



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
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March 1, 2019

**NOTICE OF CONDITIONAL APPROVAL
CONDITIONAL USE PERMIT, MANAGEMENT PLANS
AND AMENDMENT TO APPROVED MAP**

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File No: PLN18-0023; CUP18-0009; MGT18-0018
MGT18-0019; AAM18-0002; EIS18-0012
APN: 051-151-066

At the regular meeting of February 28, 2019, the Nevada County Planning Commission approved the above referenced Conditional Use Permit, Management Plans and Amendment to Approved Map (PLN18-0023; CUP18-0009; MGT18-0018; MGT18-0019; AAM18-0002; EIS18-0012) for the Caldwell project located at 17860 Cattle Drive in Rough and Ready (APN 051-110-004), subject to the following conditions of approval and mitigation monitoring and reporting plan:

Conditions of Approval and Mitigation Monitoring and Reporting Plan

A. PLANNING DEPARTMENT

1. Project Description:

Conditional Use Permit: The Conditional Use Permit is for up to twenty (20) outdoor special events per year, limited to one event per day, with a maximum of 125 guests, including event attendees, vendors and employees. All event activities would be outdoors only, with no indoor use or kitchen facilities. All food for special events would be catered to the event area and would not prepared at the site. Event activities would occur between 11:00 a.m. and 10:00 p.m. The project proposes to construct a new ADA (Americans with Disabilities Act) compliant restroom facility for event use, and the installation of a new septic system. The restroom facility would be approximately 350 square feet and include a storage area and an employee shower. Other proposed improvements include widening the existing driveway, the installation of a 10,000-gallon water tank for fire suppression, constructing two ADA compliant parking spaces and an ADA compliant pathway, installing a curtain drain, constructing an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping.

Oak Resources Management Plan: The first Management Plan is to allow the leach field and septic transport lines for the new restroom facility to be installed near and within a landmark oak grove. No trees would be removed for the installation of the leach field and septic transport line.

Seasonal and Ephemeral Stream Management Plan: The second Management Plan is for disturbance within the 50-foot setback of a seasonal stream and ephemeral stream to widen an existing driveway from 14 feet to 20 feet wide. The existing driveway crosses over the streams to access the primary residence and accessory dwelling unit. Approximately, the first 210 feet of driveway off Cattle Drive would be widened, up until where the driveway crosses the streams. The stream crossings and the rest of the driveway would not be expanded.

Amendment to an Approved Map: The Amendment to the Approved Tentative Parcel Map (PM16-002) is to expand the building envelope on Parcel 1 (10.1 acres) to include approximately 0.5 acres at the front of the parcel. The additional building envelope would include the area for improvements of the proposed 59-space parking area with landscaping

2. Appeal Period: Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Planning Commission's final action on the project.
3. Timeline: Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (March 11, 2019), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Commission pursuant to Section 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 the portion of the approved use not completed.
4. Defense and Indemnification 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.
5. Field Inspection: Prior to permit finalization, 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.
6. Lighting: Lighting for the special events shall be in compliance with Nevada County Land Use & Development Code Section L-II 4.2.8. Fixtures shall be fully shielded and directed downward to prevent light trespass and to prevent the light source or lens from being visible from adjacent residential uses and roadways. Improvement plans shall depict the location, height and positioning of all light fixtures and shall provide a

description of the type and style of lighting proposed. Fixtures shall have high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited.

