



# RESOLUTION No. 26-056

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION APPROVING THE DEVELOPMENT PERMIT (DVP24-2) AND OAK RESOURCES MANAGEMENT PLAN (MGT24-0011) TO ALLOW FOR DEVELOPMENT AND OPERATION OF A 30,711 SQUARE-FOOT GROCERY STORE INCLUDING AN APPROXIMATE 750 SQUARE-FOOT INTERIOR AREA FOR A STARBUCKS COFFEE RESTAURANT AND OUTDOOR SEATING AREA ON A 5.5 ACRE PARCEL, LOCATED ON ASSESSOR'S PARCEL NUMBER 051-240-014**

WHEREAS, the proposed project application for a Development Permit and Oak Resources Management Plan was submitted on May 20, 2024; and

WHEREAS, the proposed project application was routed to relevant County, State, and Federal agencies, California Native American Tribes, applicable stakeholder groups, property owners within 300-feet of the project site, and other members of the public as public notice of the proposed action; and

WHEREAS, the County has prepared a project specific Draft Initial Study/Mitigated Negative Declaration (IS/MND) including a Mitigation Monitoring and Reporting Program (EIS24-0007) and circulated it for a 30-day public comment period from October 17, 2025, to November 17, 2025, and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on December 2, 2025, the Planning Commission held a duly noticed public hearing on the proposed Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011) (collectively "Project") in which the Planning Commission reviewed the proposed IS/MND together with all comments received during the public review period; and

WHEREAS, after reviewing and considering the proposed Project, the Planning Commission recommended by a 5-0 vote that the Nevada County Board of Supervisors approve the Development Permit and Oak Resources Management Plan; and

WHEREAS, on February 17, 2026, the Nevada County Board of Supervisors, held a duly noticed public hearing on the proposed Project in which the Board of Supervisors made a 5-0 vote to approve the Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011) for APN: 051-240-014; and

WHEREAS, the Development Permit and Oak Resources Management Plan were determined to be consistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of the Nevada County Code; and

WHEREAS, separate Resolutions of the Board of Supervisors adopted the Project's IS/MND (EIS24-0007) including a Mitigation Monitoring and Reporting Program, a separate Resolution of the Board of Supervisors adopted a General Plan Amendment of APN: 051-240-014 increasing the amount of land designated Neighborhood Commercial (NC) from approximately 1.9 acres to approximately 4.3 acres and decreasing the amount of land designated Industrial (IND) from approximately 3.6 acres to approximately 1.2 acres, and a separate Ordinance of the Board of Supervisors adopted a rezone of APN: 051-240-014 to increase the amount of land zoned C1-SP from approximately 1.9 acres to approximately 4.3 acres and decrease the amount of land zoned M1-SP from approximately 3.6 acres to approximately 1.2 acres; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed Development Permit and Oak Resources Management Plan, all information and evidence submitted in favor and against the proposed Development Permit and Oak Resources Management Plan, and the complete record before it, has determined that a Development Permit and Oak Resources Management Plan should be approved.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors for the County of Nevada hereby finds and determines:

- I. After reviewing and considering the proposed Development Permit application (DVP24-2), the Board of Supervisors hereby approves the proposed Development Permit to allow for development and operation of a 30,711 square-foot grocery store including an approximate 750 square-foot interior area for a Starbucks coffee restaurant and outdoor seating area on a 5.5 acre parcel, subject to the attached recommended Conditions of Approval and Mitigation Monitoring and Reporting Program and pursuant to the Nevada County Zoning Regulations, making findings A-L, shown below:
  - A. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives, and policies, with the Neighborhood Commercial (NC) and Industrial (IND) General Plan land use map designations applicable to this project, and the Penn Valley Area Plan.
  - B. The proposed use is allowed within and is consistent with the purpose of the C1-SP zoning district (within which the project is located), which allows for "Retail sales conducted indoors" with an approved Development Permit.
  - C. The proposed use and any facilities, as conditioned and mitigated, will meet all applicable provisions of the Zoning Regulations or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards and Resource Standards mitigating the impact of development on environmentally sensitive resources.
  - D. The design of proposed facilities, as conditioned and mitigated, is consistent with the intent of the design goals, standards, and elements of the Zoning Regulations, and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area including being consistent with the design standards outlined in the Western Nevada County Design Guidelines as refined by the Penn Valley Area Plan.
  - E. The site for the proposed use is adequate in size, shape, and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, because the parcel is approximately 5.5-acres in size, and there is adequate space for the proposed facilities, including meeting impervious surface coverage and setback requirements.

- F. The proposed use and facilities, as conditioned and mitigated, are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area with the implementation of the conditions and mitigation measures.
  - G. Adequate provisions exist for water and sanitation for the proposed use as reviewed, conditioned, and mitigated by the Nevada County Department of Sanitation (sewer) and the Nevada Irrigation District (water).
  - H. Highways, streets, and roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the Department of Public Works, Office of the County Fire Marshal and Caltrans, and adequate provision has been made for project specific impacts and the cumulative effect traffic generated by the proposed use so that it will not create or add to an identified problem before construction of needed improvements for which a development fee has been established and imposed upon the project.
  - I. Adequate provisions have been made for emergency access to the site.
  - J. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including public roads, public utilities, and fire service.
  - K. All feasible mitigation measures, as provided in Exhibit A, have been imposed upon the project.
  - L. The conditions provided in Exhibit A are deemed necessary to protect the public health, safety, and general welfare.
- II. After reviewing and considering the proposed Oak Resources Management Plan application (MGT24-0011), the Board of Supervisors hereby approves the proposed Oak Resources Management Plan, prepared by Madrone Ecological Consulting (Biological Resources Assessment, May 2024) and Greg Matuzak Environmental Consulting, LLC, to allow removal of Landmark Groves and Landmark Trees, making findings A-B, shown below:
- A. That construction activities are proposed to occur within areas designated as Landmark Oak Groves and Landmark Oak Trees as identified in the Oak Resources Management Plan, resulting in a loss of oak tree resources. To address this impact, the applicant will be required to mitigate through payment into the in-lieu mitigation fund administered by the Bear Yuba Land Trust (BYLT). Based on the per acre mitigation fee for Landmark Groves and the separate mitigation fee for each DBH inch of Landmark Trees removed, the applicant's mitigation fee to be paid is approximately \$100,779.
  - B. There are no feasible alternatives available as the project site contains a large area of Landmark Oak Groves and Landmark Oak Trees. The applicant is proposing to leave the eastern portion of the site undeveloped, which will result in three (3) of the eight (8) identified Landmark Oak Trees to remain on the site.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby approve the Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011), to allow for development and operation of a 30,711-square-foot grocery store including an approximate 750 square-foot interior area for a Starbucks coffee restaurant and outdoor seating area on a 5.5 acre parcel, located on Assessor's Parcel Number 051-240-014, subject to the attached conditions of approval.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 17th day of February 2026, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek, and Hardy Bullock.  
Noes: None.  
Absent: None.  
Abstain: None.  
Recuse: None.

