



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

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**NOTICE OF CONDITIONAL APPROVAL
TENTATIVE MAP and MANAGEMENT PLANS**

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505 Coyote Street, Suite B
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File No: EIS14-010; FM14-002; MGT14-007;
MGT14-008; MGT15-011
APNs: 39-160-14; 39-170-10; 39-170-91

At the regular meeting of March 10, 2016, the Nevada County Planning Commission approved the above referenced Vesting Tentative Final Map and Management Plans, proposing to subdivide 152.52 acres into 30 residential lots to be recorded in two phases on property located at 15648 Greenhorn Road, subject to the following mitigation measures and conditions which are required to be completed **as noted in each condition:**

Mitigation Measures and Conditions of Approval

A. PLANNING DEPARTMENT

1. Project includes a Vesting Final Map creating 30 single-family residential lots on approximately 152.52 acres, vesting Land Use and Development Code standards as of the date of approval; and Management Plans for encroachment into steep slopes, landmark oaks and oak woodlands, and watercourses. Each parcel includes a site-specific designated building envelope, which is configured to minimize or avoid impacts to any sensitive resources, including oak woodlands, steep slopes, elderberry shrubs, riparian areas, and water features. All but two of the new residential lots (Lots 20 and 21) will be served by Nevada Irrigation District treated water. Lots 20 and 21 will be served by individual wells unless treated water is provided. Lots 20, 21, and 22 are over 10 acres in size, requiring a map note and deed restrictions to prevent future subdivisions given that the project is at maximum density (Conditions 3d and 5). All lots will be served by septic systems. The primary access serving the subdivision is Greenhorn Road via a two-acre property owned by the applicant (APN 39-170-10) immediately east of Toby Trail. The secondary access for this project is an unlocked, gated connection from Sierra Sky Circle to Lee Lane out to Idaho-Maryland Road. The subdivision map is to be recorded in two phases. Phase 1 includes 21 lots fronting on the new access road "South Woodlands Lane" and along the existing portion of Lava Cap Mine Road within the eastern area of the project site. Phase 2 includes 9 lots, as well as the construction of the remaining looped portion of the new road "Sierra Sky Circle." The approved project shall be as described in the Project Description in

- the staff report, in substantial conformance with what is shown on the approved Tentative Final Map, and as may be modified at hearing.
2. The Final Map must be recorded within 36 months from the date of tentative map approval, unless an extension is filed pursuant to Section 66452 of the Government Code (Subdivision Map Act) and granted by the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code, or is automatically granted by legislative updates to the Government Code. If no extension is granted, the permit shall become null and void, as to the portion of the map not recorded.
 3. One Supplemental Map containing non-title information shall be attached to the Final Map at the time of recordation for each phase and shall include the following:
 - a. A building envelope for each numbered lot, consistent with the building envelopes shown on the approved Tentative Final Map, unless otherwise noted in the final approved Conditions of Approval and Mitigation Measures.
 - b. A note indicating that all above ground structures, including accessory structures, shall be contained within the building envelope. Exceptions may apply to small well house structures that are used to protect the well head, pressure tank, monitoring equipment, and electrical devices. Any well house structures that are not within the building envelope shall not be oversized to double as a storage shed.
 - c. Applicable notes from the required Mitigation Measures advising of the various Environmentally Sensitive Areas, applicable Management Plan requirements, and any other required items from the other Departments applicable to the subsequent home construction.
 - d. A note indicating that Lots 20, 21, and 22 are prohibited from further subdivision due to the project being at its maximum potential density.
 - e. A reference to the recorded CC&Rs for this project.
 4. The phasing plan for this project includes Phases 1 and 2, in accordance with the approved Tentative Final Map. Phases shall be constructed in sequential order, or both phases may be recorded in one Final Map.
 5. Prior to map recordation for Phase 1, the applicant shall record a deed restriction on Lots 20, 21, and 22 identifying these parcels as having no further subdivision potential or density, for reference of future owners.
 6. Prior to the recordation of each phase, the applicant shall name and post the roads serving that applicable phase. The road names of South Woodlands Lane and Sierra Sky Circle are available and have been reserved for this project.

7. Pursuant to Land Use and Development Code Section L-IX 1.3, the applicant may choose to either pay the standard recreation mitigation fee current at the time of recordation or to dedicate onsite recreational facilities in lieu of a percentage of fees, as follows:

Option 1: Prior to recordation of each phase of the Final Map, fees shall be paid to the Planning Department to be deposited for the Grass Valley Recreation Benefit Zone only for the phase or phases being recorded. The current recreation fee is \$721 per parcel in the Grass Valley Recreation Benefit Zone; or

Option 2: Prior to recordation of each phase of the Final Map, the applicant shall submit a description of the required roadside trail, a cost estimate prepared by a licensed contractor or civil engineer for the roadside trail, and an appraisal prepared by an MAI appraiser to demonstrate the land value of the trail. The in-lieu dedication may not exceed 75% of the applicable AB1600 recreation mitigation fees. The remaining 25% shall be paid into the AB1600 recreation mitigation fund.