7. **Landscaping:** Landscaping for the gravel parking area shall be in compliance with Nevada County Land Use and Development Code Section L-II 4.2.7. Landscaping shall be maintained, and if any planting of trees or shrubs have not survived, said planting shall be replaced within 30 days, unless a licensed landscape architect verifies that due to weather or seasonal conditions, planting should be delayed for a specified time. A final landscape plan, consistent with the preliminary landscape plan, shall be submitted for review prior to the issuance of building permits.
8. **Parking:** Parking areas shall be in compliance with the design standards in the Nevada County Land Use and Development Code Section L-II 4.2.9, including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. This approval includes a 59-space gravel parking area, and two ADA compliant parking spaces that are located near the accessory dwelling unit. All parking must be maintained for the life of the project.
9. **Tentative Parcel Map (PM16-002):** The conditions for the Tentative Parcel Map PM16-002, approved on March 22, 2017, by the Zoning Administrator are still applicable, including the requirement to record the parcel map by April 3, 2020, unless an extension is filed pursuant to Section 66452.6 of the Government Code (Subdivision Map Act) and granted.
10. **Noise Standards:** The event activities shall be in compliance with the Nevada County LUDC Section L-II 4.1.7, Rural zoning district noise standards. This includes all noise produced by event activities, such as crowd noise, amplified speech, amplified music, etc. Subwoofers are prohibited. For the Rural zoning district standards, maximum noise levels include:
 - 7 a.m. to 7 p.m. – 55 dB Leq and 75 dB Lmax
 - 7 p.m. to 10 p.m. – 50 dB Leq and 65 dB Lmax
 - 10 p.m. to 7 a.m. – 40 dB Leq and 55 dB Lmax
11. **Improvement Permits:** Prior to construction, obtain all required permits for site improvements, including grading, the installation of the septic system, the restroom facility, the 10,000-gallon water tank, ADA parking spaces and pathways.
12. **Right to Farm Notice (Mitigation Measure 2A):** The applicant shall include the Nevada County Right to Farm Notice in all contracts for special events at the project site. The Nevada County Right to Farm Notice includes the following disclosure:

The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or

otherwise of chemical fertilizers, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).

Timing: *Implemented on all events*

Reporting: *Agency review of event contract prior to finalization of improvement plans*

Responsible Agency: *Planning Department*

13. **Minimize dust emissions (Mitigation Measure 3A):** The applicant shall use reasonable precautions to minimize dust generation, including but not limited to watering the vehicle traffic area, watering any stockpiled material, and limiting traffic speeds. Such methods shall be noted on the improvement plans prior to approval.
Timing: *Prior to issuance of building/grading permits*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Planning Department*

14. **Minimize Construction Equipment Idling (Mitigation Measure 3B):** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on the grading and improvement plans: "During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor."
Timing: *Prior to issuance of the building/grading permits and during construction*
Reporting: *Planning Department approval of grading permits/Compliant drive*
Monitoring: *Building Department inspections/Public complaints*
Responsible Agencies: *Planning and Building Department, Code Compliance Division*

15. **Mitigate any asbestos discovered during construction (Mitigation Measure 3C):** Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: 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 or improvement permits and during construction*
Reporting: *Approval of grading or improvement permits and as applicable*
Responsible Agency: *Planning Department and Northern Sierra Air Quality Management District*

16. **Nesting raptors and migratory birds (Mitigation Measure 4A):** The following note shall be added to all improvement/grading/septic system/construction plans: If

construction is to take place between March 1 and August 1, preconstruction nesting surveys shall be conducted within 30 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the surveys shall be submitted to the CDFW. If active nests are found, a one-quarter mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW 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 brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site 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 it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Migratory birds shall be required to have a minimum 200-foot disturbance buffer during construction activities.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

17. **Identify Environmentally Sensitive Areas - Aquatic Features (Mitigation Measure 4B):** Setback areas to the streams and wetlands must be delineated as Environmentally Sensitive Areas (ESA's) on all future improvement/grading/construction plans associated with this project.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

18. **Aquatic Feature Non-Disturbance Buffer Protection (Mitigation Measure 4C):** Best Management Practices are required in order to ensure the non-disturbance buffer to the aquatic features is adequately protected during construction. The following note shall be added to the improvement/grading plans:

1. Copies of all mitigation measures must be provided to contractors to ensure the proper and timely implementation of each.
2. Construction must be limited to the dry periods without any precipitation events.
3. No activity within the aquatic features is permitted. All construction must be completed from the top of the banks and outside of the wetland swales.
4. In order to minimize the risk of erosion, disturbance areas must be confined to the minimum practical working area.
5. Prior to first inspection, the aquatic features (seasonal stream, ephemeral stream and all three wetlands) and their non-disturbance areas must be delineated with the installation of orange construction fencing interfaced with silt fencing or other

effective sediment catching materials, along the uphill side of each ESA where equipment will be operated.

