installed on the east side (upslope side) of the trail as edge treatments. A small retaining

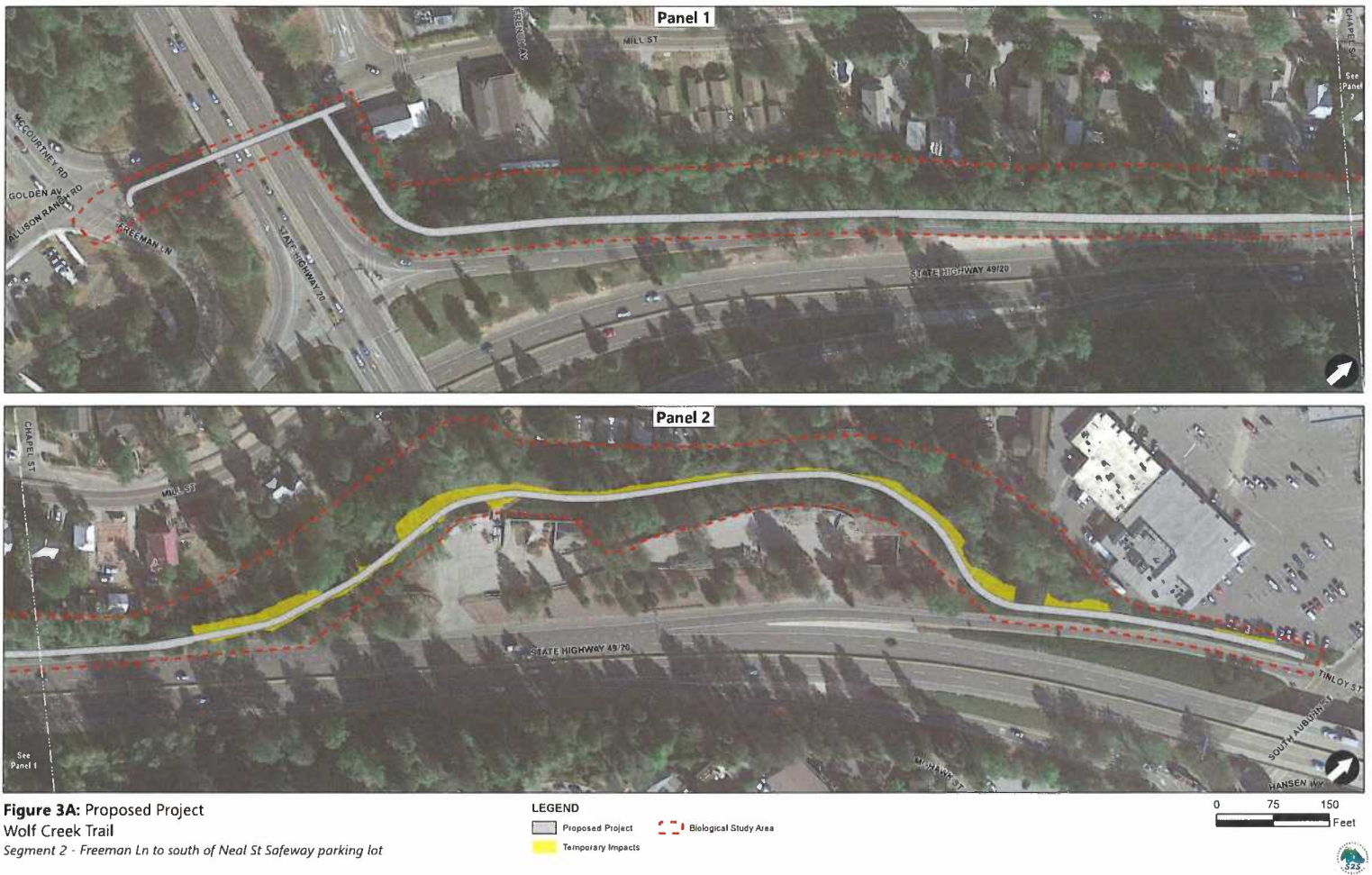
wall will also be installed along portions of the west side of the trail primarily near the Bennett St. side of Segment 4. The proposed trail adjacent to the north side of Railroad Ave. extending to Idaho Maryland Rd. would be a 10-foot wide concrete shared bicycle and pedestrian path separated from Railroad Ave. by curb and gutter.

Segment 5 – Railroad Ave to Centennial Dr along Idaho Maryland Rd

This segment runs adjacent to the south side of Idaho Maryland Rd. from Railroad Ave. to Centennial Ave. with the long-term goal of moving the trail to the south side of Wolf Creek and off Idaho Maryland Rd. as a Class 1 facility. The proposed trail would be a 10-foot wide concrete shared bicycle and pedestrian path separated from Idaho Maryland Rd. by curb and gutter. Minimal grading is needed beyond the back of path to conform to existing grades. This segment also requires removing and replacing traffic striping along Idaho Maryland Rd. that includes a 5-foot wide westbound bike lane along the north side of the roadway.

Segment 6 – Centennial Dr to Sutton Way along Idaho Maryland Rd

This segment continues adjacent to Idaho Maryland Rd, from Centennial Ave. up to the terminus of the Wolf Creek Trail at the northeast corner of the Sutton Way and Idaho Maryland Rd. A trailhead is proposed as part of the Loma Rica development at Sutton Way and Idaho Maryland Rd. and will connect to a planned trail system throughout the development. The pedestrian and eastbound bicycle portion of the proposed trail from Segment 5 adjacent to the south side of Idaho Maryland Rd. will continue with the 10-foot wide concrete shared bicycle and pedestrian path separated from Idaho Maryland Rd, by curb and gutter. The proposed trail in Segment 6 would also include removing and replacing the traffic striping to include a 5-foot-wide westbound bike lane adjacent to the north side of Idaho Maryland Rd.



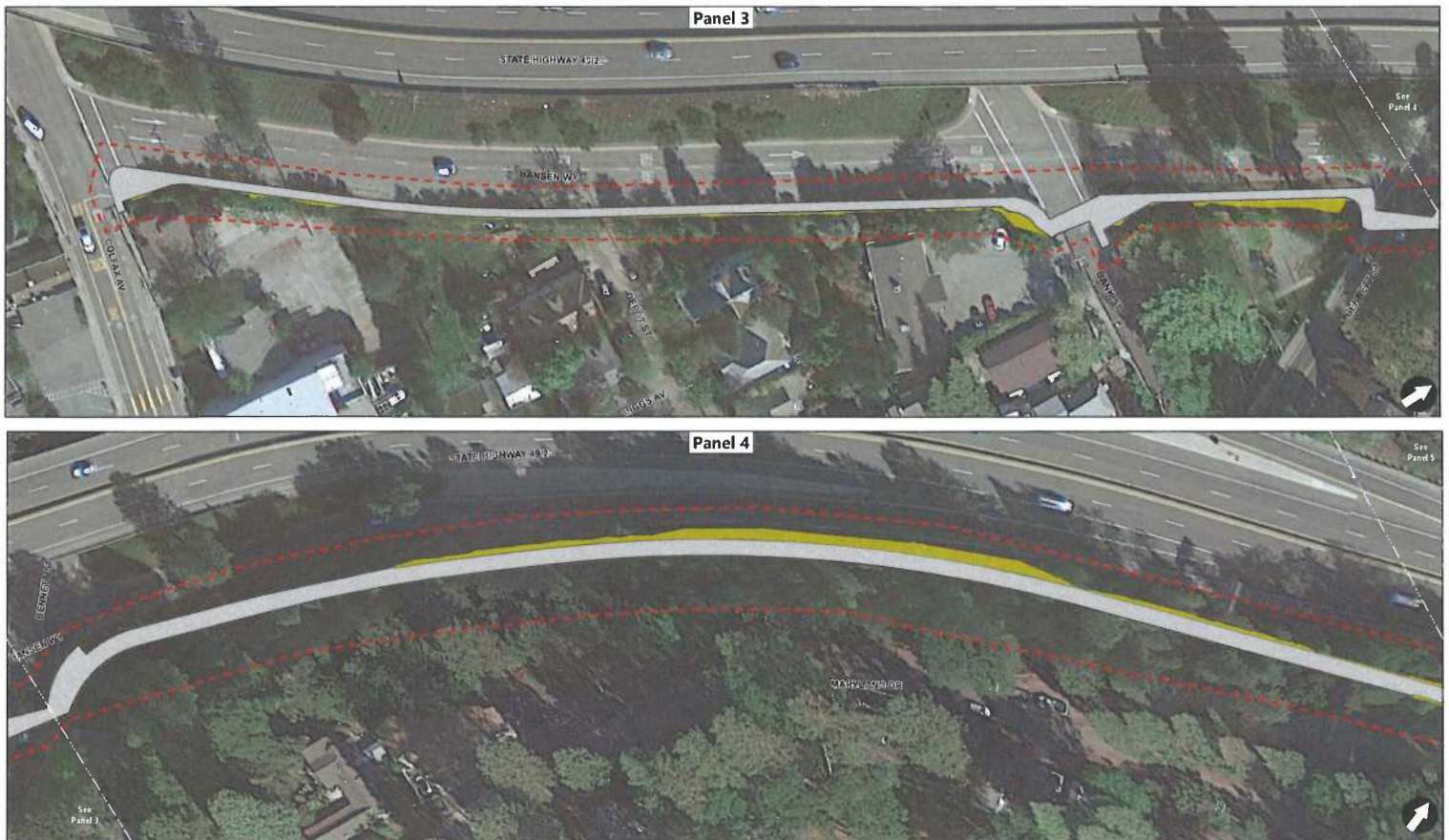


Figure 3B: Proposed Project

Wolf Creek Trail

Panel 3: Segment 3 - Colfax Ave/Hwy 174 to Bennett St along Hanson Way

Panel 4: Segment 4 - Bennett St to Railroad Ave and Idaho Maryland Rd

LEGEND

Proposed Project
Temporary Impacts

Biological Study Area

0 37.5 75 150
Feet



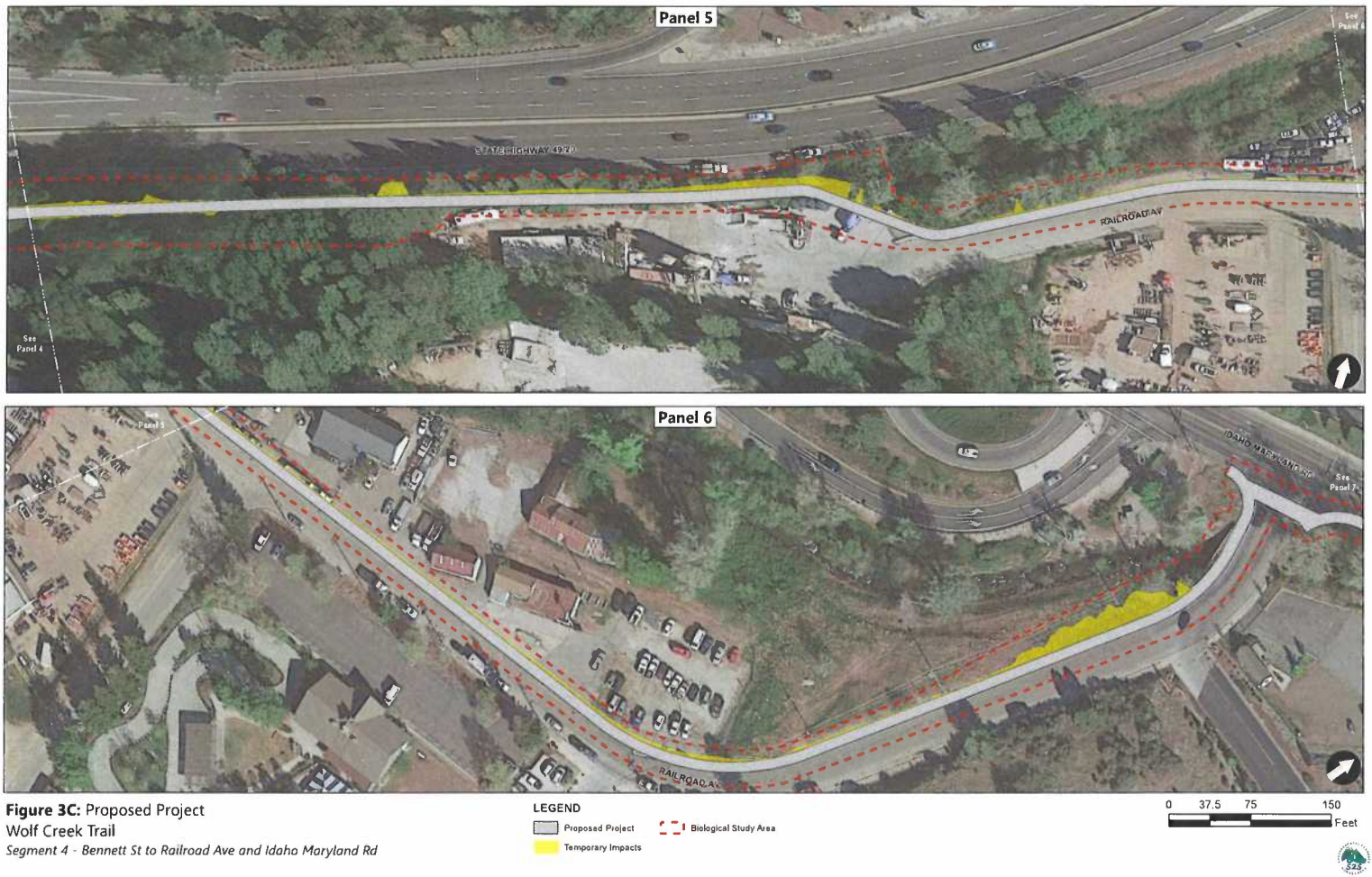






Figure 3E: Proposed Project
Wolf Creek Trail
 Segment 6 - Centennial Dr to Sutton Way along Idaho Maryland Rd

LEGEND

 Proposed Project	 Biological Study Area
 Temporary Impacts	

0 12.5 25 50
 Feet



Construction of the proposed project would include approximately 7,060 cubic yards of excavation. Total fill would be approximately 3,050 cubic yards. Material brought on to the site would be tested in accordance with local and state requirements to ensure contaminated material is not brought on site. Material that is not removed immediately from the project area once excavated would be stockpiled and stabilized as outlined in MM-BIO-15 until it could be off-hauled (approximately 5,370 cubic yards).

Vegetation and tree removal would be required to construct the trail and would include the removal of native trees, landscape trees, and non-native trees. It is estimated that approximately 176 trees would be removed in the project area. The trail has been sited to minimize tree removal to the extent possible, in particular riparian species, while also preserving large and healthy trees that will enhance the trail experience. Considering the Project Area or Biological Study Area (BSA) includes 764 trees, it would allow 588 trees to be preserved. Of the 176 trees proposed for removal, only 16 trees are “significant trees” as defined by Chapter 12.36 of the City Municipal Code Tree Preservation Ordinance as a tree having “*a trunk of twenty-four caliper inches in diameter or larger diameter at breast height (DBH)*” and 157 are native trees. Of the 157 native trees:

- 97 are incense cedar ranging in size from 6.5 to 27.8 diameter at breast height (DBH).
- 49 are ponderosa pine ranging in size from 6.2 to 34.1 DBH.
- 5 are native California black oak ranging in size from 7.7 to 12.8 DBH.
- 3 are Fremont Cottonwood ranging in size from 21.0 to 31.3 DBH.
- 1 Box Elder at 11.3 DBH, 1 Big-leaf Maple at 6.3 DBH, and 1 white alder at 6.0 DBH are also proposed for removal.
- Only 2 of the trees proposed for removal were in excellent condition, both ponderosa pines.
- 78 trees proposed for removal occur within Segment 2 of the trail, 2 within Segment 3, and 96 within the forested section of Segment 4 of the trail between Bennett and Railroad Ave.

Mitigation for native trees to be removed would be accomplished in accordance with the City’s Tree Preservation Ordinance (Chapter 12.36) and California Department of Fish and Wildlife (CDFW) requirements. Mitigation measures for tree removal will include replanting trees on or off site at a ration consistent with the City Municipal Code. Additional details on tree species and removals are provided in **Appendix A, Tree Survey Report**.

Underground utilities would remain in place. The small number of distribution utility poles potentially in conflict with the trail would be relocated in coordination with utilities companies (namely PG&E) prior to construction as necessary. Utility relocation would be completed prior to project construction. Other utility adjustments would include relocating fire hydrant in a few locations.

Access to the construction site would occur from SR-20/49 and adjacent roads. While final staging areas would be decided by the contractor, staging would primarily occur near the trail alignment on City or Caltrans owned property, or within City or Caltrans ROW. These areas would be used to store and stage materials and equipment at different times throughout project construction. Staging areas would typically consist of previously disturbed areas with bare, gravel, or paved surfaces.

Following completion of the trail construction, the City of Grass Valley would maintain all portions of the

trail. A Maintenance Agreement, or other suitable means, would be established between the City of Grass Valley and Caltrans to ensure the maintenance of the portions of the trail within Caltrans' ROW by the City. Trail operation and maintenance would require occasional sweeping, litter pick-up, and vegetation and tree trimming to maintain adequate vertical clearance for trail users.

General Plan Land Use and Zoning Designation

The Project Area is entirely within public ROW (City and Caltrans) and the purpose of the project is exclusive to public infrastructure. Public ROW is excluded from General Plan and Zoning designations when the purpose of the project is exclusive to public infrastructure.

The public right of way is typically a strip of land 50 to 60 feet wide that contains the public street, sidewalks, and utilities. The edge of the right of way is also the property line for the abutting property. As per Municipal Code 12.48.0202 public "Right of Way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the general public for street, highway, alley, public utility, storm drainage, water, sanitary sewer, sidewalk, bikeway or pedestrian walkway purposes. "Encroachments" to the public ROW means going over, upon or under, or using a right-of-way or watercourse in such a manner as to prevent, obstruct, or interfere with its normal use.

Construction of the Wolf Creek Trail will require an encroachment permit from Caltrans.

I.3 Regulatory Setting and Required Agency Approvals

The following City of Grass Valley, Responsible and/or Trustee Agency permits are required prior to construction of the Wolf Creek Trail project:

- City of Grass Valley Department of Public Works - Improvement Plan, Grading Plan, Flood Development Permit, Encroachment Permit and Tree Permit approvals.
- City of Grass Valley Community Development Department - Site Plan and Building Plan Approvals and Conditions of Approval/Mitigation Measure compliance verification.
- A Storm Water Pollution Prevention Plan (SWPPP) shall be approved by the Regional Water Quality Control Board in accordance with the Clean Water Act.
- A Dust Mitigation Plan shall be approved by the Northern Sierra Air Quality Management District.
- Timber Harvest Permit Exemption (for less than 3-acre conversion) from the California Department of Forestry and Fire Protection.
- State Department of Fish and Wildlife - A Stream Alteration Agreement may be required for encroachment into the riparian corridor (as defined by vegetation type) of Wolf Creek.
- State Department of Transportation (Caltrans) – Encroachment Permits and Maintenance Agreement for trail maintenance.
- City of Grass Valley Building Department - Building, Plumbing, Mechanical, and Electrical Permits in accordance with the California Codes.
- City of Grass Valley Fire Department - Site Plan, Improvement Plan and Building Plan Approvals.

I.4 Representative Photos



Photo 1: S2S biologist performing an ordinary high water mark (OHWM) survey of Segment 2 facing northeast and upstream on Wolf Creek. The proposed trail location is beyond the right edge of the image frame.



Photo 2: Representative photo of Segment 2 facing northeast and upstream on Wolf Creek. The proposed trail location is to the right side of frame mid-way uphill in image.