ATTEST:

TINE MATHIASSEN  
Chief Deputy Clerk of the Board of Supervisors

By: Lana Bechi

Lisa Swarthout  
Lisa Swarthout, Chair

## Exhibit A

### **North State Grocery, Inc. (Holiday Market) Conditions of Approval & Mitigation Monitoring & Reporting Plan (MMRP) PLN24-0089; GPA24-0003; RZN24-0003; DVP24-2; MGT24-0011; EIS24-0007**

#### **A. PLANNING DEPARTMENT**

1. A General Plan Amendment and Zoning District Map Amendment (Rezone), Development Permit, and Management Plan are approved to allow for the development and operation of a 30,711-square-foot grocery store including an approximate 750 square-foot interior area for a Starbucks Coffee restaurant and outdoor seating area on a 5.5-acre parcel. The proposed grocery store will employ a total of 75 employees, with 30-35 employees being onsite at one time. The grocery store will be open seven (7) days a week from 6:00 am to 11:00 pm.
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. The project shall be operational, construction completed, and all Conditions of Approval shall be completed within three (3) years from the effective date of the approval of the pursuant to Section 12.05.100.A of the Nevada County Zoning Regulations.
4. Hours of operation for the Holiday Market grocery store and Starbucks Coffee restaurant are 6:00 am to 11:00 pm, seven (7) days a week.
5. Design of the building, its architectural features, and rockery retaining walls shall be in substantial conformance to that authorized in this approval, as represented on the approved building elevations, architectural and civil plans kept in the Planning File. All final building plans shall represent the 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.
6. The applicant shall submit a Comprehensive Sign Plan for the subject property to the Planning Department for review and approval. The Plan shall include details on sizes, colors, materials, lighting, and locations of the proposed monument sign, wall signs, and all other proposed signage for the project. Proposed signage shall comply with the requirements of the Nevada County Code (Section 12.04.112) and be consistent with both the Penn Valley Area Plan and Western Nevada County Design Guidelines. These Guidelines include the following:
  - Shrubs should be planted around the base of any freestanding sign to integrate the sign with the ground. Freestanding signs should be low profile wherever site and visibility allow. (S7, PVAP)
  - Internally lit signs are discouraged except for small, informational neon signs which are located inside windows. (S8, PVAP)

- Encouraged materials for signage includes carved or sand blasted wood signs, painted wood signs, and wood/masonry combinations for the base of freestanding signs. (S11, PVAP)
  - Light levels should be carefully chosen to provide optimum illumination and energy efficiency without casting light upward or into lanes of traffic. (WNCDG)
  - The use of backlit or can-type box signs with translucent panels is strongly discouraged. (WNCDG)
  - Monument signs made of natural materials and that use external lighting are the preferred alternative for business identification whenever possible. (WNCDG)
7. Proposed outdoor lighting shall conform with the requirements of Zoning Regulations Section 12.04.108. All light poles proposed behind (east side of) the proposed building shall be limited to a maximum height of fifteen (15') feet, as shown on the photometric plan, due to the rural zoning (AG) located adjacent to the east. Light poles proposed along the front (west side) and along the north and south sides and not behind the proposed building shall be limited to a maximum height of twenty (20') feet.

All proposed outdoor lighting shall be shown on building plans and shall be screened and directed downward to prevent off-site spill and night sky pollution. All exterior lighting shall be maintained as approved and installed.

8. **Outdoor Light Fixtures. (Mitigation Measure 1A).** All outdoor light fixtures shall be fully shielded and downward facing to eliminate glare and prevent light trespass onto neighboring properties. Fixtures shall have high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited.

**Timing:** Prior to building permit issuance

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

**Responsible Agency:** Planning Department

9. **Final Photometric Plan. (Mitigation Measure 1B).** The applicant shall provide a final lighting and photometric plan that demonstrates all project lighting shall be maintained on site. This plan should include all project lighting including but not limited to parking lot and circulation lighting, wall lighting, sign lighting, and landscaping lighting. This plan shall demonstrate all lighting values are at "0" at all property lines. Recommended methods for reducing potential light spill include: reducing the lumen output of proposed lighting systems, reducing the height of the proposed lights, reducing the number of proposed lights and relocating lights farther into the interior of the parcel.

**Timing:** Prior to building permit issuance

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

**Responsible Agency:** Planning Department

10. All trash, recycling, and storage yard areas shall be contained within screened enclosures as shown on the site plan, protected from adverse weather conditions, and

accessible to the solid waste collection equipment. Said enclosures shall be at least one foot higher than the receptacle and shall be built with building materials and colors compatible with the grocery store building as shown in the plans kept on file with the Planning Department.

11. Final landscaping for the project shall comply with Section 12.04.107 of the Zoning Regulations and the preliminary landscape plan. A final landscape plan shall be provided with building plans. 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 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; 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 hydro zone, 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 the Zoning Code; and
  - d. Irrigation plan per the Zoning 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 the Zoning Code; 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."
  - g. Prior to final occupancy of any phase of the project, the landscape architect shall verify that all plant materials have been established for said phase including all building(s) and parking area(s) pursuant to the approved plan.
  - h. The applicant shall revise the Landscape Plan to incorporate the use of more native landscaping.
  