6. Erosion and sediment controls must be maintained and inspected daily for effectiveness, including removal of spoils if there is a build-up and reinforcing or re-establishing failed structures. Sediment controls must be removed and properly disposed of at the completion of construction.
7. The construction area must be rehabilitated at the completion of construction, including reinstatement of soil, surface leveling, revegetation and mulching if necessary.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

19. **Water Quality Best Management Practices (Mitigation Measure 4D):** The following note shall be added to the driveway improvement/grading plans: The following Best Management Practices are required during construction in order to ensure adequate protection both onsite and offsite water quality of aquatic features.

1. Minimize the number and size of work areas in the vicinity of the aquatic features. Staging and spoils storage sites must be placed at least 50-feet from the seasonal stream and 100-feet from the wetlands. Work areas must be clearly marked on improvement/grading plans.
2. Prior to the start of work, install erosion control measures or effective sediment barriers to ensure soils and other pollutants will not enter the aquatic features. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that may have accumulated behind the barriers shall be removed for proper disposal.
3. The contractor shall exercise every reasonable precaution to protect the streams, wetlands and their non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutants such as oil, cement and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. No slash or other natural debris shall be placed in or adjacent to these areas. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
4. No equipment or vehicle maintenance, cleaning or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

20. **Best Management Practices – Oaks (Mitigation Measure 4E):** Improvement plans that include work within 50-feet of oak trees shall include a Tree Protection Plan detail including the tree protection zone, protection type, any work such as pruning or bracing that is required prior to construction start. Additionally, the following notes shall be added to improvement/grading plans: The following Best Management Practices are

required during construction in order to ensure adequate protection of Landmark Oaks and Landmark Oak Groves.

1. Prior to the start of construction, protective fencing, at a minimum of four feet in height, shall be placed at the limits of the protected root zone (PRZ) of any individual oak tree or grove. The PRZ is defined by a tree's critical root radius. To obtain the PRZ limits, measure the tree's diameter at breast height (4.5' above the ground) then allow 1.5 feet of root zone per measured inch, measuring from the trunk out to find the limits of the PRZ. The fencing is to remain in place until construction and cleanup are completed.
2. Prior to septic system permit being issued, a biologist from the County approved Biological Consultant List, shall review the plans to ensure that the location and design is consistent with the system evaluated by the biologist in the Oak Resources Management Plan. A majority of the leach field location shall be in areas of openings among the landmark oak trees, as identified in the Oak Resources Management Plan.
3. Prior to permit issuance, a letter from a biologist from the County approved Biological Consultant List must be submitted to Nevada County Planning, stating that the biologist will supervise all excavation or grading proposed within the protective root zone of Landmark Oak trees and Landmark Oak Groves.
4. Damage to limbs, trunks and roots shall be avoided during construction. Any damage shall be immediately reported to the Nevada County Planning Department. The Planning Department may require the responsible party to hire a biologist or arborist to assess the damage and the most appropriate corrective measure.
5. Penalties for damaged trees may be assessed by the Planning Department at a 2:1 planting ratio.
6. Grade shall not be lowered or raised in the PRZ of any oak tree.
7. Work within the dripline of Landmark Oak Groves or Landmark Oak Trees shall be performed by using hand tools or small hand held power tools. Any major roots encountered shall be conserved to the greatest extent possible.
8. Prior to finalization of the improvement/septic system permit, a letter from the supervising biologist must be submitted to Nevada County Planning stating that the work was completed within these guidelines.