Photo 3: Representative Photo of Segment 2 facing north and upstream on Wolf Creek. The proposed trail location runs along the center of the image.



Photo 4: Representative Photo of Segment 3 facing northeast. The proposed trail location is down the center of the image including portion of the right side of the existing road, right shoulder, and some of landscaped area.

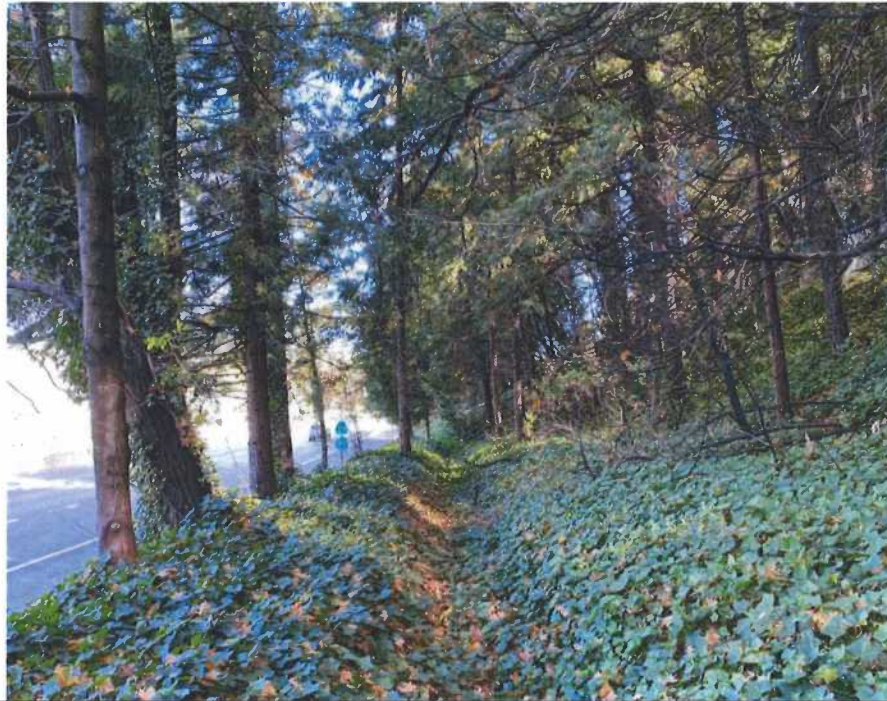


Photo 5: Representative Photo of Segment 4 facing east. The proposed trail location is down the center of image.



Photo 6: Representative Photo of Segment 4 along Railroad Ave. facing northeast. The proposed trail runs down the center of the image along left side of the road, including road shoulder and graveled area. Wolf Creek in left of image.



Photo 7: Representative Photo of Segment 5 facing northeast along Idaho Maryland Rd. The proposed trail runs down the center of image along right side of road, including road shoulder. Wolf Creek on left of image.



Photo 8: Representative Photo of Segment 6 facing east along Idaho Maryland Rd. The proposed trail runs down the center of image along left side of road, including road shoulder and grassed area. Wolf Creek on left of image.

I.5 Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) **"Potentially Significant Impact"** is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
- 4) **"Less Than Significant With Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) **"Less-Than-significant Impact:"** Any impact that is expected to occur with implementation of the project, but to a less than significant level because it would not violate existing standards.
- 6) **"No Impact:"** The project would not have an impact to the environment.
- 7) Earlier analyses may be used where, pursuant to Tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.
- 8) Lead agencies are encouraged to incorporate into the checklist reference to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The 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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Agricultural and Forestry Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Wildfire |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Land Use/Planning | |

DETERMINATION:

On the basis of this initial evaluation (check one):

- ☐ 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 "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.

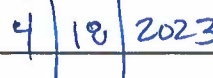
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures.

CERTIFICATION:



Lance E. Lowe, AICP, Principal Planner
City of Grass Valley

April 20, 2023



4/18/2023

III. EVALUATION OF ENVIRONMENTAL IMPACTS

Section 3.0, Evaluation of Environmental Impacts, discusses the project's potential for impacts to various resources. The discussion follows the format of Appendix G of the currently adopted CEQA Guidelines (The Office of Planning and Research (OPR) publishes the latest guidelines online: <http://opr.ca.gov/ceqa/updates/guidelines/>), and identifies any potentially significant impacts that could result from project implementation. Mitigation measures are identified, where necessary, to reduce potentially significant impacts to less than significant levels. No significant and unavoidable impacts were identified.

III.1 Aesthetics

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

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

SETTING

The aesthetic value of an area is a measure of its visual character and quality, combined with the viewer response to the area (Federal Highway Administration, 1983). The visual quality component can best be described as the overall impression that an individual viewer retains from residing in, driving through, walking through, or flying over an area. Viewer response is a combination of viewer exposure and viewer sensitivity. Viewer exposure is a function of the number of viewers, the number of views seen, the distance of the viewers, and the viewing duration. Viewer sensitivity relates to the extent of the public's concern for a particular view shed (U.S. Bureau of Land Management, 1980).

The City of Grass Valley 2020 General Plan notes that the City does not contain any designed scenic highways or vistas, but generally acknowledges the City and its surroundings as having a wide range of landscapes, scenic vistas and visual resources.

a) *Have a substantial adverse effect on a scenic vista?*

Less Than Significant Impact. Under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the public's benefit.

Wolf Creek Trail construction would not substantially or permanently obstruct views of scenic vistas. Construction activities that would have the potential to temporarily alter views would consist of operation of construction equipment that could temporarily interrupt views of surrounding scenic vistas. Any obstruction to views of scenic vistas are expected to occur during construction and shall cease upon completion of the proposed project.

The majority of the Wolf Creek Trail would be a flat and flush with the ground surface. Vertical features associated with the project would be limited to signage and retaining walls. Retaining walls would be designed to have a consistent visual appearance with other retaining walls throughout the corridor. A majority of the retaining walls would not exceed a height of 4-feet, with a few locations requiring an up to 9-foot retaining wall. Where retaining walls are proposed, they would be used to conform the trail to existing grade and are not anticipated to obstruct views from sensitive viewpoints. Therefore, due to the limited vertical development and the harmonious design of the vertical features associated with the project, a less than significant impact would occur, and no mitigation is required.

- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact. There are no officially designated scenic highways within or near the project site (CA Dept Transportation, 2023). Considering scenic vistas or scenic highways are not within the project vicinity, the project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. No impact will occur.

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less Than Significant With Mitigation Incorporated. The proposed project contains non-urbanized areas. During the construction period, construction equipment storage, and earth-moving would temporarily alter the existing visual quality of the affected area for adjacent sensitive viewers (recreational users and residential neighbors). Temporary construction activities along the Wolf Creek Trail alignment could cause dust and material stockpiles that could create an untidy appearance, collectively degrading the visual quality of the site and surroundings.

Where temporary construction activities occur in residential and/or recreational areas, the activities could potentially temporarily degrade the existing visual quality. However, these potential temporary construction impacts would be reduced by storing construction material, stockpiled soil, and equipment in staging areas beyond direct view of residents and recreationists and in already disturbed shoulder areas, to the greatest extent practicable. Staging areas would be in areas where the removal of trees, native vegetation, or large non-native trees would not be required and in areas where the ability to impact trees and/or shrubs would not be present (e.g., within the dripline of trees or shrubs, especially native species). Areas of temporary disturbance for the trail would be re-vegetated or stabilized with erosion control measures implemented in accordance with National Pollutant Discharge Elimination System (NPDES) and environmental permit requirements. Following these requirements would reduce temporary visual impacts.

The proposed project could adversely affect the visual character at some non-urbanized locations by vegetation removal along the SR-20/49 corridor. Vegetation clearing would occur at a limited number of locations to construct the trail and proposed improvements. This would primarily consist of tree removal and tree trimming. Areas of temporary disturbance would be revegetated in accordance with environmental permit conditions and Caltrans requirements. Where applicable, a seed mix appropriate for the climate and location would be used to revegetate disturbed areas.

Currently, it is estimated that 176 trees would be removed to build the trail. Considering the BSA includes 764 trees, this means it would allow 588 trees or 77% of the trees to be preserved. However, only 16 of the 176 trees proposed for removal are “significant trees” as defined by Chapter 12.36 of the City Municipal Code as a tree having “a trunk of twenty-four caliper inches in diameter or larger diameter at breast height (DBH).” These 16 “significant trees” would have the most impact on the visual character or quality of public views of the site and its

surroundings.

Of the 176 trees proposed for removal, 157 are native, including all 16 “significant trees.” Native trees would be replanted within the project area at a ratio consistent with local tree protection ordinances and California Department of Fish and Wildlife (CDFW) replanting requirements. Additional details on tree species and removals are provided in **Appendix A**, Tree Survey Report.

Implementation of mitigation measure Mitigation Measure (MM)-BIO-21 would require the replacement of protected trees consistent with local tree protection requirements for trees removed within local agency jurisdiction, applicable Caltrans requirements for trees removed within Caltrans ROW, and CDFW replanting requirements if any trees were to be removed within riparian areas under CDFW jurisdiction. With the maturation of replacement trees, impacts to the visual character from the loss of trees would be reduced to a less than significant level as mitigated.

Vertical features associated with the project would be limited to signage and retaining walls. Retaining walls would be designed to have a consistent visual appearance with other retaining walls throughout the corridor. A majority of the retaining walls would not exceed a height of 4-feet, with a few locations requiring an up to 9-foot retaining wall. Where retaining walls are proposed, they would be used to conform the trail to existing grade and are not anticipated to obstruct views from sensitive viewpoints. When considering if an impact is significant in a rural environment, the visibility of the Wolf Creek Trail alignment depends on the visibility of the project components considering the area’s landform (topography), land cover (vegetation and structures), and atmospheric conditions (dust, fog, precipitation). Most of the Wolf Creek Trail alignment would be at grade with few components extending above grade (retaining walls and signage). The Wolf Creek Trail alignment would not significantly contrast with the existing environmental setting because most of the alignment would be constructed directly adjacent to and parallel to the SR-20/49 corridor or constructed over existing gravel and paved roads. The trail has been sited to minimize tree removal. Vegetation and tree removals would be subject to replanting requirements, as previously discussed.

Through carefully selected staging areas and trail alignment location and minimal vertical features, and implementation of MM-BIO-21 the proposed project would not significantly impact visual quality to sensitive viewer groups along the trail alignment and impacts would be less than significant as mitigated.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less Than Significant With Mitigation Incorporated. Existing sources of day and nighttime light within and around Grass Valley include those common to developed areas. Existing sources include motor vehicle lights along SR-20/49, streetlights, parking lot lighting, building lighting and commercial signage in the project vicinity.

Project construction would occur during daylight hours only and no impacts from nighttime construction lighting would occur. The installation of lights along the proposed trail alignment would only occur, if at all, along the forested portions of Segment 2 and Segment 4. The remainder and majority of the trail

is on existing roads and would be lit with existing or modified street lighting. Any lighting added to the forested portions of Segment 2 and 4 would be Dark Sky compliant and would be strictly focused on the trail. In addition to nuisance lighting for neighbors, lighting along a riparian corridor can impact wildlife if not thoughtfully designed. If lighting is to be included on these segments, the project will consider all of these factors.

Through implementation of the City's Development Standards and Community Design Guidelines for lighting, including: 1) Lighting levels shall be limited to the minimum levels necessary to provide public safety. Lighting fixtures should be thoughtfully placed to avoid light spillage and glare on adjacent properties. "Down shine" luminaire shall be utilized; 2) Lighting "spill over" shall not exceed 0.5 foot candles at any point adjacent to residential premises, churches and other sensitive uses; and, 3) All outdoor light fixtures shall be Dark Sky compliance, strategically located, and shall be deflected downward to focus illumination only on the trail, and not adjacent properties, the proposed project would not create a new source of substantial light or glare which would significantly adversely affect day or nighttime views in the area alignment and impacts would be less than significant.

III.2 Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

SETTING

The Project Area is entirely within public ROW (City and Caltrans) and the purpose of the project is exclusive to public infrastructure. Public ROW is excluded from General Plan and Zoning designations when the purpose of the project is exclusive to public infrastructure.

"Agricultural Land" is defined as prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.

No current agricultural operations or forestry lands exist within the BSA as defined according to the U.S. Department of Agriculture. Although the BSA contains trees, the area does not fall under the definition of forest lands as defined by Public Resources Code Section 12220(g).

- a) *Would the project 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?*

No Impact. The California Resources Agency farmland mapping program does not identify the project site or vicinity as having Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Considering no farmland as defined by CEQA exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use. No impact will occur.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. The California Resources Agency farmland mapping program does not identify the project site or vicinity as having Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Considering no farmland, as defined, exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use, including any farmlands under Williamson Act Contract. Therefore, no impact will occur.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g) or conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?*

No impact. The project area is not zoned for forest land or timberland. The proposed project would not conflict with, or cause rezoning of, forest land zoning. The proposed project would extend an existing trail system that would open the site to a variety of users that may not otherwise be able to access the existing trails (e.g. physically disabled people). As noted in the project setting above, the project will not conflict with existing zoning or cause the rezoning of forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code Section 4526), or timberland

zoned timberland Production (as defined by Government Code Section 51104(g)). There would be no conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zones. No impact will occur.

- d) *Would the project involve or result in the loss of forest land or conversion of forest land to non-forest use?*

Less than Significant. As noted above, the project area is not zoned for forest land or timberland, nor would the proposed project conflict with, or cause rezoning of, forest land zoning. The proposed project requires the removal of trees, and other types of vegetation within forest habitat, but these areas are not Forest Lands as defined in Public Resources Code section 12220(g). In addition, the project is entirely within public ROW (City and Caltrans), the purpose of public ROW designation is to build roads.

The entire region within, and surrounding the City of Grass Valley, can be characterized as forest land. However, the forest land is further defined by its mosaic of vegetative communities that make up the forested region. The majority of the project area is located within an urban area of the City where forest land no longer naturally occurs. However, within the BSA, there are portions that include the forest land habitat types of riparian, ponderosa pine, and Sierra mixed conifer habitat.

As summarized in **Table 1** and displayed in **Figure 4A-4E: Habitats within the Biological Study Area**, construction of the proposed project would impact approximately 0.78 acres of riparian habitat, 0.78 acres of ponderosa pine habitat, and 0.54 acres of Sierra mixed conifer habitat, for a total of approximately 2.10 acres of disturbance to forested lands. Of this 2.10 acres, 1.55 acres are permanent impacts (the trail footprint itself) and 0.55 acres are temporary impacts. New trees would be planted in the temporary impact areas, and these areas would be revegetated and over time and become unnoticeable to offsite viewers, which would reduce the impact to the extent feasible. As further detailed in the Biological Resources section of this Initial Study, the implementation of MM-BIO-1 through MM-BIO-3, and MM-BIO-16 and MM-BIO-21 will mitigate impacts to these habitats.

III.2.1 Table 1: Estimated Amount of Project effects to Forest Habitat Communities

Vegetation Habitat Community	Biological Study Area Overlap (acres)	Project Impact Area Overlap (acres)	Permanent Impacts (acres)	Temporary Impacts (acres)
Riparian	5.26	0.78	0.52	0.26
Ponderosa Pine	2.30	0.78	0.63	0.15
Sierra Mixed Conifer	1.82	0.54	0.40	0.14
Total	9.38	2.10	1.55	0.55

The design of the trail is specifically tailored to minimize vegetation and tree removal to the extent possible. Numerous alternatives were evaluated to find the path that balanced the objective of building the trail system, with the overarching goal of minimizing the impacts to the natural open space. The

amount of forested land that would be impacted by the proposed project is minimized by design, in particular to riparian habitat. The project would include the removal of 176 trees, but only 4 trees within riparian habitat.

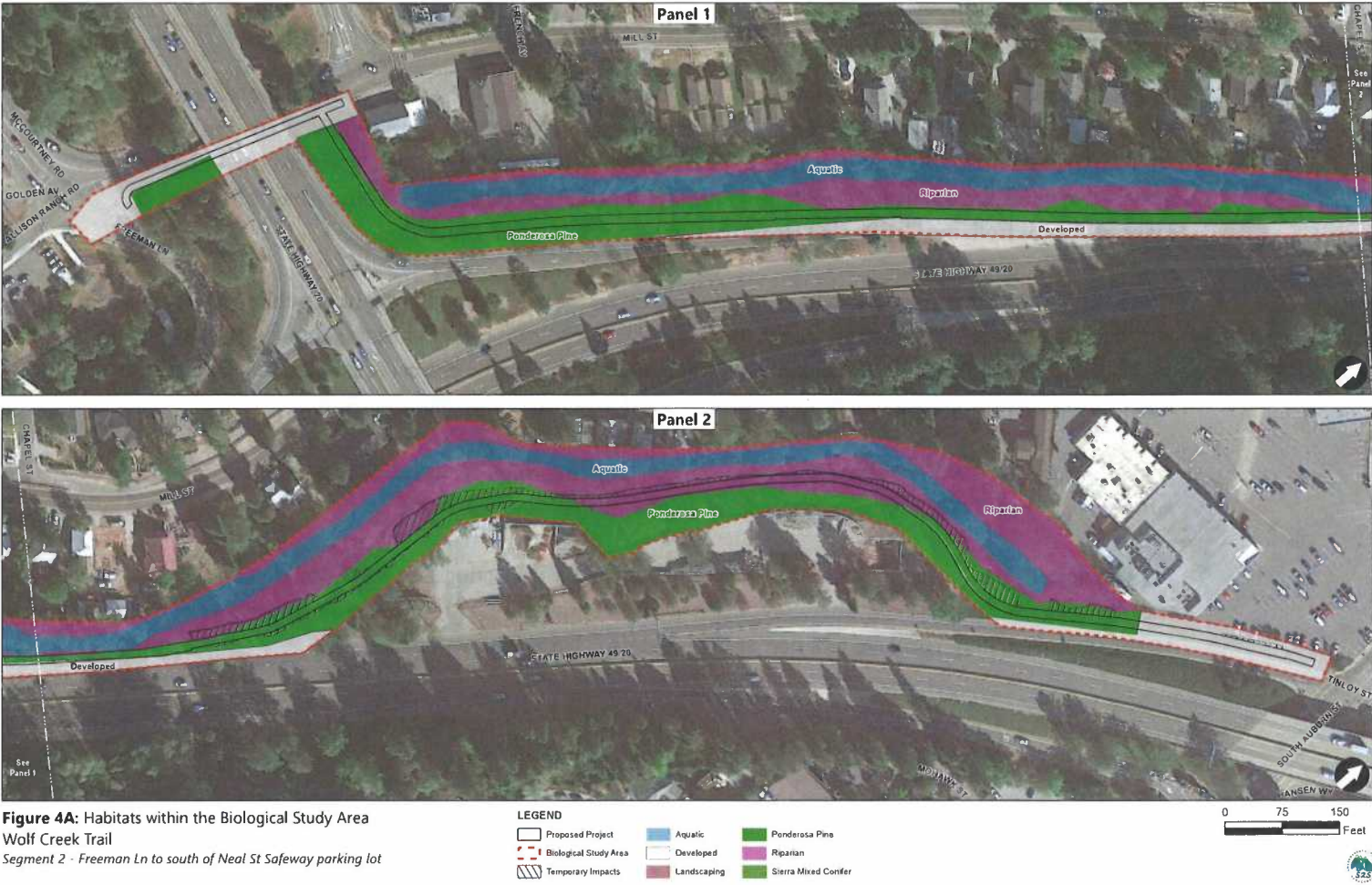
Although the project is slated to remove 176 trees from the site, the project will not result in the loss of forest land or conversion of forest land to non-forest uses as defined in Public Resources Code Section 12220(g). 53 of the 176 trees are less than 10-inch DBH and their removal can be classified as improving forest health and reduce fuel loads that increase the risk of wildfire. Only 16 of the 176 trees proposed for removal are “significant trees” as defined by Chapter 12.36 of the City of Grass Valley Municipal Code as a tree having “a trunk of twenty-four caliper inches in diameter or larger diameter at breast height (DBH).” Finally, mitigation re-planting will occur as per MM-BIO-22.