8. Pursuant to Land Use and Development Code Section L-XIV 1.4 Disclosure, the seller shall ensure that a disclosure statement containing substantially the following language is provided to, and a written acknowledgment thereof is signed by, all prospective buyers by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of Division Second of the California Civil Code, commencing with section 1102, as follows:

“NEVADA COUNTY RIGHT TO FARM NOTICE

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).”

9. Any timber harvest that will be conducted within areas proposed for development must be completed prior to map recordation. The applicant shall submit to the Planning Department an approved Timber Harvest Plan or other harvesting document for timberland acreage included in the project, prior to map recordation or approval of improvement plans, as applicable. The applicant shall employ a California Licensed Timber Operator to conduct of timber operations compliance with the Forest Practice Act and Rules.

10. Prior to recordation of the first recorded phase of the Final Map, the applicant shall submit to the Planning Department a Timberland Conversion Permit or applicable exemption for subdivision in compliance with the Forest Practice Act and Rules.
11. Submit to the Planning Department for approval eighteen (18) copies of the Final Map and the Supplemental Map for distribution of two copies each to all applicable agencies requiring conditions, and a map check fee pursuant to the most current Fee Resolution of the Board of Supervisors.
12. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department a Defense and Indemnification Agreement, in a form approved by County Counsel. No further permits or approvals shall be issued for the project, including without limitation a grading permit, building permit or final map approval, unless and until the applicant has fully complied with this condition. The standard Defense and Indemnification Agreement shall be attached to the approval letter.
13. **Avoid and reduce impacts to California red-legged frog (CRF) (Mitigation Measure 4A):** The project applicant shall hire a qualified, County-approved biologist to conduct a full protocol-level survey for CRF, according to USFWS protocol and seasonal recommendations for the Project Area. If the survey does not detect the presence of CRF, then the results of that survey shall be submitted to USFWS, and no further mitigation shall apply. If the survey detects presence of CRF within any water bodies of the Project Area, the project shall consult with USFWS to establish protective measures that would be implemented during construction to minimize the potential for loss of individual CRF. Such measures might include, but would not be limited to, installation of barrier fences to impede CRF from moving from occupied water bodies into areas of construction activity, minimization of the creation of temporary refuge sites in uncovered trenches or basins, and monitoring by a qualified biologist during construction activities. In the event that consultation with USFWS is not completed within a reasonable time period, such as six months, of submittal of the protocol survey results, the mitigation measure would be considered to have been satisfied if the project implements measures that have been accepted for other construction projects with similar circumstances.
***Timing:** Prior to issuance of grading and improvement permits*
***Reporting:** Agency approval of permits*
***Responsible Agency:** Planning Department and USFWS*
14. **Avoid and protect the Valley elderberry longhorn beetle (VELB) during construction (Mitigation Measure 4B):** The following implementation measures shall be incorporated into construction activities during both the improvement phase of the project (pre-map recordation) and during any subsequent construction of residential structures and improvements (post-map recordation). These measures shall be placed on all improvement plans prior to permit issuance as well as on the Supplemental Map prior to map recordation of the phase recording Lots 28 and 30, and implemented as specified below:

- a. Protection measures during construction. Prior to the start of any construction within 100 feet of any elderberry bush (generally on Lots 28 and 30 and improvements to Lava Cap Mine Road), the following protection measures shall be in place:
 - i. *Minimum buffer.* Elderberry shrubs shall be avoided during construction with the incorporation of a 100 foot minimum buffer from the dripline of each identified elderberry shrub (those individuals with a stem greater than one inch in diameter). Firebreaks (e.g., fuel reduction meeting PRC 4291) may not be included in the buffer zone. Extreme care shall be taken when working in close proximity to the elderberry shrubs to ensure that physical injury to roots does not occur. Use of heavy equipment within 100 feet of each shrub shall be limited to that which is absolutely necessary to complete any proposed work.
 - ii. *Avoidance of VELB flight season.* If feasible, construction shall take place from July through January when the VELB is not within its flight season, which is considered to occur from February through June.
 - iii. *Install fencing and signage.* All elderberry shrubs shall be protected and prominently marked using fencing and signage so construction crews will not enter the established setbacks (100 feet minimum from the drip line of the shrub's canopy). Fencing shall be placed a minimum of 100 feet from the dripline of each shrub prior to construction. All isolated elderberry shrubs to be avoided shall be flagged and signed, and elderberry shrubs within clustered avoidance areas shall be flagged and signed every 50 feet along the edge of the avoidance area. Legible signs shall be erected on the fencing of each shrub with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment." The signs must be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. Compensation shall be provided for elderberry shrubs that are damaged or removed as provided in item 4 below.
 - iv. *Construction crew training.* A biological monitor shall instruct work crews about the status of the VELB and the importance of avoiding elderberry shrubs that will not otherwise be affected by construction. All contractors working on the project must be briefed as to the significance and possible penalties for not complying with the conditions of the incidental take permit issued by the USFWS.
 - v. *Site watering and dust palliative standards.* Areas adjacent to the elderberry shrubs shall be watered several times a day when construction is occurring within 100 feet of any elderberry shrub to minimize dust. Oil-based (petroleum) palliatives shall not be used.
 - vi. *Biological monitoring and reporting.* The property owner shall be responsible for notifying a qualified biologist when work is planned within 100 feet of any elderberry shrub. The qualified biologist shall visit the site periodically (at least once, and more as determined necessary by the biologist) when construction is occurring within 100 feet of the shrubs to ensure that no shrubs have been impacted from project construction and that all relevant conditions of this mitigation measure have been successfully implemented. If there are any impacts that occur during construction or unauthorized takes of the beetle or its habitat, the biological monitor

shall immediately report them to the USFWS, California Department of Fish and Wildlife, and Nevada County Planning Department. Compensation shall be required as shown in item 2 below. The biological monitor shall also provide a report to the Planning Department prior to map recordation that outlines the compliance success of improvement construction with all the requirements of this Mitigation Measure 4B.