Timing: *Prior to issuance of building/grading permits*

Reporting: *Approval of the improvement plans*

Responsible Agency: *Planning Department*

21. **Annual Monitoring Plan- Oaks (Mitigation Measure 4F):** The following note shall be added to the septic system improvement plans: A biologist from the County approved Biological Consultant List shall annually monitor and survey the Landmark Oak Grove in and adjacent to the leach field for the restroom facility. Annual monitoring shall begin twelve months after the septic system is installed, and shall include photo documentation of the trees. A technical memorandum including the date(s) of monitoring, name of the monitor, the condition of the trees, and a list of any trees that appear to be affected by the construction or operation of the project, including the leach field, shall be documented and submitted to the Nevada County Planning Department. Deterioration in the health or death of any oak trees that would reduce the canopy closure of the designated Landmark Oak Grove within or adjacent to the leach field would require compensatory mitigation. If there is no deterioration in health to oak resources after 5 years, no

additional monitoring would be required. To compensate for oak trees that could be negatively impacted with the installation and use of septic systems oak trees must be replaced at a 2:1 ratio in one or a combination of the following ways:

1. **Conservation Easement**: Dedicate a conservation easement within the subject parcel to protect landmark oak groves from future development or use impacts. A minimum of a 1:1 ratio of impact area to the conservation easement area would be required. The mitigation would be reviewed/recommended by the biologist and require final approval by the Nevada County Planning Department. An offsite conservation easement or a fee title dedication to a land conservation group approved by the Nevada County Planning Department may also be substituted for mitigation.
2. **Bear Yuba Land Trust (BYLT) In-Lieu Fee**: Make a payment to a mitigation fund that shall specify that the fee paid will be used to purchase mitigation landmark oak groves within Nevada County. A five (5) percent administration fee of the mitigation fee may be required to cover Nevada County or BYLT costs. Approval by the Nevada County Planning Department is required.
3. **Planting Replacement**: At a 2:1 ratio by the number of inches of oak trees removed, plant replacement oak trees. A Tree Planting and Maintenance Plan prepared by a County approved biologist showing species, size, spacing and location of plantings and the location and species of established vegetation shall be submitted to the Planning Department for review and approval. Replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with each other or established vegetation. Tree monitoring by an approved biologist must be completed on a yearly basis (for five years) with dead trees being replaced if needed. A memorandum must be submitted to the Planning Department noting the results of each annual maintenance visit, outlining the condition of the trees and noting any replacements that were made. An offsite location in Penn Valley for planting replacement may be substituted for mitigation. This would require approval by the Nevada County Planning Department.

Timing: Prior to issuance of building/grading permits

Reporting: Approval of the improvement plans

Responsible Agency: Planning Department

22. **Halt work and conduct consultation upon unanticipated discovery of cultural resources (Mitigation Measure 5A)**: Prior to issuance of a grading/improvement permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist and the United Auburn Indian Community (UAIC) shall be consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment. Any recommendations from the United Auburn Indian Community shall be documented

in the project record. If any of the recommendations are not followed, written justification shall be included in the project record. If adverse impacts to tribal cultural resources occur, consultation shall be required by the UAIC and other traditionally and culturally affiliated Native American Tribes for rectifying the impact.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

23. **Tribal Cultural Resource Awareness Training and Brochure (Mitigation Measure 5B):** A minimum of seven days prior to the start of construction, the applicant shall notify the Planning Department of the construction date. The Planning Department will notify the United Auburn Indian Community (UAIC). A tribal representative and cultural resources specialists shall be invited to provide training and a brochure to all construction crewmembers, consultants, and other personnel involved in the construction activities to inform crewmembers of cultural resources, applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The training will include avoidance and minimization measures for resources that have potential to be located on the project site, and it will outline appropriate actions to take if artifacts are encountered. The program will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any cultural resources. The attached brochure shall be included on all improvement permits and shall be provided to all construction crewmembers.