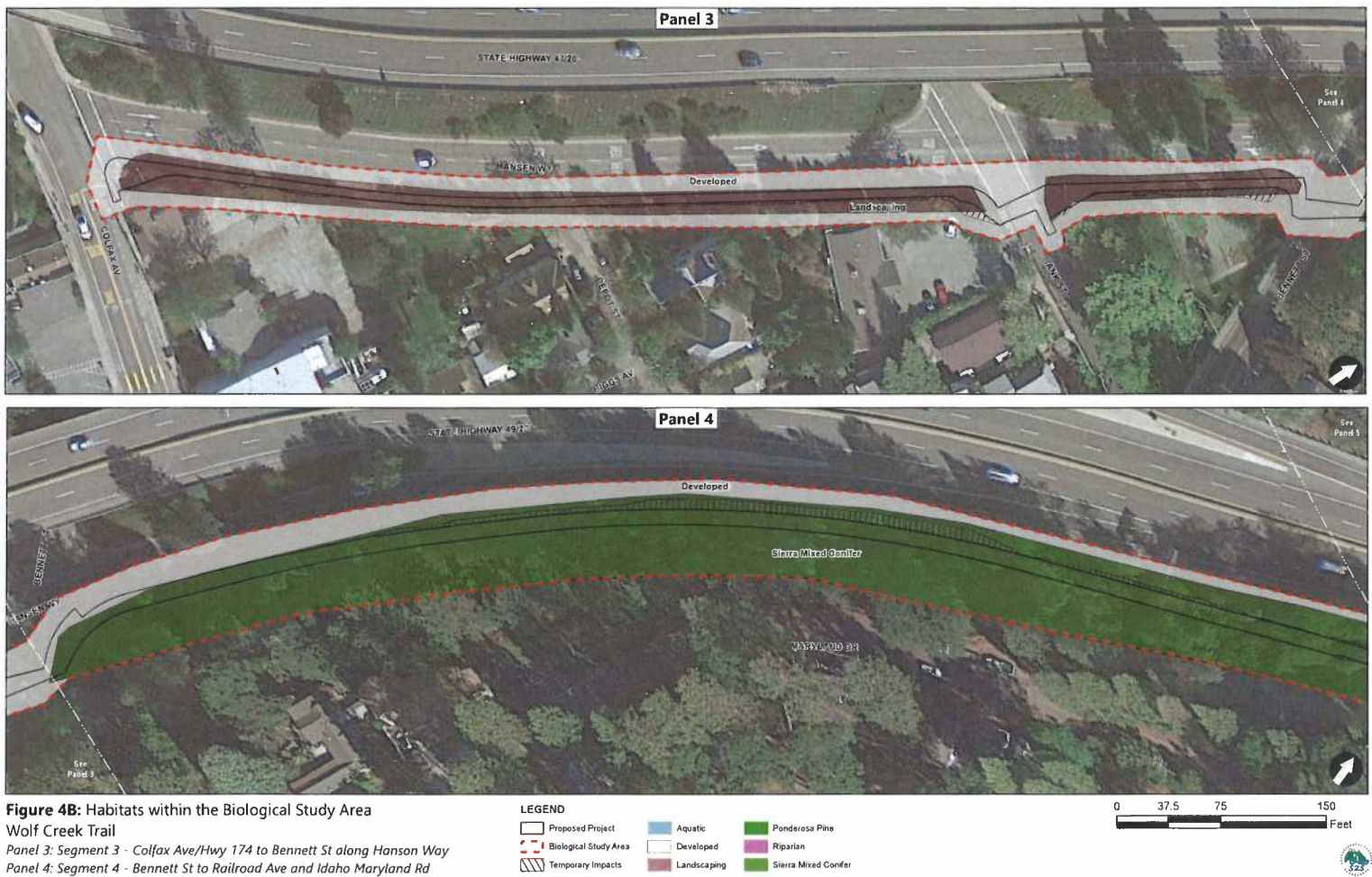
The California Department of Forestry and Fire Protection (CAL FIRE) must approve timber harvest plans and logging permits if any trees to be cut down are commercial timber harvest species (i.e. a Timber Harvest Permit would need to be obtained from CAL FIRE). However, standard conditions of approval require the applicant to obtain an exemption (for less than 3-acre conversion) of a Timber Harvest Permit from the California Department of Forestry and Fire Protection.

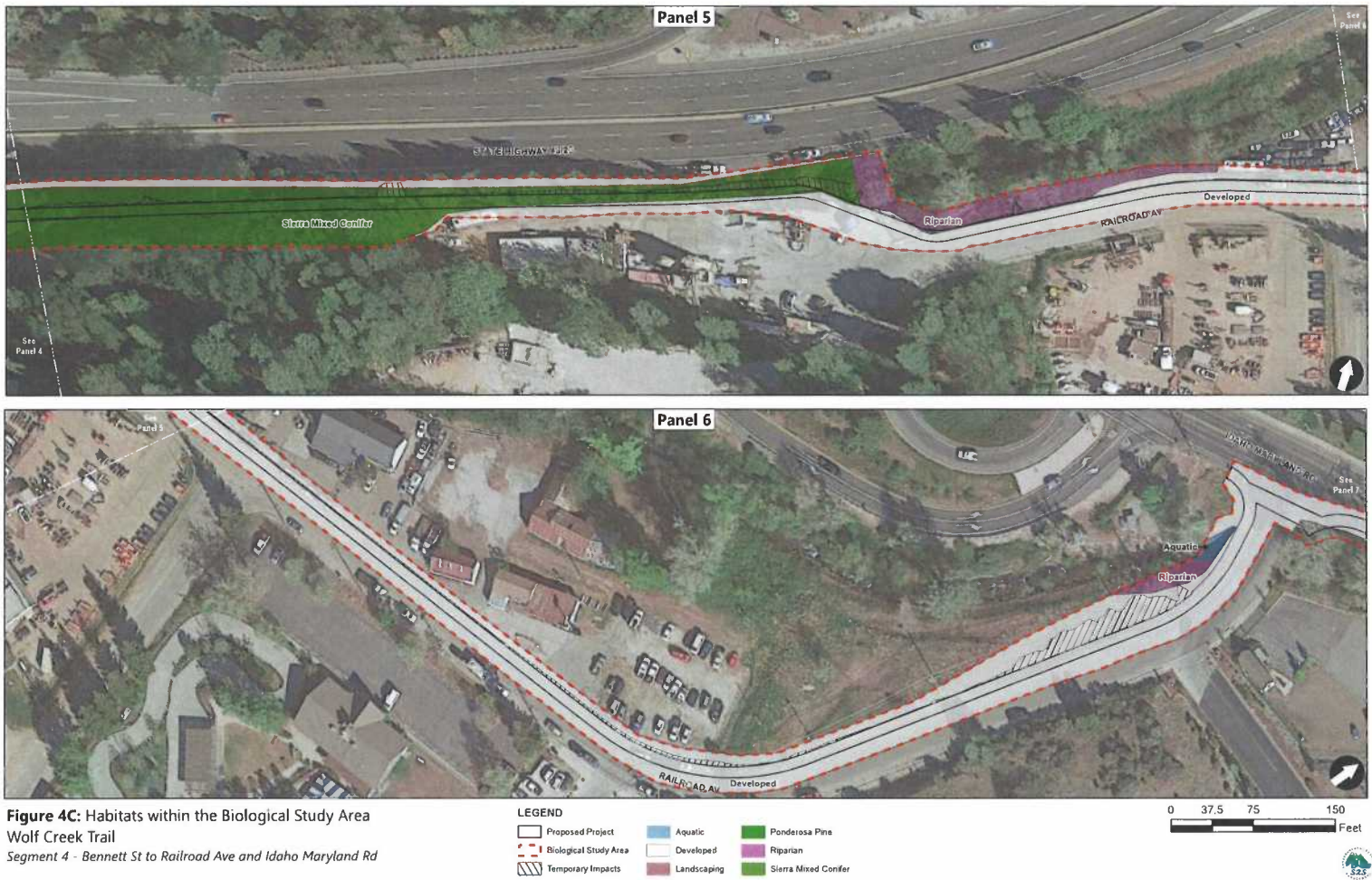
Due to the fact that the project area is not in designated forest lands, is entirely within public ROW, and will be implemented in compliance with the City’s Tree Protection Ordinance as defined in Chapter 12.36 of the City of Grass Valley Municipal Code, the potential for the project to involve or result in the loss of forest land or conversion of forest land to non-forest use is less than significant.

- e) *Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?*

No Impact. The proposed project will have no potential for impacting any agricultural properties or uses that exist within the City. Therefore, there is no potential for the proposed project resulting in the conversion of existing farmland to a non-agricultural use. No impact will occur.









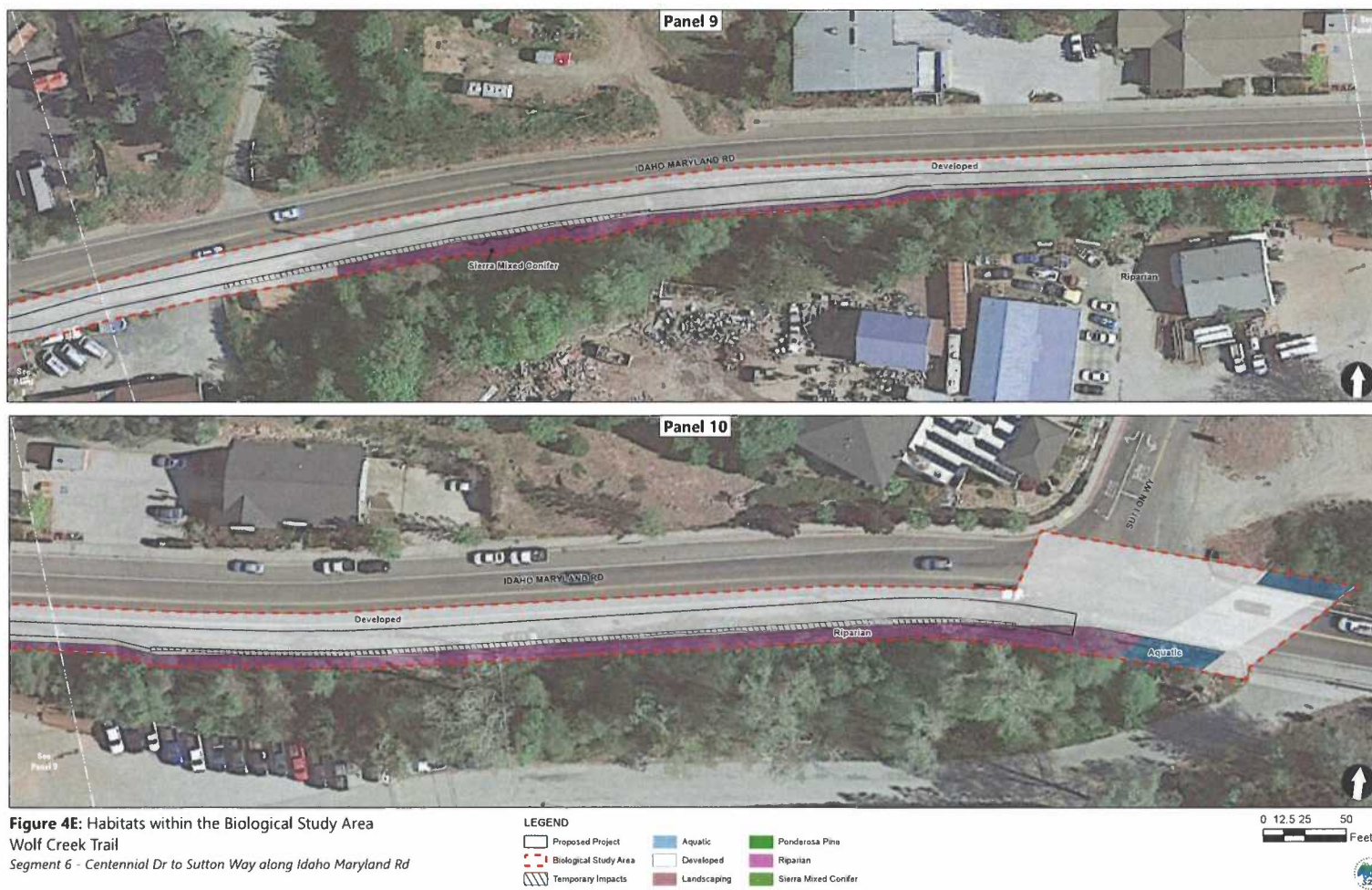


Figure 4E: Habitats within the Biological Study Area
Wolf Creek Trail
Segment 6 - Centennial Dr to Sutton Way along Idaho Maryland Rd

III.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

SETTING

The project is located within the Northern Sierra Air Quality Management District's (NSAQMD) jurisdiction. The overall air quality in Nevada County is good but two known air quality problems exist, Ozone and Suspended Particulate Matter (PM-10). Nevada County is a "non-attainment" for both pollutants. PM-10 in Grass Valley meets federal ambient ozone standards but exceeds the more stringent State standards in the winter, primarily due to smoke created from wood stoves and fireplaces. Violations in the summer months have been noted during forest fires or periods of open burning. PM-10 is usually associated with dust generated during construction. Western Nevada County is a non-attainment area for the federal 8-hour ozone standard and the entire county is non-attainment for the state one-hour ozone standard.

The NSAQMD has adopted standard regulations and conditions of approval for projects that exceed certain air quality threshold levels to address and mitigate both short-and long-term emissions. The Northern Sierra Air Quality Management District (NSAQMD) has established the below thresholds of significance for PM-10

and the precursors to ozone, which are reactive organic gases (ROG) and nitrogen oxides (NO_x). The NSAQMD has developed a tiered approach to significance levels as noted in Table 2 below: A project with emissions meeting Level A thresholds will require the most basic mitigations; projects with projected emissions in the level B range will require more extensive mitigations; and those projects which exceed Level C thresholds, will require an Environmental Impact Report to be prepared, which may result in even more extensive mitigations.

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*
- b) *Would the project 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?*

Less Than Significant Impact. In consultation with NSAQMD, the project is required to comply with standard air quality measures for construction as noted below. These measures are consistent with the Northern Sierra Air Quality Management's Air Quality Plan for the district. From an operational perspective, the residential project is anticipated to generate negligible impacts as outlined in **Table 2 - Project Construction and Operational Emissions Estimates**. The project does not conflict with or obstruct implementation of an air quality plan prepared by NSAQMD. These potential impacts are less than significant.

Adherence with standard Northern Sierra Air Quality Management (NSAQMD) standards will ensure that construction impacts will remain less than significant. Therefore, the project will not violate an air quality standard or contribute substantially to an existing or projected air quality violation. These potential impacts are less than significant.

III.3.1 Table 2: Project Construction and Operational Emissions Estimates

	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	CO (lbs/day)
Project Construction Impacts	0.15	1.46	0.61	1.18
Level A Thresholds				
NSAQMD- Significance Thresholds	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	N/A
	<24lbs/day	<24lbs/day	<79lbs/day	
Level B Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	N/A
	24-136 lbs/day	24/136 lbs/day	79-136 lbs/day	
Level C Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	N/A
	>136 lbs/day	>136 lbs/day	>136 lbs/day	

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant Impact. Construction-related air pollutant emissions would originate from mobile and stationary sources including but not limited to: construction equipment exhaust, dust resulting from earth-disturbance, painting, and asphalt and/or concrete paving and striping. Construction related emissions vary substantially depending on the level of construction activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind, precipitation conditions, and soil moisture content.

According to the City's 2020 General Plan EIR, the site is not in an area of naturally occurring asbestos (NOA) as substantiated by Figure 3.1-1 of the General Plan EIR.

In review of the project, the California Emission Estimator Model (CalEEMod) Version 2020.4.0, emissions modeling program was used to estimate air pollutant emissions associated with the project. According to CalEEMod modeling results, air quality impacts for construction would be less than significant for all regulated air pollutants. There are no air quality impacts from project usage. In contrast, increased use of bicycle and pedestrian transport resulting from the trail will serve to reduce vehicular traffic, Vehicle Miles Traveled and improve air quality. These potential impacts are less than significant.

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Less Than Significant Impact. Construction activities at the project site will require diesel-powered vehicles and equipment, which may result in localized odors. However, these odors would be temporary and would dissipate in the outdoor construction environment. Although in close proximity to sensitive receptors at a few specific locations (i.e. residential) the emissions associated with the project would be short-term and are not anticipated to result in a substantial elevation of pollutant concentrations in the area. The potential for the proposed project resulting in odor emissions adversely affecting a substantial number of people is less than significant.

III.4 Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?		X		
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?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

SETTING

The project area is located within the 78 square mile Wolf Creek watershed, which drains to the Bear River Watershed, the second largest tributary to the Feather River. The Feather River flows to the Sacramento-San Joaquin River Delta before entering the Pacific Ocean through the San Francisco Bay. The Wolf Creek watershed is almost exclusively in the lower montane zone, with altitudes along the creek's 25-mile length ranging from over 3,000 feet at the headwaters to approximately 1,200 feet at the confluence with the Bear River. Unlike most other west-slope Sierran streams and rivers (which flow east to west), Wolf Creek flows primarily along a north-south axis. In comparison to east-west streams, this geographic positioning gives much more of the land a southern or partially southern exposure and thus the ability to support the most productive and diverse ecosystems. The general environmental setting of the site is indicative of the Sierra Nevada foothill habitat, and includes ponderosa pine, Sierra mixed conifer, and riparian habitat. The site slopes are generally minor, being less than 10% with some steeper slopes primarily where grading has occurred.

- a) *Would the project 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?*

The following section is a summary of the preliminary special-status species analysis in the Biological Constraints Report prepared for the proposed project (**Appendix B**).

Less Than Significant With Mitigation Incorporated. A biological resources inventory of plant and wildlife species was conducted to identify the location and extent of candidate, sensitive, or special status species within and around the project area, known as the Biological Study Area (BSA). To complete an analysis of the potential impacts to environmental habitats and resources from the Project, the work area and surrounding habitat was evaluated (Biological Study Area). The BSA was determined based on the characteristics of the project site and its surrounding environment, such as the presence of sensitive habitats, special-status species, and other ecological features of interest. It was also determined early in the project development process, and in

collaboration with stakeholders to include all areas where the trail alignment could potentially pass through.

Biological resources near the project area were generated using a combination of databases including the United States Fish and Wildlife Service (USFWS) Critical Habitats, USFWS Information for Planning and Consultation (iPAC), California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB), CDFW Spotted Owl Data Viewer, and the USFWS National Wetlands Inventory (NWI). A search query with a 2-mile radius around the project area created a list of seven plant species, seven wildlife species, and several aquatic features. There was no USFWS designated critical habitat anywhere within the BSA nor 2 miles outside of the BSA.

Habitats within the BSA. Segments 2-6, the five segments that comprise the project area, are composed of the following natural and unnatural habitat types: aquatic (Wolf Creek), riparian, ponderosa pine, Sierra mixed conifer, developed (paved roads), and landscaped. Segments 3-6 are mostly made up of paved areas or adjacent landscaped areas. The proposed trail alignment in Segment 2 is adjacent to Wolf Creek and passes through riparian habitat and ponderosa pine habitat. The forested section of Segments 4 passes through Sierra mixed conifer habitat.