12. Parking areas shall be constructed in accordance with the design standards of Nevada County Code Section 12.04.109, including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. The project site plan shows a total of 158 spaces, 23 of which are compact spaces, 35 are EV/EV capable spaces, parking spaces, and 6 are ADA accessible spaces. Final plans shall 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.

13. All mechanical equipment, air conditioning units, heating units shall be screened from the view of adjacent properties or roadways. All rooftop equipment shall be screened from view by integral elements of the building. All gutters, screens, vents, and flashing shall be painted to prevent glare and to blend with adjacent building colors.
14. Prior to building permit approval, all existing and proposed easements shall be shown on the improvement plans, including but not limited to any access and utility easements.
15. **Avoid Impacts to Nesting Raptors and Other Birds. (Mitigation Measure 4A).** The following nest survey requirements apply if construction activities take place during the typical bird breeding/nesting season (typically February 15 through September 1).

#### Pre-Construction Nest Survey

A pre-construction nesting bird survey shall be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas, where access is available, no more than seven days prior to the initiation of construction. If there is a break in construction activity of more than 14 days, then subsequent surveys shall be conducted.

If active raptor nests are found, no construction activities shall take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot no disturbance buffer will be established. These no-disturbance buffers may be reduced if a smaller buffer is proposed by the Project Biologist and approved by the County after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, habituation to existing or ongoing activity, and nest concealment (are there visual or acoustic barriers between the proposed activity and the nest). A qualified biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.

#### Survey Report

A report summarizing the survey(s) shall be provided to the County within 30 days of the completed survey and is valid for one construction season. If no nests are found, no further mitigation is required.

#### Changes to Buffers and Completion of Nesting

Should construction activities cause a nesting bird to do any of the following in a way that would be considered a result of construction activities: vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the County.

Construction activities may only resume within the buffer zone after a follow-up survey by the Project Biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and that no new nests have been identified.

**Timing:** Prior to and during construction

**Reporting:** Grading/Building plans

**Responsible Agency:** Planning Department

16. **Avoid Impacts to Roosting Bats. (Mitigation Measure 4B).** Pre-construction roosting bat surveys shall be conducted by a qualified biologist within 14 days prior to any tree or building removal that will occur during the breeding season (April through August). If preconstruction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required. If roosting bats are found, exclusion shall be conducted as recommended by the qualified biologist. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Building exclusion methods may include such techniques as installation of passive one-way doors, or the installation of netting when the bats are not present to prevent their reoccupation. Once the bats have been excluded, tree or building removal may occur.

**Timing:** Prior to and during construction

**Reporting:** Grading/Building plans

**Responsible Agency:** Planning Department

17. **Avoid Impacts to Northern California Ringtail (Mitigation Measure 4C).** To mitigate for potential impacts to Northern California ringtail, the following measure is recommended:

- Within 14 days prior to the initiation of any construction activities, a qualified biologist shall conduct non-invasive preconstruction surveys for Northern California ringtail and ringtail nests in suitable habitats (riparian habitats, oak woodlands with shrubby understory, and/or trees 5 inches dbh or greater in riparian areas, particularly those with cavities) that will be disturbed by construction activity. Non-invasive methods may include camera traps and track plates as well as physical surveys of suitable habitat. If ringtail are found prior to the initiation of, and/or during construction activities, a qualified biologist shall consult with CDFW prior to relocation of any individual ringtail. The camera trap may be removed once construction begins.
- If a ringtail nest is observed within the proposed impact area during the preconstruction survey, the Project biologist shall establish a no-disturbance buffer and the nest shall be fenced off and avoided until the young have left the nest, and the nest is no longer active as determined by the Project biologist. A qualified biologist shall monitor to ensure that ringtails do not disperse into the construction area.

- If any ringtails are observed within the Project area, work will be suspended in a 100-foot radius of the animal until the animal leaves the Project site on its own volition. If necessary, the Project biologist will notify CDFW to determine the appropriate procedures related to relocation. Any worker who inadvertently injures or kills a ringtail or who finds one dead, injured, or entrapped must immediately report the incident to the Project biologist.

**Timing:** *Prior to and during construction*

**Reporting:** *Grading/Building plans*

**Responsible Agency:** *Planning Department*

**18. Impacts to Landmark Grove and Landmark Oak Trees. (Mitigation Measure 4D).**

Prior to removal of onsite Landmark Groves and Landmark Oak trees and issuance of a grading or building permit for the proposed project, payment of an in-lieu fee shall be made to the approved Bear Yuba Land Trust (BYLT) compensatory mitigation fund for protected oak resources. It shall be specified that the fee paid will be used to purchase mitigation landmark grove(s) within Nevada County. The compensatory mitigation ratio required by Nevada County is 2:1. An administration fee is included in the current rates charged by BYLT to cover their costs associated with this option.

At the time this mitigation measure was prepared, incorporating the 2:1 mitigation ratio for the oak woodlands results in an in-lieu fee of \$13,530 per impacted acre (April 2024). In addition, a 2:1 mitigation is recommended for landmark trees which results in an in-lieu fee of \$190 per impacted DBH inch. Based on impacts to 4.64 acres of Landmark Groves on the entire project site and 200 DBH inches of Landmark Oak trees, the total in-lieu mitigation fees would be \$100,779.20 (BYLT, April 2024).

Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation. If any trees can ultimately be avoided, the Improvement Plans shall include a note and show placement of temporary construction fencing outside of the driplines of trees to be saved.