- b. Compensation of loss for elderberry shrubs damaged or removed during construction. If there are any impacts to blue elderberry shrubs during construction, the applicant is responsible for ensuring that the biological monitor report these impacts to the USFWS, California Department of Fish and Wildlife, and Nevada County Planning Department. Based on the project design, two elderberry shrubs are in close proximity to the proposed development footprint. Mitigation for the removal or significant damage of these shrubs shall be implemented pursuant to the standard USFWS mitigation ratios (planting six elderberry shrub seedlings and two associated native plant species. The USFWS requires that a maximum of five replacement elderberry shrubs, along with their associated native plant species, be planted per 1,800 square feet. This would result in the need to plant 2,160 square feet or 0.05 acres to compensate for the loss of VELB habitat). In addition to planting replacement elderberry shrubs and associated native species, the applicant shall consult with the USFWS via Section 10 of the Endangered Species Act as it relates to getting "take" authorization of a listed species if the development scenario results in the removal of any or all of the elderberry shrubs.

Timing: Prior to issuance of grading and improvement permits, and prior to map recordation of the phase recording Lots 28 and 30

Reporting: Agency approval (DFW or USFWS) of applicable biological monitoring reports

Responsible Agency: Planning Department

15. **Avoid and protect the VELB during project operation (Mitigation Measure 4C):** The following measures shall be implemented to provide long-term protection for VELB and VELB habitat (blue elderberry shrubs):

- a. Prior to recordation of Phase 1 of the Final Map (for Lots 28 and 30), the elderberry shrubs shall be clearly delineated on the Supplemental Data Sheet as Environmentally Sensitive Areas. A note shall be placed on the Supplemental Data Sheet stating, "Elderberry shrubs are habitat of the Valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended, with the implementation of a 100-foot non-disturbance buffer around the dripline of each shrub. Mowing of grasses/ground cover within 100 feet of the dripline of elderberry shrubs may occur from July through April to reduce fire hazard. No mowing shall occur within five feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment). No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level."

- b. Following construction and prior to map recordation of Phase 1, the applicant shall place permanent open fencing or rails around the two isolated elderberry shrubs on Lot 30, and permanent open fencing or signs every 50 feet shall be erected around the southeastern boundary of the clustered ESA areas.

Timing: *Prior to recordation of Phase 1 of the Final Map*

Reporting: *Map recordation*

Responsible Agency: *Planning Department*

16. **Protect landmark oak woodlands during construction (Mitigation Measure 4D):** Prior to construction of any site improvements, a qualified biologist shall flag in the field all landmark oak groves and landmark oaks and schedule a field meeting to inform the construction personnel where all protective zones are located and the importance of avoiding encroachment within the protective zone. The biologist shall periodically monitor (at least once, and more as the biologist determines necessary), construction and grading activities near all identified oak tree protection zones and provide a report to the Planning Department after construction and prior to map recordation so that oak loss and damage can be compensated under Mitigation Measure 4E.

Prior to approval of improvement plans, landmark oaks shall be identified on the improvement plans, along with the following notes:

- a. For oak trees that are to be preserved (according to approved plans):
 - No excavation, cut, fill, compaction or other site disturbance shall occur within 6 feet of the dripline of any oak tree, 10 feet of the dripline of a landmark oak tree, and 25 feet of the dripline of any landmark oak grove less than 5 acres, and 50 feet of the dripline of any landmark oak grove greater than 5 acres. Exceptions may be approved by the Nevada County Planning Department based on consultation with a qualified professional resulting in reasonable assurance that the tree will not be destroyed.
 - Protective fencing not less than four feet in height shall be placed at the limits of the root protective zone of *any* individual oak tree or stand, whether the trees qualify as landmark or not, within 50 feet of grading limits, and shall be inspected by the contractor prior to commencement of any grading activity on the site, and shall remain in place until construction is complete.
 - Damage to oak trees during construction shall be immediately reported to the Nevada County Planning Department. The contractor shall be responsible for correcting any damage to oak trees on the property in a manner specific by a qualified professional.
 - Equipment damage to limbs, trunks, and roots of any oaks shall be avoided during project construction and development. Even slight trunk injuries can result in susceptibility to long-term pathogenic maladies, so damaged trees shall be included in the mitigation count under Mitigation Measure 4E.
 - Limit grade changes near the protected root zone of oak trees. Grade changes can lead to plant stress from oxygen deprivation or oak root fungus at the root collar of the oaks. Minor grade changes further from the trunk are not as critical but can negatively affect the health of the tree if not carefully monitored by a County-

approved professional. All grading and excavation within the protected root zone shall be monitored by the qualified biological monitor, and action taken as deemed necessary within the constraints of construction. Excavation and vegetation clearance within the protected root zone of an oak tree shall be accomplished by the use of hand tools or small handheld power tools. Any major roots encountered shall be conserved to the greatest extent possible and treated as recommended by the professional. The biological monitor shall include any trees affected by grade change in the monitoring report.