Dominant species in the riparian habitat are Himalayan blackberry (*Rubus armeniacus*), cottonwood (*Populus fremontii*), white alder (*Alnus rhombifolia*), and black locust (*Robinia pseudoacacia*). The ponderosa pine habitat is dominated by ponderosa pine (*Pinus ponderosa*) with a smaller representation of incense cedar (*Calocedrus decurrens*). The Sierra mixed conifer habitat is dominated by incense cedar (*Calocedrus decurrens*), ponderosa pine (*Pinus ponderosa*), and California black oak (*Quercus kelloggii*).

Although multiple wetland features came up on the 2-mile query, the only aquatic feature within the BSA was Wolf Creek. The proposed project will not have any direct impacts on Wolf Creek.

Special-Status Plants. Special-status plant species are those species that are legally protected under the Federal Endangered Species Act (FESA) and/or California Endangered Species Act (CESA) as listed or proposed for listing as threatened or endangered, as well as California Native Plant Society Rank 1, 2, or 3 California Rare Plant Ranks (CRPR) plants. The special-status species table within the Biological Constraints Report (BCR) (**Appendix B**) summarizes special-status plants and their potential to occur in the BSA. Of the seven plant species listed in the table, two species were discussed in more detail to fully evaluate whether there could be impacts from project activities: Scadden flat checkerbloom (*Sidalcea stipularis*) (SE, CRPR 1B.1) and Dubious pea (*Lathyrus sulphureus* var. *argillaceus*) (CRPR 3). The other five species [pine hill flannelbush (*Fremontodendron decumbens*), Stebbins' morning-glory (*Calystegia stebbinsii*), brownish beaked-rush (*Rhynchospora capitellata*), chapparal sedge (*Carex xerophila*), and finger rush (*Juncus digitatus*)] that came up on the query had no potential to be affected by the project due to a lack of suitable habitat in or near the proposed work areas. The other two species are discussed below:

Scadden flat checkerbloom (*Sidalcea stipularis*). This plant is endemic to Nevada County in eastern California. It is known from only two occurrences on Scadden Flat in the Sierra Nevada foothills, near Grass Valley. The plant grows in wet montane marshes¹ that are fed by local springs². The only aquatic habitat within the BSA is Wolf Creek and the work areas within the BSA don't have any montane marsh habitat. As such, no impacts are anticipated to occur to this plant species from project activities.

Dubious pea (*Lathyrus sulphureus* var. *argillaceus*). This plant is a perennial herb found within cismontane woodland, and upper and lower montane coniferous forests from 150 to 930 meters in elevation³. The proposed work area does not contain quality suitable habitat for this species. Although there is a recorded observance of this species that overlaps the work area, the record encompasses a large area (much larger than the work area) with low accuracy of the exact location of where the plant was actually seen. The project areas may provide marginal, low quality habitat for this species, but there have been no recorded occurrences within the work areas. This species has a very low likelihood of being impacted by the work activities.

Impacts to special status plants from the proposed project are less than significant.

Special Status Animals. Special status animal species include those listed as threatened or endangered or candidates for listing under the FESA or CESA, California Species of Special Concern (as designated by the California Department of Fish and Wildlife); and other rare species, including those on the "Special Animals List" as maintained by CDFW. Plant and animal species were evaluated for their potential to occur within and near the project area and within a 2-mile radius for species observations from CNDDB. Seven wildlife species were identified as having the potential to occur in the project area. The special status species table within the BCR (**Appendix B**) summarizes the results and discusses species with potential habitat present within the vicinity of the project. Of the seven wildlife species evaluated, a total of four species has a low likelihood of occurring. The other three species (California red-legged frog, Townsend's big-eared bat, and coast horned lizard) have no potential to be affected by the project activities as there is no suitable habitat, or there is a lack of recent records for that species within 2 miles of the project work areas. The four with low potential to occur are listed and discussed below:

- California black rail
- California spotted owl
- Yellow breasted chat
- Foothill yellow-legged frog

California black rail. This species nests in marshes and wet meadows including riparian marshes,

¹ Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the Consortium of California Herbaria. [web application]. 2023. Berkeley, California: The Calflora Database [a non-profit organization]

² Kelly Steele & Duane Isely 2012, *Lathyrus sulphureus*, in Jepson Flora Project (eds.) Jepson eFlora, https://ucjeps.berkeley.edu/eflora/eflora_display.php?tid=30340, accessed on January 31, 2023.

³ Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the Consortium of California Herbaria. [web application]. 2023. Berkeley, California: The Calflora Database [a non-profit organization]

coastal prairies, saltmarshes, and impounded wetlands. All habitats have stable shallow water, usually just 1-2 inches deep. Marsh nests are set on or close to the ground, at the base of taller vegetation. Specific plants correlated with black rail presence include *Bolboschoenus acutus*, *B. californicus*, *B. acutus*, *Typha angustifolia*, *T. latifolia*, and *Phragmites australis*.

The proposed work areas do not contain suitable nesting habitat for this species. There are recorded observances of this species in areas adjacent to the proposed work area. However, the records indicate the observations are only visual with no evidence of nests or nesting behavior. **This species has a low likelihood of being impacted by work activities.**

California spotted owl. The California subspecies of spotted owl lives in mature and old-growth forests in the Sierra Nevada and in the mountains of coastal and Southern California. The California spotted owl prefers forests with large-diameter trees and varied levels of vegetation. The closest record for spotted owl is 1.3 miles southeast of the work area in Empire Mine State Historic Park, which is heavily forested⁴. Portions of Segments 2 and 4 have forested riparian, ponderosa pine, or Sierra mixed conifer forest, however none of this habitat provides suitable old growth forest nesting trees for the spotted owl. In addition, the forested habitat is interspersed within developed and landscaped areas. It is possible that this species could potentially forage within the forested areas of the project site. The majority of the project is adjacent to main roads, thus the noise level from construction should not be much higher than the ambient noise levels from traffic. **This species has a low likelihood of being impacted by work activities.**

Yellow-breasted chat. Nesting yellow-breasted chats occupy early successional riparian habitats with a well-developed shrub layer and an open canopy. This species primarily nests in the narrow border of streams, creeks, sloughs, and rivers and seldom forms extensive tracts. Blackberry (*Rubus spp.*), wild grape (*Vitis spp.*), willow, and other plants that form dense thickets and tangles are frequently selected as nesting strata. The nest is typically placed within 1 meter of the ground but may range up to 2.4 meters⁵.

Segment 2 and small portions of Segments 4 and 5 may contain suitable nesting habitat for this species, however, no recorded occurrences have been observed within or directly adjacent to work areas. **This species has a low likelihood of being impacted by work activities.**

Foothill yellow-legged frog. The foothill yellow-legged frog lives in foothill and mountain streams from the Pacific coast to the slopes of the Sierra Nevada and Cascade mountains, up to approximately 5,000 feet in elevation. Habitats for this species ranges from valley-foothill hardwood, mixed conifer, to valley-foothill riparian, ponderosa pine, mixed chaparral and wet meadows⁶. Unlike other ranid frogs in California, this species stays close to permanent water sources and does not venture far away. Breeding stream habitat is generally shallow and rocky

⁴ <https://wildlife.ca.gov/Data/CNDDB/Spotted-Owl-Info>

⁵ Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

⁶USFWS <https://www.fws.gov/species/foothill-yellow-legged-frog-rana-boylii>

with some exposed sunlight. Tadpoles require water for a minimum of three to four months. There is suitable habitat within some of the work areas where Wolf Creek occurs in the BSA. The closest record of this species is recorded 1.85 miles northeast of the eastern portion of the project site. There are no records within Wolf Creek. Since this species does not migrate very far from their permanent water sources and there are no documentations in Wolf Creek and there will be no direct impacts to Wolf Creek, **this species has a low likelihood of being impacted by work activities.**

The proposed project anticipates needing to remove 176 trees within the work areas. Trees slated for removal include incense cedar, ponderosa pine, California black oak, Fremont cottonwood, and 1 box elder, 1 big-leaf maple, and 1 white alder. This habitat modification could result in impacts to nesting bird species.

There is a low likelihood of potential impacts from the proposed work activities to the four special status species, however, mitigation measures (MM) will be implemented to protect these species and nesting birds to ensure impacts are avoided or minimized to the greatest extent possible. MM-BIO-01 requires a worker environmental training to make sure all construction crews are aware of special status plants and wildlife in the area, the permits on the project, and the avoidance and mitigation measures that must be followed for the duration of the project. General measures MM-BIO-02 through MM-BIO-06 will be implemented to help avoid attracting wildlife, entrapment, or inadvertent impacts to special status species. MM-BIO-07 and MM-BIO-08 requires a nesting bird survey and wildlife survey prior to the commencement of work. MM-BIO-9 thru MM-BIO-16 include measures to protect Wolf Creek and help avoid impacts to aquatic species. MM-BIO-17 thru MM-BIO-21 help minimize impacts from vegetation removal and requires restoration and replanting to restore impacted habitats.

With the implementation of these mitigation measures, the impacts to special status plant and wildlife species will be reduced to less than significant impact.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant With Mitigation Incorporated. The subject property is not located in or adjacent to an identified refuge, wildlife area, or ecological reserve area of either the U.S. Fish & Wildlife Service or the California Department of Fish and Wildlife.

Of the four vegetation habitat communities within the BSA, the proposed project would have potential direct effects on riparian, ponderosa pine, Sierra mixed-conifer, and landscaping. These permanent impacts would result from construction of the project components. A total of 0.58 acres of habitat and would be temporarily impacted within the project site. These temporary impacts would occur in discrete areas and would occur for only one season. Temporary impacts include areas required to construct the trail. **Table 3** provides the estimated amount of project effect to

vegetation habitat communities, and **Figure 4A-4E** provides a map of these habitats with the permanent and temporary impacts overlayed.

III.4.1 Table 3: Estimated Amount of Project effects to Vegetation Habitat Communities

Vegetation Habitat Community	Biological Study Area Overlap (acres)	Project Impact Area Overlap (acres)	Permanent Impacts (acres)	Temporary Impacts (acres)
Aquatic (wetlands/waters)	2.58	0.00	0.00	0.00
Riparian	5.26	0.78	0.52	0.26
Ponderosa Pine	2.30	0.78	0.63	0.15
Sierra Mixed Conifer	1.82	0.54	0.40	0.14
Landscaping	0.36	0.16	0.14	0.03
Developed	6.26	2.07	1.85	0.22
Total (excludes developed)	12.32	2.26	1.69	0.58

The proposed project could also result in indirect impacts to sensitive natural communities, including disturbances from a change in bike and pedestrian volume, dust, and degradation of water quality from additional roadway surface. Impacts to riparian, ponderosa pine, Sierra mixed-conifer, and landscaping habitats are primarily due to individual tree removals which would be replanted within the project vicinity in accordance with replanting ratios required by local tree protection ordinances and MM-BIO-21. No degradation to water quality will occur from the proposed project due to implementation of a SWPPP for the project (MM-BIO-16). Sediment and erosion control BMPs detailed in the SWPPP will minimize potential indirect effects to downstream resources from sedimentation that could result from construction activities in the project site. Implementation of MM-BIO-1 through MM-BIO-3 would reduce impacts to these vegetation communities to a less than significant level.

Riparian vegetation habitat. CDFW has jurisdiction authority over wetland resources associated with rivers, streams, and lakes under Fish and Game Code Section 1600-1616. CDFW has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a stream bed. In practice, CDFW not only marks its jurisdictional limit at the top of the stream or lake bank, but at times includes within its jurisdictional limit the outer edge of the riparian vegetation (where present) and/or extends its jurisdiction to the edge of the 100-year floodplain. No element of the proposed project encroaches within the bed and bank of Wolf Creek. However, due to impacts to vegetation within the riparian corridor of Wolf Creek, a streambed alteration agreement from CDFW may be required at the discretion of CDFW. If required, the CDFW permitting requirements would serve as addition mitigation to reduce any impacts associated with Wolf Creek stream to a less than significant impact.

The riparian habitat as mapped in **Figure 4A-4E** was generated from a detailed tree survey of 764 trees within the BSA. Riparian habitat was determined by the presence of strongly riparian associated tree species such as white alder (*Alnus rhombifolia*), Fremont cottonwood (*Populus fremontii*), willow (*Salix spp.*) and Oregon ash (*Fraxinus latifolia*), characteristic physical features of an outer floodplain, and the FEMA mapped 100-year floodplain for Wolf Creek.

The City of Grass Valley Development Code requires a Resource Management Plan to be prepared for encroachment in the 30-foot stream setback and shall include measures which will minimize impacts to the watercourse and enhance runoff filtration. The majority of the proposed project will be located more than 30 feet from Wolf Creek; however, portions of Segments 2, 5 and 6 approach to within 10-15 feet of the edge of a drainage area. However, as defined in Chapter 17.50.040 of the City of Grass Valley Development Code a path or trail may be within a watercourse setback.

In addition to the SWPPP for the project required as a mitigation measure (MM-BIO-16), the following performance standards associated with a Resource Management Plan will also be implemented to augment the measures within the SWPPP:

- Water quality impacts would be minimized through a combination of BMPs for construction within the 30-foot stream setbacks, which would include erosion control devices such as coir or other fiber roles or logs, straw, straw bales, etc. to minimize any sediment runoff that could cause erosion into the stream.
- Long term minimization of sedimentation and run off would occur through the construction of vegetated swales in areas subject to storm runoff to pre-treat runoff before it enters the stream.
- Develop and implement site specific enhancement and/or restoration of the riparian vegetation area.
- Removal of non-native vegetation.

Through project design measures, compliance with applicable permits and City of Grass Valley Development Code, and implementation of MM-BIO-1 through MM-BIO-3, and MM-BIO-16 and MM-BIO-21, the potential for the project having a substantial adverse effect on any riparian habitat or other sensitive natural community is less than significant.

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The following section is a summary of the aquatic resources analysis in the Biological Constraints Report prepared for the proposed project (**Appendix B**).

Less Than Significant Impact. Aquatic resources within and around the project area were identified using the USFWS National Wetlands Inventory (NWI) and were confirmed with an aquatic resources survey conducted by a Surf to Snow, Environmental Resource Management, Inc. biologist on April 4, 2022. The aquatic resources survey was conducted to determine if any

aquatic features that are subject to U.S. Army Corps of Engineers Section 404, State Water Resource Control Board (SWRCB) Section 401, or CDFW Code 1600 jurisdiction might be impacted by project activities.

There were multiple wetlands identified within 2 miles of the project, but the only aquatic resource within the BSA is Wolf Creek. Wolf Creek is a 25-mile-long creek that occurs in a mostly lower montane zone between the elevations of 3,000 feet at the headwaters up to 1,200 feet at the confluence of Bear River⁷. Wolf Creek possesses a clearly defined bed, bank, and channel and Ordinary High-Water Mark (OHWM). However, the proposed project will not have any direct impacts (including fill, dewatering, direct removal, hydrological interruption or any other means) on Wolf Creek.

The creek only overlaps with Segment 2 of the of the five segments that comprise the BSA. Very small sections of Wolf Creek appear in Segment 4 and Segment 6 where the creek runs underneath a paved bridge. In total, approximately 2.58 acres of aquatic habitat was mapped within the BSA. However, the project impact area does not overlap with the aquatic habitat at all.

Although there will be no direct impacts to Wolf Creek from the proposed project activities, Mitigation Measures (MM) have been developed to protect the creek from indirect impacts such as construction site runoff or erosion. Mitigation measures MM-BIO-9 thru MM-BIO-16 will be implemented. These measures include installing BMPs to protect the creek and following the guidelines of the SWPPP. These measures are intended for inclusion into the project during and after construction to minimize direct and indirect impacts to water quality during and following construction.

Since there are no direct impacts (including fill, dewatering, direct removal, hydrological interruption or any other means) to wetlands from the proposed project, the impact is considered less than significant.

- d) *Would the project 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 wildlife nursery sites?*

Less Than Significant With Mitigation Incorporated. Camp Far West Reservoir serves as an upstream migration barrier for anadromous species to enter Wolf Creek, eliminating their access to the Project Area. Wolf Creek is adjacent to the project footprint in Segment 2, a small section of Segment 4, and Segment's 5 and 6. However, there is no element of the proposed project that impacts the bed and bank of Wolf Creek or requires the direct removal, fill, or relocation of any portion of this watercourse.

⁷ <https://www.wolfcreekalliance.org/aboutcreek.html>

The forest and riparian habitats in the project area provide potential nesting and foraging habitats for many species such as passerines, and roosting habitat for bats. Wolf Creek may provide movement corridors for aquatic and terrestrial wildlife. However, no work will occur within the creek to construct the project; therefore, no aquatic wildlife movement will be impacted. The proposed project alignment would be located at grade level, and therefore, would not substantially obstruct terrestrial wildlife movement within the riparian corridor.

The nests of all the native bird species are protected under the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Impacts to nesting birds would be mitigated through implementation of MM-BIO-1 and MM-BIO-11. Lastly, No wildlife nursery sites were located anywhere in the project area during the biological survey or extensive tree survey.

Therefore, impacts as a result of the proposed project would be less than significant with mitigation incorporated.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less Than Significant With Mitigation Incorporated.

Tree removal. Currently, it is estimated that 176 trees would be removed to build the trail (see Tree Survey Report, **Appendix A**). However, only 16 of the 176 trees proposed for removal are “significant trees” as defined by Chapter 12.36 of the City of Grass Valley Municipal Code as a tree having “a trunk of twenty-four caliper inches in diameter or larger diameter at breast height (DBH).” There are no trees within the BSA that are listed on the City of Grass Valley heritage tree list.

Implementation of mitigation measure (MM)-BIO-20 would require the replacement of protected trees consistent with local tree protection requirements for trees removed within local agency jurisdiction, applicable Caltrans requirements for trees removed within Caltrans ROW, and CDFW replanting requirements if any trees were to be removed within riparian areas under CDFW’ jurisdiction.

The City of Grass Valley Development Code requires a Resource Management Plan to be prepared for encroachment in the 30-foot stream setback and shall include measures which will minimize impacts to the watercourse and enhance runoff filtration. The majority of the proposed project will be located more than 30 feet from Wolf Creek, but portions of Segments 2, 5 and 6 approach to within 10-15 feet of the edge of a drainage area. However, as defined in Chapter 17.50.040 of the City of Grass Valley Development Code a path or trail may be within a watercourse setback.

In addition to the SWPPP for the project required as a mitigation measure (MM-BIO-16), the following performance standards associated with a Resource Management Plan will also be implemented to augment the measures within the SWPPP:

- Water quality impacts would be minimized through a combination of BMPs for construction within the 30-foot stream setbacks, which would include erosion control devices such as

coir or other fiber roles or logs, straw, straw bales, etc. to minimize any sediment runoff that could cause erosion into the stream.

- Long term minimization of sedimentation and run off would occur through the construction of vegetated swales in areas subject to storm runoff to pre-treat runoff before it enters the stream.
- Develop and implement site specific enhancement and/or restoration of the riparian vegetation area.
- Removal of non-native vegetation.

Due to the encroachment within the 30-foot setback of Wolf Creek, the implementation of MM-BIO-9 through MM-BIO-22 will be implemented to reduce potential impacts. These measures are intended for inclusion into the project within the 30-foot drainage setback during and after construction to minimize direct and indirect impacts to water quality during and following construction. Therefore, impacts as a result of the proposed project would be less than significant with mitigation incorporated.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. The proposed project is not located within any Natural Community Conservation Plan or Habitat Conservation Plan. Thus, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or State habitat conservation. No impact will occur.

Mitigation Measures

MM-BIO-1: Worker Training: Prior to the start of work, a qualified biologist will provide a worker environmental awareness training to the construction crew. The biologist will train all project staff regarding habitat sensitivity, identification of special status species with potential to occur, and minimization and avoidance measures that are being implemented for the project. All contractors must complete the training prior to beginning any project-related work.