**Timing:** *Prior to removal of onsite Landmark Groves and Landmark Oak trees; Prior to issuance of grading and building permits*

**Reporting:** *Grading/Improvement plans*

**Responsible Agency:** *Planning Department*

- 19. Worker Environmental Awareness Training. (Mitigation Measure 4E).** Prior to any ground-disturbing or vegetation-removal activities, a Worker Environmental Awareness Training (WEAT) shall be prepared and administered to the construction crews. The WEAT shall include the following: discussion of the state and federal Endangered Species Act, the Clean Water Act, the Project's permits and CEQA documentation, and associated mitigation measures; consequences and penalties for violation or noncompliance with these laws and regulations; identification of special-status wildlife, location of any avoided Waters of the U.S; hazardous substance spill prevention and

containment measures; and the contact person in the event of the discovery of a special-status wildlife species. The WEAT will also discuss the different habitats used by the species' different life stages and the annual timing of these life stages. A handout summarizing the WEAT information shall be provided to workers to keep on-site for future reference. Upon completion of the WEAT training, workers shall sign a form stating that they attended the training, understand the information presented and will comply with the regulations discussed. Workers will be shown designated "avoidance areas" during the WEAT training; worker access should be restricted to outside of those areas to minimize the potential for inadvertent environmental impacts. Fencing and signage around the boundary of avoidance areas may be helpful.

**Timing:** *Prior to any ground-disturbing or vegetation-removal activities*

**Reporting:** *Form signed confirming attendance at training*

**Responsible Agency:** *Planning Department*

20. **Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. (Mitigation Measure 5A).** All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe shall be contacted. A professional archaeologist shall be retained by the developer and consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

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

**Responsible Agency:** *Planning Department*

21. **Best Management Practices. (Mitigation Measure 10A).** Implement the following BMPs to minimize construction related impacts to water quality. The following BMPs shall be incorporated into all Contract Documents and Construction Plans for the project and implemented by the contractor to protect water quality:
- a. Construction crews shall be instructed in preventing and minimizing water pollution on the job.
  - b. Interim erosion control measures may be needed and shall be installed during construction to assure adequate erosion control facilities are in place at all times.
  - c. Straw or rice mulch may be used if needed with a tackifier.

- d. All earth moving or excavation activities shall cease when winds exceed 20 mph.
- e. Haul trucks shall be always covered with tarpaulins or other effective covers.
- f. Use broom and shovels when possible, to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
- g. Designate a concrete washout area, as needed; to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
- h. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
- i. Dust control measures shall conform to the requirements of the Dust Control Plan submitted to and approved by the Northern Sierra Air Quality Management District (NSAQMD).

**Timing:** Prior to grading/building permit issuance and during construction

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

**Responsible Agency:** Planning Department

22. **Provide copies of BMPs. (Mitigation Measure 10B).** Copies of the project's Mitigation Monitoring and Reporting Program and all BMPs shall be supplied to the Contractor(s) and their workers to assure compliance with mitigation measures during construction.

**Timing:** Prior to grading/building permit issuance and during construction

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

**Responsible Agency:** Planning Department

23. **Limit construction work hours to 7:00 a.m. to 7:00 p.m. Monday-Saturday. (Mitigation Measure 13A).** During grading and construction, work hours shall be limited from 7:00 a.m. to 7:00 p.m., Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall include this restriction on the hours of construction.

**Timing:** Prior to Issuance of Grading and Building Permits; During construction

**Reporting:** Planning Department approval of Grading and Building permits. Noted on improvement plans.

**Responsible Agency:** Planning Department

24. **Temporary construction noise control measures. (Mitigation Measure 13B).** The project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation for noise generated during construction of the project.

**Timing:** During construction of the project. Noted on improvement plans.

**Reporting:** Planning Department approval of Grading and Building permits.

**Responsible Agency:** Planning Department

- 25. Mufflers installed on project equipment and vehicles. (Mitigation Measure 13C).** All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.

*Timing:* Prior to and during construction.

*Reporting:* Planning Department approval of Grading and Building permits. Noted on improvement plans.

*Responsible Agency:* Planning Department

- 26. Comply with applicable noise regulations. (Mitigation Measure 13D).** All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.

*Timing:* During construction.

*Reporting:* Planning Department approval of Grading and Building permits. Noted on improvement plans.

*Responsible Agency:* Planning Department.

- 27. Electrically powered equipment. (Mitigation Measure 13E).** Where feasible, electrically powered equipment shall be used instead of pneumatic or internal-combustion- powered equipment.

*Timing:* During construction.

*Reporting:* Planning Department approval of Grading and Building permits. Noted on improvement plans.

*Responsible Agency:* Planning Department.

- 28. Material stockpiles and mobile equipment. (Mitigation Measure 13F).** Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

*Timing:* During construction.

*Reporting:* Planning Department approval of Grading and Building permits. Noted on improvement plans.

*Responsible Agency:* Planning Department.

- 29. Project area speed limits. (Mitigation Measure 13G).** Project area and site access road speed limits shall be established and enforced during the construction period.

*Timing:* During construction.

*Reporting:* Planning Department approval of Grading and Building permits. Noted on improvement plans.

*Responsible Agency:* Planning Department.

30. **On-site truck circulation hours. (Mitigation Measure 13H).** All project on-site truck circulation related to grocery store operations shall be limited to the hours of 7:00 a.m. to 10:00 p.m. (i.e., daytime and evening hours only). On-site truck circulation shall be restricted during nighttime hours (10:00 p.m. to 7:00 a.m.).

**Timing:** During grocery store operations; Ongoing.

**Reporting:** Project approval.

**Responsible Agency:** Planning Department.

31. **Project loading dock activities. (Mitigation Measure 13I).** All project loading dock activities related to grocery store operations shall be limited to the hours of 7:00 a.m. to 10:00 p.m. (i.e., daytime and evening hours only). Loading dock activities shall be restricted during nighttime hours (10:00 p.m. to 7:00 a.m.).

**Timing:** During grocery store operations; Ongoing.

**Reporting:** Project approval.

**Responsible Agency:** Planning Department.

32. Noise generated by operations shall not exceed the County Noise Standards for commercial zoning districts as outlined in Nevada County Code Title 12 Chapter 4 Section 12.04.070 Table 12.04.070.

33. **Cultural Awareness Training. (Mitigation Measure 18A).** The applicant/contractor shall be required to provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP training shall be conducted by either a qualified archaeologist for cultural resources or a tribal representative for tribal cultural resources (TCRs). The WEAP shall be developed in coordination with interested Native American Tribes.

