



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY, CA
95959-8617 (530) 265-1222 <http://nevadacountyca.gov>

Trisha Tillotson
Community Development Agency Director

Brian Foss
Planning Director

**NOTICE OF CONDITIONAL APPROVAL
ADMINISTRATIVE DEVELOPMENT PERMIT, PETITION FOR EXCEPTION TO
DRIVEWAY STANDARDS, AND MANAGEMENT PLAN**

September 29, 2023

Justina Dunne
PO Box 1513
Nevada City, CA 95959

File No: PLN20-0042; ADP20-0012;
PFX22-0037; MGT23-0023
APNs: 053-320-044; 053-260-019;
053-210-024; 053-320-043;
053-260-029

Re: Cannabis Cultivation Administrative Development Permit, Petition for Exception to Driveway Standards, and Management Plan for encroachment to a Watercourse setback

Dear Justina Dunne,

The application submitted on April 2, 2020, and resubmitted with final revisions on August 30, 2023, for an Administrative Development Permit, Petition for Exceptions to Driveway Standards, and Management Plan to permit a commercial cannabis operation at 14120 Thoroughbred Loop in Grass Valley, CA 95949, **is hereby approved subject to the conditions of approval provided below.**

The project was distributed to responsible agencies and departments for their review. Based on the review of the application materials and agency comments, the approval of the Administrative Development Permit is limited to the development and uses described in the project description and is required to adhere to the following conditions:

A. PLANNING DEPARTMENT

1. **Activity Description:** An Administrative Development Permit (ADP20-0042) for the cultivation of cannabis located at 14120 Thoroughbred Loop in Grass Valley, CA 95949. The project is located on a rural, approximately 59.08-acre parcel in a General Agricultural (AG-X) zoning district. This approval is for 9,720 square feet of mixed-light canopy area comprised of 1,080 unique 36-inch by 36-inch cultivation pots located within nine (9) hoop houses. The total support area is 552 square feet and includes a 432-square foot agricultural

chemical and pesticide storage area and a 120-square foot well house. The site will be accessed by an existing gravel driveway which will be improved as required by the approval of this Petition for Exception to Road Standards (PFX22-0037) pursuant to the Department of Public Works conditions of approval. The site is served by an existing well for water and a proposed septic system for sewage disposal. The project proposes to impact a protected watercourse which will be mitigated pursuant to the approved Management Plan developed by a Nevada County prequalified biologist. The cannabis support structures and cultivation process will not have loud noise producing equipment. Four motion sensor security lights will be located around the cultivation sight. Lights will be shielded, and downcast and black out tarps will be used on the hoop houses from sunset to sunrise. The cannabis support structure and cultivation process will not have noise producing equipment. All full-time tasks on site will be performed by residents of the parcel; no additional employees are allowed. 2.76 vehicle trips per day are expected. A Notice of Applicability was obtained by the applicant from the Central Valley Regional Water Quality Control Board and a WDID number was obtained. An annual cultivation license from the Department of Cannabis Control (DCC) shall be obtained prior to the County Annual Cannabis Permit being issued.

2. Management Plan: The following conditions shall be implemented during and after construction for ground disturbance within the 100-foot setback of a watercourse for the development of the proposed septic system to avoid protect water quality and aquatic life in the watercourse, and to avoid introduction of invasive weeds:
 - a. Prior to construction adjacent to the watercourse, install weed-free fiber rolls (wattles) on both sides of the existing bridge to prevent erosion and deposition of surface soils into the watercourse.
 - b. The contractor shall avoid doing any excavation or grading within 3 days of a significant rainfall event.
 - c. The contractor shall exercise every reasonable precaution to protect the watercourse at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.
 - d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.
3. Noise: No equipment or process shall be used for the operation that generates noise in excess of the Noise Standards in the Nevada County Land Use and Development Code (LUDC) Section L-II 4.1.7. Any proposed changes to the noise-producing equipment or hours of operation shall require the appropriate land use permits.
4. Lighting and Glare: The operation shall not generate light tress pass or glare to exceed the boundaries of the premises. Any exterior lighting shall be fully shielded and directed downward. Black out tarps and light traps shall be used to contain indoor lighting in the structures.

5. DCC License: Prior to issuance of the Annual Cannabis Permit to begin cultivation, provide documentation that an annual cultivation license from the Department of Cannabis Control (DCC) has been obtained.
6. Defense and Indemnification Agreement: Within 15 days after project approval, the applicant shall sign and file with the Planning Department the attached Defense and Indemnity Agreement, in the form approved by County Counsel.
7. Fees: All fees incurred in the processing of this project shall be paid in full within 10 days of action on the project. Project approval does not become effective unless and until the applicant has complied with this condition.
8. Development Timeline: Construction pursuant to this permit's approval must be completed within three (3) years from the effective date of approval of the permit, which is October 9, 2026, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Agency, pursuant to Section L-II 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to any portion of the approved use not completed.

B. CANNABIS COMPLIANCE

1. Pursuant to Land Use and Development Code Section L-II 3.30 of Article 3, Chapter II, I, failure to comply with all requirements of this section may result denial, suspension, or revocation of Annual Cannabis Permits.
2. The Annual Cannabis Permit (ACP) is required to be issued within six (6) months of the Conditional Approval.
3. The proposed hoop house utilized for cannabis cultivation shall be prohibited from producing glare.
4. Cultivation onsite cannot commence until the applicant obtains a state license and passing ACP inspection.
5. Submit documentation and post onsite that the applicant holds a Department of Cannabis Control Mixed Light Medicinal license type.
6. Cannabis, or any portion thereof and whether mature or immature, is prohibited from being visible from the public right-of-way or publicly traveled private roads at any stage of growth.
7. Building Permit #220464 submitted for the as-built barn/residence is required to have all fees paid and to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.
8. Building Permit #222339 for the as-built horse barn is required to have all fees paid, and

to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.

9. Building Permit #223654 for the as-built tractor barn is required to have all fees paid, and to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.
10. Submit a building permit for the 1950's horse barn with stalls or submit supporting documentation that the structure identifying that the structure was constructed prior to the requirement of a building permit. The structure will be required to obtain a final inspection or written notification that the supporting documentation was sufficient and approved prior to cannabis cultivation being permitted onsite.
11. Agricultural Exemption permit #220609 for the nine (9) hoop houses is to be approved and issued prior to being utilized for cannabis cultivation. Agricultural exempt hoop houses are not permitted to have electrical, mechanical, or plumbing affixed to the structure.

C. ENVIRONMENTAL HEALTH DEPARTMENT

1. Septic permit EH23-0192 must be finalized by 7/20/24 and prior to issuance of Annual Cannabis Permit.
2. Well must be tested annually before each cannabis season and lab report submitted to EH Department prior to issuance of Annual Cannabis Permit.
3. Any disposal done off site requires receipts from transfer stations to be submitted to the Environmental Health Dept.
4. Owner is responsible for any damage done to septic system during development or operations of commercial farming. Do not grade near or below system. Do not drive over system.
5. No employees are allowed at Operation, additional employees must be approved by Nevada County. Annual permits for Portable Toilets are required for operations with 2-6 employees. A separate septic system will need to be installed for operations with over 6 employees. A 4-year transition period is given for these operations starting from the date of permit issuance. Portable toilets are allowed for 2 seasons per year. An annual permit must be obtained by the beginning of each year for portable toilets during the 4- year transition period.
6. Storage of Hazardous Materials and Propane Tank Installation Requirements. The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous materials that are below State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. An exception to this requirement allows liquefied propane tanks up to 1,000 gallons. Propane tanks that

fall under this exception are required to be installed in accordance with the California Fire Code and California Health and Safety Code and require approval from Fire Authority, Nevada County Building Department and Nevada County Environmental Health. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Land Use and Development Code Chapter X. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

7. Residential Well Setbacks from commercial cannabis grow footprint. All commercial growing operations shall maintain a 50' set back from the existing residential well upon the property. In addition, the 50' setback applies to ephemeral creeks, streams and rivers (to include seasonal drainage ditches).
8. Composting Operations. CalRecycle requirement "compost on-site at any one time does not exceed 100 cubic yards and 750 square feet" must be followed at all times.
9. Owner Advisories:
 - a. Please be aware that commercial farming uses high volumes of water and may result in dry wells. Environmental Health recommends having water storage tanks available for irrigation purposes.
 - b. Prevent fires from composting by carefully monitoring temperature and moisture; noticing and correlating weather events; restricting pile size; maintain moisture levels; and turn piles to release heat.

D. OFFICE OF THE NEVADA COUNTY FIRE MARSHAL

1. Ensure Fire Related site notes are met, as they will be inspected prior to ACP issuance.

E. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. None of the existing structures on the property shall be used for cannabis processing.
2. All residential structures shall be properly addressed prior to approval from the Fire District.
3. The plan shows a pond and a detail referring to a pond on APN 053-260-018. We do not encourage the use of a ponds for water storage unless they are well maintained. Since the pond is used for fire protection, the following standards will be required:
 - a. The pond shall remain at the level designated for the amount of storage required for the project.
 - b. Pond shall be continually maintained for fire protection. A plan to maintain the pond in a working condition shall be developed and shall include an ongoing

- maintenance plan and annual inspection by a means approved by the Fire District. This agreement and plan shall run with the land.
- c. The pond shall remain under common ownership or allowed use as proposed for the project. Also include how the water will be supplied year around to the pond.
 4. Ensure there's adequate room at the fire department connection so fire apparatus using the hydrant does not block the roadway.
 5. Any pesticides and/or fertilizer storage in buildings shall be identified in an approved manner for firefighter safety.
 6. Confirm in writing that the easement concerns on the driveway have been mitigated. Prior to this distribution I was notified of a concern regarding the easement.
 7. Provide a Knox Box key system to access all gates into the commercial operation.
 8. The Fire District has adopted development fees for new construction and fees for services provided by the Department of Fire Prevention and shall be paid at the time services are rendered.

The Fire District's approval of this application is not valid until all plan review fees have been paid. All meetings and inspections require a minimum of 48-hours advance request.

F. DEPARTMENT OF PUBLIC WORKS

1. Prior to issuance of the Annual Cannabis Permit, the total width of the fuel modification area must equal 20 feet. If the 10 feet of fuel modification area cannot be achieved due to the adjacent parcel's property line on the east side of the driveway, then additional fuel modification must take place on the west side of the driveway to equal 20 feet total.
2. Traffic fees: Applicant shall pay traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors, in the amount of 2.76 ADT times the non-residential trip rate for local and regional traffic impacts. Applicant will be invoiced for these fees. Prior to issuance of the Annual Cannabis Permit, the applicant is recommended to verify that the reported 0 employees for 9,720SF of canopy is accurate. Failure to report true and accurate information may result in revocation of the applicant's Annual Cannabis Permit. Additionally, note that per the application, anyone working on a cannabis operation that is not a resident of the parcel will be considered an employee.