- Utility trenches shall not be placed within the protective zone of an oak tree unless no feasible alternative locations are available. The biological monitor shall include any trees affected by trenching in the monitoring report.
 - No storage of equipment, supplies, vehicles, or debris shall be permitted within the protective zone of an oak tree.
 - No dumping of construction wastewater, paint, stucco, concrete, or any other clean-up waste shall occur within the protective zone of an oak tree.
 - No temporary structures shall be placed within the protective zone of any preserved oak tree.
 - Necessary drains shall be installed according to county specifications so as to avoid harm to the oak trees due to excess watering for dust control during operation.
 - Wire, signs, and other similar items shall not be attached to the oak trees.
- b. For oak trees that are to be removed (according to approved plans):
- If tree removal is required during this phase of construction, wherever there is flexibility about which tree to remove, small diameter oaks less than 12 inches diameter at breast height are preferred over the removal of larger oak trees. For example, removal of two trees less than 6 inches dbh is preferred over the loss of one larger tree greater than 12 inches dbh.

Timing: *Prior to issuance of grading and improvement permits and prior to map recordation*

Reporting: *Agency approval of permits and map recordation*

Responsible Agency: *Planning Department*

17. **Provide compensation for removed and damaged oaks (Mitigation Measure 4E):** Prior to final map recordation for Phases 1 and 2, the developer shall fulfill the recommendations of the October 15, 2014, Management Plan and all subsequent addendums for South Woodlands (Costella Environmental Consulting) for any landmark oaks and oak woodlands that are removed or damaged during construction. Any one or a combination of the following measures shall be implemented to mitigate the direct impacts to oak resources, as follows:

- a. Conservation Easement and Land Dedication. Protect existing native oak trees on or off the project site from future development through a conservation easement or fee title dedication to a land conservation group approved by the County and the California Department of Fish and Wildlife. The mitigation formula for landmark oaks and oak groves shall be 300 square feet per diameter-at-breast-height inches removed. The formula for this calculation is as follows: total sum of DBH inches of trees slated for

removal x 10,890 square feet (0.25 acre) = conservation easement land to be set aside. If the conservation easement or land dedication does not reduce the oak woodland impact to less than significant, additional mitigation is required (see options 2 and 3 below). Oak woodland offered as mitigation must be configured in such a manner as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority shall be given to conserving oak habitat adjacent to existing woodlands under conservation easements, public lands, or open space lands. Land proposed as mitigation, when viewed with adjacent existing conservation land, shall not result in conserved parcels of less than one acre.

- b. Contribute Funds to an Oak Woodland Land Trust. Contribute a fee to a local land trust or other local conservation group qualified to preserve oak woodlands in perpetuity using the following formulas as appropriate:

For oak woodland impacted: Fee = 1.0 x acres of impacted oak woodland x current land value

For individual trees within a landmark oak grove impacted: Total sum of DBH inches of landmark oak trees slated for removal x 10,890 square feet (0.25 acre) = conservation easement land to be set aside.

For landmark oaks = 0.25 acre per tree

An administrative fee equal to 5 percent of the mitigation fee shall be required to cover the conservation entity's costs associated with this option.

- c. Plant and Maintain an Appropriate Number of Trees. For this option, the applicant shall plant and maintain on or off the project site replacement trees on land conserved through a conservation easement or fee title dedication to a land conservation group approved by the County and Department of Fish and Wildlife. The applicant shall hire a County-approved qualified biologist to prepare a Tree Planting, Monitoring, and Maintenance Plan for the review and approval of the County Planning Department and Department of Fish and Wildlife. The plan shall mitigate the number of trees determined necessary to be removed at the time construction plans are prepared. The plan shall require that any landmark oak trees that must be removed shall be replaced on an inch-for-inch basis resulting in the number of replacement trees having a combined diameter of the removed tree(s). The plan shall include tree replacement locations. Restoration only applies to lands that should naturally support oak habitat but due to human intervention currently do not support oak woodlands. All planted 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 one another or with established vegetation. The Plan shall also provide for monitoring every year for 7 years per Public Resources Code Sec. 21083.4, at the end of the growing season and prior to the period of senescence of the oaks. A report and point-set photographs (or videography) shall be included with each year's findings and sent to the Nevada County Planning Department in a timely manner. If through the monitoring program it is discovered that additional trees have been adversely affected by the project, then additional mitigation shall be required as determined by the qualified biologist and

approved by the County Planning Department and California Department of Fish and Wildlife, and consistent with this mitigation measure.