Timing: Prior to issuance of building/grading/septic permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and United Auburn Indian Community

24. **Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan (Mitigation Measure 6A):** Project improvements and ground disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

1. Best Management Practices (BMPs) for temporary erosion control shall be implemented during construction to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. This SWPPP includes the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.
2. All portions of the project, including off-site grading and excavation for the emergency access road, shall be included in the State-mandated Storm Water Pollution Prevention Plan (SWPPP) and are subject to the required monitored and

reporting.

Timing: Prior to building/grading permit issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Building Department

25. **Amplified Music and Event Hours (Mitigation Measure 12A):** To be in compliance with the Nevada County Noise Standards, all improvement plans shall have the following notes and all events shall follow these limitations:

1. Speakers shall be located within thirty-five (35) feet of the primary residence and shall face south.
2. From 7:00 p.m. to 10:00 p.m., the sound output shall be reduced to 70 dB, measured fifty (50) feet in front of the speakers. The property owner shall be responsible for obtaining a sound level meter and ensuring that music is at this decibel level or lower.
3. No amplified music, amplified speech, or event crowd noise shall occur between 10:00 p.m. and 7:00 a.m. All event activities shall be prohibited between these hours.

Timing: Implemented on all event activities

Reporting: Agency approval of improvement plans/Site inspection prior to finalization of improvement permits/Agency will respond on a complaint basis

Responsible Agency: Planning Department and Code Compliance Division

26. **Prohibit Events During Weekday Peak Hour (Mitigation Measure 16A):** The following mitigation is required to prevent traffic from being generated by special events during the weekday AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. and 6:00 p.m.) peak hours of traffic. The mitigation includes a one-hour buffer around the peak hours to prevent traffic from being generated during the peak hour times.

1. For the AM peak hour, events shall not begin before 10:00 a.m. on weekdays.
2. For the PM peak hour, events shall not begin between 4:00 p.m. and 7:00 p.m., or end between 3:00 p.m. and 6:00 p.m. on weekdays.

Timing: Implemented on all event activities

Reporting: Agency approval of improvement plans/Agency will respond on a complaint basis

Responsible Agency: Planning Department and Code Compliance Division

27. **Annual Reporting:** Prior to December 31st each year, the applicant shall submit a report to the Planning Department to document the number of events held onsite, to demonstrate compliance with the approved Use Permit.

B. BUILDING DEPARTMENT

1. **Existing Structures:** The buildings on this site are approved for use as a one-and-two family dwelling and accessory residential uses. These buildings are not approved for use and/or occupancy by the public or for commercial purposes. The residential buildings shall not be used as part of the events onsite due to their approved occupancy types being residential use and not commercial use. If the buildings are used for any onsite events, complete change of use plans shall be submitted to the Building Department for review prior to the use of any of these buildings for commercial use.

2. ADA Compliant Facilities (Restroom): Any buildings are/or facilities used by the public shall meet all required requirements for disabled accessibility per the California Building Standards Code. A change of use permit shall be obtained for any required improvements and prior to their use.
3. ADA Parking Spaces: A minimum of two (2) disabled accessible parking spaces shall be provided based on the overall number of parking spaces provided. A minimum of one (1) of the spaces shall meet van accessible parking space standards per the California Building Code. A building permit will be required for the construction of these parking spaces. This shall be completed prior to the use of the property for any events.
4. ADA Pathway: An accessible route of travel shall be provided from the accessible parking spaces to any event areas as well as the portable accessible restroom areas. This path shall be a minimum of 4ft, have an accessible surface and shall have route of travel signage installed at required locations per the California Building Code. This shall be completed prior to the use of the property for any events.
5. Employee Shower (Restroom Facility): The employee shower shall meet disabled accessibility requirements. The preliminary review of the floor plan for the proposed shower would not meet accessibility requirements. This shall be completed prior to the building permit being issued.
6. Membrane Structures: Approval shall be obtained from the local fire district if any membrane structures will be used as part of any events.