MM-BIO-02: Parking: Park vehicles and equipment on pavement, existing roads, or other disturbed or designated areas (barren, gravel, compacted dirt).

MM-BIO-03: Access: Use existing access and ROW roads. Minimize the development of new access and ROW roads, including clearing and blading for temporary vehicle access in areas of natural vegetation.

MM-BIO-04: Equipment Inspection: Minimize potential for wildlife to seek refuge or shelter in pipes, culverts, hollow poles, or similar construction equipment by capping, covering, or elevating said structures when not in use.

MM-BIO-05: Trash: Prohibit trash dumping, , open fires (such as barbecues), and pets (except for safety in remote locations) at work sites.

MM-BIO-06: Escape Ramps: Fit open trenches or steep-walled holes with escape ramps of plywood boards or sloped earthen ramps at each end if left open overnight. Field crew will search open trenches or steep-walled holes every morning prior to initiating daily activities to ensure wildlife is not trapped.

MM-BIO-07: Nesting Birds: Pre-construction Survey: If feasible, work should be scheduled outside of the nesting bird season in the fall and winter. If not possible and work is scheduled during nesting bird season (March 1st through August 31st), a pre-construction nesting bird survey will be conducted by a qualified biologist within 10 days of construction commencement. The survey area should cover a radius of 250 feet for raptors and 50 feet for other non-raptor birds around all work areas.

If an active nest is observed within the survey area, the biologist will determine an appropriate exclusion buffer zone based on the type of species nesting, the distance from the work area, and the level of disturbance/noise levels in that area. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging to ensure construction personnel and activities are restricted from the area. If needed, a qualified biologist will monitor construction activities occurring near the active nest site to ensure no inadvertent impacts on the nests occur.

MM-BIO-08: Special Status Wildlife: Prior to the start of work, a qualified biologist will perform a special status species survey of work areas that could provide suitable habitat for species with potential to occur in or near the project areas. The survey will focus on Segments 2 and 4, and the portion of suitable habitats in the other segments. Special attention will be made to look for foothill yellow-legged frog in areas where the train alignment is adjacent to Wolf Creek. Based on survey results, the qualified biologist will determine what other measures may need to be implemented to protect resources. This may include limiting work areas to walking access only, setting up protection buffers, or having a biological monitor onsite. If special status species are observed, then the agencies will be notified and provided a survey report of the findings.

MM-BIO-09: No Fill: No impacts (including fill, discharge or ground disturbance) to Wolf Creek are permitted.

MM-BIO-10: No Dewatering: No dewatering of Wolf Creek is permitted.

MM-BIO-11: Dry Season Work: If feasible, conduct work activities near Wolf Creek during the dry season (April 15 - October 15).

MM-BIO-12: Minimize Impacts: Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of Wolf Creek. Place staging areas and other work areas as far back from the creek as possible.

MM-BIO-13: Erosion Control: Utilize standard erosion and sediment control BMPs to prevent construction site runoff into Wolf Creek. All exposed/disturbed areas within the proposed project site

will be stabilized to the greatest extent possible. Erosion control measures such as straw wattles, straw mulch or silt fencing will be used to prevent runoff from entering the creek.

MM-BIO-14: Plates or Mats: If temporary plates or matting are needed to facilitate access, contact the Project Biologist or Environmental Lead prior to use.

MM-BIO-15: Stockpile: Stockpile soil within established work site boundaries and locate stockpiles so as not to enter Wolf Creek, stormwater inlets, or other standing bodies of water. Cover stockpiled soil prior to precipitation events.

MM-BIO-16: Storm Water Pollution Prevention Plan: A SWPPP will be prepared for the Project in accordance with Section 402 of the Clean Water Act (CWA) and Caltrans' Construction General Permit (Order 2009-009-DWQ). The SWPPP shall incorporate best management practices (BMPs) to control sedimentation and runoff and address water quality on site. Protective measures would include the following:

- No discharge of pollutants from vehicle and equipment cleaning into any storm drains or watercourses.
- Vehicle and equipment fueling and maintenance operations must be located away from watercourses, except at established commercial gas stations or established vehicle maintenance facility or staging areas with BMPs or secondary containment installed and maintained.
- Spill containment kits will always be maintained onsite during construction operations. Vehicles operating adjacent to wetlands and waterways must be inspected and maintained daily to prevent leaks.
- All food and food-related trash items will be enclosed in sealed trash containers and removed completely from the site at the end of each day.

MM-BIO-17: Timing of Veg Work: If feasible, vegetation work should be scheduled between September 1st and March 1st to avoid the nesting bird season.

MM-BIO-18: Tree Protection: Removal and trimming of vegetation should be the minimum amount necessary to support the work. All cut vegetation must be removed from the riparian area.

MM-BIO-19: Felling Trees: Directionally fall trees away from an exclusion zone, if an exclusion zone has been defined. If this is not practicable, remove the tree in sections. Avoid damage to adjacent trees to the extent practicable.

MM-BIO-20: Replanting: Vegetation and tree removal would be required to construct the trail. Trees shall be replanted within the project area at a ratio consistent with local tree protection requirements for trees removed within local agency jurisdiction, Caltrans requirements for trees removed within Caltrans ROW, and CDFW replanting requirements for trees removed within the riparian zone in CDFW's jurisdiction.

MM-BIO-21: Restoration: All slopes or unpaved areas temporarily disturbed by the construction activities will be reseeded with native grasses and shrubs to stabilize and prevent erosion. The temporarily disturbed areas will be restored to pre-construction conditions to the maximum extent practicable. Where disturbance includes tree removal, native species will be replanted at ratios as described above.

MM-BIO-22:

- Establishing the area around the active drainage channel as Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
- Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the stream. Place staging areas and other work areas outside of the 30-foot drainage setback.
- The contractor shall exercise reasonable precaution to protect this drainage and adjacent 30-foot drainage setback, including potential wetlands, from pollution with fuels, oils, and other harmful materials. Construction by products and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal from the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- No equipment for vehicle maintenance or refueling shall occur within the 30-foot drainage setback. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instruction on the label.

III.5 Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

The following section is summarized from the Phase 1 Archaeological Survey Report prepared for the proposed project (**Appendix C**).

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to California Environmental Quality Act Guidelines Section 15064.5?*

Less Than Significant Impact. The Area of Potential Effect (APE) records search revealed that there are five previously recorded resources that overlap the APE. The pre-field research and Phase I intensive pedestrian survey identified 6 potential historic properties within the APE.

P-29-000839 – Nevada County Narrow Gauge Railroad: Though the historic alignment of this railroad crosses the APE, there are no visible features or other historic attributes visible within the APE.

P-29-001463 – Mine Shaft: This historic-era site was not relocated, and appears to have been altered, covered, and or destroyed during construction of buildings and parking lots in the mapped location of the mine.

P-29-001514 – Idaho-Maryland Road: The historic Idaho-Maryland Road is no longer observable within the APE. Significant development of the road, including widening, repaving, and sidewalk construction have altered the character-defining features of this resource to the extent that appears to retain no integrity within the APE.

P-29-001515 – South Auburn Street: The short section of South Auburn Street that crosses the APE (approximately 300 feet) retains none of the historic character of the resource as originally recorded. It currently displays as a modern road beneath the elevated Hwy 20, and surrounded by relatively modern commercial development.

P-29-003568 – Grass Valley Yard – Nevada County Narrow Gauge Railroad: Though a very small section of this large historic site overlaps the APE, there are no visible and associated historic features, artifacts, or other elements of this resource within the APE.

P-29-004634 – East Bennett Road: The road was first recorded in 2016 as a modern paved road displaying four historic features, including three culverts and one retaining wall feature thought to date from the 1935 to 1943 Works Project Administration (WPA) period. None of these four features are located within the APE.

Temp 001 – Historic Rock Walls: The current survey identified a series of historic rock walls constructed to channelize Wolf Creek near Segment 2 of the proposed trail as it passes through Grass Valley. The walls are constructed of stacked and dry-laid rock of 3 to 10 courses and were observed on both, but primarily southeast side of Wolf Creek, along a 0.5-mile stretch of the creek between Hwy 20 in the southwest to the Safeway shopping center in the northeast. Full delineation and description of this resource was not possible during this survey due to lack of private property access and significant blackberry overgrowth, obscuring visibility of the resource.

Though this resource has not yet been fully delineated or described, it appears unlikely to be impacted by the Project, as currently defined. The observed rock walls establish the margin of Wolf Creek; when developed, the Wolf Creek trail is designed to be set back from the creek and therefore not be in conflict with the rock walls. Should these plans change, resulting in potential impact to the resource, the rock walls would need to be fully recorded to address any impacts during planning, construction, or use of the trail.

Therefore, the potential for the project causing a substantial adverse change in the significance of a historical resource is less than significant, and no mitigation is required.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to California Environmental Quality Act Guidelines Section 15064.5?*

Less Than Significant with Mitigation Incorporated. On February 22, 2022, Surf to Snow archaeologist James Mangold completed an intensive pedestrian Phase I archaeological inventory survey of the Project Area within Sections 25, 26, 27, 34 of the Grass Valley 7.5-minute United State geological survey (USGS) topographic map in Nevada County. The purpose of the archaeological survey was to identify any previously unrecorded cultural resources within the Project Area that may be affected by the proposed project. The survey yielded negative results for the presence of cultural resources.

The survey was completed by walking meandering transects along the proposed trail alignment, which travels through the City of Grass valley along Wolf Creek. The Project traverses terrain that varied from heavily vegetated to fully paved. The Project Area generally occupies creek-side terraces landform was generally flat and at the time of survey was predominantly covered by thick blackberry brambles. Ground visibility was accordingly poor for most of the survey, only varying from 0-10% throughout. Where possible, boot scrapes were employed at regular intervals to expose soils and ascertain if cultural constituents were present.

Construction activities for the project would include excavation and grading. Therefore, there is the potential for the project to affect previously unidentified archaeological resources during ground disturbing activities. MM-CUL-1 through MM-CUL-3 would ensure archaeological resources that may be found on the site are properly identified and protected. With inclusion of these mitigation measures, potential project impacts would be reduced to a less than significant level.

- c) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant with Mitigation Incorporated. No known human remains occur on site. In the event that previously unknown human remains are encountered during earth removal or disturbance activities, the project would be required to comply with California Health and Safety Code Section 7050.5 and public resource code (PRC) as set forth in MM-CUL-3. Potential impacts concerning human remains would be less than significant.

Mitigation Measures

MM-CUL-1: Prior to initiating ground disturbing activities within the project area, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural remains. Personnel should be advised that upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find shall be developed if it is found to be eligible for the National Register of Historic Places or the California Register of Historical Resources.

MM-CUL-2: Archaeological resources unearthed by project construction activities shall be evaluated by a qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the jurisdiction regarding treatment of these resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis; provided no data recovery will be permitted to tribal cultural resources without prior consultation and consent of relevant Tribes.

MM-CUL-3: California Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5, and PRC Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has investigated the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

III.6 Energy

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

SETTING

Pacific Gas and Electric Company (PG&E) is the energy utility provider in Nevada County, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities.

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

No Impact. The Pacific Gas & Electric Company provides electricity and natural gas service to the project area and surrounding areas. The proposed project would enhance pedestrian and bicycle safety and increase connectivity and mobility. During construction, the project would result in a nominal increase in electricity and natural gas demand. This nominal increase represents an insignificant percent increase compared to overall demand in PG&E's service area. Therefore, projected electrical and natural gas demand would not significantly impact PG&E's level of service.

During construction, transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of

construction and would be temporary. Most construction equipment during demolition and grading would be gas-powered or diesel-powered, and the later construction phases would require electrically powered equipment. Impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure.

During operations, energy consumption associated with the trail would be nominal. Furthermore, gasoline fuel facilities and infrastructure already exist in the surrounding area. Consequently, the proposed project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, there would be no impact.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

No Impact. The Grass Valley Energy Action Plan set goals to improve energy efficiency in buildings, facilities, and City operations, and to expand the utilization of renewable energy and resilience measures. It projected a decrease of annual grid supplied electricity use in 2035 by 36% and annual natural gas use by 29%. The Nevada County Energy Action Plan provides an analysis of the energy use within the unincorporated county limits by the community and County operated facilities as well as a roadmap for accelerating energy efficiency, water efficiency, and renewable energy efforts already underway in Nevada County. The goal of the plan is to reduce the projected annual grid supplied electricity use in 2035 by 51% and annual natural gas use by 30%.

The proposed project would enhance pedestrian and bicyclist safety and increase connectivity and mobility. The project would further promote alternative modes of transportation and reduce vehicle trips. The project is a trail extension and therefore would not generate any new automobile traffic or require energy use. Additionally, the proposed project would be consistent with the California Air Resources Board Scoping Plan measures, the Grass Valley Energy Action Plan, and the Nevada County Energy Action Plan. A reduction in greenhouse gas (GHG) emissions would occur by providing alternative transportation options, which reduces vehicle fuel consumption. The proposed project does not conflict with or obstruct either of these local plans, or a state plan for renewable energy or energy efficiency. Therefore, the proposed project would have no impact.

III.7 Geology and Soils

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

SETTING

The proposed project is located on the northern half of the Sierra Nevada Geomorphic Providence of California. The Sierra Nevada Geomorphic Province is bordered to the north by the Cascade and Basin and Ranges, to the west by the Great Valley, to the east by the Basin and Range, and to the south by the Transverse Ranges and the Mojave Desert. The Sierra Nevada is nearly 400 miles in length and averages about 50 miles wide. Formation of the Sierra Nevada occurred by tectonic shifting of the Sierran Block; the western side dropping to form the Great Valley and the eastern side being uplifted to form the Sierra Nevada.

The following sections are summarized from the Phase I/II Environmental Site Assessment Report prepared for the proposed project (**Appendix D**).

Geology. The trail is located within a region underlain by a complex assemblage of igneous and metamorphic rocks in the western foothills of the Sierra Nevada. The regional structure of the foothills is characterized by the north-northwest trending Foothills Fault System, a feature formed during the Mesozoic era (between approximately 65 million and 248 million years ago) in a compressional tectonic environment. A change to an extensional tectonic environment during the late Cenozoic (approximately within the last 30 million years), resulted in normal faulting which has occurred coincident with some segments of the older faults near the site. According to the Tuminas (1983), the southern segment of the trail segment crosses an area mapped as La Barr Meadows quartz diorite, and the northern segment crosses an area mapped as Lake Combie diabase, serpentine and gabbro.

Soils. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the trail crosses land that is mapped as Alluvial land clayey (Ao), Placer diggings (Pr), Sites silt loam (SID), Sites very stony loam (SmC), and Rock outcrop-Dubakella (RrE).

- a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- ii) *Strong seismic ground shaking?*
- iii) *Seismic-related ground failure, including liquefaction?*
- iv) *Landslides?*

Less Than Significant Impact. Based on the 2010 *Fault Activity Map of California* prepared by the California Geological Survey, the nearest faults are the Grass Valley Fault, Wolf Creek Fault Zone, Spenceville Deadman Fault, and Swan Ravine Fault located 2 miles east, 6 miles south, 12 miles west, and 14 miles northwest, respectively. The Grass Valley Fault is a Pre-Quaternary fault (i.e. no visible signs of movement within 1.6 million years). This fault is not necessarily inactive. The Wolf Creek and Spenceville Deadman Faults show geomorphic evidence of movement during the late Pleistocene epoch (700,000 to 11,000 years ago), and the Swan Ravine Fault shows geomorphic evidence of movement undifferentiated during the Quaternary period.

According to the 2008 Seismic Motion Interpolator prepared by the California Division of Mines and Geology, there is a 10 percent probability that the site will experience a horizontal ground acceleration of 0.16g in the next 50 years. This is a relatively low level of ground shaking for California. Earthquake faults, strong seismic ground shaking, seismic related ground failure and landslide impacts are considered less than significant.

Because the site is relatively flat, the potential for landslides and seismically induced slope failures at or near the project site is low. Therefore, project implementation would result in less than significant impacts associated with the exposure of people or structures to potential substantial adverse effects involving strong seismic ground shaking, seismic-related ground failure including liquefaction, and landslides, and no mitigation is required.

- b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Less Than Significant Impact. Grading would be required to construct segments of the trail. Grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. Because the project would disturb more than one acre, a SWPPP would be developed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (NPDES General Construction Permit) (Order No. 2009-0009-DWQ, NPDES No. CAS000002) (California State Water Resources Control Board (SWRCB) 2009). The SWPPP would identify BMPs that would be implemented to prevent soil erosion during construction and to stabilize the site at the end of

construction. These requirements would ensure that potential project impacts are less than significant.

- c) *Would the project 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?*

Less Than Significant Impact. The proposed project would be required to be in conformance with the latest version of the California Building Code and other applicable standards. Conformance with standard engineering practices and design criteria would reduce the effects of ground failure to a less than significant level.

As per the Phase I/II Environmental Site Assessment Report prepared for the proposed project (**Appendix D**), with the geology and soils summarized in this section above, the risk of lateral spreading from landslides and liquefaction is low. The site resides in a low seismic zone, and site geology consists of stiff/ dense native soils and decomposing rocks. These impacts are considered less than significant.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2021), creating substantial direct or indirect risks to life or property?*

Less Than Significant Impact. Expansive soils can change in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moisture that can trigger this shrink-swell phenomenon can include seasonal rainfall, landscape irrigation, utility leakage, and/or perched groundwater. Expansive soil can exhibit wide cracks in the dry season, and changes in soil volume have the potential to damage concrete slabs, foundations, and pavement. Adherence to all construction and project design features would ensure impacts are less than significant.

- e) *Would the project 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?*

No Impact. The project does not propose the use of septic tanks. Therefore, no impact would occur and no mitigation is required.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant with Mitigation Incorporated. Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. These resources are valued for the information they yield about the history of the earth and its past ecological settings. The potential for fossil occurrence depends on the rock type exposed at the surface in a given area. Typically, paleontological resources are found within alluvium deposits.

Although not anticipated, the potential to encounter paleontological resources during subsurface construction activities associated with the project, such as grading and trenching, still exists. If the project were to encounter paleontological resources, the project could potentially result in a significant impact to paleontological resources. Accordingly, implementation of Mitigation Measure GEO-1 is recommended to reduce potential impacts to paleontological resources that may be discovered during project construction. With the incorporation of mitigation, impacts associated with paleontological resources would be less than significant.

Mitigation Measure

MM-GEO-1: In the event that paleontological resources are encountered during grading or other construction activities at the site, all construction, excavation, or grading activities within 100-feet of the find shall be temporarily halted until the City has been notified and a qualified paleontologist has had the opportunity to assess the significance of the find and provide proper management recommendations.

III.8 Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

SETTING

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) that contribute to global climate change have a broader global impact. Global climate change is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back into space.

Among the potential implications of global climate change are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global climate change may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic area pollutants, much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county and sub regional level, and other measures to reduce automobile use. Energy conservation measures can also contribute to reductions in GHG emissions.

CEQA Guidelines Section 15064.4 provides direction to lead agencies in determining the significance of impacts from GHG emissions. Section 15064.4(a) calls on lead agencies to make a good faith effort, based upon available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project. The lead agency has the discretion to determine, in the context of a particular project, how to quantify GHG emissions.

Senate Bill 97 requires an assessment of projects GHG emissions as part of the CEQA process. SB 97 also required the Office of Planning and Research to develop guidelines to analyze GHG emissions.