Timing: *Prior to recordation of each phase of the Final Map*

Reporting: *Agency approval of Final Map recordation*

Responsible Agency: *Planning Department*

18. **Avoid and protect landmark oaks and landmark oak groves during project operation (Mitigation Measure 4F):** Implement the following measures as to reduce impacts to landmark oaks and oak groves prior to recordation of each phase of the Final Map and prior to issuance of improvement, grading, and building permits, as follows:

- a. Precise surveyed locations of the landmark oak groves and landmark oaks that are to remain (non-mitigated) shall be shown on the Supplemental Data Sheet and improvement, grading, and building plans, and identified as Environmentally Sensitive Areas (ESAs). Each oak shall be shown within an area of non-disturbance as follows: 10 feet out from the dripline of a landmark oak tree and 25 feet from the dripline of any landmark oak grove less than 5 acres. Building envelopes are prohibited within the ESA.
- b. Prior to recordation of each phase of the Final Map, the following notes shall be placed on the Supplemental Data Sheet. This measure shall be implemented prior to issuance of improvement, grading, and building permits:
 - “Building, grading, hardscaping, trenching, and disturbance for leach lines or other site improvements are prohibited in Environmentally Sensitive Areas.”
 - “No irrigation or ornamental plantings requiring regular irrigation from overhead irrigation systems (impact sprinklers) shall be installed within the dripline of landmark oaks and oak groves. Mulches or drought tolerant, non-irrigated or drip-irrigated plantings are suitable within the dripline.”
 - “Oak tree leaves are a natural mulch that the oak tree requires for slow release of nutrients and growth of microorganisms within the upper soil layer. Removing the leaf litter increases the soil temperature and dries out the soil, leading to the eventual decline of the oak(s). This mulch layer should either be left in place, or a mulch of 3/8 inch quarry rock or coarser gravel without landscape fabric or plastic can be installed.”
 - “No compacted fill or paving shall be placed within the driplines of trees to be preserved, and no loose earthen fill greater than one foot deep shall be placed within the driplines of trees to be preserved.”
 - “Soil surface removal shall not occur within the dripline of trees to be preserved. Underground utility trenching shall not occur within the dripline of trees to be preserved except where it is unavoidable. If it is necessary to install underground utilities within the driplines of trees due to space constraints, the trench shall be dug by hand, avoiding the roots, or bored at least three feet deep and not within five feet of the trunk.”
 - “If pruning is required for fire safety and clearance along driveways and around structures, pruning for winter deciduous oaks (black oak) shall only be done during the winter dormant period and during July and August for evergreen oaks and other hardwoods (interior live and canyon live oaks, and madrones). Limbs larger than

two inches shall be cut in three steps to avoid tearing the bark, damaging the trunk, or splitting the branch. The first cut shall be made on the underside of the branch one to two feet from the crotch. The branch shall be cut about ¼ way through until the saw starts to bind. The next cut shall be made on top within a few inches, farther out than the first, and the limb shall be sawn until it breaks off. The third cut shall be made farther out than the branch collar, making as small a wound as possible, to avoid leaving a stub that is slow to callous.”

Timing: *Prior to recordation of each phase of the Final Map and prior to issuance grading, improvement, and building permits*

Reporting: *Agency approval of Final Map recordation and issuance of grading, improvement, and building permits*

Responsible Agency: *Planning Department*

19. **Comply with state and federal permit requirements for disturbance of Waters of the U.S. (Mitigation Measure 4G):** Prior to approval of any permits for subdivision improvements, the applicant shall contact the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the California Regional Water Quality Control Board Central Valley Region to determine if any impacted waterways require a Nationwide Permit, Streambed Alteration Agreement (1600 permit) and 401 Certification, relatively. Should any of these permits be required, the applicant shall comply with all terms and conditions of the permit(s). Copies of all applications or correspondence with the appropriate agencies shall be provided to the Nevada County Planning Department.

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

Reporting: *Agency approval of permits*

Responsible Agency: *Planning Department*

20. **Identify onsite water features as Environmentally Sensitive Areas (Mitigation Measure 4H):** Prior to recordation of each phase of the Final Map, the seasonal drainage features and their applicable setbacks as shown on the tentative final map shall be shown on the Supplemental Data Sheet and identified as Environmentally Sensitive Areas. These water features and their setbacks shall include the seasonal drainage courses (50 feet on both sides), and the ephemeral washes (50 feet on both sides).

Timing: *Prior to recordation of each phase of the Final Map*

Reporting: *Agency approval of Final Map recordation*

Responsible Agency: *Planning Department*

21. **Conduct pre-construction surveys for nesting raptors and migratory birds (Mitigation Measure 4I):** For all construction activities between March 1 and September 30, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist pursuant to the California Department of Fish and Wildlife requirements. These surveys shall be accomplished within 7 days prior to commencement of any grading or vegetation. The County shall require an additional survey if periods of construction inactivity exceed a period of two weeks. Nesting surveys shall be carried out between dawn and 11 a.m. by a County-approved qualified biologist. The survey extent shall include all areas within 300 feet of vegetation removal, ground disturbance, and equipment staging, or to the property line if neighboring properties are closer than 300 feet and will not allow

access for survey work. The results of the survey work, including a list of species detected (by visual or auditory means) and mapping of the locations of any active nests or proximal nest-site related activity, shall be submitted to the Nevada County Planning Department within one week of survey work and prior to the delivery of construction equipment to the site and issuance of a grading permit. If no active nests are found, no further mitigation shall be required. If any active nests are found, the biologist, in consultation with the California Department of Fish and Wildlife, shall determine the appropriate radius from the site within which construction equipment shall not be operated and no ground disturbance or vegetation removal shall occur. The applicant shall demarcate the buffer zone in forested areas with caution tape or a similar mechanism that ensures compliance, and with orange construction fencing across roadways. The biologist shall monitor the nest(s) to determine when the young have fledged and dispersed and submit a status report to the CDFW and the Nevada County Planning Department, providing applicable details prior to the initiation of any construction activity or vegetation removal within the buffer zone. An active nest may only be removed after the young have fledged and dispersed, based on field verification by a qualified biologist. This mitigation shall be included as a note on all grading permits and improvement plans and on the Supplemental Data Sheet prior to map recordation, and shall be implemented prior to issuance of any grading, improvement, and building permits.