C. ENVIRONMENTAL HEALTH

1. Septic Permit: Apply for and obtain permit approval for a special design sewage disposal system.
2. Water Use: Accept and incorporate restriction that the existing residential well shall not be used to provide drinking water to the public. The allowable public use (connection) of this existing residential well would be only for handwashing in lavatories in the proposed public restrooms. Commercially packaged water would be expected to be provided for consumption by the invited public.
 - a. Please be aware that if at any time the number of events increases, or the number of potable water connections increases to the level requiring a public water system, then construction of a Class II Commercial Well, under permit, and a State Public Water System Permit will be required.
3. Catering: The Caterer shall have an active permit with the Environmental Health Department. The caterer shall not complete any food preparation for plating purposes/presentation on site.
4. Final Approval/Occupancy: Construct, and obtain final approval for sewage disposal system prior to receipt of final occupancy or approval of this Use Permit

D. DEPARTMENT OF PUBLIC WORKS

1. Traffic Mitigation Fees: Prior to any operations or issuance of any grading permit, whichever occurs first, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors for additional trips generated by the project as determined by the Traffic Impact Analysis prepared for the project.
2. Driveway Encroachment: The project driveways encroaching into the County right of way at Cattle Drive shall conform to the County's Commercial Approach standards. Prior to any work within the ROW, the applicant shall obtain an encroachment permit from the County, 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. As part of the encroachment permit review, the applicant shall prepare a before and after pavement analysis to document any damage to the project roadways that results from the project construction. Any damage to the roadways as the result of the project construction activities shall be repaired at the applicant's cost.
3. Sight Distance: Prior to and during operation of the project, sight distance standards shall be met and maintained at all access points to the project on Cattle Drive by trimming and limbing up vegetation as needed with the County right of way.
4. Stormwater Drainage: If improvements are proposed, stormwater shall be mitigated onsite. Prior to issuance of grading permits for any onsite infrastructure improvements, the applicant shall provide a final drainage report prepared by a registered civil engineer that demonstrates no net stormwater runoff from the proposed project. The drainage report shall include an analysis of net runoff from the project site and design for one-year, ten-year, and 100-year storms. Required retention/detention facilities, where necessary, shall be designed such that the water surface returns to its base elevation within 24 hours after the applicable storm event per General Plan Policy 3.19A. All stormwater drainage shall be designed by a registered civil engineer, and the designer shall utilize County standard plans and specifications.
5. Storm Water Pollution Prevention Plan (SWPPP): This condition is required as project mitigation under Condition A.24 (Mitigation Measure 6A).

E. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. Defensible Space: Prior to approval of the final map, the existing structures shall compliant with the following; Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. Such thinning or removal of vegetation does not apply to individual isolated trees, ornamental shrubbery

or ground cover plants unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Replacement vegetation should be ornamental shrubbery of the fire safe varieties. All flammable vegetation and fuels caused by site development shall be legally disposed or removed. (Nevada County LUDC, Section L-II 4.3.18.C.2)