The NSAQMD has not adopted thresholds of significance for GHG emissions. Due to the nature of global climate change, it is not anticipated that a single project would have a substantial impact on global climate change. Although it is possible to estimate a project's CO₂ emission, it is not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant Impact. GHG emissions associated with implementation of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equivalent exhaust. The proposed project would not result in significant, long-term, GHG emissions, as the proposed project consists of a trail for pedestrians and bicyclists that would not generate vehicle trips and/or source emissions.

The primary existing sources of human-caused GHGs in the project area are vehicle emissions from SR-20/49 and other major roads located adjacent to the proposed project.

Construction GHG emissions were estimated using CalEEMod. For the purpose of this environmental analysis, project construction is expected to occur over an approximately nine-month period. Construction activities would include grading, paving, and coating for striping and signage. Project construction would result in direct emissions of CO₂, N₂O, and CH₄ from the operation of construction equipment and the transport of materials and construction workers to and from the project site. Construction of the project would result in a total of 223.89 CO₂e.

The proposed project includes an approximately 2.3-mile trail extension which would not include any structures which would provide energy, waste, water, or wastewater emissions. Additionally, no vehicle trips are associated with the project. Therefore, no GHG emissions are expected to be generated from operation of the proposed project and impacts are less than significant.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant Impact. The City of Grass Valley has not conducted a greenhouse gas emissions inventory or adopted a Climate Action Plan, performance standards, or a GHG efficiency metric. However, the City has adopted an Energy Action Plan and the Grass Valley 2020 General Plan includes numerous goals, policies, and programs which, if implemented, will reduce Grass Valley's impacts on global climate change and reduce the threats associated with global climate change to the City. The

proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and therefore the impact is less than significant.

III.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

SETTING

A Phase I/II Environmental Site Assessment Report was prepared for the proposed project to identify and evaluate the level of risk to the project associated with hazardous materials, hazardous waste, and/or contamination. The trail alignment was assessed for the potential of encountering hazardous materials during proposed construction activities and/or operations (**Appendix D**). This assessment revealed no evidence of recognized environmental conditions (RECs) in connection with the proposed trail alignment.

In addition, a record search on the State's Geotracker, Envirostor and Department of Conservation websites and found no evidence of abandoned mine or hazardous waste sites within the project area.

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less Than Significant. During operations of the proposed project, no routine transport or disposal of hazardous materials would be associated with the proposed project. The hazardous materials most likely to be used during construction include typical construction materials such as gasoline, diesel, motor oil, lubricants, solvents, and adhesives. Drips and small spills would be the most likely potential hazardous materials releases to occur, and any release that occurs in close proximity to a stream or drainage channel could have a significant impact on the environment, if not properly controlled. Given the project would disturb over one acre, a SWPPP would be developed and implemented in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (NPDES General Construction Permit)(Order No. 2009-0009-DWQ, NPDES No. CAS000002) (SWRCB 2009). Implementation of the SWPPP would reduce the potential for hazardous materials releases to occur during construction and would reduce the potential for spills to impact sensitive habitat or human health, to less than significant.

The middle segment of the proposed trail is aligned with Hansen Way, a frontage road along SR-49/20. Soil samples WCT-6 through WCT-8 were obtained from near the road shoulder to evaluate the potential for aerially deposited lead (ADL) from historical leaded fuel emissions from highway traffic. The detected soil lead concentrations ranged from 53 to 326 mg/kg, which are

below the DTSC-SL for commercial soil (320 mg/kg) and the TTLC for designating soil as hazardous waste (1,000 mg/kg) (**Appendix D**).

The proposed project does not involve an activity that may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, the impact is considered less than significant.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?*

Less Than Significant Impact. The proposed trail crosses through the historical Grass Valley Mining District, where hard rock (lode) gold mining was performed from the early 1850s to the mid 1950s. Mining waste (waste rock, gold-bearing ore and processed tailings) commonly contains elevated concentrations of heavy metals (such as arsenic and lead) from naturally mineralized ore materials, as well as other chemicals (such as mercury) that were used to extract gold from the ore. Heavy metals such as arsenic, gold and mercury have known toxic effects and can present a health risk in the case of routine contact. Based on the findings of the Phase I/II Environmental Site Assessment Report, the RECs encountered on adjacent sites are not considered likely to have a significant impact on the proposed trail alignment. These included an analysis of the five historical mining-era operations in the vicinity of the proposed trail alignment (historical workings of North Star Mine, Golden Center Mine, the historical Nevada County Narrow Gauge Railroad, historical Crown Point Mine. And the historical Idaho-Maryland Mine). However, the area could contain mine-related features since they are very common, and not an unusual circumstance, in the City.

The properties within the project area are not listed on the City's Hazardous Waste Site or Nevada County's Contaminated Sites lists.

While some localized soil and aerial contamination may be present, construction activities are not anticipated to involve any materials or conditions that would result in risk of upset or accident that would release hazardous materials into the environment. Examples of projects that may involve such risk could include refineries, fuel storage, or tanker transportation, where accidents could result in catastrophic environmental or human consequences. The construction activity for this project would not involve such risk or circumstances, and therefore is considered less than significant.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. The proposed project does not involve an activity that will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact will occur.

- d) *Would the project 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?*

No Impact. The project is not located on a site which is included on a list of hazardous materials sites. No impact will occur.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Less Than Significant Impact. The northeast edge of the project area is located approximately 1.2 miles (as the crow flies) from the Nevada County Airport. As required by the Public Utilities Code, the Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan. The compatibility plan's function is to promote compatibility between the airport and surrounding land uses with respect to: height (e.g. height of structures), safety (e.g. number of persons per acre), and noise (e.g. noise sensitive land uses). According to the Nevada County Airport Land Use Compatibility Plan, the project site is located outside of the area of influence. The project site is not located within an airport land use plan. Therefore, the impact is less than significant.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. The proposed trail is within the City of Grass Valley and Caltrans public ROW. During construction, road access may be disrupted temporarily. Streets and roads affected by trail construction would be appropriately signed with temporary traffic control measures. After completion of the proposed trail and associated intersection improvements, temporary signage and traffic control measures would be removed. Once operational, the Wolf Creek Trail would connect two existing trail segments, providing another route that could be used by bicyclists and pedestrians in an emergency. Therefore, the proposed project would not impair or interfere with an adopted emergency response plan or evacuation plan. No impact will occur.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Less Than Significant Impact. Though the project site, as with most of the City, is designated as within a high fire hazard severity zone, the proposed access and water system will support adequate fire suppression activities. Development of the proposed project does not expose a greater risk from wildfire than in any other area in the City. The proposed project would not expose people or structures, either directly or indirectly, to significant loss, injury or death involving wildland fires. Thus, impacts would be less than significant.

III.10 Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?		X		
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?		X		
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		X		
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
iv. Impede or redirect flood flows?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

SETTING

The project area is located within the 78 square mile Wolf Creek watershed, which drains to the Bear River Watershed, the second largest tributary to the Feather River. The Feather River flows to the Sacramento-San Joaquin River Delta before entering the Pacific Ocean through the San Francisco Bay. The Wolf Creek watershed is almost exclusively in the lower montane zone, with altitudes along the creek's 25-mile length ranging from over 3,000 feet at the headwaters to approximately 1,200 feet at the confluence with the Bear River. Because the trail alignment roughly follows Wolf Creek the whole project area drains a generally short distance to Wolf Creek. There are no other aquatic resources within the project area (**Appendix B**). Nevada Irrigation District (NID) uses the section of Wolf Creek that runs through Grass Valley for irrigation water conveyance. As a result, water levels in summer are higher than the natural hydrograph and temperatures are cooler.

The Wolf Creek Community Alliance (WCCA), a volunteer-run 501(c)(3) non-profit organization focused primarily on cleaning up and restoring Wolf Creek, operates a program launched in 2005 for regularly monitoring of the physical and chemical conditions of Wolf Creek at selected sites in order to help identify areas of concern for various pollutants. Representatives of the State Water Resources Control Board (SWRCB) oversee all WCCA monitoring quality assurance plans. Indicators of water quality measured include temperature, dissolved oxygen, nitrates, total dissolved solids, and pH. About 30 volunteer monitors take and test water samples at 20 different sites along Wolf Creek on a monthly basis.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, most of the proposed project is not within a mapped flood plain. However, there is a portion of Segment 2 of the trail that crosses into Zone AE and Zone X. Zone AE is the area of inundation due to the 100-year storm event (base flood), which has a 1% chance of occurring in any given year. Zone X is defined as an area with 0.2% annual chance flood, areas or 1% annual chance flood with average depths of less than 1-foot or with drainage areas less than 1-square mile, and areas protected by levees from 1% annual chance flood. Evaluation of flood zone areas requires a Flood Zone

Development permit in accordance with Chapter 15.52.050 et. Seq. of the City's Development Code.

The general NPDES stormwater permits for general construction activities require an applicant to file a notice of intent (NOI) with the applicable Regional Water Quality Control Board (RWQCB) to discharge stormwater and prepare and implement a SWPPP. The SWPPP would include a site map, description of stormwater discharge activities, and BMPs that would be employed to prevent water pollution. The SWPPP for general construction activity permits must describe Best Management Practices (BMPs) that would be used to control soil erosion and discharges of other construction-related pollutants that could contaminate nearby water resources.

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less Than Significant with Mitigation Incorporated. While much of the proposed trail would occur on existing roadway and disturbed shoulder areas, the proposed project would result in an increase in the amount of impervious area as a result of new trail. This could result in a slight increase in flowrates and volumes of stormwater runoff, as compared to existing conditions. The path will generally drain its runoff to adjacent pervious, non-erodible surfaces.

Based upon the cut and fill quantities proposed, the proposed project will require a grading permit to be issued by the City of Grass Valley, Public Works Division pursuant to the City's Grading Ordinance. The City's Grading Ordinance requires specific measures to address erosion and the introduction of construction materials into surface waters. In addition, Section 402(p) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) storm water permitting to be approved by the Regional Water Quality Control Board for projects disturbing over 1 acre. Compliance with these regulations and the implementation of Mitigation Measures MM-HY/WQ 1 and MM-HY/WQ 2 requiring a NPDES permit from the RWQCB will reduce potential impacts to a less than significant impact.

If dewatering is necessary in areas where groundwater is encountered within the planned depth of excavation, depending on surface and groundwater levels at the time of construction, the dewatering shall be consistent with RWQCB requirements and as such would not result in a violation of water quality standards or waste discharge requirements. Therefore, impacts as a result of the proposed project would be less than significant.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less Than Significant with Mitigation Incorporated. Groundwater depths were not determined. Wolf Creek flows adjacent to segments of the trail and influences local groundwater elevations. Shallow groundwater may be perched over relatively impermeable soil/rock layers, while deeper groundwater is typically encountered in bedrock fractures.

The proposed project would not result in the construction of large impervious surface areas that would prevent water from infiltrating into the groundwater nor would it result in direct additions or withdrawals to existing groundwater. A majority of the project will require excavation at depths of 1.5 to 3 feet. The maximum excavation depth of 15-feet occurs in Segment 4 for the construction of a retaining wall, and this section of the proposed trail is up a steep slope over 250-feet from Wolf Creek. The maximum excavation depth near a daylighted reach of Wolf Creek is 5-feet and occurs in Segment 2, but at a location where the trail is situated over 20-feet in elevation above the top of bank of Wolf Creek, reducing the likelihood of encountering groundwater during excavation.

The implementation of MM-HY/WQ 1 will require a drainage plan prepared for the project that shall consider the potential for near-surface groundwater in Segment 2 of the proposed trail. Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3-feet of the ground surface.

With the implementation of mitigation measure MM-HY/WQ 1, the proposed project is not anticipated to deplete groundwater supplies or interfere substantially with groundwater recharge. This impact is less than significant.

c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) *Result in substantial erosion or siltation on- or off-site?*

Less Than Significant with Mitigation Incorporated. There is no element of the proposed project that will alter the course of Wolf Creek.

The project consists of constructing 1.68 acres of new impervious surface for the proposed trail, and thus triggers the requirement for completion and submittal of a SWPPP (MM-HY/WQ 2). The plan will identify self-treating areas, proposed retaining detention basins, and underground drainage infrastructure that will assist in the collection and treatment of stormwater generated at the site. Where needed, drainage improvements would be installed to capture stormwater and convey it into the existing storm drain systems and channels. These drainage improvements would remain after construction. Minimal alterations to the existing drainage system would result from the proposed project.

Implementation of the SWPPP (MM-HY/WQ 2) and compliance with the County's applicable drainage standards (MM-HY/WQ 3) will ensure that the potential for the project resulting in substantial erosion or siltation, flooding, exceeding the capacity of existing drainage systems, or impeding/redirecting flood flows is less than significant.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant with Mitigation Incorporated. No substantial change in either drainage patterns or flooding on-or off-site would occur as a result of the proposed project. Much of the proposed trail would occur on existing roadway rights of way; however, approximately half of the proposed trail would require new impervious surfaces to be constructed. The new impervious surface areas would increase surface runoff, but it would not be substantial enough to result in flooding as a majority of the trail runoff would be discharged to adjacent permeable areas with minimal potential for erosion.

During construction, BMPs identified in the SWPPP (MM-HY/WQ 2) would be implemented so that on-site and off-site erosion and sedimentation would be controlled to the extent practicable. Therefore, this impact would be less than significant.

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant. Please refer to the analysis and discussion in Subsection-i and ii above.

- iv) *Impede or redirect flood flows?*

Less Than Significant. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, most of the proposed project is not within a mapped flood plain. However, there is a portion of Segment 2 of the trail that crosses into Zone AE and Zone X. Zone AE is defined as having a 1% chance of floods occurring in any given year. Zone X is defined as an area with minimal flood hazard. Neither Zone AE nor Zone X are considered to be high flood hazard areas. Since the proposed trail in Segment 2 is only 8-feet wide, and overall exiting grade would not substantially change along the proposed trail alignment in this section, flood waters would not be redirected as a result of the proposed project.

Retaining walls would not be installed in a location or manner that would impede or redirect flood flows. In a few locations where retaining walls are proposed, stormwater runoff would be collected at the base of a retaining wall and conveyed to a suitable discharge location. Evaluation of flood zone areas requires a Flood Zone Development permit in accordance with Chapter 15.52.050 et. Seq. of the City's Development Code.

Therefore, impacts as a result of the proposed project would be less than significant.

- d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

Less Than Significant. Seiches are caused when earthquake ground motions cause water to oscillate from one side to the other of a closed or partially closed body of water such as a lake, bay or channel. Since no such bodies of water are located in the vicinity of the project site, there is no risk of release of pollutants due to project inundation.

Tsunamis, or seismic tidal waves, are caused by off-shore earthquakes that can trigger large, destructive sea waves. The project site is located approximately 125 miles northeast of the Pacific Ocean. Therefore, no impact would occur as a result of tsunamis or seismic tidal waves.

Hazardous materials, solid waste, or other byproducts will not be stored in the project area and therefore there will be no risk for significant pollutant release as a result of inundation. Therefore, the potential for the proposed project resulting in significant pollution as a result of inundation is less than significant.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

No Impact. Water quality impacts other than those described in response (a) above are not anticipated with implementation of the proposed project. The proposed project would be required to comply with Nevada County and City of Grass Valley regulations related to stormwater runoff, including implementation of post-construction BMPs as requirements of the SWPPP and therefore there would be no impact.

Mitigation Measures

MM-HY/WQ 1 - The drainage plan prepared for the project shall consider the potential for near-surface groundwater in Segment 2 of the proposed trail. Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface.

MM-HY/WQ 2 - Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.

MM-HY/WQ 3 - Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

III.11 Land Use Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

SETTING

The proposed Wolf Creek Trail roughly follows the alignment of Wolf Creek through the City of Grass Valley from its southern limits to the northeast corner of town. The proposed project is entirely within public two jurisdictions: City of Grass Valley ROW and Caltrans ROW. The purpose of the project is exclusive to public infrastructure and public ROW is excluded from General Plan and Zoning designations when the purpose of the project is exclusive to public infrastructure.

- a) *Would the project physically divide an established community?*

No Impact. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a mean of access (such as local road or bridge) that would impair the mobility within an existing community, or between a community and outlying areas. The proposed project would provide a new bicycle and pedestrian trail within Caltrans and public ROW. The proposed project would not physically divide an established community, and in fact would provide for better connectivity. No impact will occur.

- b) *Would the project cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Less Than Significant. The plans, policies, and regulations applicable to the proposed project include the City of Grass Valley General Plan and Municipal Code, and the Nevada County General Plan. The proposed project would be consistent with County of Nevada and City of Grass Valley General Plan land use designation and zoning which allows for recreational and public uses that are compatible with surrounding land uses.

Generally, the proposed project is in direct support of many relevant plans and policies, which contain goals and policies in support of bicycle and pedestrian trails, and specific goals and policies in support of completion of the Wolf Creek Trail. Additional relevant policies relate to the protection of natural resources, water quality, cultural resources, visual resources, air quality, and public safety from natural and human-caused hazards, provision of public services, noise and traffic. Many of the project impacts related to these topics are less than significant or are limited to the short-term construction phase of the project as described in the relevant sections of this document. With implementation of the mitigation measures contained in this document, the proposed project is consistent with all of these policies with all the relevant regulations and policies contained in these documents. This impact would be less than significant.

III.12 Mineral Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?				X
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?				X

SETTING

The City of Grass Valley adopted a General Plan Mineral Management Element (MME) on August 24, 1993. The MME contains four resource areas defined as: Mineral Resource Zone (MRZ) - 1 through MRZ - 4. The designations are described as follows:

- MRZ - 1: Areas where adequate information indicates that no significant mineral deposits are present.
- MRZ - 2: Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence.
- MRZ - 3: Areas containing mineral deposits the significance of which cannot be evaluated from available data.
- MRZ - 4: Areas where available information is inadequate for assignment to any other MRZ zone.

- a) *Would the project 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?*

No Impact. The General Plan Mineral Management Element does not show the site as being near an area classified as having significant mineral deposits. The proposed project is not located near one of the two areas identified in the MME as being targeted for mining conservation. Should mining activities be proposed in the area, the MME includes a policy statement that requires a proposed mine project to address potential impacts on the urban uses based upon the nature of the mining activities. According to the MME, the proposed project is not anticipated to result in the

loss of availability of a known mineral resource or locally known minimal resource. No impact will occur.

- b) *Would the project 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?*

No Impact. The proposed project is not located in an area that has been identified by the City of Grass Valley or the County of Nevada as a locally important mineral resource recovery site. Therefore, the proposed project would not result in the loss of the availability of any locally important mineral recovery site. Therefore, the proposed project would have no impact.

III.13 Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

SETTING

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that disrupts or interferes with normal human activities. Although exposure to high noise levels over an extended period has been demonstrated to cause hearing loss, the principal response to noise is annoyance.

Sound intensity is measured in decibels (dB) using a logarithmic scale. For example, a sound level of 0 dB is approximately the threshold of human hearing, while normal speech has a sound level of approximately 60 dB. Sound levels of approximately 120 dB become uncomfortable sounds.

Two composite noise descriptors are in common use today: Ldn and CNEL. The Ldn (Day-Night Average Level) is based upon the average hourly noise level over a 24-hour day, with a +10-decibel weighting applied to nighttime (10:00 p.m. to 7:00 a.m.) noise values. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were subjectively twice as loud as daytime exposures. The CNEL (Community Noise Equivalent Level), like Ldn, is based upon the weighted average hourly noise over a 24-hour day, except that an additional +4.77 decibel penalty is applied to evening (7:00 p.m. to 10:00 p.m.) hours. The CNEL was developed for the

California Airport Noise Regulations and is normally applied to airport/aircraft noise assessment. The Ldn descriptor is a simplification of the CNEL concept, but the two will usually agree, for a given situation, within Ldn. Like the noise levels, these descriptors are also averaged and tend to disguise short-term variations in the noise environment. Because they presume increased evening or nighttime sensitivity, these descriptors are best applied as criteria for land uses where nighttime noise exposures are critical to the acceptability of the noise environment, such as residential developments.