G. AGRICULTURAL COMMISSIONER

1. Prior to ACP issuance, applicant shall update and renew the pesticide permit. There is no additional fee for this permit. Use the link at the bottom to schedule your one-one meeting.

2. Scale Certification: Weighing Devices (scales) that meet the suitability and legal requirements for commercial weighing devices must be inspected and sealed for use prior to ACP issuance. Once scales are ordered and on site, request inspection from Ag Department.

ENVIRONMENTAL REVIEW

Based on the information provided in the application materials, the project (ADP22-0019) complies with the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO) and any environmental impacts of the project are within the scope of the Program Environmental Impact Report (EIR18-0001, SCH#2018082023) that was certified on May 14, 2019, by the Nevada County Board of Supervisors for the ordinance (NOD attached). The Program EIR (PEIR) identified mitigation measures that were incorporated into the ordinance as development standards and requirements. The project has been reviewed for consistency with the requirements of the ordinance and the project does not present any new environmental impacts that were not thoroughly analyzed and disclosed in the Program EIR. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168, when an EIR has been certified, a subsequent EIR shall not be prepared unless the lead agency determines that there are substantial changes to the project. This project has been determined to be within the scope of the Program EIR and creates no new significant impacts and does not contribute to the cumulative impacts identified by the PEIR. All mitigation measures that were incorporated into the ordinance shall be imposed by the activity description, the conditions of approval, and as shown on the approved site plan (attached). Attached is a site-specific analysis and checklist for the project site that addresses potential environmental impacts and is the basis for the determination (along with the activity description, site plan, project operations plan and security plan and applicable management plans) that all of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

ADMINISTRATIVE DEVELOPMENT PERMIT FINDINGS

This approval only applies to the commercial cannabis cultivation described in the Administrative Development Permit application submitted to the Nevada County Planning Department. No further development or cultivation activities have been permitted. Any future commercial cannabis disturbance or operations shall obtain the appropriate permits required by the Nevada County Land Use and Development Code (LUDC). In granting this Administrative Development Permit, the Planning Department finds:

- I. That as proposed, all cannabis cultivation areas are adequately secure to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times when the Cultivator is not present within the cultivation area;
- II. That the cannabis cultivation will not adversely affect the health, safety, or general welfare of persons at the cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of

hazardous materials, processes, products or wastes, or by any other way. Further, cannabis cultivation at this location would not subject residents of neighboring parcels, who are of normal sensitivity, to reasonably objectionable odors;

- III. That all structures and utilities have been reviewed for compliance with and/or the project is conditioned to ensure compliance with the California Building Standards Code as adopted by the County of Nevada;
- IV. That the applicant is the legal owner of the parcel, or the legal owner has provided authorization and consent for the commercial cannabis activities that have been included in this application;
- V. That the project does not require the use or production of hazardous materials or will only use a limited amount that is below the State of California threshold levels as determined by the County Department of Environmental Health, and that the storage of use of any hazardous materials shall maintain a minimum setback from water sources;
- VI. That the premises has a legal and permitted water source and sewage disposal system, and does not include the unlawful drawing of surface water nor permit illegal discharges of water;
- VII. That the project does not exceed the amount of cannabis canopy area or square footage of the support areas allowed by regulation and is allowed within the zoning district where it is located, as identified in the Nevada County Land Use and Development Code, subject to the permitting requirements and standards of the County Commercial Cannabis Ordinance; and
- VIII. The project as conditioned, meets all setback requirements for commercial cannabis cultivation.

OAK MANAGEMENT PLAN FINDINGS

- I. That while a portion of the proposed project is located within an area designated as a protected resource through Section L-II 4.3.17 of the Nevada County Land Use & Development Code, the impact shall be mitigated by Best Management Practices defined in the Conditions of Approval; and
- II. That the watercourse will be substantially protected, and any damage remediated through recommendations in the March 28, 2023, Management Plan prepared by Edward C. Beedy, a biological consultant pre-qualified by the County, and made Conditions of Approval, and no additional significant loss of resource value is anticipated to occur; and
- III. That there is no feasible alternative location for the proposed septic system. By eliminating or minimizing any potential impacts to the watercourse with the Management Plan, it will minimize any impacts to the watercourse during construction.

PETITION FOR EXCEPTION TO DRIVEWAY STANDARDS FINDINGS

In approving the Exception to the Roadway Standards, the following findings are made pursuant to Section L-IV 2.6 of the Nevada County Land Use and Development Code, permitting the proposed commercial roadway to include sections that do not meet county Standard Drawing C-1:

- I. That there are special circumstances and conditions which affect the subject parcel including the width of the vegetation management zones and the minimal increase in traffic associated with the permitting of the commercial cannabis operation.
- II. That this exception is necessary for the preservation of the substantial property right of the owner, including the operation of a commercial cannabis operation; and,
- III. That the granting of this exception will not be detrimental or injurious to other property in the local area because the grading and construction activities will be subject to Building and Grading Permits approved by the County with specific input and conditions from the County of Nevada Office of the Fire Marshal and the Nevada County Department of Public Works; and,
- IV. That the granting of this exception will not constitute a grant of special privilege that is inconsistent with the limitations upon other similar properties; and,
- V. That this exception will provide the same practical effect of fire protection and is supported by the County of Nevada Office of the Fire Marshal, which is responsible for assuring compliance with Public Resources Code Section 4290.

Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that the decision of the Planning Agency is not final until the expiration of ten (10) days from the date of this approval. If the granting of this Administrative Development Permit is appealed or submitted to the Board of Supervisors for final action, the effective date is stayed until final action by said Board. Any appeal must be submitted on the proper form, which is available from the Clerk to the Board of Supervisors, Eric Rood Administrative Center, Nevada City, California 95959 (Deadline for appeal: October 10, 2023, by 5:00 p.m.). You are advised not to commence any work on this project until the ten-day period expires, all conditions of approval have been met and all required permits have been obtained.

Construction pursuant to this permit approval must be completed within three (3) years from the effective date of the approval of the permit, which is by October 10, 2026, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Department, pursuant to Sec. 5.10 of the Nevada County Land Use and Development Code. If an extension of time is not applied for and granted, the permit shall become null and void, as to any portion of the approved use not completed.

If you have any questions, please feel free to contact Kyle Smith, Senior Planner at 530-265-1610 or kyle.smith@nevadacountyca.gov.

Justina Dunne
PLN20-0042; ADP20-0012; PFX22-0037; MGT23-0023

Sincerely,

Brian Foss
Planning Director

By: 
Kyle Smith, Senior Planner

Enclosed: Defense and Indemnification Agreement
 Agency Comments
 CEQA Checklist pursuant to §15168(c)(4)
 Notice of Determination
 Site Plan
 Management Plan

Cc: Property Owner
 Property Notification List
 Principal Planner



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

Cannabis Compliance Division

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 ~ FAX (530) 478-5799 <http://mynevadacounty.com>

Craig Griesbach, Director

MEMORANDUM

DATE: August 21, 2023
TO: JUSTINA DUNNE
FROM: THOMAS MAIOLI, CANNABIS COMPLIANCE OFFICER
CANNABIS COMPLIANCE DIVISION
(530) 265-1222
SUBJECT: CONDITIONS OF APPROVAL FOR APPLICATION PLN20-0042

Application PLN20-0042 has been reviewed, been determined **complete**, and has the following Conditions of Approval from the Nevada County Cannabis Compliance Division/Building Department:

CANNIBIS COMPLIANCE

1. Pursuant to Land Use and Development Code Section L-II 3.30 of Article 3, Chapter II, I, failure to comply with all requirements of this section may result denial, suspension, or revocation of Annual Cannabis Permits.
2. The Annual Cannabis Permit (ACP) is required to be issued within six (6) month of the Conditional Approval.
3. The proposed hoop house utilized for cannabis cultivation shall be prohibited from producing glare.
4. Cultivation onsite cannot commence until the applicant obtains a state license and passing ACP inspection.
5. Submit documentation and post onsite that the applicant holds a Department of Cannabis Control Mixed Light Medicinal license type.
6. Cannabis, or any portion thereof and whether mature or immature, is prohibited from being visible from the public right-of-way or publicly traveled private roads at any stage of growth.

7. Building Permit #220464 submitted for the as-built barn/residence is required to have all fees paid and to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.
8. Building Permit #222339 for the as-built horse barn is required to have all fees paid, and to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.
9. Building Permit #223654 for the as-built tractor barn is required to have all fees paid, and to be issued. The structure will be required to obtain a final inspection prior to cannabis cultivation being permitted onsite.
10. Submit a building permit for the 1950's horse barn with stalls or submit supporting documentation that the structure identifying that the structure was constructed prior to the requirement of a building permit. The structure will be required to obtain a final inspection or written notification that the supporting documentation was sufficient and approved prior to cannabis cultivation being permitted onsite.
11. Agricultural Exemption permit #220609 for the nine (9) hoop houses is to be approved and issued prior to being utilized for cannabis cultivation. Agricultural exempt hoop houses are not permitted to have electrical, mechanical, or plumbing affixed to the structure.

Please keep in mind that if there are any additional comments made by other reviewing departments, districts and/or stakeholders those comments may require additional review and/or cause additional comments from the Cannabis Division and/or Building Department.



PLN220-0042 / 14120 Thoroughbred Loop / 053-320-044

9/27/23

Environmental Health Department Conditions of Approval:

- Septic permit EH23-0192 must be finalized by 7/20/24.
- Well must be tested annually before each cannabis season and lab report submitted to EH Department (completed for 2023).

Environmental Health Department Conditions of Use:

- Any disposal done off site requires receipts from transfer stations to be submitted to the Environmental Health Dept.
- Owner is responsible for any damage done to septic system during development or operations of commercial farming; Do not grade near or below system; Do not drive over system.
- No employees are allowed at Operation, additional employees must be approved by Nevada County. Annual permits for Portable Toilets are required for operations with 2-6 employees. A separate septic system will need to be installed for operations with over 6 employees. A 4-year transition period is given for these operations starting from the date of permit issuance. Portable toilets are allowed for 2 seasons per year. An annual permit must be obtained by the beginning of each year for portable toilets during the 4-year transition period.
- **Storage of Hazardous Materials and Propane Tank Installation Requirements**
The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous materials that are below State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. An exception to this requirement allows liquefied propane tanks up to 1,000 gallons. Propane tanks that fall under this exception are required to be installed in accordance with the California Fire Code and California Health and Safety Code and require approval from Fire Authority, Nevada County Building Department and Nevada County Environmental Health. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Land Use and Development Code Chapter X. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

Residential Well Setbacks from commercial cannabis grow footprint.