The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.

All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training.

**Timing:** Prior to any project-related grading or construction

**Reporting:** Noted on improvement plans; Project proponent/contractor to notify Planning Department when training is scheduled/completed

**Responsible Agency:** Planning Department

**34. Tribal Monitoring at Initial Ground Disturbance. (Mitigation Measure 18B).** The project proponent shall contact the United Auburn Indian Community (UAIC) Tribal Historic Preservation Officer (thpo@auburnrancheria.com) at least 2 to 3 weeks prior to project ground-disturbing activities to retain the services of a UAIC Certified Tribal Monitor(s). The duration of the construction schedule and Tribal Monitoring shall be determined at this time.

A contracted UAIC Certified Tribal Monitor(s) shall monitor the initial ground disturbance in the project area. The project proponent shall pay the costs for the time spent by the Tribal Monitor. If there are cultural finds, the UAIC Tribal Historic Preservation Officer (THPO) may require additional Tribal Monitoring.

Tribal Monitors or Tribal Representatives shall have the authority to direct that work be temporarily paused, diverted, or slowed within 100 feet of the immediate impact area if sites, cultural soils, or objects of potential significance are identified. The temporary pause/diversion shall be of an adequate duration for the Tribal Representative to examine the resource.

Appropriate treatment of Tribal Cultural Resources (TCRs) or other cultural finds may include but is not limited to:

- a. Recordation of the resource(s)
- b. Avoidance and preservation of the resource(s)
- c. Recovery and reburial of the resource(s) onsite or in a feasible off-site location in a designated area subject to no future disturbance. The location of the reburial shall be acceptable to the UAIC.

To track the implementation of this measure, the Tribal Monitor(s) shall document field-monitoring activities on a Tribal Monitor log. The Tribal Monitor(s) shall wear the appropriate safety equipment while on the construction site.

In consultation with the UAIC THPO, the Tribal Monitor and the project proponent shall determine a mutual end or reduction to the on-site monitoring if/when construction activities have a low potential for impacting Tribal Cultural Resources.

In the event the Tribal Monitor does not report to the job site at the scheduled time after receiving 24-hour business day notice, construction activities may proceed without tribal

monitoring. At no time, regardless of the presence or absence of a Tribal Monitor, shall suspected TCRs be mishandled or disrespected.

The Nevada County Planning Department shall assist with resolution of disagreements between the project proponent/contractor and the Tribe if such occurs on the project.

**Timing:** *Prior to and during initial ground disturbance of the site*

**Reporting:** *Noted on improvement plans; Project proponent/contractor to notify Planning Department of contracted Certified Tribal Monitor(s); Notify Planning Department if TCRs discovered and construction work stopped*

**Responsible Agency:** *Planning Department*

**35. Unanticipated Discoveries of Tribal Cultural Resources. (Mitigation Measure 18C).**

If any suspected TCRs or resources of cultural significance to UAIC, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist.

A Tribal Representative and the Nevada County Planning Department shall be immediately notified, and the Tribal Representative in coordination with the Planning Department shall determine if the find is a TCR (PRC §21074) and the Tribal Representative shall make recommendations for further evaluation and treatment as necessary.

The culturally affiliated Tribe shall consult with the Nevada County Planning Department to (1) identify the boundaries of the new TCR and (2) if feasible, identify appropriate preservation in place and avoidance measures, including redesign or adjustments to the existing construction process, and long-term management, or 3) if avoidance is infeasible, a reburial location in proximity of the find where no future disturbance is anticipated. Permanent curation of TCRs will not take place unless approved in writing by the culturally affiliated Tribe.

The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and the Nevada County Planning Department shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within 2 weeks of the discovery and submitted to the appropriate CHRIS center in a timely manner.

Work at the TCR discovery location shall not resume until authorization is granted by the Nevada County Planning Department in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the [City/County] Coroner and the culturally affiliated Tribe shall be contacted immediately. Upon determination by the [City/County] Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with the project proponent to define appropriate treatment and disposition of the burials.

**Timing:** During project-related grading or construction

**Reporting:** Noted on improvement plans; Notify Planning Department if TCRs discovered and construction work stopped

**Responsible Agency:** Planning 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. Two (2) sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittals.
3. A State Storm Water Pollution Prevention Plan (SWPPP) permit shall be obtained and submitted at time of grading plan submittal if more than 1 acre is disturbed.
4. Complete drainage calculations shall be provided at time of grading plan submittals.
5. A special inspection agreement shall be completed and included at time of construction plan submittal for all required project special inspections.
6. Disabled accessible parking shall be provided with paths of travel to building entrances based on the overall number of parking spaces provided.

7. There shall be an accessible route of travel from the structures to the public way if applicable.
8. Structures shall be designed to meet disabled accessibility standards in accordance with Chapter 11B of the California Building Code.
9. Temporary and permanent bike parking spaces shall be provided by the total number of parking spaces provided per the CA Green Building Standards Code.
10. Clean air/EV/vanpool parking spaces shall be provided based on the overall number of parking spaces provided per the CA Green Building Standards Code. The surface of these spaces shall be constructed of concrete or asphalt.
11. Plans 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. A minimum number of future EV charging stations shall be provided per this code. A minimum number of these spaces shall be designed to meet requirements for a van accessible parking space and a minimum of spaces shall be designed to meet the requirements for a standard disabled accessible parking space per Chapter 11B of the California Building Code.
12. A complete code analysis shall be provided for the building showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.
13. A plumbing fixture analysis/calculation shall be provided for all structures showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
14. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.
15. The landscaping on the site shall be designed to meet the State Model Water Efficient Landscape Ordinance (MWELO) requirements. Complete plans, details and calculations shall be provided by a licensed landscape architect indicating compliance.
16. **Use of grid power. (Mitigation Measure 3B).** During construction, grid power shall be used (as opposed to diesel generators) for job site power needs where feasible.