The primary existing noise source in the project area is vehicular traffic, including cars, trucks, buses, and motorcycles on roadways near or in the project vicinity, especially along SR-20/49. The level of vehicular noise generally varies with traffic volume, the number of trucks or buses, the speed of traffic, and the distance from the roadway. Additional sources of potential noise in and around the project area include the Caltrans yard adjacent to Segment 2, concrete supply business adjacent to Segment 4 along Railroad Ave, other light industrial uses adjacent to Segment 4, 5 and 6, and commercial and residential uses in the vicinity.

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less Than Significant With Mitigation Incorporated.

Construction Noise. Construction noise represents a short-term impact on ambient noise levels. The project would involve minimal construction activities which would be temporary and be short duration resulting in periodic increases in the ambient noise environment. Construction activities would primarily require the use of excavators, backhoes, pavers, and paving equipment.

Groundborne noise and other types of construction-related noise impacts typically occur during the initial earthwork phases. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). It should be noted that as project construction would not use large heavy-duty pieces of construction equipment such as a pile driving, graders, or scrapers, noise levels would be less intense than typical construction projects. Additionally, due to the width of the trail, only one or two small pieces of equipment would be used simultaneously.

Since it is a trail project, equipment would move in a linear fashion as opposed to operating adjacent to any one sensitive receptor for an extended period of time. Segments of the trail are bordered by residential uses; with the nearest approximately 15 feet from of the project site adjacent to Segment 3 along Hansen Way. The majority of residences are 100 feet or more from the project site. In addition, construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors.

Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect the

residential neighborhoods near the construction site. Construction activities would be relatively minor and would not produce excessive levels of noise (e.g., replacing construction machinery to be equipped with properly operating noise attenuation devices, designating haul routes away from sensitive receptors, locating staging areas away from receptors) would be required. Construction activities would be limited to daylight hours and equipment would be properly muffled.

III.13.1 Table 4: Equipment used for the project and the dBA for each type of equipment.

Equipment Type	dBA at 50 feet
Backhoe	84dBA
Excavator	81dBA
Generator	81dBA
Jackhammer	89dBA
Paver	77dBA
Pickup Truck	75dBA
Pneumatic Tools	85dBA

In accordance with the City's Municipal Code, construction activities will be temporary in nature and will occur between normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and not at all on Sunday and legal holidays.

Compliance with the applicable Nevada County and City of Grass Valley noise ordinances would ensure that construction noise does not disturb residents during the times they are most likely to be home or during hours when ambient noise levels are likely to be lower (e.g., at night). According to the State's General Plan Guidelines and City General Plan Noise Element, noises which are generally less than ± 60 dB CNEL are normally acceptable for outdoor low- density residential uses taking into account that any building impacted would be of normal conventional construction without any special noise insulation requirements. The type of equipment used may intermittently exceed ± 60 dB, during the working hours from 7:00 a.m. to 6:00 p.m. However, based upon the temporary and fluctuating nature of construction noise and the implementation of MM-NOI-1, construction noise impacts would be reduced on adjacent noise-sensitive land uses to a less than significant level.

Operational Noise. The proposed project would not introduce any new uses that would result in an increase of noise levels. The project would enhance pedestrian and bicyclist connectivity and safety. The project would serve existing pedestrians and bicyclists and no uses are proposed that would directly increase vehicular trips in the study area. Additionally, the project has been designed to be a pedestrian-oriented area and does not include any stationary noise sources. The project would include occasional path sweeping and landscape equipment for trail maintenance, however, this would be infrequent and temporary. The path sweeping and landscape equipment would not substantially alter the existing ambient noise levels. Therefore, no long-term noise impacts would result from implementation of the proposed project. Operational noise impacts would be less than significant.

- b) *Would the project result in generation of excessive ground borne vibration or ground borne noise levels?*

Less Than Significant Impact. Project construction can generate varying degrees of groundborne vibrations, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located near a construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver buildings. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.20 inch/second) appears to be conservative. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Typical vibration levels produced by construction equipment is identified in **Table 5**.

III.13.2 Table 5: Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second) ¹	Approximate peak particle velocity at 100 feet (inches/second) ¹
Loaded trucks	0.076	0.01
Small bulldozer	0.003	0.00
Large bulldozer	0.089	0.01
Jackhammer	0.035	0.00
Vibratory compactor/roller	0.210	0.03

Notes:

1. Peak particle ground velocity measured at 25 feet per Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018. Table 7-4.
2. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$
 where:
 PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from Table 7-4 of the FTA *Transit Noise and Vibration Impact Assessment Manual* (2018).
 D = the distance from the equipment to the receiver.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Groundborne vibration decreases rapidly with distance. As indicated in Table 3.13.2, based on the FTA data, vibrational velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.21 inches per second peak particle velocity (PPV) at approximately 25 feet from the source of activity. The closest sensitive receptors

would be approximately 25 feet away from active construction zones. However, the nearest sensitive receptor structures are approximately 100 feet or more from the project site. Vibration from construction activities experienced at the nearest sensitive residential structures would range between 0.01 and 0.35 inch per second PPV, which is below the 0.20 inch-per-second PPV significance threshold. Therefore, a less than significant impact would occur.

Operational use of the project would not generate vibrational impacts. Use of the sidewalks and trails would not generate groundborne vibration that could be felt at surrounding uses. The proposed project would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Impacts would be less than significant.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Less Than Significant Impact. As the crow flies, the northeast extent of the project is located approximately 1.25 miles from the Nevada County Airport. Due to the distance from the Nevada County Airport and smaller nature of the aircraft associated with this airport, the impact of the project to expose people residing or working in the project area to excessive noise levels is considered less than significant.

Mitigation Measures

MM NOI-1: The following multipart measure shall be implemented to reduce construction noise impacts to a less-than-significant level:

- All equipment shall have sound-control devices that are no less effective than those provided on the original equipment. No equipment shall have unmuffled exhaust.
- All equipment shall be properly maintained and operated.
- The contractor shall implement appropriate additional measures to reduce noise when adjacent to receptor locations including but not limited to, changing the location of stationary construction equipment and using temporary noise barriers.
- Within 14 days of starting construction, the contractor shall notify adjacent residents in advance of construction of the work hours and scheduled work.
- The construction contractor's specifications shall stipulate that noise-generating construction activities not be allowed between the hours of 6:00p.m. and 7:00 a.m. daily for City of Grass Valley or at any time on Sunday or a legal holiday except when permitted by the governing Planning Director for an extreme situation.

III.14 Population and Housing

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

- a) *Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?*

No Impact. The proposed project would not involve the construction of new housing or new businesses. The project consists of the extension of a trail and would not induce substantial unplanned population growth in the area. Therefore, no impact would occur and no mitigation is required.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The project site does not include any existing housing and no housing would be removed to accommodate the proposed project. Therefore, no impacts would occur and no mitigation is required.

III.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project result in 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:				
i) Fire protection?				X
ii) Police protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?				X

SETTING

The proposed project area is within the City of Grass Valley and is served by the following public services:

- Fire Protection:** The City of Grass Valley Fire Department provides fire protection and emergency medical services within the City. The Ophir Hill Fire Protection District serves lands east of the City limits, and the Nevada County Consolidated Fire District (NCCFD) serves the area generally north, west, and south of the City limits. The Fire Department is part of the tri-agency Joint Operating Agreement that includes the Nevada City Fire Department and NCCFD. The Fire Department has three locations: Fire Station #1 (474 Brighton Street), Fire Station #2 (213 Sierra College Drive), and administrative offices at City Hall (125 East Main Street). Equipment includes three front line engines, one reserve engine, one Office of Emergency Services (OES) engine, a ladder truck, one air support unit, and five staff vehicles.

- *Police Protection:* The City of Grass Valley Police Department currently employs 27 Full Time Equivalent (FTE) sworn members and 3 FTE civilian staff. Based upon Grass Valley's population of 13,041 the department's ratio of police officers per 1,000 residents is 2.1.
 - *Schools:* Throughout Grass Valley, the Grass Valley School District serves K-8 students and the Nevada Joint Union School District serves students in grades 9 - 12. In addition, through inter-district contracts (which can be retracted), 467 students from Grass Valley currently attend schools in other school districts.
 - *Parks:* The Grass Valley public parks and recreation system is comprised of approximately 108 acres of City park lands, including seven developed parks (Dow Alexander, Elizabeth Daniels, Glenn Jones, Minnie, Memorial, DeVere Mautino, and Condon and one underdeveloped park Morgan Ranch) within the City limits.
- a) *Would the project result in 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 in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*
- i) *Fire Protection?*
 - ii) *Police Protection?*

No Impact. The project would not hinder the fire departments of the City of Grass Valley, the Ophir Hill Fire Protection District, or the Nevada County Consolidated Fire District (NCCFD) or the police departments of the City of Grass Valley from maintaining acceptable service ratios, levels of effort, response times or other performance objectives given the nature of the project. As identified in the project description, the project would be constructed adjacent to SR-20/49, Hansen Way, Railroad Ave., and Idaho Maryland Rd. However, no roadways would be completely closed during construction. Therefore, no significant impacts would occur during construction or operation of the project. Implementation of the proposed project would not cause an increase in population, and therefore, service ratios for fire and police services would not be affected. Therefore, there would be no impact to fire and police protection services.

- i) *Schools?*
- ii) *Parks?*
- iii) *Other public facilities?*

No Impact. The project does not involve residential development or new employment- generating land uses and would therefore not generate an increase in the City's population. No major additional public services would be required to serve the proposed project. Therefore, no impacts to schools, parks, and other public facilities would occur.

III.16 Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

SETTING

The City owns and maintains eight park/-recreation facilities. These include three parks currently classified as "community parks": Condon Park, Mautino Park, and Memorial Park. One of the eight parks, Morgan Ranch, is still undeveloped. In addition, the City contracts with Nevada County Historical Society to operate the North Star Mining Museum. An inventory of City owned/ operated parks and recreation facilities include: Memorial Park, 8.4 acres; Condon Park, 80 acres; North Star Mining Museum, 1.7 acres; Minnie Park, 1.6 acres; Elizabeth Daniels Park, 0.3 acres; Dow Alexander Park, 0.5 acres; Morgan Ranch Park, 4.08 acres; and Mautino Park, 12.5 acres.

Additional park/ recreational facilities within the City of Grass Valley that are owned and maintained by entities other than the City are: Nevada County Country Club, 58 acres; Sierra College Rotary fields, 7.95 acres; Grass Valley Charter School, 3 acres.

- 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?*

No Impact. The project's primary purpose is to help close a gap in the regional bicycle and pedestrian transportation network. The proposed project does not include a residential element that would directly induce a population increase within the County. In addition, the proposed land uses will not be of a type or scale that would create new employment opportunities within the County. Therefore, the project would not increase the use of existing neighborhoods or regional

parks or create a demand for construction of new or expansion of existing recreational facilities. No impacts would occur.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

No Impact. The project would not result in the need for construction or expansion of recreational facilities. The proposed project would not materially increase the use of existing neighborhood or regional parks or require the expansion of recreational facilities which may have an adverse effect on the environment. The added recreational opportunities and connectivity to existing recreational uses as a result of the project would be beneficial. Therefore, no impacts would occur.

III.17 Transportation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	

SETTING

The responses to a) to d) below are informed by a Transportation Analysis and associated Technical Memorandum completed by LSC Transportation Consultants, Inc. (see **Appendix E** for more details).

- a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Less Than Significant Impact. Implementation of the proposed project would result in the construction of a trail. Short-term construction trips would include the transfer of construction equipment, construction worker trips, and hauling trips for construction materials; however, impacts in this regard would be temporary in nature and would cease upon project completion. Long-term operation of the project would not generate vehicle trips that would adversely affect the circulation system; no impacts would occur. Project components that require reduction in vehicular lanes do not result in reduced capacity or affect transit service. Therefore, impacts would be less than significant.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?*

Less Than Significant Impact. Implementation of the proposed project would enhance pedestrian and bicyclist safety and increase connectivity and mobility. The project would further promote alternative modes of transportation and reduce vehicle trips. The project is not a land use associated with the generation of traffic and no project components would require reduction of vehicle lanes such that capacity would be affected. Therefore, impacts are less than significant.

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No Impact. The proposed improvements consist of bicycle and pedestrian facility improvements, retaining walls, and signage. These improvements would provide bicyclists and pedestrians with a safe alternative to using City streets in their current condition.

Portions of the trail would be co-located on the existing roadway, which is utilized by vehicular traffic. Parts of the trail would be shared use with pedestrian and bicycle users and vehicles. However, pedestrians and bicyclists already utilize the roadways, and the project would not introduce a new use or geometry that would substantially increase a hazard.

Overall, the project would introduce safer routes of travel and reduce several roadway hazards and not include any incompatible uses. Therefore, no impact would occur.

- d) *Would the project result in inadequate emergency access?*

Less Than Significant Impact. The proposed project includes pedestrian and bicyclist improvements and would not impact evacuation routes. No roadways would be completely closed during construction. Therefore, impacts to an emergency response plan would be less than significant.

III.18 Tribal and Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		X		
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?		X		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?		X		

a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

ii) *A resource determined by the lead agency, in its discretion and supported by substantial*

evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant with Mitigation Incorporated. Chapter 532 Statutes of 2014 (i.e., Assembly Bill [AB] 52) requires that lead agencies evaluate a project's potential impact on "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives lead agencies the discretion to determine, based on substantial evidence, whether a resource qualifies as a "tribal cultural resource."

In compliance with PRC Section 21080.3.1(b), S2S provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission (NAHC). Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074. S2S sent letters to tribal representatives on the NAHC contact list on February 10, 2023. The letters informed them about the project and provided them with location maps as well as a description of proposed construction activities. The individuals contacted were as follows:

- Grayson Coney, Cultural Director, Tsi Akim Maidu
- Clyde Prout, Chairperson, Colfax-Todds Valley Consolidated Tribe (Maidu/Miwok)
- Pamela Cubbler, Treasurer, Colfax-Todds Valley Consolidated Tribe (Maidu/Miwok)
- Gene Whitehouse, Chairperson, United Auburn Indian Community of the Auburn Rancheria (Maidu/Miwok)
- Darrel Cruz, Cultural Resources, Washoe Tribe of Nevada and California
- Shelly Covert, Tribal Secretary Nevada City Rancheria Nisenan Tribe
- Saxon Thomas, Tribal Council, Nevada City Rancheria Nisenan Tribe
- Richard Johnson, Chairman, Nevada City Rancheria Nisenan Tribe
- Jesus Tarango, Chairperson, Wilton Rancheria (Miwok)
- Dahilton Brown, Director of Administration, Wilton Rancheria (Miwok)
- Steve Hutchason,, Tribal Historic Preservation Officer (THPO), Wilton Rancheria (Miwok)

A response was received from the United Auburn Indian Community of the Auburn Rancheria (UAIC). In an email dated March 7, 2023, the UAIC Tribal Historic Preservation Department requested direct contact with the Lead Agency and more specific information on the potential project impact on cultural resources with significance to the tribe. They requested documentation regarding archaeological studies and other associated information for review. S2S shared the Phase I Archaeological Survey Report (**Appendix C**) with the UAIC on March 9, 2023. S2S answered specific questions the UAIC posed about the report and sent additional project maps on March 13, 2023. There was no further communication between the UAIC and S2S or the City at

the time of writing this report, and the 30-day period for responses to the February 10, 2023 NAHC contact list letters had elapsed at the time of writing.

There is the potential for ground disturbing activities associated with the project to inadvertently affect previously unidentified Native American tribal cultural resources. Due to the possibility of unearthing tribal cultural resources which include, but is not limited to, Native American human remains, funerary objects, items or artifacts, sites, features, places, landscapes or objects with cultural values during ground disturbance activities MM TCR-1 through MM TCR-3 have been identified to mitigate this potential impact to archaeological resources. Compliance with the mitigation measures would mitigate potential impacts to tribal cultural resources to a less than significant level.

Mitigation Measures

MM-TRC-1: Prior to initiating ground disturbing activities within the project area, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural remains. Personnel should be advised that upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find shall be developed if it is found to be eligible for the National Register of Historic Places or the California Register of Historical Resources.

MM-TRC-2: Archaeological resources unearthed by project construction activities shall be evaluated by a qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the jurisdiction regarding treatment of these resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis; provided no data recovery will be permitted to tribal cultural resources without prior consultation and consent of relevant Tribes.

MM-TRC-3: California Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5, and PRC Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has investigated the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

III.19 Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

SETTING

The project footprint area, including permanent and temporary impacts, includes 2.07 acres of already developed streets and sidewalks and 2.26 acres forest habitat and landscaped areas (**Figure 3A-3E and Figure 4A-4E**). The developed areas have slopes of no more than 5%. The forested areas have slopes of varying gradients ranging between 5% and 20%. The elevation of the project footprint ranges from approximately 2,366 to 2,533- or 167-foot grade change.

A variety of local and regional purveyors in this area provide and maintain utility and service system facilities associated with electricity, water, stormwater, wastewater, solid water, communications and natural gas. Existing routes of underground gas and water pipelines and underground fiber-optic cables would remain. Utility poles and overhead utility lines that are in conflict with the proposed trail alignment would be relocated in coordination with the affected utility provider prior to construction of the proposed project.

Drainage from and around the project site includes natural swales, ditches, and storm water infrastructure. Historical drainage from the project site likely followed natural topography and flowed toward Wolf Creek where it is daylighted, and towards stormwater infrastructure where Wolf Creek is within an underground culvert. The proposed trail alignment has been designed to conform to existing grade and provide minimal alteration to existing drainage conditions. Where constrained by property lines, easement or change in grade such that a built-up slope would not be feasible, short retaining structures would be built.

Solid waste within the project area is collected by Waste Management, a licensed private disposal company. Solid waste is transported to the company's transfer station located on McCourtney Road.

The City's water system serves approximately, sixty (60%) of the incorporated City of Grass Valley and is located at 808 Alta Vista Avenue. The City's service area is 1,357 acres, approximately 2.1 square miles, with a service area population of 5,855.

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

Less Than Significant Impact. Existing storm drain facilities would be maintained as part of the proposed project. As described above, inlets or other means would be provided, where needed, to convey stormwater into existing storm drainage system and channels with minimal alteration to existing drainage patterns. These drainage improvements would remain after completion of the proposed project. The proposed project would not require or result in the construction of new stormwater drainage facilities that could result in significant environmental effects. This impact would be less than significant.

The implementation of MM-HY/WQ 1 will require a drainage plan prepared for the project that shall consider the potential for near-surface groundwater in Segment 2 of the proposed trail. Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3-feet of the ground surface.

The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities as no potable water and/or toilets would be provided as part of the proposed trail alignment. Therefore, the proposed project would have a less than significant impact.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

No Impact. See Section 19(a) above.

- c) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

No Impact. See Section 19(a) above.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Less Than Significant Impact. Project construction would generate waste including construction materials, trench spoils, and general refuse, and these wastes would need to be disposed of in local or regional facilities. Waste generated from construction would include: non-hazardous metal waste, non-hazardous non-metal waste (concrete rubble, organic waste [vegetation], boxes and crates, refuse from construction workers), and trenching spoils (rubble, soil, broken asphalt). Non-hazardous metal and non-metal waste would be hauled to local disposal centers for recycling or taken to landfills. Trenching and excavation spoils would be reused to the maximum extent possible. The disposal demand would be reasonable relative to the solid waste disposal capacities of area landfills. The project would not generate additional waste once completed. Impacts related to solid waste disposal would be considered less than significant.