F. PENN VALLEY FIRE DISTRICT

1. Fire Apparatus Access Roads, California Fire Code §503: Access to the building shall be in accordance with this entire section for all on-site roadways. Special notice should be paid to applicable Nevada County Land Use and Development Code (LUDC) §L-XVI 3.2 which describes design of the area where the driveway meets the public road as well as the setback for the currently existing gate. While this LUDC section allows a ten (10) foot driveway for a single-family residence, the change in use to a commercial use with a large number of vehicles for public events will trigger the twenty (20) foot driveway width described in the CFC. After evaluation of the conditions on site, as well as the verbal agreement of the applicant, our agency has accepted the proposed 20' fire access road from the entry on Cattle Drive to the area indicated on the plan dated 10/10/18 which shows the "18" culvert". After this point, as a means supplying the same practical effect, the following conditions will apply:
 - a. The project shall sign all areas that have been used for parking along the right side of the property (near the private home) as "FIRE LANE-NO PARKING". This signage must be at intervals of approximately 20 feet along that side of the area with signs that match the attached file.
 - b. The design requirements of the "NO PARKING" signs shall be as follows:
 1. Signs shall be no less than 12 inches x 18 inches.
 2. The sign shall be mounted with the bottom a minimum of 7 feet from the ground.
 3. Signs are to be placed visibly throughout property.
 4. Colors shall be white field with red lettering.
 5. Signs shall contain wording as shown in the attached file.
 - c. The area to the side and rear of the large garage at the back of the property will also be signed "FIRE LANE-NO PARKING". The access to these areas will be gated or chained when the property is in use. Signage shall match the attached file.
 - d. The only parking allowed shall be the two spaces immediately in front of the main door to the large private residence, the spaces immediately in front of the private garage and whatever ADA spaces are required by Nevada County. Signage in these areas shall indicate it is for the use of "Event Staff Only".
 - e. The project will place signage in the area of the culvert/large oak tree that indicates that there is "No Parking Beyond This Point".

- f. CFC section 503.6 allows for secured gates on the access road and the acceptable locking system for these. The only locking system approved within the Penn Valley Fire District requires addition of the Knox Rapid Entry System to the security gate. Information is available from this office on those devices.
2. Fire Protection Water Supplies, California Fire Code §507: The buildings subject to this application contain commercial and residential uses. Water supply for buildings used for the commercial purposes of this property (the two-story rental/chapel building and all other accessory buildings) must comply with CFC §507 and related Appendix B which outline the applicable minimum stored water requirements for structures that do not have a municipal water supply. Specifically, the code allows use of National Fire Protection Association (NFPA) Standard 1142. Applicant must supply an analysis from a California licensed design professional that describes the building construction, square footage and proposed water storage required by NFPA 1142 for review by this office. Access to such water supply shall be in accordance with Nevada County LUDC §L-V 5.30 and Nevada County applicable design standards. No use of buildings have been indicated or approved. A 10,000-gallon with tank, with fittings matching Nevada County standards, is adequate for the proposed use.
3. Emergency Access Key Boxes, Penn Valley FPD Ordinance 05-1: All structures which are not residential and not occupied on a twenty-four (24) hour basis shall utilize the Knox Rapid Entry System for emergency fire district access. The proposed plan can be satisfied by one such box near the gate on the fire access road with access keys to any other areas not used for private residential accommodations. It is the responsibility of the building owner and/or occupant to provide this agency with proper and current keys to secure in the Knox Rapid Entry box.

G. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. Notice of Determination (Optional): If a Notice of Determination is not filed for the environmental document on this project, 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. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$2,354.75 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. This fee is required to be collected for the Notice of Determination, on behalf of the State Department of Fish & Wildlife.

The Planning Commission considered the Mitigated Negative Declaration (EIS18-0012) and found that the project, with the approved conditions and mitigation measures, will not have a significant effect on the environment.

You are hereby notified that the actions of the Planning Commission are final. However, if you are dissatisfied with any action of the Planning Commission, you may appeal to the Board of

Supervisors within a ten-day period from the date of the Planning Commission decision (deadline 5 p.m. on March 11, 2019).

NEVADA COUNTY PLANNING COMMISSION
BRIAN FOSS, EX-OFFICIO SECRETARY

By: 
Tine Mathiasen
Clerk to the Planning Commission

cc: Mardalynne Caldwell
Building Department
Environmental Health Department
Department of Public Works
Nevada County Office of the Fire Marshal
Penn Valley Fire District

enc: Cultural Resources Brochure
Conditions of Approval for PM16-002
Defense and Indemnification Agreement*

(* Applicant/owner only)