All commercial growing operations shall maintain a 50' set back from the existing residential well upon the property. In addition, the 50' setback applies to ephemeral creeks, streams and rivers (to include seasonal drainage ditches).

Composting Operations

CalRecycle requirement "*compost on-site at any one time does not exceed 100 cubic yards and 750 square feet*" must be followed at all times.

Owner Advisories

- Please be aware that commercial farming uses high volumes of water and may result in dry wells, EH recommends having water storage tanks available for irrigation purposes.
- Prevent fires from composting by carefully monitoring temperature and moisture; noticing and correlating weather events; restricting pile size; maintain moisture levels; and turn piles to release heat.



Nevada County Consolidated Fire District Department of Fire Prevention

640 Coyote Street, Nevada City, CA 95959
(530) 265-4431 FAX (530) 265-4438
nccfire@nccfire.com • www.nccfire.com



March 7, 2022

Kyle Smith
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: PLN20-0042; ADP20-0012

I have reviewed the Fifth Distribution of the application of Justin Dunne for an Administrative Development Permit for a commercial cannabis operation with 10,000 square feet of outdoor canopy, and 1,728 Square feet of support area at 14120 Thoroughbred Loop in Grass Valley. The project proposes no employees.

This application is subject to the following conditions:

1. Provide a more detailed site plan including buildings used for the commercial operation. The current submittal is difficult to read. There are two addresses showing for this property and there does not appear to be access from Thoroughbred Loop. This will need to be addressed prior to approval from the Fire District.
2. Provide a code analysis including required fire flow for the project. Since no reliable water source is available you can use the requirements contained in NFPA 1142.
3. An approved water storage system will be required for the project and will be based on the code analysis.
4. A pond has been discussed but there are no details in this application on the pond or its location. The plan shows a pond and a detail referring to a lake. We do not encourage the use of a ponds for water storage unless they are well maintained. If you decide to use the pond for fire protection more information on the pond will be required.
 - a) The pond shall remain at the level designated for the amount of storage required for the project.
 - b) Pond shall be continually maintained for fire protection. A plan to maintain the pond in a working condition shall be developed and shall include an ongoing maintenance plan and annual inspection by a means approved by the Fire District. This agreement and plan shall run with the land.

- c) Confirm ownership of or allowed use of the pond being proposed for the project. Also include how the water will be supplied year around to the pond.
5. An approved automatic Heat/Smoke Detection System shall be installed in the permanent building being used for the commercial operation. From the limited information provided on the site plan for hoop houses it appears that they are not temporary buildings.
6. Any pesticides and/or fertilizer storage in buildings shall be identified in an approved manner for firefighter safety.
7. Confirm in writing that the easement concerns on the driveway have been mitigated. Prior to this distribution I was notified of a concern regarding the easement.
8. Currently there are no employees. If employees are added additional requirements may be needed. Notify the Fire District if any employees are to be added.
9. The Fire District has adopted development fees for new construction and fees for services provided by the Department of Fire Prevention and shall be paid at the time services are rendered.

The Fire District's approval of this application is not valid until all plan review fees have been paid.

10. All meetings and inspections require a minimum of 48-hours advance request.

The above conditions are the minimum requirements of the Nevada County Consolidated Fire District. Approval of this application is subject to the applicant agreeing to complete the above requirements at the times indicated.

Please call me at (530) 265-4431 should you have any questions.

Terry McMahan
Fire Marshal

cc: Scott Eckman, Deputy Fire Marshal

22-03-01.1 doc/1.0



COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY
Office of the Fire Marshal
Eric Rood Administration Building
950 Maidu Avenue Nevada City, CA 95959
(530) 265-1714

November 26, 2022

Karim Mazu
14120 Thoroughbred Loop.
Grass Valley, CA 95945

PLN20-0042; ADP20-0012
APN: 053-320-044

The Fire Marshal's Office has given **Conditional Approval** for this project, which is predicated on the expressed use of the property as contained in the project description of the submitted documents. This approval is based the completion of all improvements identified on the site plan, previous comment letters from this office, and the following;

1. Ensure Fire related site notes are met, as they will be inspected prior to final.
2. Nevada County Consolidated Fire Marshal's office may provide additional comments.

Should you have questions regarding these comments, contact this office directly.

Respectfully,
Scott Eckman
Deputy Fire Marshal
Fire Captain, CAL FIRE



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
(530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Engineering
 Fleet Services
 Road Maintenance
 Solid Waste
 Surveying
 Transit Services
 Wastewater

Cannabis Review Checklist – Department of Public Works

Review Date: July,26 2023

Status: Complete w/Conditions

Reviewer: Keil Barnard, Public Works Engineer, keil.barnard@nevadacountyca.gov (530) 863-6330

File No.	PLN20-0042	Cultivation Type	Mixed Light
APN	053320044	SF (cultivation and supporting uses)	10,272 sf
Name	Mazu	# FT Employees (not including residents)	0
		# PT Employees (not including residents)	0

Required	Condition/Correction
Prior to application completeness:	
	Driveway encroachment on plans: The driveway encroachment shall meet County standards prior to issuance of any building permits. Revise the site plan to show the County’s Private Driveway encroachment standard for the driveway taking access from McCourtney Road.
	Access improvements on plans: Revise site plan to show required improvements to off-site access as described under “Access improvements.”
	Sight distance: Provide a sight distance exhibit and analysis for the encroachment onto the public right of way using the County’s procedures for measurements in Standard Drawing A-6.
	Easements on plans: Revise site plan to show all easements of record. Other than access, improvements may not be located within easements. If there are no easements on or to the project site, please note in your response.
	Legal access: Provide evidence of legal access to property, which may be in the form of the property deed, title report, recorded easements, or other official recorded documents.
	Right of Way Certification: Complete the attached Right of Way Certification form and submit for review. Submittal of the form does not guarantee approval.
	Other: See approved petition for exception for conditions relating to the fuel modification areas.
Prior to issuance of building permits or issuance of annual cultivation permit, whichever comes first:	
	Encroachment improvements: The applicant shall construct the driveway encroachment at McCourtney Road to meet the County’s Private Driveway Approach Standard. The applicant shall apply for an encroachment permit prior to any work within the right of way. If the approach already meets standards, the applicant shall provide an engineer’s certification indicating that it meets standards, including for sight distance. <i>(This condition applies to projects with direct access on County road and those with indirect access which will result in 10+ ADT, the equivalent traffic to a 2-parcel Map.)</i>
	Access improvements: The applicant shall improve access to the site from the nearest County-maintained road to a minimum of current Fire Standard Access Road standards, which includes two 10-foot lanes with 2-foot shoulders, with a surface capable of supporting a 75,000 pound vehicle with a minimum of 6” AB compacted to 95%. If this work is already completed, the applicant shall provide an engineer’s certification that it has been done to current standards. <i>(This condition applies to projects with direct access on County road and those with indirect access which will result in 10+ ADT, the equivalent traffic to a 2-parcel Map.)</i>
	Encroachment permit required: Prior to any work within the County right of way and prior to issuance of building permits, the applicant shall obtain an Encroachment Permit from the Department of Public Works.

Prior to issuance of building permits or issuance of annual cultivation permit, whichever comes first (cont.):

	Road maintenance: The applicant shall provide a road agreement or annex to a maintenance entity to provide ongoing maintenance for ____, which serves the project. <i>(This condition applies to projects which will result in 10+ ADT, the equivalent traffic to a 2-parcel Map.)</i>
X	Traffic fees: Applicant shall pay traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors, in the amount of 2.76 ADT times the non-residential trip rate for local and regional traffic impacts. Applicant will be invoiced for these fees.
	Offers of Dedication: Prior to issuance of building permits for new construction, the applicant shall Offer for Dedication to the County of Nevada, for Public Road, Utility and Emergency Access purposes, a ____-foot wide right-of-way on _____, along the project frontage of APN _____. This dedication can be made utilizing record information and need not be based on a current survey of the road.
	Gates: Gates must be moved outside the County road right of way and be in conformance with driveway standards.
X	Petition for Exception: Applicant shall make road improvements per the approved petition for exception to include the additional comments made by the County.

ADVISORY NOTES – Information for applicant’s consideration, but not required for application completeness:

X	Traffic fees: Applicant is recommended to verify that the reported 0 employees for 9,720SF or canopy. Failure to report true and accurate information may result in revocation of the applicant’s Annual Cannabis Permit. Additionally, note that per the application, anyone working on a cannabis operation that is not a resident of the parcel will be considered an employee.
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Estimated Traffic Fees for PLN20-0042					
Use Code	ADT	# Employees	Total ADT	Fee (\$175.79/ADT)	
FT Employees		3	0	\$	-
PT Employee		1.5	0	\$	-
Use Code	ADT/ac	# Acres (incl support uses)	Total ADT	Fee (\$175.79/ADT)	
Outdoor		2	0.00	\$	-
Mixed light		11.7	0.24	2.76	\$ 485.01
Indoor		67.3	0.00	\$	-
Total traffic fees			2.76	\$	485.01



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
AGRICULTURAL COMMISSIONER**

950 Maidu Avenue, Nevada City CA 95959-8617
PO Box 599002, Nevada City CA 95959-7902
(530) 470-2690 FAX (530) 470-2939 www.mynevadacounty.com

Trisha Tillotson
Community Development Agency Director

Chris De Nijs
Agricultural Commissioner, Sealer of W&M

Ag Department Cannabis Application Conditional Approval/Incomplete Notice

Review Date: September 28, 2023

Status: Conditional Approval Requirements

Reviewer: Luci Wilson, Agricultural Biologist III, Luci.Wilson@co.nevada.ca.us (530) 470-2744

File No.	PLN20-0042	Cultivation Type and area	9720 + 552 sq ft mixed/support
APN	053-320-044	Employees	None
Name	Justin Dunne / Magic Horse Ranch		

Begin by scheduling the Ag Dept Plan Review. This meeting should include the owner as well as whoever will be involved in the pesticide applications and/or supervision of employees that will be applying and/or working the cannabis. The review and permitting process takes about an hour of time.