**Timing:** During construction

**Reporting:** Building plans

**Responsible Agency:** Planning Department/Building Department

**17. Implement the Recommendations of the NV5 Geotechnical Engineering Report. (Mitigation Measure 7A).** The applicant shall include the recommendations of the NV5 Geotechnical Engineering Report (April 2024) incorporated herein by reference, provided in Appendix B of this initial study, and maintained on file with the Planning Department. These recommendations shall be incorporated in the project design and included in all improvement plans, demolition permit(s), and grading and construction permits. These recommendations are specific to: Clearing and Grubbing, Expansive Soil, Soil Preparation for Fill Placement, Engineered Fill, Fill Slope Grading, Cut Slope Grading, Differential Fill Depth, Temporary Excavations, Underground Utility Trenches, Erosion Controls, Wet Weather Grading, Surface Water Drainage, Infiltration Basins, Construction Dewatering, Soil Corrosion Potential, Grading Plan Review and Construction Monitoring, Seismic Design Criteria, Foundations, Retaining Wall Design Criteria, Surface Water and Near-Surface Groundwater, Perimeter Foundation Drains, and Slab Underdrains.

**Timing:** Prior to issuance of grading or improvement permits/During Construction

**Reporting:** Approval of permits or plans/During Construction

**Responsible Agency:** Building Department

### **C. DEPARTMENT OF PUBLIC WORKS**

1. **Road Improvements:** Commercial Avenue shall be improved and extended from the end of the existing street through the project site and connecting to Pine Shadow Lane to the minimum following standards and shall meet LUDC Sec. L-XVII 3.4 Design Geometrics and 3.5 Structural Section Design:
  - Local Class 2 – 401-2000 ADT (County Std. Dwg. A-1)
2. **Engineer's Certification:** The applicant's engineer shall certify that any required improvements have been completed in conformance with the applicable standards.
3. **Encroachment Permit:** Prior to any work within the Pleasant Valley Road right of way, 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. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work.
4. **Driveway- Commercial Approach Standard:** New driveways must conform to the County's Commercial Approach standards in the Nevada County Code, as shown in the County's Standard Drawings. Compliance with the standards must be shown on plans. Any driveway and road improvements within the County right of way shall require an encroachment permit from the County prior to any work within the right of way.

5. **Grading/Drainage:** Prior to issuance of grading permit, the applicant shall provide a grading and drainage plan with an accompanying analysis prepared by a registered civil engineer that demonstrate no net stormwater runoff from the proposed project. The Hydrology and Hydraulics analysis shall meet all requirements of Nevada County Land Use and Development Code Section 16.12. This shall include an analysis of the project's drainage, including but not limited to, culvert/pipe sizing, inlet/outlet sizing, invert elevations, design storm freeboard and the sizing of detention , retention, and infiltration mitigation measures. 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. The applicant shall submit the Drainage Plan and Hydrologic and Hydraulic calculations to the Building Department for review and approval in accordance with County improvement standards and storm drainage criteria.
6. **Construction SWPPP:** The project disturbs more than one acre; therefore, the applicant shall be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2022-0057-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, grad, or capacity of the facility. The Construction General Permit shall require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The applicant shall submit a SWPPP to the County for acceptance, file a Notice of Intent with the California Regional 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 Building Department.
7. **Oil, Grease, and Silt Traps:** Pursuant to General Plan Policy 11.6A, new development shall minimize the discharge of pollutants into surface water drainages by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors, and local roads consistent with adopted urban street designs; and (b) oil, grease, and silt traps for commercial and industrial development of 1 acre or greater in size. The applicant shall provide for oil, grease, and silt traps designed by a registered civil engineer in the site improvement 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. The Public Works Department recommends incorporating biotreatment (grass lined swales, bioretention, draining to/through landscaped areas, etc.).
8. **Maintenance of Drainage Facilities:** 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 any grading or building permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.

9. **Traffic Mitigation Fees:** 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 for additional trips generated by the project.
10. **Truck Turning Analysis:** Driveways and parking lot circulation shall be designed to fire safe road standards. A truck turning analysis shall be submitted with improvement plans for ingress and egress to the project site along with internal circulation areas to ensure that the larger of fire trucks or delivery vehicles can successfully navigate the project site.
11. **Sight Distance Analysis:** Prior to issuance of grading permit, provide a sight distance exhibit and analysis for the encroachments of Pine Shadow Lane and Commercial Avenue onto the public right of way of Pleasant Valley Road using the County's procedures for measurements in Standard Drawing A-6.
12. **Sight Distance Maintenance:** Landscaping and all other improvements shall be designed, installed, and maintained to ensure that driver sight distance is sufficient. No improvements other than maintainable landscaping shall be permitted in the County right of way.
13. **Lighting Analysis:** Indicate on the final construction plans the location of all proposed lighting. Public Works Department requires all 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.
14. **Easements and Utilities:** Identify all easements and utilities on and adjacent to the site on the final construction plans.
15. **Road Maintenance:** The applicant shall create and/or join an established Road Maintenance Agreement for the maintenance of Commercial Avenue and Pine Shadow Lane roadways and other infrastructure, including storm water facilities.
16. **Sewer Service:**  
The following conditions shall apply/be implemented:
  - a) Prior to issuance of building permits, the applicant shall annex into the Sanitation District No. 1, Penn Valley, Zone 6 through the Local Agency Formation Commission (LAFCo).
  - b) Prior to issuance of building permits, the applicant shall submit a written application to the district to acquire 8 EDUs of sewer capacity for this project.

- c) The applicant shall acquire EDUs to ensure sewer service to the parcel.
- d) The applicant shall be responsible for all costs associated with new connection lateral and cleanout installation from the applicant's property to the District's collector main.
- e) All requirements contained in the Nevada County Sanitation District No. 1 Sanitary Code will apply to the project.

17. **Solid Waste and Recycling Accessibility:** In compliance with LUDC Sec. L-II 4.2.11.C.2, the applicant has provided documentation of Waste Management's approval of the location of the waste and recycling bins shown on the site plan. See Waste Management email correspondence from the District Manager on July 31, 2023. 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.