Timing: *Prior to issuance of the grading, improvement, and building permits, and prior to map recordation*

Reporting: *Agency approval of permits and map recordation*

Responsible Agency: *Planning Department*

22. **Provide fencing specifications to protect migratory deer (Mitigation Measure 4J):** Solid fencing is prohibited on any lot except around single-family dwellings, cultivated areas and animal enclosures. Perimeter fencing shall be limited to a three or four strand barbed wire or similar open type material. The bottom wire strand shall be a minimum 16 inches above ground and shall not exceed 48 inches in total height. The bottom strand shall be restricted to barbless wire. This mitigation measure shall be included as a note on the Supplemental Information Sheet for all recorded maps for the subject property.

Timing: *Prior to map recordation*

Reporting: *Agency approval of map recordation*

Responsible Agency: *Planning Department*

23. **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 persons involved in any form of ground disturbance at any phase of project improvements shall be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately within 200 feet of the suspected resource and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access 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, and shall be included on the Supplemental Data Sheet prior to recordation of each phase of the project.

Timing: *Prior to issuance of the grading and improvement permits, and prior to map recordation*

Reporting: *Agency approval of permits and map recordation*

Responsible Agency: *Planning Department*

24. **Identify steep slopes as Environmentally Sensitive Areas (Mitigation Measure 6D):** Prior to recordation of each phase of the Final Map, areas of slopes with a 30 percent gradient or more shall be shown on the Supplemental Data Sheet and identified as Environmentally Sensitive Areas (ESAs). A note shall be placed on the Supplemental Data Sheet stating, “Building, grading, hardscaping, and disturbance for leach lines or other site improvements are prohibited in Environmentally Sensitive Areas,” and this measure shall be implemented prior to the issuance of grading, improvement, and building permits. Improvements to the emergency access road are exempt from this provision.
Timing: *Prior to recordation of each phase of the Final Map, and prior to issuance of grading, improvement, and building permits*
Reporting: *Agency approval of Final Map recordation and prior to permit issuance*
Responsible Agency: *Planning Department*
25. **Limit construction work hours to 7:00 AM to 7:00 PM (Mitigation Measure 12B):** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.
Timing: *Prior to issuance of grading and building permits*
Reporting: *Agency approval of permits or plans*
Responsible Agency: *Nevada County Planning Department*
26. **Locate the building envelope for Lot 4 outside Compatibility Zone B1, the Inner Approach Zone (Mitigation Measure 8A):** Prior to map recordation, areas of the Lot 4 building envelope within Compatibility Zone B1 shall be removed. The deed restriction shall be shown as a note on the Supplemental Map Sheet.
Timing: *Prior to recordation of the Final Map*
Reporting: *Agency approval of Final Map recordation*
Responsible Agency: *Planning Department*
27. **Implement water conservation measures in residential landscapes (Mitigation Measure 14A):** Prior to recordation of each phase of the Final Map, a note shall be placed on the Supplemental Information Sheet stating, “To maximize water conservation, all landscaped lots shall adhere to the following standards: A minimum of 3 inches of mulch shall be applied in all planting areas except those with lawns, native forested areas, slope areas, and established groundcover or other low lying shrubs. Turf, grasses, and other high water use plants that are not drought tolerant shall be limited to 25 percent of the overall landscaped area of each residential lot. Turf and grass shall be prohibited on slopes of 15 percent or greater and within the dripline of native oaks. Turf areas exceeding 1,000 square feet shall

utilize soil-moisture sensors and rain shut-off valves as part of their irrigation systems. Irrigation systems shall be equipped with a controller capable of dual or multiple programs with a flexible calendar program, and plants within each hydrozone (high, medium, and low water use) shall be served by a dedicated irrigation controller station.” This measure shall be implemented prior to issuance of permits that include landscape installation and shall apply to all lots that install landscaping at any point in the future, unless more stringent standards prevail at that time.

Timing: *Prior to recordation of each phase of the Final Map and prior to building permit issuance if applicable*

Reporting: *Agency approval of Final Map recordation and prior to building permit issuance if applicable*

Responsible Agency: *Planning Department*

28. **Provide roadside trails (Mitigation Measure 15A):** Prior to issuance of improvement permits, the applicant shall identify all trail specifications on the project improvement plans. Prior to recordation of Phase 1 of the Final Map, the applicant shall dedicate to the County and install a 4-foot-wide roadside trail for pedestrian use on South Woodlands Lane from Greenhorn Road to Lava Cap Mine, then following the loop northwest along Lava Cap Mine Road to its intersection with Sierra Sky Circle, then following Sierra Sky Circle west along its frontage with Lots 1-3. Prior to recordation of Phase 2 of the Final Map, the trail loop around Sierra Sky Circle shall be dedicated to the County and completed to the intersection with South Woodlands Lane. The preferred trail type is a widened gravel shoulder or other pervious surfacing material such as compacted native material or decomposed granite, which would provide clear delineation between pedestrians and vehicles, and less storm water runoff than a paved surface. Alternately, a widened, paved road section may be provided with corresponding striping and signage to delineate the pedestrian use area, if the Public Works and Planning Department determine that there are no pedestrian/traffic conflicts with this type of trail. The trail shall be within the required County road easement and shall be maintained as part of the Permanent Road Division required by the Department of Public Works. Where the trail would impact sensitive resources (e.g., the root zone of mature trees, oak woodlands, watercourses, etc.) and/or would be impractical because of constraints (e.g., steep slopes, sections of the road already constructed to County standards for the recently installed waterline, etc.), the widened shoulder shall be narrowed to the minimum required standard to avoid encroaching into these resources and constraints. To receive credit for this amenity, the applicant may prepare a cost estimate prepared by a licensed contractor or civil engineer for the proposed recreational facilities, and an appraisal prepared by an MAI appraiser to demonstrate the land value of the proposed recreational facilities. The value of the dedication may not exceed 75 percent of the applicable AB1600 fees. The remaining 25 percent shall be paid into the recreation mitigation (AB1600) fund.

Timing: *Prior to recordation of each phase of the Final Map and prior to issuance of improvement permits*

Reporting: *Agency approval of the Final Map phase recordation and issuance of improvement permits*

Responsible Agency: *Planning Department and Public Works Department*

29. **Appropriately dispose of vegetative and toxic waste (Mitigation Measure 17A):** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all grading and improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.
Timing: Prior to issuance of grading and improvement permits
Reporting: Agency approval of permits and plans
Responsible Agency: Nevada County Planning Department
30. As soon as practical during roadway construction, the applicant shall install 5- to 6-foot-tall solid wooden privacy fencing for the residences at 13841 Toby Trail and 15750 Greenhorn Road, at two locations along the project entrance off Greenhorn Road: 1) along the western boundary of 15648 Greenhorn Road (APN 39-170-10), from a point nearest the intersection with Greenhorn Road that still maintains sight distance requirements, to the northeast corner of 13841 Toby Trail (APN 39-170-11); and 2) along the entire western boundary of 15750 Greenhorn Road (APN 39-170-75), as well as from the southwest corner of said parcel traversing 100 feet east.
31. Prior to map recordation, the location of all known bedrock mortars shall be surveyed and identified on the Supplemental Data Sheet as Environmentally Sensitive Areas, and these areas shall be precluded from building envelopes.
32. Prior to recordation of the first phase of the Final Map, the applicant shall submit to the Planning Department and other affected agencies as noted for review and approval, Conditions, Covenant and Restrictions (CC&Rs), including but not limited to the following:
- a. Provisions for fire protection measures, including but not limited to increased roadside fuel modification zones above those requirements of Public Resources Code 4290 and 4291, to be reviewed and approved by Nevada County Consolidated Fire Protection District; and
 - b. Provisions to maintain the entryway fencing in perpetuity, as provided in Condition A.30.

Approval of the CC&Rs shall not be reasonably withheld if all criteria within this condition have been met.

B. DEPARTMENT OF PUBLIC WORKS

Prior to recordation of each phase of the Final Map unless otherwise noted:

1. Right-of-Way and Road Improvements:

- a. Right-of-way for the roads within this development shall be offered for dedication as appropriate for Public Utilities and Public Roads. Minimum right-of-way width shall be 50 feet. All interior roadway dimensions shall be in conformance with modified Local Class 1 design standards, with 10-foot-wide lanes. All other current specifications will be applied. Emergency access roadway dimensions shall be in conformance with Fire Safe Road design standards. Separately offer an easement for Emergency Access Purposes on all interior roads within this subdivision.
 - b. Prior to recordation of each phase of the Final Map, the developer shall establish a Permanent Road Division (PRD) for maintenance of proposed roadways, roadside trails, and other infrastructure.
 - c. Only one gate shall be allowed on the emergency access road and shall remain unlocked. Gate design shall be approved by the Nevada County Consolidated Fire District. Signs may be placed at other locations as needed, not to exceed 6 square feet, in substantial conformity with the following language: “Emergency Access Only. No Turnaround.”
 - d. Cul-de-sac or other turnaround opportunity shall be constructed on each side of any proposed gate locations to allow traffic an opportunity to turn around immediately prior to and after the proposed gate. Design shall be approved by the Nevada County Consolidated Fire District and the Department of Public Works.
 - e. Prior to recordation of Phase 1 of the Final Map, the applicant shall construct the following road improvements: a) the construction of South Woodlands Lane from the main entrance on Greenhorn Road northwesterly to its intersection with Lava Cap Mine Road; b) improvements to onsite portions of Lava Cap Mine Road; c) a shared driveway for Lots 7 and 8 and for Lots 28 and 29; d) improvements to a portion of the new Sierra Sky Circle serving Lots 2, 3, 17 and 18; and e) the construction of a gated, unlocked emergency access road connecting Sierra Sky Circle to Lee Lane, which would also serve as the access to Lot 4. All drainage, water, and utility improvements fronting the above roads and lots shall also be installed as part of Phase 1 improvements.
 - f. Prior to recordation of Phase 2 of the Final Map, the applicant shall construct the following road improvements: a) construction of the remaining looped portion of tentatively named “Sierra Sky Circle” serving all Phase 2 lots; b) the construction of a shared driveway for Lots 7 and 8; and c) all drainage, water, and utility improvements fronting this portion of Sierra Sky Circle.
2. Improvement Plans. Improvement plans, prepared by the subdivider’s engineer, shall be submitted to and approved by the Department of Public Works prior to commencement of improvements. These plans shall include the design of onsite drainage and stormwater runoff.
 3. Engineer’s Certification: The subdivider’s engineer shall certify that the required improvements were constructed in conformance with the approved plans.
 4. An encroachment permit, issued by the Department of Public Works, shall be required prior to commencement of any work in the public right-of-way.
 5. Tax Statement: The tax statement shall be signed by the Nevada County Tax Collector prior to final map submittal to the Nevada County Department of Public Works for recordation.