Required	Condition/Correction
<i>Conditions to complete prior to issuance of annual pre-cultivation permit/ADP:</i>	
X	1. Renew Pesticide Permit: Update and renew the pesticide permit. There is no additional fee for this permit. Use the link at the bottom to schedule your one-one meeting.
n/a	2. Private Applicator Certificate: If the operation will have employees, contract labor or volunteers that are involved in the cultivation of cannabis, the person responsible for the operation must become a qualified trainer and train those people prior to potential pesticide exposure. To become a qualified trainer, you must receive a private applicator certificate, by passing a certifying exam. Details will be discussed during the Operator ID meeting.
X	3. Scale Certification: Weighing Devices (scales) that meet the suitability and legal requirements for commercial weighing devices must be inspected and sealed for use. Once scales are ordered and on site, request inspection from Ag Department.

Schedule your appointment using this QR code link.



DEFENSE AND INDEMNIFICATION AGREEMENT

This Defense and Indemnity Agreement ("Agreement") is made and entered into between the County of Nevada, a political subdivision of the State of California ("County"), and Karim Mazu ("Owner") and Justina Dunne ("Applicant"), and is effective as of _____, 2023. This Agreement is made with regard to the following facts:

RECITALS

WHEREAS, Applicant is the authorized agent for the owner of the real property located in the unincorporated area of Nevada County at 14120 Thoroughbred Loop in Grass Valley, CA 95949, APNs 053-320-044; 053-260-019; 053-210-024; 053-320-043; 053-260-029 for which the Applicant has applied PLN20-0042; ADP20-0012; PFX22-0037; MGT23-0023 ("Project Approval"); and

WHEREAS, the Project is a land use development project or other land use decision for which a defense and indemnification agreement is required pursuant to the County's Land Use and Development Code and the conditions of the Project Approval; and,

WHEREAS, it is in the public interest for County and Applicant to enter into this Defense and Indemnification Agreement as Applicant will benefit from the County's processing of the application and the Project Approvals that may result therefrom.

NOW THEREFORE, in consideration of the processing of the application and any resulting Project Approval and the mutual promises and agreements contained herein, and in satisfaction of an express condition of the Project Approval, the Applicant hereby agrees as follows:

1. The Applicant agrees to defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees (collectively "County Parties") to attack, set aside, void or annul the above-referenced project approval or any of the proceedings, acts or determinations taken done or made as a result of County's processing and/or approval of the Project or, or to impose personal liability against such agents, officers, or employees based upon or arising out of the project approval. Applicant's obligation to defend and indemnify under this Agreement shall apply to any lawsuit or challenge against the County Parties alleging failure to comply with the California Environmental Quality Act or with the requirements of any other federal, state, or local laws, including but not limited to general plan and zoning requirements. Applicant's obligations under this Agreement to defend and indemnify the County Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, all litigation-related costs, all costs of any judgments or awards against the County, all settlement costs and/or any claim for private attorney general fees claimed by or awarded to any party from the

County. Applicant further agrees to cooperate in good faith with County in performance of obligations as set forth in this Agreement.

2. The County shall notify the Applicant promptly of any claim, action or proceeding and cooperate fully in the defense. Upon receipt of such notification, Applicant shall assume the defense of the claim, action, or proceeding, including the employment of counsel reasonably satisfactory to the County Counsel's Office and Applicant, and the prompt payment of the attorneys' fees and costs of such counsel. In the event of a disagreement between the County and Applicant over litigation issues, County shall have the authority to control the litigation and make litigations decisions, including but not limited to, settlement or other disposition of the matter. If County reasonably determines that having common counsel would present such counsel with a conflict of interest, or if Applicant fails to promptly assume the defense of the claim, action, or proceeding or to promptly employ counsel reasonably satisfactory to County, then County may employ separate counsel to represent or defend the County, and Applicant shall pay the reasonably attorneys' fees and costs of such counsel within 30 days of receiving an itemized billing therefore. At its sole discretion, the County may participate in the defense of any such claim, action, or proceeding in good faith, either through County Counsel's Office at the Applicant's expense or through outside counsel at the County's expense; but such participation shall not relieve Applicant of his obligations under this Agreement.

3. Applicant's obligations to defend and indemnify under this Agreement shall apply whether or not there is concurrent, active, or passive negligence on the part of County Parties. Applicant's obligations under this Agreement shall be effective regardless of whether any or all Project approvals and/or actions by the County regarding the Project remain valid or are invalidated by the court.

4. Failure to promptly defend or indemnify the County is a material breach which shall entitle County to all remedies available under the law, including but not limited to specific performance and damages. Moreover, failure to defend or indemnify shall constitute grounds upon which the County decision-making body may rescind its approval(s) associated with the Project, and a waiver by Applicant of any right to proceed with the Project or any portion thereof.

5. Applicant shall be and remain personally obligated to all of the terms of this Agreement, notwithstanding any attempt to assign, delegate or otherwise transfer all of any of the rights or obligations of this Agreement, and notwithstanding a change in or transfer of ownership of the real property upon which the Project is located (or any interest therein). However, the Applicant may be released from such obligations if the Applicant obtains the County's prior written consent to such transfer, which consent shall not be unreasonably withheld.

6. All notices required under this Agreement shall be in writing and shall be deemed given as of the date of actual delivery if by personal delivery or sent by a

nationally recognized overnight carrier, or three days after deposit in the United States mail, first class postage prepaid, to the addresses indicated below:

For Applicant: Justina Dunne
PO Box 1513
Nevada City, CA 95959

For County: Planning Director
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959
Attn: Brian Foss

With a copy to: County Counsel
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Either party may change the place for the giving of notice to it by thirty (30) days prior written notice to the other party, as provided herein.

7. This Agreement shall be binding upon Applicant and his heirs, executors, administrators, assigns and successors in interest.

8. Upon execution of this Agreement, it may be recorded with the County Recorder's Office and become a lien on any real property attached to the Project Approvals.

9. This Agreement shall constitute the complete understanding of the parties with respect to the matters set forth herein. Neither party is relying on any other representation, oral or written. This Agreement may not be changed except by a written amendment signed by all parties.

10. It is agreed and understood that this Agreement shall be interpreted fairly in accordance with its terms to effectuate the intent of the parties and not strictly for or against any party by reason of authorship that none of them is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.

11. Each party executing this Agreement represents and warrants that it has been duly authorized to enter into this Agreement, that it has full and complete authority to do so, that it has consulted with or had the opportunity to consult with an attorney prior to executing this Agreement, that it enters into this Agreement knowingly and voluntarily, and that it agrees to be bound by the terms of this Agreement.

IN WITNESS WHEREOF, the County and Applicant(s) have caused this Agreement to be duly executed, as of the date first set forth above.

COUNTY:

COUNTY OF NEVADA, a political
subdivision of the State of California

Approved as to form:

By: _____
Katharine Elliott
County Counsel

APPLICANT:

Karim Mazu

By: _____

Name: _____

Title: _____

Justina Dunne

By: _____

Name: _____

Title: _____



County of Nevada

Cannabis CEQA Compliance Checklist

Applicant Justina Dunne

Application Number(s) PLN20-0042; ADP20-0012; PFX22-0037; MGT23-0023

APN(s) 053-320-044; 053-260-019; 053-210-024; 053-320-043; 053-260-029

On May 14, 2019, the Nevada County Board of Supervisors certified a Program Environmental Impact Report (PEIR; SCH#2018082023) for the Nevada County Commercial Cannabis Ordinance (NCCO) project/activity. The PEIR analyzed an ordinance that created a ministerial permitting process for a variety of commercial cannabis activities, including indoor, mixed-light, and outdoor cultivation, and identified mitigation measures to offset potentially significant impacts that were subsequently incorporated into development standards and requirements in Section L-II 3.30, Cannabis Cultivation, of the County's Land Use and Development Code. Where applicable, the PEIR also identified County codes in Section L-II Article 4, Comprehensive Site Development Standards, to be implemented to reduce potential impacts to a less-than-significant level or minimize significant and unavoidable impacts to the extent feasible.

The following table was prepared pursuant to the State CEQA Guidelines (§ 15168(c)(4)) to document the County's evaluation of the sites and proposed activities that are the subject of permit applications for commercial cannabis cultivation operations authorized under the NCCO. The table summarizes the potential effects of each proposed cannabis cultivation operation to determine whether the environmental effects of its operations are a subsequent activity within the scope of the PEIR. Listed below are the potential environmental impacts of cannabis operations that were identified in the PEIR, the mitigation measure(s) if applicable, the code section(s) in which the measure(s) has/have been incorporated, a brief explanation of what the measure/code requires, and a determination by the County of compliance by the applicant with each provision. In order for the County to issue either the Cannabis Cultivation Permit (CCP) or Administrative Development Permit (ADP) under the terms of Section L-II 3.30 of the County Land Use and Development Code, the applicant or permittee must comply with each and every provision of the ordinance. Failure to comply will result in denial of the permit, or if failure occurs after the permit is issued, revocation of the permit. This checklist is provided to document whether the sought ministerial permit is a subsequent activity within the scope of the PEIR based upon the description of the cannabis cultivation operation. The following acronyms: LTS – Less than Significant Impact or SU – Significant and Unavoidable Impact, are used in the table below, in the "PEIR Finding after Mitigation" column.

See Cover Letter for Activity Description.

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
1. Aesthetics						
1.1	Impact to scenic vista	n/a	LTS			
1.2	Damage scenic resources	AES-1	LTS	L-II 3.30 Subsection G.1.d.v part a)	Site plan shall include all landmark trees, landmark groves, and heritage trees and groves that exist on the project/activity site. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all cannabis cultivation and accessory structures are outside the existing drip line of all trees. If any cultivation or accessory structure would require removal or encroach in the drip line of any trees, the project/activity plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.	<input checked="" type="checkbox"/>
1.3	Degrade visual character	n/a	LTS			
1.4	New source of light	AES-2	LTS	L-II 3.30 Subsection G.1.d.x	Applicant must submit a light control plan that would demonstrate how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.	<input checked="" type="checkbox"/>
2. Agriculture and Forestry Resources						
2.1	Conversion of Prime Farmland	AG-1	SU	L-II 3.30 Subsection G.1.d.v part b); L-II 4.3.3	Site plan shall include Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project/activity site. If such lands exist, the applicant shall show on the site plan(s) that any proposed accessory structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable.	<input checked="" type="checkbox"/>
2.2	Conflict with Williamson Act	n/a	LTS			
2.3	Conflict with forest land zoning	n/a	LTS	L-II 4.3.14	Implement Land Use and Development Code Sections L-II 4.3.14, Important Timber Resources, to minimize impacts.	<input checked="" type="checkbox"/>

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
2.4	Loss or conversion of forest land	n/a	SU	L-II 4.3.3; L-II 4.3.14	No feasible mitigation measures have been identified. Implement Land Use and Development Code Sections L-II 4.3.3, Important Agricultural Lands, and 4.3.14, Important Timber Resources, to minimize impacts.	<input checked="" type="checkbox"/>
2.5	Conversion of farmland	AG-1	SU	L-II 3.30 Subsection G.1.d.v part b); L-II 4.3.3; L-II 4.3.14	See provision in Impact 2.1 above.	<input checked="" type="checkbox"/>
3. Air Quality						
3.1	Conflict with air quality plan	AIR-1	SU	L-II 3.30 Subsection G.1.d.xi	All commercial cannabis applications shall include language in project/activity cultivation plans and on project/activity site plans when applicable, that the grading or building permit for the proposed project/activity shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.	<input checked="" type="checkbox"/>
3.2	Violate air quality standards	AIR-1	SU	L-II 3.30 Subsection G.1.d.xi	See provision in Impact 3.1 above.	<input checked="" type="checkbox"/>
3.3	Cumulative increase in pollutant	AIR-1	SU	L-II 3.30 Subsection G.1.d.xi	See provision in Impact 3.1 above.	<input checked="" type="checkbox"/>
3.4	Expose sensitive receptors to pollutant concentrations	n/a	LTS			
3.5	Odor emissions	AIR-2	SU	L-II 3.30 Subsection G.1.d.xii	All commercial cannabis cultivation and non-remuneration cultivation operations are restricted from burning any cannabis or other vegetative materials. The following language shall be included on all site plans: "The burning of any part of the cannabis plant or plant materials that is considered excess or waste is prohibited from being burned."	<input checked="" type="checkbox"/>

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
3.6	Generate significant level of GHG emissions	AIR-1	SU	L-II 3.30 Subsection G.1.d.xi	See provision in Impact 3.1 above.	<input checked="" type="checkbox"/>
3.7	Conflict with GHG plan	n/a	LTS			
4. Biological Resources						
4.1	Disturbance or loss of special status wildlife species	BIO-1; BIO-2	LTS	L-II 3.30 Subsection D.6.c; L-II 3.30 Subsection G.1.d.xiii; L-II 4.3.7; L-II 4.3.12	<p>D.6.c: If generators are used for emergency purposes as approved by the Enforcing Officer, all generators shall be located in containment sheds while in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This would be an annual requirement and verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or the held in abeyance until the project/activity infraction is brought into conformance with the NCCO.</p> <p>G.1.d.xiii: All applications shall include biological pre-screening materials. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project/activity location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes canopy area, accessory structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project/activity description describing all phases of construction, all proposed structures and cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). If avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section L-II 4.3.3 of the Nevada County Land Use and Development Code shall be prepared. If potential impacts on these biological resources cannot be reduced to less than significant levels, no permit shall be issued.</p>	<input checked="" type="checkbox"/>

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
4.2	Disturbance or loss of special status plant species	BIO-1; BIO-2	LTS	L-II 3.30 Subsection D.6.c; L-II 3.30 Subsection G.1.d.xiii; L-II 4.3.12	See provisions in Impact 4.1 above.	<input checked="" type="checkbox"/>
4.3	Disturbance or loss of riparian or other sensitive natural community	BIO-2	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
4.4	Disturbance or loss of wetlands	BIO-2	LTS	L-II 3.30 Subsection G.1.d.xiii; L-II 4.3.17	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
4.5	Interfere with wildlife movement	BIO-2	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
5. Cultural Resources						
5.1	Impact to historical resource	CUL-1; CUL-2	LTS	L-II 3.30 Subsection G.1.d.xiv; L-II 3.30 Subsection G.1.d.xv; L-II 4.3.6	<p>G.1.d.xiv: Applications shall include a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site to disturb historic, cultural, or tribal resources. The applicant shall submit the sensitivity letter with the CCP or ADP. Upon receipt, should the County find the NCIC recommends a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project/activity area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.</p> <p>G.1.d.xv: All applications that include ground disturbance shall include a note on the plans that if subsurface archaeological and/or paleontological features or unique geologic features are discovered during construction or ground disturbance, all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified archaeologist/paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance, all activities shall cease and the County shall be notified immediately.</p>	<input checked="" type="checkbox"/>

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
					The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections detailed in Section 5097.98 of the California Public Resources Code shall be followed.	
5.2	Impact to archaeological resources	CUL-1; CUL-2	LTS	L-II 3.30 Subsection G.1.d.xiv; L-II 3.30 Subsection G.1.d.xv; L-II 4.3.6	See provisions in Impact 5.1 above.	<input checked="" type="checkbox"/>
5.3	Impact to paleontological resource	CUL-3	LTS	L-II 3.30 Subsection G.1.d.xv	See provision in Impact 5.1 above.	<input checked="" type="checkbox"/>
5.4	Disturb human remains	CUL-1; CUL-2	LTS	L-II 3.30 Subsection G.1.d.xiv; L-II 3.30 Subsection G.1.d.xv; L-II 4.3.6	See provisions in Impact 5.1 above.	<input checked="" type="checkbox"/>
5.5	Impact resource listed or eligible for listing in state or local register of historical resources	CUL-1; CUL-2	LTS	L-II 3.30 Subsection G.1.d.xiv; L-II 3.30 Subsection G.1.d.xv; L-II 4.3.6	See provisions in Impact 5.1 above.	<input checked="" type="checkbox"/>
5.6	Impact significant TCR	CUL-1; CUL-2	LTS	L-II 3.30 Subsection G.1.d.xiv; L-II 3.30 Subsection G.1.d.xv; L-II 4.3.6	See provisions in Impact 5.1 above.	<input checked="" type="checkbox"/>
6. Geology and Soils						
6.1	Risk from rupture of earthquake fault	n/a	LTS	L-II 4.3.8	Implement Land Use and Development Code Section L-II 4.3.8 Earthquake Faults & Seismically Sensitive Areas, to minimize impacts.	<input checked="" type="checkbox"/>
6.2	Risk from seismic ground shaking	n/a	LTS			
6.3	Risk from ground failure	n/a	LTS			
6.4	Risk from landslides	n/a	LTS	L-II 4.3.5	Implement Land Use and Development Code Section L-II 4.3.5, Avalanche Hazards, to minimize impacts.	<input checked="" type="checkbox"/>
6.5	Soil erosion or loss of topsoil	n/a	LTS	L-II 4.3.13	Implement Land Use and Development Code Section L-II 4.3.13, Steep Slopes/High Erosion Potential, to minimize impacts.	<input checked="" type="checkbox"/>
6.6	Unstable soil	n/a	LTS			

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
6.7	Expansive soils	n/a	LTS			
6.8	Inadequate soil for wastewater disposal	n/a	LTS			
7. Hazards and Hazardous Materials						
7.1	Hazards through transport or use of hazardous materials	n/a	LTS	L-II 3.30 Subsection D.6.i	The use of hazardous materials shall be prohibited in cannabis cultivation except for quantities of hazardous materials that are below State threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any hazardous materials stored shall maintain a minimum setback distance from water sources in accordance with Chapter X of the County's Land Use and Development Code. The production of any hazardous waste as part of the cultivation process shall be prohibited.	<input checked="" type="checkbox"/>
7.2	Hazards from release of hazardous materials	n/a	LTS			
7.3	Hazardous emissions within 0.25 mile of school	n/a	LTS			
7.4	Located on hazmat site	n/a	LTS			
7.5	Cause safety hazard for people within an ALUP or 2 miles of public airport	n/a	LTS			
7.6	Cause safety hazard for people within the vicinity of a private airstrip	n/a	LTS			
7.7	Interfere with emergency response plan	n/a	LTS			
7.8	Risk of loss from wildland fires	n/a	LTS	L-II 4.3.18	Implement Land Use and Development Code Section L-II 4.3.18, Wildland Fire Hazard Areas, to minimize impacts.	<input checked="" type="checkbox"/>
8. Hydrology and Water Quality						
8.1	Violate water quality standards or waste discharge requirements	n/a	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
8.2	Decrease groundwater supply	n/a	SU	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
8.3	Alter drainage patterns resulting in erosion	n/a	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
8.4	Alter drainage patterns resulting in flooding	n/a	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
8.5	Create runoff which would exceed system capacity or contribute to polluted runoff	n/a	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
8.6	Degrade water quality	n/a	LTS	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
8.7	Place housing in 100-year flood hazard area	n/a	LTS			
8.8	Place structures within 100-year flood hazard area which would impede or redirect flows	n/a	LTS	L-II 4.3.10	Implement Land Use and Development Code Section L-II 4.3.10, Floodplains, to minimize impacts.	<input checked="" type="checkbox"/>
8.9	Expose people to risk of loss from failure of a levee or dam	n/a	LTS			
8.10	Result in inundation by seiche, tsunami, or mudflow	n/a	LTS			
9. Land Use and Planning						
9.1	Physically divide a community	n/a	LTS			
9.2	Conflict with land use plan	n/a	SU		Conflicts with the Town of Truckee Sphere of Influence. No feasible mitigation measures are available.	<input checked="" type="checkbox"/>
10. Mineral Resources						
10.1	Loss of State important mineral resource	n/a	LTS			
10.2	Loss of locally important mineral resource	n/a	LTS			

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
11. Noise						
11.1	Exposure or generation of excess noise levels	n/a	LTS	L-II 3.30 Subsection D.6.g; L-II 4.1.7	Noise levels generated by Cultivation shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) of this Chapter applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.	<input checked="" type="checkbox"/>
11.2	Exposure to groundborne vibration or noise	n/a	LTS			
11.3	Permanent increase in ambient noise levels	n/a	LTS	L-II 3.30 Subsection D.6.g	See provision in Impact 11.1 above.	<input checked="" type="checkbox"/>
11.4	Temporary increase in ambient noise levels	n/a	LTS	L-II 3.30 Subsection D.6.g	See provision in Impact 11.1 above.	<input checked="" type="checkbox"/>
11.5	For project/activity located within an ALUP or 2 miles public airport, expose people to excess noise levels	n/a	LTS			
11.6	For project/activity located within a private airstrip, expose people to excess noise levels	n/a	LTS			
12. Population and Housing						
12.1	Induce population growth	n/a	LTS			
12.2	Displace housing	n/a	LTS			
12.3	Displace substantial number of people	n/a	LTS			
13. Public Services						
13.1	Impacts from expansion of governmental facilities or other public services to maintain services	n/a	LTS			
14. Recreation						
14.1	Deterioration of parks	n/a	LTS			
14.2	Expansion of recreation facilities	n/a	LTS			

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
15. Transportation and Traffic						
15.1	Conflict with applicable circulation plan	n/a	SU		After the payment of the RTMF and LTMF fee, no feasible mitigation measures have been identified.	<input checked="" type="checkbox"/>
15.2	Conflict with applicable congestion plan, ordinance, or policy	n/a	SU	L-II 3.30 Subsection D.12.b	Traffic associated with offsite processing activities shall be limited to 8 a.m. to 5 p.m. Monday through Saturday. No more than 6 vehicle trips (round trips) shall be allowed for offsite processing activities per day.	<input checked="" type="checkbox"/>
15.3	Change air traffic patterns	n/a	LTS			
15.4	Increase hazards due to a design feature or incompatible use	n/a	LTS			
15.5	Inadequate emergency access	n/a	LTS			
15.6	Conflict with adopted transportation policy or plan	n/a	LTS			
16. Utilities and Service Systems						
16.1	Exceed wastewater treatment requirements	n/a	LTS			
16.2	Require construction of water or wastewater treatment infrastructure	n/a	LTS			
16.3	Require construction of stormwater drainage infrastructure	n/a	LTS			
16.4	Have insufficient water supplies	n/a	SU	L-II 3.30 Subsection G.1.d.xiii	See provision in Impact 4.1 above.	<input checked="" type="checkbox"/>
16.5	Inadequate wastewater treatment capacity	n/a	LTS			
16.6	Insufficient landfill capacity	n/a	LTS			
16.7	Compliance with solid waste standards	n/a	LTS			

CEQA-LAND USE AND DEVELOPMENT CODE SECTION L-II COMPLIANCE TABLE

CEQA App. G Impact	Issue	MM #	PEIR Finding	County Code Section	Provision	Application Complies with Code
17. Energy						
17.1	Unnecessary, wasteful, or inefficient consumption	n/a	SU	L-II 4.3.9	No feasible mitigation measures have been identified. Implement Land Use and Development Code Section L-II 4.3.9, Energy Conservation, to minimize impacts.	<input checked="" type="checkbox"/>
17.2	Constrain energy supplies or require construction of energy infrastructure	n/a	SU		No feasible mitigation measures have been identified.	<input checked="" type="checkbox"/>
17.3	Conflict with existing energy standards	n/a	LTS			

Notes: MM = Mitigation Measures; App = Appendix

Initiated By	Kyle Smith
Signature	
Date Initiated	9-28-23

Check the appropriate box below, based on the responses to the questions and requests for information set forth in this checklist above and pursuant to the requirements set forth in the State CEQA Guidelines §§ 15162 and 15168.

All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an Initial Study must be prepared to determine whether a subsequent EIR or Negative Declaration must be prepared.



Brian Foss
Nevada County Planning Director

Date: 9/28/23

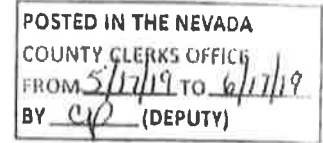
NOTICE OF DETERMINATION

To: County Recorder, County of Nevada

From: Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Contact: Brian Foss, Director of Planning, (530) 265-1256

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code and Section 15094 of the California Environmental Quality Act Guidelines.



Lead Agency: Nevada County Board of Supervisors

Project Title: ORD18-2; EIR18-0001 – Nevada County Commercial Cannabis Ordinance

Applicant: County of Nevada
950 Maidu Ave, Nevada City, CA 95959; Phone: (530) 265-1222

<u>State Clearinghouse</u>	<u>Contact Person</u>	<u>Telephone Number</u>
SCH#2018082023	Scott Morgan	(916) 445-0613

Project Location: All Unincorporated Areas; Nevada County

Project Description: An Ordinance amendment to Chapter II of the Land Use and Development Code adding Section L-II 3.30 for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO) drafted to be consistent with state law and to enable a procedure for the cultivation of cannabis within all unincorporated areas within the County. The proposed NCCO has been drafted pursuant to the authority granted by Article XI, Section 7 of the California Constitution, Health and Safety Code section 11362.83, and Government Code Section 25845. The proposed NCCO would be adopted to replace the existing cannabis regulations in the Nevada County Land Use and Development Code (Development Code under Title 2, Chapter IV, Article 5 Cannabis Cultivation). The proposed NCCO details new County-specific regulations to address the licensing of cannabis cultivation activities in the unincorporated areas of the County. An Environmental Impact Report, Mitigation Monitoring Program and CEQA Findings and Statement of Overriding Considerations (EIR18-0001, SCH#2018082023) was prepared by Kimley-Horn and Associates for the project.

This is to advise that the Nevada County Board of Supervisors (**Lead Agency**) approved the above described project on May 14, 2019, and made the following determinations regarding the above described project:

1. The project will, will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures were, were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations was, was not, adopted for this project.
5. Findings were, were not made pursuant to the provisions of CEQA.

This is to certify that the Final Environmental Impact Report with comments and responses, and a record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, California 95959.


Signature


Date

FISH & GAME FEE: \$ 3,271.00 (or Current fee)
ADM. FEE PD. YES N/A

STRUCTURES TABLE				
STRUCTURE	EXISTING/ PROPOSED	SQ FT	PERMIT NUMBER	USE
(1) 17'x26' HOOP HOUSE	Proposed	453	222649	CANNABIS
(2) 11'x16' HOOP HOUSE	Existing	1825	223444	Primary Residence for Family
(3) 11'x16' HOOP HOUSE	Existing	1825	223444	Primary Residence for Family
(4) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(5) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(6) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(7) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(8) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(9) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(10) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(11) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(12) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(13) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(14) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(15) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(16) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(17) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(18) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(19) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(20) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
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(51) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
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(78) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
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(96) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(97) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(98) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(99) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family
(100) 10'x12' HOOP HOUSE	Existing	120	223444	Primary Residence for Family

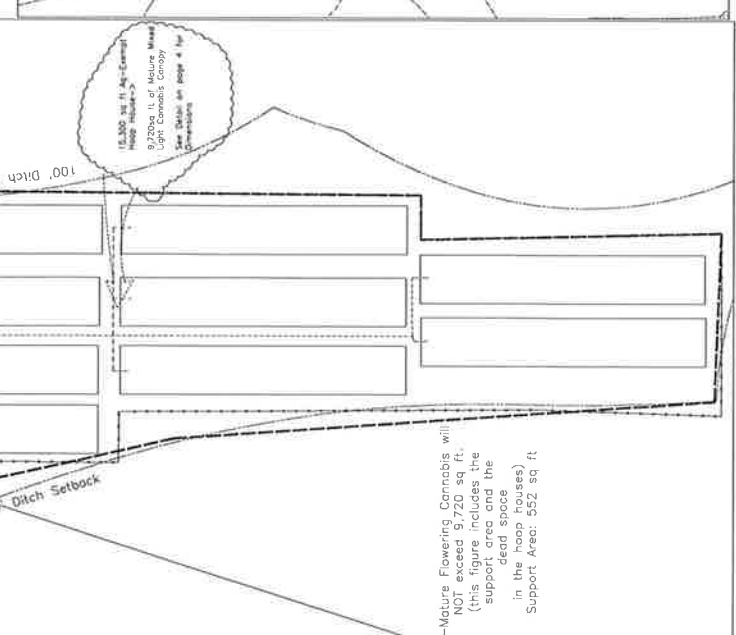
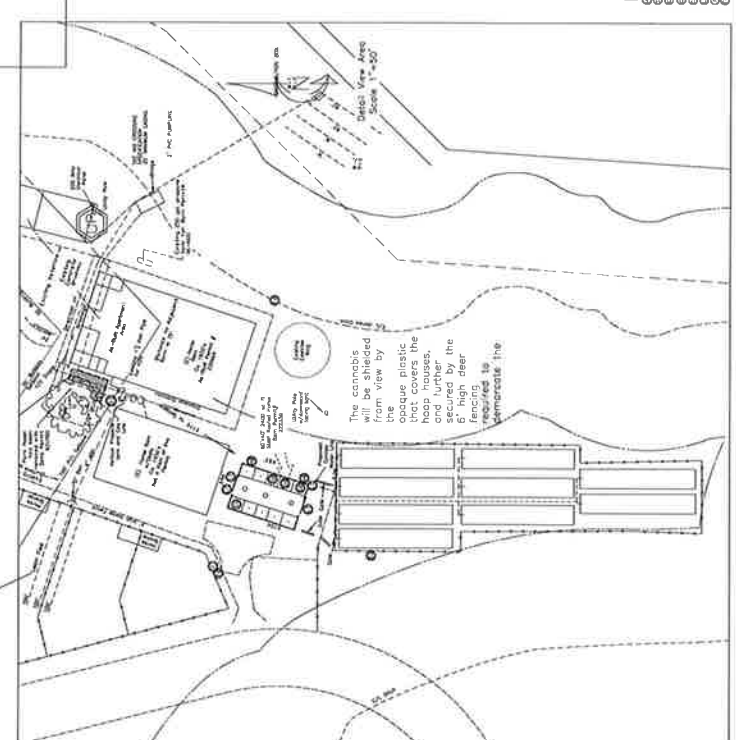
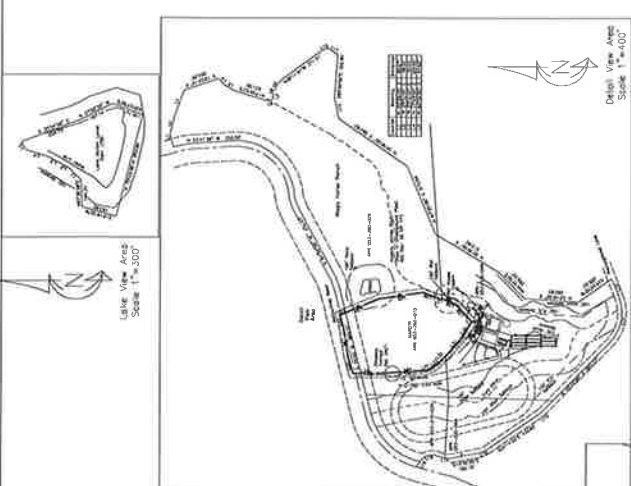
*This structure is included here as well as on the cover page to be counted into the impervious surface calculations but also to show the requested permit was applied for and has no bearing on the cannabis application.

TOTAL SQ FT: 40,320

CANNABIS SUPPORT AREAS		
TYPE	DIMENSIONS	AREA
AG/ CHEMICAL STORAGE	33'12" X 12'	432'
WELL	10' X 12'	120'
HOUSE/PUMP HOUSE		

AGGREGATE CANOPY AREA		
TYPE	SIZE	POTS
CULTIVATION POTS IN AG-EXEMPT HOOP HOUSES	36' X 36'	1,080
BED DIMENSIONS FOR POTS	((6' X 90') X 2) X 9	9,720 SQ FT
TOTAL SQ FT: 9,720		

IMPERVIOUS SURFACE TABLE		
SURFACE (From cover page)	SQ FT	% OF LOT
ROOF	25,710	0.01000
PAVEMENT	10050	0.00300
HOOP HOUSE	15300	0.00500
TOTAL	50,280	0.01980

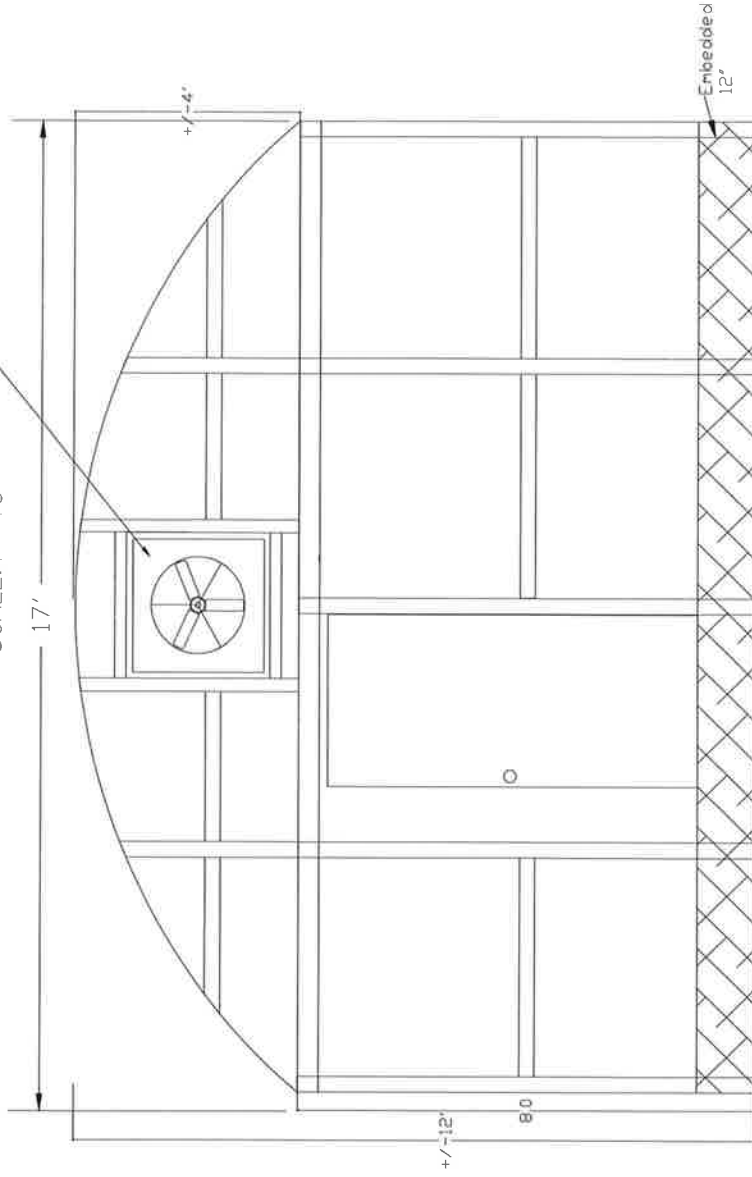


- LEGEND:
- 1 Hoop House
 - 2 Chemical/Pesticide Storage w/Spillage
 - 3 Cannabis Storage
 - 4 Well
 - 5 Pump House
 - 6 Support Area
 - 7 Location of Fire Protection Valve
 - 8 Location of Water Shut-Off Valve

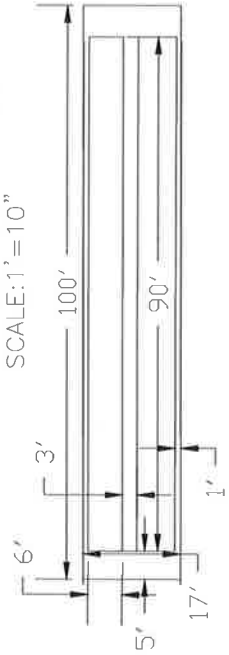
HOOP HOUSE DETAIL DRAWING

END WALL DETAIL HIGH TUNNEL HOOP HOUSES
SCALE: 1' = 10"

*The end wall for represented here is solely passive and is intended as a vent for the humidity in the hoop houses. No electricity is currently proposed with this project. If the need arises, future phases will be applied for.



DETAIL: MATURE CANOPY LAYOUT IN HIGH TUNNEL HOOP HOUSES
SCALE: 1' = 10"



California Survey Company
156 Idaho Maryland Road
Grass Valley, CA 95945
(530) 273-6651
sam@calsurvey.com

Cover Sheet
SHEET

SITUS ADDRESS
13615 McCourtney Rd
Nevada County, CA

PROJECT OWNER
Justin Dunne, Operator

A portion of
Sec. 4 & 5
T. 16 N.
R. 8 E. MDM

APP. As shown
DATE 03/27/2021
DRAWN BY JLD
CHECKED BY JLD
REVISION DATE
REVISION
SCALE 1/2" = 1'-0"
TOTAL SHEETS 44
SHEET 3 OF 8

MANAGEMENT PLAN
FOR THE
DUNNE PROPERTY
14120 THOROUGHBRED LOOP
GRASS VALLEY, CA
(APN:053-320-044)



Prepared for:

Ms. Justina Dunne
14120 Thoroughbred Loop
Grass Valley, CA 95949

Prepared by:

BEEDY ENVIRONMENTAL CONSULTING
Edward C. Beedy, Ph.D.
12213 Half Moon Way
Nevada City, CA 95959
530-274-7232

March 28, 2023

INTRODUCTION

The Dunn property is located at 14120 Thoroughbred Loop, Grass Valley, California (APN: 053-320-044) in western Nevada County. The owner, Ms. Justina Dunne, plans to bring the original, unpermitted, septic system into compliance with the County of Nevada On-site Sewage Disposal Regulations (Nevada County 1998). Based on historical photographs of the existing bathrooms, the estimated age of this septic system is +/- 50 years old.

The purpose of my site inspections were to prepare a Management Plan to ensure that the new improvements proposed by Ms. Dunne will not adversely affect the water quality or biological resources in French Ravine Creek which flows across this property. This report provides information supporting Ms. Dunne's application to the Nevada County Planning Department to complete his proposed project. Nevada County zoning ordinances requires that a Management Plan be submitted for projects in non-disturbance buffers, including within 50-feet of seasonal streams or wetlands (Nevada County 2000). Management Plans are an option for construction activities that affect sensitive resource areas including seasonal drainages and wetlands (as identified by Policy 1.17 of the Nevada County General Plan, Land Use and Development Code, Chapter II: Zoning Regulations. Effective July 27, 2000). This Management Plan describes the vegetation and wildlife resources of the area immediately surrounding the existing construction site and seasonal drainage, and it addresses the potential impacts of the project, and makes recommendations to mitigate any impacts to biological resources.

PROJECT LOCATION AND DESCRIPTION

This 19.52-acre parcel is located in the SE 1/4 of Section 4 T15N R8E, Grass Valley USGS 7.5' quadrangle, and it is situated at an elevation of approximately 2,205 feet within the French Ravine Watershed, a tributary of the South Yuba River (Beedy and Brussard 2002). Adjacent land uses are ranch and rural residential properties (Figures 1 and 2).

No trees or shrubs would be removed for this project, since the proposed new leach field is in an open area dominated by annual grasses. After inspection by Navo & Sons, Inc., the existing tank was listed in good condition but because there never was an existing septic permit the leach field was indeterminate and insufficient. In order to comply with Nevada County regulations a new septic system needs to be installed and in order to avoid contamination of surface and groundwater and to not interfere with other existing structures. The location of the new leach field has been set across the creek and sewage will be piped from the existing 1,500 gal tank through an enclosed 2" pipe with a septic pump which will cross French Ravine Creek adjacent to the existing bridge, and leached into the pasturage previously located on a sloping hillside (Figure 3).

METHODS

The following description of the vegetation and wildlife resources of the property is based on field surveys conducted by Edward C. Beedy, Ph.D., on February 17, 2023. I met with the owner, Ms. Justina Dunne, at the project site and observed and photographed the locations of

the existing buildings, bridge over French Ravine Creek, and the proposed new leach field where perc & mantle tests had been previously done. In addition to the field survey, a search was made of the California Natural Diversity Data Base (CNDDDB 2023) Grass Valley 7.5' USGS quadrangle and surrounding quadrangles to provide data on the occurrence of special-status plants and animals that have been recorded near the project area. Other sources of information consulted include California Native Plant Society (CNPS 2023), the Nevada County Natural Resources Report (Beedy and Brussard 2002), and the Nevada County Soil Survey (Brittan 1975).

SETTING

The project site is situated in an existing ranch property with barns and pastures and a race track. Portions of the barns have been converted to apartments, and sewage is currently disposed into an existing tank adjacent to the building. Representative photographs of the Dunne property are provided in Figure 4.

Bird species observed in the vicinity of the project area during the field survey included: Turkey Vulture (*Cathartes aura*), Mourning Dove (*Zenaida macroura*), Acorn Woodpecker (*Melanerpes formicivorus*), California Scrub-Jay (*Aphelocoma californica*), Lesser Goldfinch (*Spinus psaltria*), American Robin (*Turdus migratorius*), and White-crowned Sparrow (*Zonotrichia leucophrys*). All of these species are common residents or winter visitors of the foothills of the western Sierra Nevada (Beedy and Pandolfino 2013, Rose and Rose 2019). Black-tailed Deer (*Odocoileus hemionus*), and Western Gray Squirrels (*Sciurus griseus*) were also observed near the property during the field survey.

SPECIAL STATUS SPECIES

The project area is within the range of a number of special-status species that are of concern to the U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) (CNDDDB 2023, CNPS 2023, Beedy and Pandolfino 2013).

Special Status Plants

No state- or federally-listed threatened or endangered plants or other special-status plants were found during the field surveys, nor does the property offer suitable habitat for any special-status plants. Three state or federal listed plant species are found within the USGS quadrangles surrounding the project area: 1) Scadden Flat checkerbloom (*Sidalcea stipularis*); 2) Stebbins' morning-glory (*Calystegia stebbinsii*); and 3) Pine Hill flannelbush (*Fremontodendron decumbens*). Scadden Flat checkerbloom occurs at the edges of cattail marshes near the Nevada County Fairgrounds. No suitable habitat for this very rare plant is found on the project area. The latter two species are endemic to gabbroic soils (occasionally serpentine), occurring on the "Secca" gabbro soil series in Nevada County. No gabbroic or ultramafic substrates are indicated for the project area in the Nevada County Soil Survey (Brittan 1975).

Special Status Animals

The project area is within the range of a number of special-status wildlife species that are of concern to USFWS and CDFW (CNDDDB 2023) including the western pond turtle (*Clemmys marmorata*), foothill yellow-legged frog (*Rana boylei*), and California red-legged frog (*Rana aurora draytonii*). None of these species have been recorded within or near the project area (CNDDDB 2023), but French Ravine Creek does provide some potentially suitable habitat for the foothill yellow-legged frog. No suitable habitat for the California spotted owl (*Strix occidentalis occidentalis*) or black rail (*Lateralis jamaicensis*) is present within the project area (Beedy and Pandolfino 2013, Rose and Rose 2019).

ENVIRONMENTAL PERMITTING REQUIREMENTS

County of Nevada

Section L-II 4.3.17 of the Nevada County Land Use and Development Code (LUDC) requires that a Management Plan be prepared for projects in non-disturbance buffers, including within 50 feet of seasonal creeks and wetlands. This report meets the Management Plan requirements. The purpose of the Management Plan is to provide an assessment as to whether or not significant impacts occurred to biological resources as a result of the project, and to recommend compensatory mitigation if appropriate.

Section L-II 4.3.17(C.7) of the LUDC requires that the project applicant obtain appropriate authorizations from USFWS and CDFW prior to project approval if state- or federally-listed plants or animals could be adversely affected. Similarly the U.S. Army Corps of Engineers (Corps) must be contacted if impacts to “Waters of the United States” are likely to be affected during project construction. Provisions to avoid, mitigate, or compensate for impacts to the wetlands or riparian areas contained in such authorizations are required to become conditions of project approval. Project issues relevant to each of these agencies are discussed below.

U.S. Fish and Wildlife Service

Because the site does not support suitable habitat for federally-listed plant or wildlife species, the project does not fall under jurisdiction of the federal Endangered Species Act. Therefore, USFWS will not require permitting or impose conditions on the project.

California Department of Fish and Wildlife

Section 1600 of the Fish and Game Code requires any person who proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of a stream or use materials from a streambed to notify CDFW before beginning the project. The applicant needs to follow the mitigation measures specified below but does not need to obtain a Streambed Alteration Agreement from CDFW since the encased pipe crossing over French Ravine Creek will not disturb the creek bed or any riparian-dependent vegetation.

U.S. Army Corps of Engineers

The Corps regulates the discharge of dredge and fill materials into waters of the U.S. (see Mitigation Measures below).

IMPACTS

The pipe will cross over French Ravine Creek, immediately adjacent to the existing bridge, but the new leach field is outside of the 100-foot setback of the creek (Figure 3). Based on the field survey this wetland features will not be adversely affected by the installation of the pipe or leach field. No other wetland or riparian vegetation or special-status plants or animals would be adversely affected by implementing the proposed project. However, accidental introduction of sediment, washwater, solvents, oil, chemical wastes, cement, or other pollutants into this drainage could adversely affect water quality during construction. These potential impacts will be minimized by implementation of Best Management Practices (BMPs), discussed in Mitigation Measures below.

MITIGATION RECOMMENDATIONS

The following habitat management recommendations should be implemented to minimize any potential impacts resulting from impacts of widening the access road/driveway:

Implement Best Management Practices

To protect water quality and aquatic life in French Ravine Creek, and to avoid introduction of invasive weeds, the following BMPs should be implemented during and after construction. These measures include, but are not limited to:

- a. Prior to construction adjacent to the seasonal drainage and pond, install weed-free fiber rolls (wattles) on both sides of the existing bridge to prevent erosion and deposition of surface soils into the wetland. Wattles are available for sale at most of the local hardware stores in Grass Valley and Nevada City. More information on wattles can be found at the following website:
<https://www.acfenvironmental.com/products/perimeter-and-sediment-control/perimeter-control-tubes/wattles/>
- b. Avoid doing any excavation or grading within 3 days of a significant rainfall event.
- c. The contractor shall exercise every reasonable precaution to protect the wetland at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.
- d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.

REFERENCES

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Figure 1. Regional Map of the Dunn Property located at 14120 Thoroughbred Loop, Grass Valley, California (APN: 053-320-044).

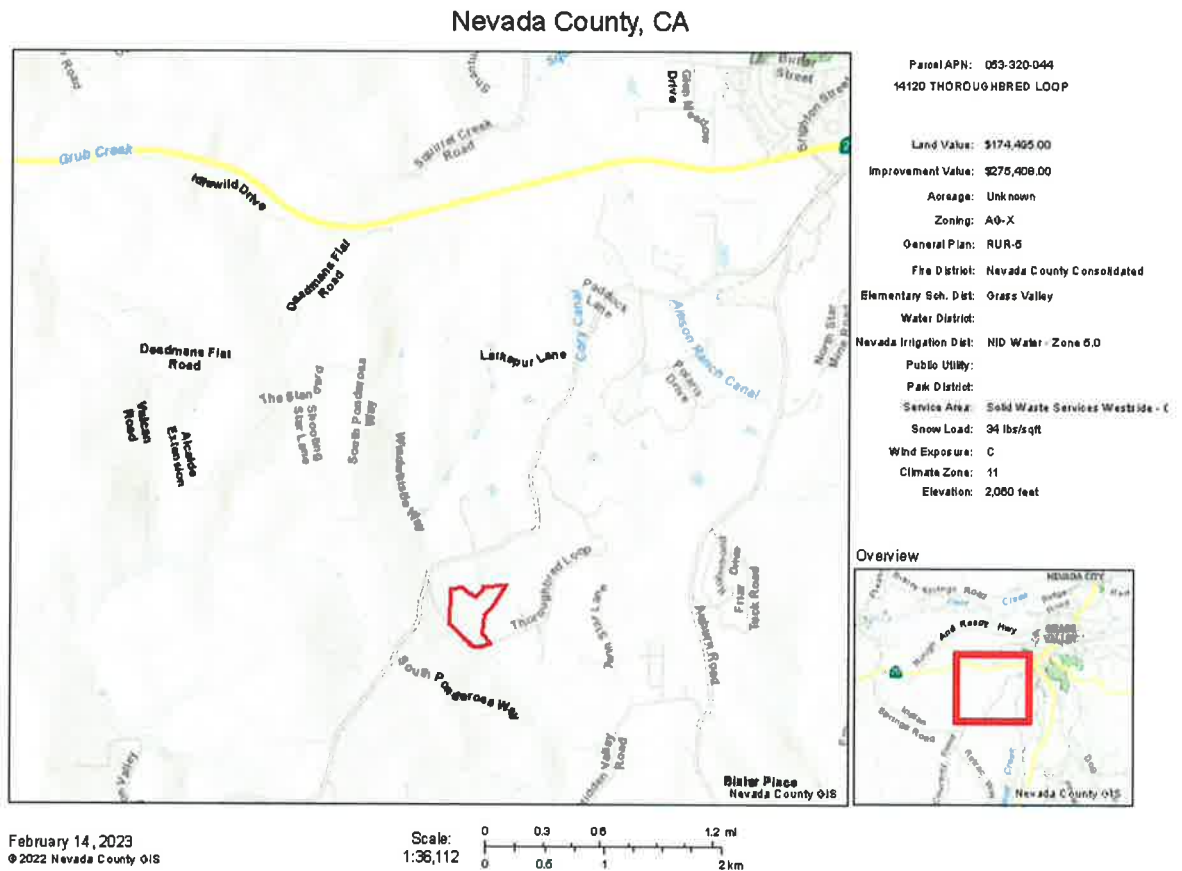


Figure 2. Aerial Photograph of the Dunn Property located at 14120 Thoroughbred Loop, Grass Valley, California (APN: 053-320-044) showing the approximate location of the new leach field.

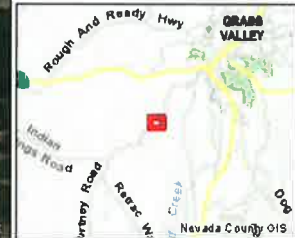
Nevada County, CA



Parcel APN: 053-320-044
 14120 THOROUGHbred LOOP

Land Value: \$174,485.00
 Improvement Value: \$275,408.00
 Acreage: Unknown
 Zoning: AG-X
 General Plan: RUR-5
 Fire District: Nevada County Consolidated
 Elementary Sch. Dist: Grass Valley
 Water District:
 Nevada Irrigation Dist: NID Water - Zone 5.0
 Public Utility:
 Park District:
 Service Area: Solid Waste Services Westside - C
 Snow Load: 34 lbs/sqft
 Wind Exposure: C
 Climate Zone: 11
 Elevation: 2,080 feet

Overview



February 14, 2023
 © 2022 Nevada County GIS

Scale: 1:4,514
 0 0.0375 0.075 0.15 mi
 0 0.05 0.1 0.2 km

Figure 4. Representative Photographs of the Dunn Property taken by Ted Beedy on February 17, 2023.



4A. View to the north showing the existing road and bridge over French Ravine Creek.



4B. View to the east showing the existing road and bridge over French Ravine Creek. The new, encased pipe will be adjacent to the existing bridge, and the new leach field will be on the sloping hillside behind the green gate shown in this photograph.



4C. View to the northeast looking upstream on French Ravine Creek.



4D. View to the southwest looking downstream on French Ravine Creek.



4E. View to the southeast across the new leach field area where the perc & mantle tests were done.



4F. View to the northwest showing the perc & mantle test areas.



4F. View to the northwest showing the perc & mantle test areas with the bridge and existing buildings in the background.



4G. The existing septic tank is beneath the plywood next to the planter containers shown in this photograph.