18. 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.

19. The project plans shall include the following notes:

A) 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.

B) Prior to any work being conducted with the State or County right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency.

C) A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Planning 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, Planning Department 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.

D) The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.

E) 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 Building Department. 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.

F) 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 and any property receiving any exported material shall have a current Grading Permit issued by the Building Department.

G) The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.

20. For trees to be removed that 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 County:
  - 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).
21. The applicant shall submit to the Building Department for review and acceptance 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 Department of Public Works.
22. 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) shall be identified on the Grading/Improvement Plans and 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:
    1. A signed and stamped letter from a Licensed Civil or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
    2. 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.
23. 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.
24. **Traffic control. (Mitigation Measure 3C).** Temporary traffic control shall be provided during all phases of the construction to improve traffic flow.
- Timing: During construction*  
*Reporting: Grading/Building/Improvement plans*  
*Responsible Agency: Planning Department/Public Works Department*
25. **Traffic flow to off-peak hours. (Mitigation Measure 3D).** Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable.
- Timing: During construction*  
*Reporting: Grading/Building plans*  
*Responsible Agency: Planning Department/Public Works Department*
26. **Improvement of Commercial Avenue. (Mitigation Measure 17A).** Commercial Avenue shall be improved and extended through the project site and connect with Pine Shadow Lane in accordance with County standards.
- Timing: Prior to issuance of certificate of occupancy*  
*Reporting: Shown on improvement plans and approved by CDA*  
*Responsible Agency: Planning and Public Works Departments*

27. **Change to parking along Commercial Avenue. (Mitigation Measure 17B).** Remove existing 90° parking along Commercial Avenue east of the existing cul-de-sac and re-stripe this portion of Commercial Avenue to provide a centerline yellow stripe and white fog lines delineating two, 11-foot wide traffic lanes. Allow for parallel parking along this portion of Commercial Avenue.

**Timing:** Prior to issuance of certificate of occupancy

**Reporting:** Shown on improvement plans and approved by CDA

**Responsible Agency:** Planning and Public Works Departments

28. **Pleasant Valley Road/Commercial Avenue. (Mitigation Measure 17C).** The project applicant shall re-stripe the westbound Commercial Avenue approach to include a shared left-through lane and separate right-turn lane. With proposed project improvements for westbound Commercial Avenue, the Nevada County Connects transit stop would be moved east to the north side of the existing Commercial Avenue cul-de-sac where the transit bus already turns around for convenience purposes. Transit stop improvements will be coordinated with Nevada County Connects. With proposed improvements, the Pleasant Valley Road/Commercial Avenue intersection overall LOS would improve from LOS E (46.5 seconds of delay) to LOS D (33.5 seconds of delay) during the PM. The Pleasant Valley Road/Commercial Avenue intersection would continue to qualify for the peak hour signal warrant during the PM peak hour with Existing plus Project traffic.

**Timing:** Plans approved, and striping completed prior to issuance of certificate of occupancy

**Reporting:** Noted on improvement plans and approved by CDA

**Responsible Agency:** Planning and Public Works Departments

29. **Pleasant Valley Road/Highway 20. (Mitigation Measure 17D).** The project applicant shall contribute to the County's Local Transportation Mitigation Fee (LTMF) based on the most recent Fee Schedule. The Nevada County Regional Transportation Plan (NCRTP) identifies a future project to widen and/or re-stripe the Pleasant Valley Road/Highway 20 intersection to add an additional southbound left-turn lane on Pleasant Valley Road and associated eastbound receiving/merge lane on eastbound Highway 20. Based on the NCRTP 2025-2045 (July 2025 Draft), the total costs for these improvements are estimated at \$804,000 with funding sources from the County's Local Transportation Mitigation Fee (LTMF). The project applicant shall contribute their fair share toward this estimated cost based on the County's fee schedule. With planned Nevada County roadway improvements at the Pleasant Valley Road/Highway 20 intersection, overall vehicle delay would improve slightly during the AM peak hour to aide in vehicle progression and queuing.

**Timing:** Prior to issuance of certificate of occupancy

**Reporting:** According to County requirements

**Responsible Agency:** Planning and Public Works Departments

30. **Commercial Drive/Rear Access Driveway. (Mitigation Measure 17E).** Install all-way-stop-control at the Commercial Drive/Project Rear Access Driveway intersection located south of the primary supermarket building.

*Timing:* Prior to issuance of certificate of occupancy

*Reporting:* Noted on improvement plans and approved by CDA

*Responsible Agency:* Planning and Public Works Departments

31. **Raised speed table/crosswalk(s). (Mitigation Measure 17F).** Install raised speed table/crosswalk(s) on the Commercial Drive northern extension between the Holiday Market building and main parking field.

*Timing:* Prior to issuance of certificate of occupancy

*Reporting:* Noted on improvement plans and approved by CDA

*Responsible Agency:* Planning and Public Works Departments

32. **Commercial Drive/Pine Shadows Lane. (Mitigation Measure 17G).** Install stop-sign control for northbound turning movements at Commercial Drive extension (site access driveway)/Pine Shadows Lane intersection.

*Timing:* Prior to issuance of certificate of occupancy

*Reporting:* Noted on improvement plans and approved by CDA

*Responsible Agency:* Planning and Public Works Departments

33. **Sidewalks/Bicycle Racks. (Mitigation Measure 17H).** With proposed project development, pedestrian sidewalks shall be installed along key project frontages (west, north, and south sides of building) and along the south side of Pine Shadows Lane. Pedestrian connections shall be provided between the parking field and main building connecting to the recommended raised speed table/pedestrian crosswalks. Bicycle racks shall be provided along the main building frontage for bicycle parking.

*Timing:* Prior to issuance of certificate of occupancy

*Reporting:* Noted on improvement plans and approved by CDA

*Responsible Agency:* Planning and Public Works Departments

34. Prior to certificate of occupancy, the applicant shall stripe the westbound Pine Shadows Lane approach to Pleasant Valley Road to include a separate left and right turn lane. All striping shall meet Caltrans striping standards and final Striping Plan approval shall be to the satisfaction of the Nevada County Public Works Department.