- e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

No Impact. The proposed project would comply with all federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project would have no impact.

III.20 Wildfire

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

SETTING

The Grass Valley region has a generally high potential for wildland fires of devastating intensity. This is due to the presence, particularly in less urban settings, of heavier timber, woodland and brush, the occurrence of steep slopes, dry weather conditions, and human activity. Generally, vegetative areas of over 20% slope are considered as fire hazardous areas. The City limits have a distinct urban/wildland interface area. The greatest threat for wildfire hazards is from those that may originate outside the City in unincorporated Nevada County. Historical data on wildfires in or near Grass Valley is kept on the Firehouse Reporting Data System. Because of the extended urban/wildland interface area, the City has participated in regional efforts to reduce wildfire risks to the City. These efforts include participation in Nevada County's Local Hazard Mitigation Plan and the Fire Safe Council of Nevada County Community Wildfire Protection Plan. Nevada County OES and the Fire Safe Council also maintain historical fire records.

According to the California Department of Forestry and Fire Protection (CalFire) Fire Hazard Severity Zone maps, the project area falls entirely within a Local Responsibility Area. A State responsible “Very High Fire Hazard Safety Zone” is adjacent to the project area to the south of Idaho Maryland Rd. in the 0.25 miles west of Centennial Dr. (California Department of Forestry and Fire Protection. Very High Severity Fire Hazard Zone (VHFHSZ) in LRA. Available at: <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones>. Accessed on March 19, 2023).

The City of Grass Valley prepared an Emergency Preparedness Guide in 2019 aimed at individual citizen preparedness in the event of an emergency, with primary focus on wildland fire. The County of Nevada Office of Emergency Services released a Wildfire Preparedness Plan in 2019 to provide a focal point for both strategic and tactical planning to address local wildfire hazard reduction and preparedness goals.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

No Impact. No element of the proposed project will adversely impact any regional-scale communication systems within the City or County that may be used as part of an emergency response or evacuation plan. The proposed project would not impair emergency response or evacuation plans identified in the City of Grass Valley Emergency Preparedness Guide because it would not affect any service ratios or evacuation routes. Rather, the project would increase multi-modal connectivity, thereby adding a potential benefit for emergency evacuations. Thus, no impact would occur.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Less than Significant Impact. The proposed project would result in the construction of a trail within the developed public ROW along local streets and roads and would result in similar uses to the existing conditions, as a transportation corridor. The County of Nevada Wildfire Preparedness Plan has several mitigation measures in place to help reduce and address wildland fire risks. In addition, the City of Grass Valley and Nevada County General Plan have incorporated many policies that protect homes and business from fire and wildfire and minimize potential losses of life and property. Through consistency with the goals and policies of these Plans, the proposed project would not exacerbate wildfire risk. Thus, impacts would be less than significant.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Less than Significant Impact. The proposed project would result in the construction of an additional transportation corridor and would have similar uses to the existing conditions. Underground utilities would remain in place. The small number of distribution utility poles potentially in conflict with the trail would be relocated in coordination with utilities companies (namely PG&E) prior to construction of the project and would be separate from this proposed project. No additional or expanded use of water or wastewater facilities are proposed as part of the proposed project.

The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or on-going impacts to the environment. All utilities serving the site shall be installed underground in accordance with City of Grass Valley Development Standards. These impacts are considered less than significant.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Less than Significant Impact. As discussed above, there is no evidence in the record to suggest that the proposed project will increase wildfire risks or hazards within the County. In a few locations of the proposed project, new storm drain infrastructure may be installed to convey road and trail runoff to existing or extended culverts. With exception of the storm drain infrastructure mentioned above, stormwater runoff from the proposed project would be conveyed to adjacent permeable non-erodible areas. Therefore, the potential for the project increasing risks to people or structures as a result of increased post-fire runoff, slope instability, or drainage changes is less than significant.

III.21 Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

Less than Significant Impact. As discussed in Section IV, Biological Resources, of this IS/ Mitigated Negative Declaration (MND), implementation of the proposed project is not expected to have the potential to result in adverse effects to special- status plant and wildlife species.

Additionally, while unlikely, the project could result in impacts related to eliminating important examples of California History or Pre-history associated with undiscovered archeological and/ or paleontological resources during project construction. However, this IS/MND includes mitigation measures that would reduce any potential impacts to less than significant levels. With implementation of the mitigation measures outlined in this IS/MND, as well as compliance with General Plan policies these potential impacts are less than significant.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

Less than Significant Impact. The impacts of the proposed project would be individually limited and not cumulatively considerable. The proposed project would be a multi-use trail and associated intersection improvements. All environmental impacts that could occur as a result of the proposed project would be reduced to a less-than-significant level through implementation of the mitigation measures recommended in this IS/MND.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant Impact. As identified throughout this IS/MND, the project would not have significant air quality, noise, traffic, or hazardous materials impacts that might directly or indirectly harm human beings. Therefore, the proposed project would not cause adverse effects on human beings.

REFERENCES

The following references used in preparing this report have not been attached to this report. The reference material listed below is available for review upon request of the Grass Valley Community Development Department, 125 East Main Street, Grass Valley, CA 95945.

- California Emission Estimator Model (CalEEMod) Version 2020.4.0
- California Department of Transportation. (2023). List of Eligible and Officially Designated State Scenic Highways. Available at <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed March 10, 2023.
- California Department of Fish and Wildlife. (2022). California Natural Diversity Database (CNDDDB).
- California Department of Forestry and Fire Protection. VHFHSZ in LRA. Available at: https://osfm.fire.ca.gov/media/6730/fhszs_map28.pdf. Accessed on February 13, 2023.
- California Geological Survey - 2010 Fault Activity Map of California
- City of Grass Valley 2020 General Plan
- City of Grass Valley 2020 General Plan Certified Environmental Impact Report (SCH#98082023)
- City of Grass Valley Energy Action Plan
- City of Grass Valley Grading Ordinance
- City of Grass Valley Municipal Code - Chapter 12.36
- Federal Emergency Management Agency (FEMA), FEMA Flood Map Service Center: Search by Address, 2019
- Federal Highway Administration, 1983
- Fire Safe Council of Nevada County
- Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0633E dated February 3, 2013.
- Migratory Bird Treaty Act (MBTA)
- Mineral Management Element of the City's General Plan, dated August 24, 1993
- NPDES General Construction Permit (Order No. 2009-0009-DWQ, NPDES No. CAS000002) (California State Water Resources Control Board (SWRCB) 2009
- Native American Heritage Commission
- Natural Wetlands Inventory (NWI) and HDD datasets
- Nevada County Airport Land Use Compatibility Plan
- Nevada County Energy Action Plan
- Nevada County General Plan
- Noise Equivalent Level (CNEL)
- Nevada County's Local Hazard Mitigation Plan
- Nevada County Office of Emergency Services (OES)
- Northern Sierra Air Quality Management District (NSAQMD)
- Public Resources Code Section 12220(g)
- Tuminas, A., 1983. Geologic Map of the Grass Valley - Colfax Area, Nevada and Placer Counties, California
- U.S. Bureau of Land Management, 1980
- USDA on line soil survey maps and data from - <http://websoilsurvey.nrcs.usda.gov>
- USGS Topographic Quadrangle for Grass Valley

**MITIGATION MONITORING
& REPORTING PLAN**

CITY OF GRASS VALLEY WOLF CREEK TRAIL PROJECT

SCH#2023040524

City of Grass Valley

May 19, 2023

Prepared by:

City of Grass Valley
Community Development Department
125 E. Main Street
Grass Valley, CA

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for Grass Valley Wolf Creek Trail Project located along segments of Wolf Creek.

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Public Works Division (PW) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The PW Division is responsible for managing all technical advisors and coordinating monitoring activities. The PW Division is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley City Council concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The City Council may direct that changes be made to the measures contained in this document prior to its adoption.

WOLF CREEK TRAIL PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION		Item # 11.
						Date Report Recieved	Notes	
1.	BIOLOGICAL	<p>BIO 1 - Mitigation Measure: <u>Worker Training:</u> Prior to the start of work, a qualified biologist will provide a worker environmental awareness training to the construction crew. The biologist will train all project staff regarding habitat sensitivity, identification of special status species with potential to occur, and minimization and avoidance measures that are being implemented for the project. All contractors must complete the training prior to beginning any project-related work.</p> <p>BIO 2 - Mitigation Measure: <u>Parking:</u> Park vehicles and equipment on pavement, existing roads, or other disturbed or designated areas (barren, gravel, compacted dirt).</p> <p>BIO 3 - Mitigation Measure: <u>Access:</u> Use existing access and ROW roads. Minimize the development of new access and ROW roads, including clearing and blading for temporary vehicle access in areas of natural vegetation.</p> <p>BIO 4 - Mitigation Measure: <u>Equipment Inspection:</u> Minimize potential for wildlife to seek refuge or shelter in pipes, culverts, hollow poles, or similar construction equipment by capping, covering, or elevating said structures when not in use.</p> <p>BIO 5 - Mitigation Measure: <u>Trash:</u> Prohibit trash dumping, open fires (such as barbecues), and pets (except for safety in remote locations) at work sites.</p>	3	City	OT			
			4	City	OG			
			4	City	OG			
			4	City	OG			
			4	City	OG			

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
1.	BIOLOGICAL	<p>BIO 6 - Mitigation Measure: <u>Escape Ramps:</u> Fit open trenches or steep-walled holes with escape ramps of plywood boards or sloped earthen ramps at each end if left open overnight. Field crew will search open trenches or steep-walled holes every morning prior to initiating daily activities to ensure wildlife is not trapped.</p> <p>BIO 7 - Mitigation Measure: <u>Nesting Birds:</u> Pre-construction Survey: If feasible, work should be scheduled outside of the nesting bird season in the fall and winter. If not possible and work is scheduled during nesting bird season (March 1st through August 31st), a pre-construction nesting bird survey will be conducted by a qualified biologist within 10 days of construction commencement. The survey area should cover a radius of 250 feet for raptors and 50 feet for other non-raptor birds around all work areas.</p> <p>If an active nest is observed within the survey area, the biologist will determine an appropriate exclusion buffer zone based on the type of species nesting, the distance from the work area, and the level of disturbance/noise levels in that area. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging to ensure construction personnel and activities are restricted from the area. If needed, a qualified biologist will monitor construction activities occurring near the active nest site to ensure no inadvertent impacts on the nests occur.</p>	4	City	OG		
			3	City	OT		

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION		Item # 11.
						Date Report Recieved	Notes	
1.	BIOLOGICAL	<p>BIO 8 - Mitigation Measure: <u>Special Status Wildlife:</u> Prior to the start of work, a qualified biologist will perform a special status species survey of work areas that could provide suitable habitat for species with potential to occur in or near the project areas. The survey will focus on Segments 2 and 4, and the portion of suitable habitats in the other segments. Special attention will be made to look for foothill yellow-legged frog in areas where the train alignment is adjacent to Wolf Creek. Based on survey results, the qualified biologist will determine what other measures may need to be implemented to protect resources. This may include limiting work areas to walking access only, setting up protection buffers, or having a biological monitor onsite. If special status species are observed, then the agencies will be notified and provided a survey report of the findings.</p> <p>BIO 9 - Mitigation Measure: <u>No Fill:</u> No impacts (including fill, discharge or ground disturbance) to Wolf Creek are permitted.</p> <p>BIO - 10 Mitigation Measure: <u>No Dewatering:</u> No dewatering of Wolf Creek is permitted.</p> <p>BIO - 11 Mitigation Measure: <u>Dry Season Work:</u> If feasible, conduct work activities near Wolf Creek during the dry season (April 15 - October 15).</p> <p>BIO - 12 Mitigation Measure: <u>Minimize Impacts:</u> Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of Wolf Creek. Place staging areas and other work areas as far back from the creek as possible.</p>	3	City	OT			
			4	City	OG			
			4	City	OG			
			4	City	OT			
			4	City	OG			

WOLF CREEK TRAIL PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
1.	BIOLOGICAL	BIO - 13 Mitigation Measure: <u>Erosion Control:</u> Utilize standard erosion and sediment control BMPs to prevent construction site runoff into Wolf Creek. All exposed/disturbed areas within the proposed project site will be stabilized to the greatest extent possible. Erosion control measures such as straw wattles, straw mulch or silt fencing will be used to prevent runoff from entering the creek.	4	City	OG		
		BIO - 14 Mitigation Measure: <u>Plates or Mats:</u> If temporary plates or matting are needed to facilitate access, contact the Project Biologist or Environmental Lead prior to use.	4	City	OG		
		BIO - 15 Mitigation Measure: <u>Stockpile:</u> Stockpile soil within established work site boundaries and locate stockpiles so as not to enter Wolf Creek, stormwater inlets, or other standing bodies of water. Cover stockpiled soil prior to precipitation events.	4	City	OG		

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION		Notes
						Date Report Recieved		
1.	BIOLOGICAL	<p>BIO - 16 Mitigation Measure: <u>Storm Water Pollution Prevention Plan:</u> A SWPPP will be prepared for the Project in accordance with Section 402 of the Clean Water Act (CWA) and Caltrans' Construction General Permit (Order 2009-009-DWQ). The SWPPP shall incorporate best management practices (BMPs) to control sedimentation and runoff and address water quality on site. Protective measures would include the following: Utilize standard erosion and sediment control BMPs to prevent construction site runoff into Wolf Creek. All exposed/disturbed areas within the proposed project site will be stabilized to the greatest extent possible.</p> <ul style="list-style-type: none"> • No discharge of pollutants from vehicle and equipment cleaning into any storm drains or watercourses. • Vehicle and equipment fueling and maintenance operations must be located away from watercourses, except at established commercial gas stations or established vehicle maintenance facility or staging areas with BMPs or secondary containment installed and maintained. • Spill containment kits will always be maintained onsite during construction operations. Vehicles operating adjacent to wetlands and waterways must be inspected and maintained daily to prevent leaks. • All food and food-related trash items will be enclosed in sealed trash containers and removed completely from the site at the end of each day. <p>BIO - 17 Mitigation Measure: <u>Timing of Veg Work:</u> If feasible, vegetation work should be scheduled between September 1st and March 1st to avoid the nesting bird season.</p>	2	City	OT			
			3	City	OT			

WOLF CREEK TRAIL PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
1.	BIOLOGICAL	BIO - 18 Mitigation Measure: <u>Tree Protection:</u> Removal and trimming of vegetation should be the minimum amount necessary to support the work. All cut vegetation must be removed from the riparian area.	3	City	OG		
		BIO - 19 Mitigation Measure: <u>Felling Trees:</u> Directionally fall trees away from an exclusion zone, if an exclusion zone has been defined. If this is not practicable, remove the tree in sections. Avoid damage to adjacent trees to the extent practicable.	4	City	OG		
		BIO - 20 Mitigation Measure: <u>Replanting:</u> Vegetation and tree removal would be required to construct the trail. Trees shall be replanted within the project area at a ratio consistent with local tree protection requirements for trees removed within local agency jurisdiction, Caltrans requirements for trees removed within Caltrans ROW, and CDFW replanting requirements for trees removed within the riparian zone in CDFW's jurisdiction.	4	City	OG		
		BIO - 21 Mitigation Measure: <u>Restoration:</u> All slopes or unpaved areas temporarily disturbed by the construction activities will be reseeded with native grasses and shrubs to stabilize and prevent erosion. The temporarily disturbed areas will be restored to pre-construction conditions to the maximum extent practicable. Where disturbance includes tree removal, native species will be replanted at ratios as described above.	4	City	OG		

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
1.	BIOLOGICAL	BIO - 22 Mitigation Measure: •Establishing the area around the active drainage channel as Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter; •Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the stream. Place staging areas and other work areas outside of the 30-foot drainage setback. •The contractor shall exercise reasonable precaution to protect this drainage and adjacent 30- foot drainage setback, including potential wetlands, from pollution with fuels, oils, and other harmful materials. Construction by products and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal from the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion. •No equipment for vehicle maintenance or refueling shall occur within the 30-foot drainage setback. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instruction on the label.	3	City	OG		

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
2.	CULTURAL/ TRIBAL & CULTRUAL RESOURCES	CUL 1 - Mitigation Measure: Prior to initiating ground disturbing activities within the project area, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural remains. Personnel should be advised that upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find shall be developed if it is found to be eligible for the National Register of Historic Places or the California Register of Historical Resources.	3-4	City	OG		
		CUL 2 - Mitigation Measure: Archaeological resources unearthed by project construction activities shall be evaluated by a qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the jurisdiction regarding treatment of these resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis; provided no data recovery will be permitted to tribal cultural resources without prior consultation and consent of relevant Tribes.	4	City	OG		

WOLF CREEK TRAIL PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION		Item # 11.
						Date Report Recieved	Notes	
2.	CULTURAL/ TRIBAL & CULTRUAL RESOURCES	CUL 3 - Mitigation Measure: California Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5, and PRC Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has investigated the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	4	City	OG			
3.	GEOLOGY & SOILS	GEO 1 - Mitigation Measure: In the event that paleontological resources are encountered during grading or other construction activities at the site, all construction, excavation, or grading activities within 100-feet of the find shall be temporarily halted until the City has been notified and a qualified paleontologist has had the opportunity to assess the significance of the find and provide proper management recommendations.	4	City	OG			

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

Item # 11.

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
4.	HYDROLOGY & WATER QUALITY	HY/WQ 1 - Mitigation Measure: The drainage plan prepared for the project shall consider the potential for near-surface groundwater in Segment 2 of the proposed trail. Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface.	2	City	OT		
		HY/WQ 2 - Mitigation Measure: Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.	2	City	OT		
		HY/WQ 3 - Mitigation Measure: Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.	2	City	OT		

WOLF CREEK TRAI PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/ Reporting	VERIFICATION AND IMPLEMENTATION		Item # 11.
						Date Report Recieved	Notes	
5.	NOISE	NOISE 1 - Mitigation Measure: The following multipart measure shall be implemented to reduce construction noise impacts to a less-than-significant level: <ul style="list-style-type: none"> • All equipment shall have sound-control devices that are no less effective than those provided on the original equipment. No equipment shall have unmuffled exhaust. • All equipment shall be properly maintained and operated. • The contractor shall implement appropriate additional measures to reduce noise when adjacent to receptor locations including but not limited to, changing the location of stationary construction equipment and using temporary noise barriers. • Within 14 days of starting construction, the contractor shall notify adjacent residents in advance of construction of the work hours and scheduled work. • The construction contractor's specifications shall stipulate that noise- generating construction activities not be allowed between the hours of 6:00p.m. and 7:00 a.m. daily for City of Grass Valley or at any time on Sunday or a legal holiday except when permitted by the governing Planning Director for an extreme situation. 	3	City	OG			

Lance Lowe

From: Dhatt, Satwinder K@DOT <satwinder.dhatt@dot.ca.gov>
Sent: Monday, May 1, 2023 1:58 PM
To: Lance Lowe
Cc: Arnold, Gary S@DOT
Subject: The Wolf Creek Trail Project

You don't often get email from satwinder.dhatt@dot.ca.gov. [Learn why this is important](#)

Hi Lance,

Thank you for including California Department of Transportation in the review process for The Wolf Creek Trail Project. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt
Local Development Review, Equity and System Planning
California Department of Transportation, District 3
703 B Street, Marysville, CA 95901
(530) 821-8261

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Central Valley Regional Water Quality Control Board

18 May 2023

Lance Lowe
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945
lancel@cityofgrassvalley.com

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, WOLF CREEK TRAIL PROJECT, SCH#2023040524, NEVADA COUNTY

Pursuant to the State Clearinghouse's 20 April 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Wolf Creek Trail Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

Wolf Creek Trail Project
Nevada County

- 5 -

18 May 2023

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento