

**Exhibit A:**  
**Ranch House**  
**Conditions of Approval & Mitigation Monitoring & Reporting Plan (MMRP)**  
**PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009**

**A. PLANNING DEPARTMENT**

1. This is a conditional approval of a Zoning Map Amendment from RA-3-PD to RA-1.5 in order to accommodate higher density housing development and a Use Permit to permit the proposed 6-unit multifamily residential development containing six (6) one-bedroom apartments. The 10.45 Project site can currently support up to three (3) units given the existing maximum density of one (1) unit per every three (3) acres, per Table L-II 2.2.1.C of the Nevada County Land Use and Development Code. The proposed rezone to a maximum density of one (1) unit per every one and one-half (1.5) acres would allow for a maximum density of up to six (6) units.
2. Defense and Indemnity Agreement. Within 15-days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
3. Expiration Date. All Conditions of Approval shall be completed within three (3) years from the effective date of the approval of the project (Date: TBD) (PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009) unless an extension of time for reasonable cause is requested prior to the expiration date and granted by the Board of Supervisors pursuant to Section 5.10 of the Nevada County Land Use and Development Code.
4. Design of the building shall be in substantial conformance to that authorized in this approval, as represented on the approved building elevations kept in the Planning File. All final building plans shall represent the following design details: color, materials, and architectural features as described in the project staff report, or as may be modified at the public hearing and kept on file with the Planning Department. Prior to building permit issuance, the applicant shall provide building plans showing the door colors utilizing earth tones or muted soft colors. No design shall be permitted to have bright jarring colors or intense white color.
5. Lighting included in this approval is subject to conformance with Land Use and Development Code Section L-II 4.2.8. High pressure sodium, and mercury vapor light fixtures are prohibited, and flood lights and spotlights are prohibited. All proposed exterior lighting shall be shown on building plans, including the existing lighting for the auto repair facility. All new exterior lighting shall be screened and directed downward to prevent off-site spill and night sky pollution. All exterior security lighting shall utilize motion or heat sensors between 11 p.m. and sunrise to provide security. All exterior lighting shall be maintained as approved and installed.
6. The landscaping plan shall be maintained consistent with the preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:

- a. All details depicted on the preliminary plans (including the substitution of native and drought tolerant species for non-native, water-demanding species) and any modifications included by these conditions of approval; and
- b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and;
- c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
- d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and
- e. A note on the plan, certified by a licensed landscape architect, landscape designer, or horticulturalist, that trees are located on the plan so as to cover 40% of the parking area with tree canopies within 15 years, consistent with Land Use and Development Code Section L-II 4.2.7.E.2.g; and
- f. A note that “All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials.”

Prior to final inspections of the building permits, the landscape architect/property owner shall verify that all plant materials have been established for said building and parking area(s) pursuant to the approved plan.

7. Parking areas shall be constructed in accordance with the design standards of Section L-II 4.2.9 of the Land Use and Development Code (LUDC), including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. Final plans should be in substantial conformance with approved site plans and maintained for the life of the project. All parking areas shall be maintained free of flammable vegetation and consist of surfacing capable of supporting a 75,000-pound vehicle.
8. Prior to the final inspections for building permits, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project-building permit or at the time of request if no building permit is required.
9. **Mitigation Measure 1A: Minimize light and glare from light fixtures.** All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. This will include the use of shielding devices to orient the light downward and reduce glare. In addition, all external light fixtures shall utilize low-pressure

sodium lamps, or other similar low intensity lights, to reduce light spillage. This condition shall be shown on all improvement/building plans prior to permit issuance.

*Timing: Prior to issuance of grading/improvement/building permits and throughout operation.*

*Reporting: Approval of future grading/improvement permit*

*Responsible Agency: Planning Department and Building Department*

10. **Mitigation Measure 1B: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents, or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls shall be low reflectivity. This condition shall be implemented prior to issuance of the building permit.

*Timing: Prior to issuance of grading/improvement/building permits and throughout operation.*

*Reporting: Approval of future grading/improvement permit*

*Responsible Agency: Planning Department and Building Department*

11. **Mitigation Measure 3D: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)

*Timing: Prior to issuance of grading/improvement/building permits and throughout operation.*

*Reporting: Approval of future grading/improvement permit*

*Responsible Agency: Planning Department*

12. **Mitigation Measure 4A: Environmental Awareness Training.** During construction of the Project, before any work occurs on the Project sites, including grading, vegetation removal, and equipment staging, all construction personnel shall participate in environmental awareness training regarding special-status species and sensitive habitats present on the Project site. Any additional construction personnel that are employed following the initial start of construction shall receive the mandatory training before starting work. As part of the training, an environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (i.e., waters of the U.S. and state, special-status species and habitat, nesting birds/raptors) to be avoided during proposed project construction and lists measures to be followed by personal for the protection of biological resources. Such measures shall include, but are not limited to:

- Procedures to follow if a special-status species is found within the work area.
- Checking under equipment and staging areas for special-status species each morning prior to work.
- Staying within designated work areas.
- Maintaining exclusion/silt fencing.
- Reduced Project speed limits.
- No pets or firearms on-site.
- Contain trash/food waste and remove daily to avoid encouraging predators onto the Project site.

- Following Project BMPs (Mitigation Measures 4A and 4C)

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *Planning Department and Building Department*

13. **Mitigation Measure 4B: Conduct Nesting Bird Surveys.** The following note shall be added to all improvement/grading/construction plans:

Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.

- a) If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- b) Tree removal and construction shall not take place during the breeding season (March 1 – July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
- c) If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
- d) If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
- e) Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for offsetting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW, and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *Planning Department and Building Department*

14. **Mitigation Measure 4C: Best Management Practices:** To protect water quality and aquatic life in downstream aquatic resources, the contractor shall implement the following BMPs during construction, which shall also be shown as a note on all improvement and grading plans:

Best Management Practices shall include, but not be limited to, the following:

- Septic line casing shall extend 20-feet on either side of the existing intermittent watercourse to prevent accidental disturbance to this feature. The feature and 20-foot setback thereto shall be identified and delineated as an Environmentally Sensitive Area to prevent accidental dig up.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and storm events. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Disruption of soils and native vegetation shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
- If straw is used for erosion control, only certified weed-free straw shall be used to minimize the risk of introducing noxious weeds such as yellow star thistle.
- Hazardous materials such as fuels and solvents used on construction sites shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All fuels and solvents shall be stored in an area with an impervious surface and a containment capacity equal to the volume of the stored materials. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.
- Existing vegetation will be retained where possible. To the extent feasible, grading activities will be limited to the immediate area required for construction.
- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (October 1st to April 30th).
- Maintain sediment and erosion control measures during construction. Inspect the control measures before, during, and after a rain event.
- Fuel and maintain vehicles in a specified area that is designed to capture spills. This area cannot be near any ditch, stream, or other body of water or feature that may convey water to any Waters of the U.S.
- Provide construction workers with training in stormwater pollution prevention practices.

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

***Reporting:** Planning Department Approval of grading/improvement/building permits*

***Responsible Agency:** Planning Department and Building Department*

15. **Mitigation Measure 4D: Environmental Sensitive Areas:** Prior to the start of construction, establish the seasonal wetlands and ephemeral channels that occur in close proximity to project-related work activities as Environmentally Sensitive Areas (ESAs) during construction. These include areas that occur within 100 feet of development. Work shall not begin until the ESAs are delineated on the ground, in accordance with wetland delineation provided to the County. The

ESA signs shall be installed wherever activity will occur within 20 feet of these resources and remain in place for the entire duration of construction.

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

***Reporting:** Planning Department Approval of grading/improvement/building permits*

***Responsible Agency:** Planning Department and Building Department*

16. **Mitigation Measure 4E Waters of the United States:** Avoid impacts to waters of the U.S. and state, either through avoidance, restoration, or compensation: The project and project construction shall avoid impacts to any jurisdictional features to the maximum extent possible. If total avoidance is not possible, as part of the proposed project, the County would obtain the following permits (as required) prior to the implementation of construction activities: a Clean Water Act Section 404 Nationwide Permit from the USACE; a Clean Water Act Section 401 Water Quality Certification from the Regional Water Quality Control Board; and a Streambed Alteration Agreement (SAA) California Fish and Game Code 1600-1603, 5650F from the CDFW. All permit requirements, such as restoration for temporary impacts or compensation for permanent impacts, would be implemented to mitigate for the loss of waters of the U.S. or state and reduce impacts to water quality during construction.

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

***Reporting:** Planning Department Approval of grading/improvement/building permits*

***Responsible Agency:** Planning Department and Building Department*

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

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

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

***Reporting:** Approval of future grading/improvement permit*

***Responsible Agency:** Planning Department and Building Department*

18. **Mitigation Measure 7A:** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any expansive soils discovered during project construction are properly managed. These requirements including the following:

To successfully mitigate expansive soil, where encountered, soil shall be over-excavated to a minimum depth of 3 feet below building pad subgrade and at least 2 feet below slabs-on-grade and pavement sections. Over-excavations shall extend a minimum of 5 feet laterally from the edge of foundation elements and approved non-expansive soil, placed, and compacted in accordance with the following grading recommendations. Mixing of expansive soil with granular soil in order to utilize the material onsite is an option but would be evaluated by a registered engineer at time of construction.

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

***Reporting:** Planning Department Approval of grading/improvement/building permits*

***Responsible Agency:** Planning Department and Building Department*

19. **Mitigation Measure 13A. Construction Noise Reduction.** The construction contractors shall notify local residents within 300 feet of the Ranch Property site property line at least 10 days in advance of the start of construction. This notice shall include information about the project schedule and how to contact the County of Nevada with any noise complaints. The County of Nevada shall ensure that mufflers on heavy construction equipment used on this site shall be in proper operation form. Construction hours shall be limited to 7 am to 7 pm Monday through Friday.

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

***Reporting:** Agency approval of permits or plans*

***Responsible Agency:** Planning Department and Building Department*

20. **Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. Inert waste, such as rock or concrete should be retained "on-site" and incorporated into the development as much as possible. Such methods shall be noted on the grading and improvement plans.

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

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

***Responsible Agency:** Planning Department and Building Department*

## **B. BUILDING DEPARTMENT**

1. Complete grading, erosion control, construction and utility plans shall be submitted for review at time of building/grading permit submittals in conformance with Nevada County Land-Use Code Chapter V.

2. 2 sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittals.
3. 2 sets of wet stamped/signed geotechnical evaluation reports shall be submitted at time of building/grading permit submittal.
4. All project plans shall be designed and wet stamped/signed by a California Licensed Design Professional for each prospective field of the project.
5. Show the minimum number of permanent bike lockers and temporary bike racks per the CA Green Building Standards Code at time of building permit submittal.
6. Plans submitted shall indicate the accommodation for the installation of required elements for the future installation of Electric Vehicle (EV) charging stations per CA Green Building Standards Code 5.106.5.3.
7. Show minimum number of clean air/EV/ Van pool parking spaces per the CA Green Building Standards Code at time of building permit submittal.
8. A minimum number of disabled accessible parking spaces shall be provided in accordance with CA Building Code Chapter 11A dependent on assigned or unassigned space designations.
9. Accessible routes of travel shall be provided from the building, parking spaces, and to any site amenities including but not limited to the picnic areas, garden areas, etc that the project may have.
10. Complete exiting plans shall be provided showing maximum path of travel distances, common paths of travel, required number of exits, etc per the CA Building Code.
11. A complete code analysis shall be provided for the building showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.
12. A plumbing fixture analysis/calculation shall be provided showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
13. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.
14. Any landscaping installed shall meet the State Model Water Efficient Landscape Ordinance and the CA Green Building Standards Code and complete plans shall be submitted for how this will be achieved.
15. Completion of the County of Nevada Special Inspection Agreement will be required at time of building permit submittal for all required special inspections.

16. The project shall be submitted, reviewed and approved by the Nevada County Consolidated Fire Protection District prior to submittal to the Building Department.
17. A fire sprinkler system shall be designed and installed in the building in conformance with the CA Fire Code.
18. A minimum number of units shall be designed as fully disabled accessible units as well as adaptable units in conformance with CA Building Code Chapter 11A.
19. A percentage of the roof area shall be designed for the future installation of solar in conformance with the CA Energy Code for solar ready buildings.

**C. DEPARTMENT OF PUBLIC WORKS**

UNLESS OTHERWISE SPECIFIED, THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF GRADING AND BUILDING PERMITS:

1. Prior to any work within the State Highway right of way, the applicant shall obtain an encroachment permit from CalTrans, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the CalTrans before the contractor begins work..
2. Driveways shall conform to the CalTrans Highway Design Manual Section 205 for Road Connections and Driveways. Compliance with the standards must be shown on plans. Any driveway and road improvements within the CalTrans right of way shall require an encroachment permit from the CalTrans prior to any work within the right of way.
3. Prior to the issuance of grading and building permits, the applicant shall provide final grading and drainage plans with an accompanying analysis prepared by a registered civil engineer that demonstrate no net stormwater runoff from the proposed project. The drainage analysis shall meet all requirements of Article 5, "Storm Drainage" of the Nevada County Land Use and Development Code Section L-XVII. This shall include a hydraulic analysis of the project drainage system including culvert sizing, invert elevations, design storm freeboard and detention pond sizing. The hydrologic analysis shall include an analysis of post-development peak runoff versus pre-development peak runoff at all points exiting the development. Include in the grading plan grading for structures, parking areas and detention ponds.
4. Dischargers whose project disturbs one or more acres or where projects less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Oder No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the

facility. The Construction General Permit shall require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

5. Pursuant to General Plan Policy 11.6A, commercial and industrial development of 1 acre or greater in size must provide oil, grease and silt traps. The applicant shall provide for oil, grease, and silt traps designed by a registered civil engineer in the site plans and shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided pursuant to General Plan Policy 3.19C.
6. Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to grading or improvement permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.
7. Prior to issuance of any building permits, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors at time of building permit for trips generated by the project.
8. Indicate on the site plan the location of any existing or proposed lighting. Public Works will require that any proposed lighting be shielded and directed away from rights-of-way to prevent any light and glare trespass that could result in safety issues for passing motorists.
9. Identify all easements and utilities on and adjacent to the site on the site plan.
10. In compliance with LUDC Sec. L-II 4.2.11.C.2, the applicant shall provide either a) conformance with Waste Management's standard of 50 feet of backout between trash enclosures and parking and building areas, or, if that cannot be met, b) documentation of Waste Management's approval of the location of the waste and recycling bins shown on the site plan. The trash bin shall be placed within a solid screen enclosure constructed of materials and colors compatible with the building style, at least one foot higher than the receptacle.

PRIOR TO ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

11. The applicant shall submit to the Building Department for review and approval, an improvement and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway/parking lot slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with County improvement standards.
12. The project plans shall include the following note:  
All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot tall mesh safety fencing in a bright

color. The fencing shall be tied to six-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.

13. If trees to be removed are 6" or greater in diameter, are classified to be in Group A or B per the California Forest Practice Rules, and are on timberland, the applicant shall obtain one of the following harvest document(s) from the California Department of Forestry and Fire Protection and submit a copy of the approved document to the City:
  - a. Less Than 3 Acre Conversion Exemption. Any project with less than 3 acres of land disturbance may qualify (see 14 CCR 1104.1 (a)(2) for conditions).
  - b. Timberland Conversion (PRC4621) and Timber Harvest Plan (PRC.4581). Any project with 3 acres or greater or that do not meet the conditions in 14 CCR 1104.1 (a)(2).
14. The applicant shall submit to the Building Department for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the building official, and the Public Works Department.
15. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
  - a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height will require a Building Permit prior to being constructed.
  - b. Submit design calculations for the walls for review and acceptance.
  - c. If the proposed walls are to be constructed against a cut slope that cannot be graded back per the California Building Code, submit:
    - i. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
    - ii. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the County prior to any excavation on the site and that a qualified OSHA Approved Inspector or Professional Civil Engineer will:

1. be onsite during excavation for and construction of the retaining walls;
  2. be onsite at least once a day during inclement weather; and
  3. will submit daily reports to the County.
16. (if over 1 acre of disturbed area) The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the Engineering Division.
17. The applicant shall submit to the County Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the County improvement standards and storm drainage criteria.
18. A detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Building Department prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the County to enforce the required erosion control measures will be paid by the deposit.
19. (if commercial or high density residential) The applicant shall provide information that Waste Management has approved the plan for the trash/recycling container. The trash/recycling container shall be of adequate size to accommodate the trash and recycling needs of proposed use. The plan shall also be designed for adequate access and servicing by WM. The applicant shall provide verification that the trash/recycling container has been approved by WM. The trash/recycling container shall be installed in accordance with the approved plan prior to occupancy of the building.
20. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e. NID), prior to receiving County Engineer approval.
21. The applicant shall submit final landscape and irrigation plans, prepared by a licensed landscape architect, for review and approval by DPW Engineering. Landscaping design shall meet the County's sight distance standards.

PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS FOR THE PROJECT, THE DEVELOPER SHALL COMPLETE THE FOLLOWING:

22. That prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency.
23. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and Building Department of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Community

Development and Building Department staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.

24. Placement of construction fencing around all trees designated to be preserved in the project.
25. Submittal of two copies to the Building Department of the signed improvement/grading plans.

**DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

26. Prior to final preparation of the subgrade and placement of pavement base materials, all underground utilities shall be installed and service connections stubbed out behind the hardscape improvement. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
27. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
28. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the County Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
29. Prior to placing the initial lift of asphalt and after all aggregate base is placed, all public sewer pipelines and storm drain pipelines shall be video inspected at the expense of the contractor/developer. All videotapes shall be submitted to the County. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
30. No trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the County's Standard Specifications.
31. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.
32. The applicant shall pay traffic fees for the estimated increase in traffic.

**D. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT & NEVADA COUNTY OFFICE OF THE FIRE MARSHAL**

1. **Mitigation Measure 9A:** Per the Fire Protection and Evacuation Plan as prepared in March 2022, the following provisions shall be integrated into the project.

**Emergency Water Supply:** Install fire hydrant and sprinklers in new building pursuant to CalFire and the Nevada County Consolidated Fire District standards.

**Fuels Management Plan:** Maintain defensible space of at least 100 feet from each side, front, and rear of the structures, or to the property line whichever is closer. The amount of vegetation modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Vegetation shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of the vegetation management may vary within the 100-foot perimeter of the structure, with the most intense being within the first 30 feet around the structure.

- a. Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- b. Maintain all trees adjacent to or overhanging a building to maintain a minimum of 10 feet of clear space between the tree and roof.
- c. Maintain the roof and gutters to be clear of leaves, needles, or other vegetative materials.
- d. Create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *Planning Department and Building Department*

2. Confirm with the Nevada Irrigation District that adequate fire flow exists. Additional fire hydrants may be required on site. This will depend on required fire flow and the location of offsite fire hydrants.
3. The building shall be protected by approved automatic fire sprinkler and alarm systems.
4. Provide adequate access to the rear portions of the building. This may be accomplished by extending the road toward the existing solar facility.
5. Prior to the Building Permit being issued, Site, Building, Fire Sprinkler and Alarm plans shall be submitted to the Fire District for review and approval.
6. 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.

7. Ensure all Fire Related site plan features are met as they will be inspected prior to final.

**E. ENVIRONMENTAL HEALTH DEPARTMENT**

1. Clarify the domestic water source for the parcel, well or public water. If it's a well, provide the location of the well. If it's public water, provide the service connection location AND A Will-Serve Letter from the service provider.
2. Obtain an approved 100% sewage disposal repair area for the existing development.

**F. NEVADA IRRIGATION DISTRICT**

1. The parcel in question (APN 004-140-067) currently has an existing 5/8-inch meter for treated water service to the existing single-family residence. In order to serve the proposed six-unit apartment complex, a Water Demand Analysis (WDA) must be submitted to NID for approval. If upsizing of the meter is determined through the review of the WDA, the applicant is responsible for any and all fees related to upsizing the existing meter.

**G. CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

1. The driveway width should be 20 feet minimum. Highway Operations also recommends avoiding a skewed driveway. The driveway should be perpendicular at a minimum 20 feet from the edge of the shoulder or to the edge of State right of way. Please confirm the existing shoulders along the frontage of the proposed development is 8 feet. If the proposed development will have access to the nearby solar panel farm, please provide the number of trips that will be generated.
2. The existing encroachment to State Route 49 shall be obliterated including any A/C pavement encroaching into Caltrans Right of Way.
3. Any project along or within the State's ROW requires an encroachment permit that is issued by Caltrans. The applicant must provide necessary documents including but not limited to environmental, cultural resources, traffic operations and hydraulics and mitigate effects on the State's highway right of way. Facilities proposed within the State R/W necessitate a Maintenance Agreement with the local entity.
4. The development of this site will increase impervious surface area through the construction of roads, driveways, parking lots, buildings, etc. with a corresponding increase in surface water runoff. This project will decrease surface water detention, retention and infiltration. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the 100-year storm event should be minimized through project drainage mitigation measures.

5. Increases in peak runoff discharge for the 100-year storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.
6. All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.
7. Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.
8. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.
9. All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

#### **H. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE**

1. **Notice of Determination Fee.** Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently \$2,548.00, must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

#### **I. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT**

1. **Mitigation Measure 3A: Implement NSAQMD Mitigation Measures for Significance Level A.** The construction contractors shall comply with the following applicable NSAQMD emission measures during Project construction:

- a. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the district. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- b. Grid power shall be used (as opposed to diesel generators) for job site power needs, where feasible, during construction.
- c. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).
- d. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at [www.arb.ca.gov/coatings/arch/Approved\\_2007\\_SCM.pdf](http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf)).
- e. Construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
- f. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

2. **Mitigation Measure 3B: Implement NSAQMD Dust Control Mitigation Measures.** The construction contractors shall comply with the following applicable NSAQMD dust control measures during Project construction:

Prior to issuance of grading and improvement permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout operation.*

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

3. **Mitigation Measure 3D: Mitigate any asbestos discovered during construction.** If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24

hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

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

**Reporting:** *Planning Department Approval of grading/improvement/building permits*

**Responsible Agency:** *NSAQMD and Planning Department*

## **J. UNITED AUBURN INDIAN COMMUNITY**

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

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

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

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

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

**Responsible Agency:** *Planning Department & United Auburn Indian Community of the Auburn Rancheria*