**D. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL/ PENN VALLEY FIRE PROTECTION DISTRICT**

1. **California Fire & Building Codes:** All review and approval of construction plans will be predicated on use of the building and fire codes adopted at the time of the building permit's issuance by the Nevada County Building Department. Date of land use decisions is not a factor in this.
2. **California Public Resources Code:** All access to the facilities and defensible space requirements shall be governed by the California PRC as adopted at time of building permit issuance. This project is subject to the findings and requirements of the Nevada County Fire Planner regarding fuel modification alongside roadways and near structures. Approval of this application is contingent upon performance of said modifications as required by that office.
3. Ensure all Fire related site notes are met, as they will be inspected prior to issuance of final occupancy.

**E. ENVIRONMENTAL HEALTH DEPARTMENT**

1. The commercial food facility/retail space shall obtain a food facility permit from Nevada County Department of Environmental Health (NCDEH). To begin the permitting process:
  - A. Submit a major food facility plan check application packet for review and written approval, along with applicable fees. The plan review submittal (electronic or paper) shall contain design/plans for the construction of the food facility/retail space.
  - B. The submittal packet shall include but not limited to: equipment specification cut sheets, specific design of the commercial kitchen, any proposed retail area, food storage areas, janitorial areas, restrooms, plumbing, hot water demands, floor, integral coving, wall, and ceiling finish schedules, and applicable written standard operating procedures (for example use of time in lieu of temperature for a public health control) etc.
  - C. If submitted in paper form, please include 2 sets of plans along with the items described in b.
  - D. If submitted in electronic form, only 1 set of plans is required, along with the items described in b.
  - E. The plan check submittal shall be approved by NCDEH before any construction of the food facility can begin. The facilities shall pass a final construction inspection with NCDEH, submit for annual Certificate of Operation permits, and pay applicable fees prior to opening.

Please be advised that all independent food businesses operated within the store will need to go through the process described above and shall be permitted

separately. Examples are independently owned and operated sushi inserts within the deli space and coffee kiosks.

2. With the proposed existence of hazardous material storage at this location, the applicant and/or facility operator shall adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 - 25519 and 25100 - 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). [CERS | California Environmental Reporting System](#).

Upon approval from local Planning, Fire, and Building Departments, the applicant and/or facility operator must apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County Department of Environmental Health (NCDEH), the Certified Unified Program Agency (CUPA). The applicant and/or facility operator shall secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations.

3. The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code, Chapter IV, Article 8).
4. A septic abandonment permit from NCDEH Land Use Division is required. To apply for a septic abandonment permit: submit applicable application and fee, site plan, scope of work, tank pump out report from a septage hauler licensed to pump and haul sewage in Nevada County, and tank demolition details. Contact the NCDEH Land Use Division for more details.
5. A licensed well driller shall submit for four (4) separate water well destruction permits with NCDEH Land Use Division. The submittals shall include appropriate application, applicable fees, and site plan. A driller's report will be required to final these permits. Contact the NCDEH Land Use Division for more details.

#### **F. NEVADA IRRIGATION DISTRICT (NID)**

1. The applicant shall provide new easements acceptable to NID to cover proposed facilities to be conveyed.
2. A Water Demand Analysis (WDA) was submitted to NID for review. The final numbers presented in the analysis are a combination of both domestic and landscape water usage. NID indicates the WDA for domestic water use is acceptable and a one-inch meter is recommended at 2.56 ERUs. The appropriate backflow prevention will be required.

With regard to landscape irrigation water use, the numbers provided in the WDA were preliminary. Prior to issuance of any grading or building permit, the applicant shall provide the final landscape and irrigation plan including the estimated water use and meter size to NID for review and approval.

3. All treated water services are metered. NID's responsibility ends at the meter. It is the property owner's responsibility to acquire necessary easements and to install and maintain the private service pipeline(s) and appurtenances there from.
4. NID does not assume liability or responsibility for the provision or supply of water for fire protection; however, the District's treated water system is available for fire protection. Review of fire flow requirements is not an assumption of liability or responsibility for fire flow design criteria.

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

1. **Alternatives to open burning. (Mitigation Measure 3A).** Alternatives to open burning of site-cleared vegetative material shall be used unless otherwise deemed infeasible by the Northern Sierra Air Quality Management District (NSAQMD). Among suitable alternatives are chipping, mulching, hauling to an approved disposal site, cutting for firewood, or conversion to biomass fuel. This shall be included as a note on all grading and improvement plans.

**Timing:** *During grading/construction*

**Reporting:** *Grading/Building plans*

**Responsible Agency:** *Planning Department/NSAQMD*

2. **Dust Control Plan. (Mitigation Measure 3E).** Prior to issuance of grading and improvement permits, a Dust Control Plan shall be submitted to the Northern Sierra Air Quality Management District pursuant to Rule 226 and approved. 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. The plan shall include but not be limited to the following measures, which shall also be included on all construction plans:
  - a. Contact details must be provided for the person/s responsible for ensuring that all dust control measures are performed in a timely manner during all phases of project construction.
  - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.
  - c. All land clearing, grading, earth moving, and excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.

- d. All inactive portions of the site shall be covered, seeded, or watered until a suitable cover is established.
- e. All material transported off-site shall be either sufficiently watered, or securely covered to prevent it being entrained in the air, and there must be a minimum freeboard of six inches maintained in the bed of the transport vehicle.
- f. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary to minimize dust emissions.
- g. The construction contractor shall limit vehicle speeds on unpaved roads to a speed of 15 mph.
- h. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as needed to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

**Timing:** Prior to issuance of grading permits and improvement permits

**Reporting:** Grading/Improvement Plans

**Responsible Agency:** Planning Department/NSAQMD

#### **H. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQB)**

1. The applicant shall comply with the Central Valley Regional Water Quality Control Board regulations and permitting requirements as stated in their November 17, 2025 letter.

#### **I. 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 \$3,043.75, 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. 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.