6. Utility Agreements: Prior to recordation of each phase of the Final Map, the applicant shall develop agreements with various utilities (e.g., PG&E, AT&T, NID, etc.) to determine available services.
7. Road Improvement Fee: The following notes shall be included on the Supplemental Data Sheet for each phase of the Final Map:

“A Road Improvement Fee in accordance with Nevada County Ordinance No. 1829, creating and establishing the authority for imposing and charging a Road Improvement Fee with the unincorporated territory of Nevada County, will be levied at the issuance of building permits for each parcel created by the map, and will be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.”
8. **Avoid increased stormwater runoff (Mitigation Measure 9A)**: Prior to approval of each phase of the Final Map, the applicant shall provide a drainage report prepared 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. All stormwater drainage shall be designed by a registered civil engineer, and the designer shall utilize County standard plans and specifications. No additional net stormwater runoff offsite shall be permitted.

Timing: *Prior to recordation of each phase of the Final Map*
Reporting: *Agency approval of the Final Map phase recordation*
Responsible Agency: *Nevada County Department of Public Works*

ENVIRONMENTAL HEALTH DEPARTMENT

Prior to recordation of each phase of the final map unless otherwise noted:

1. Pay permit initial deposit and hourly fees to Environmental Health for additional soil testing; have soil test consult schedule appointment(s) with Environmental Health office, and complete test series by submitting site evaluation reports for review and approval.
2. Obtain from Environmental Health “Findings” reports approving tested sites for each proposed parcel.
3. Delineate the Minimum Useable Sewage Disposal Area (MUSDA) for all proposed parcels, on the Supplemental Data Sheet to be recorded concurrently with the Final Map, as required by Chapter VI of the Land Use and Development Code. This map shall be a scaled map or drawing in compliance with Sections 66434 (f), 66434.2, and 66445 (g) of the Subdivision Map Act. The map shall identify easements and other development encumbrances specified in the title report. The MUSDA(s) shall:
 - a. not include any area identified as environmentally sensitive, or otherwise restricted from disturbance,

- b. correspond to the approved soil testing; soil test pit and percolation hole locations must be shown inside area, with soil test pits and percolation holes shown and numbered as per original field reporting,
- c. be encompassed in the designated building envelope but exclusive of building unless alternate MUSDA is subsequently identified as provided for below, and
- d. be referenced from the closest survey monument(s), by compass bearing from/to proposed corner and measured distance from/to it.

A note shall be placed on the Supplemental Data Sheet as follows: “The purpose of mapping the MUSDA is to demonstrate that adequate sewage disposal is available for each parcel, and that additional area for building construction is separately provided so as not to adversely affect the MUSDA. The MUSDA shall therefore be exclusive of building unless alternate MUSDA is subsequently identified and approved; MUSDA locations may be changed if soils testing confirms that adequate sewage disposal is available in other locations, as reviewed and approved by the Environmental Health Department, and provided that the MUSDA locations remain within designated building envelopes. Lots failing to demonstrate adequate MUSDA must be combined with adjacent lots. A field review to verify the adequacy of all proposed MUSDA(s) may, subsequent to data sheet submittal, be required to be field-checked by the Environmental Health Department.”

- 4. The Supplemental Data Sheet, to be recorded concurrently with the Final Map, shall bear the statement that there is no guarantee that sewage can be disposed of on any lot or parcel of the recorded map. Lots failing to demonstrate adequate MUSDA must be combined with adjacent lots.
- 5. Submit permitting for, and complete any needed additional (Class I) wells to meet water supply requirements on proposed lots to meet threshold requirement for water availability. Submit required “Will Serve” letter(s) from Nevada Irrigation District for any and all proposed parcels slated to be served with potable water by treated, piped supply.
- 6. The Supplemental Data Sheet, to be recorded concurrently with the Final Map, shall bear the statement that there is no guarantee that water is available on any lot or parcel on the recorded map.
- 7. Prior to the offsite road construction for primary access from Greenhorn Road and prior to dedication to the County, the applicant shall accurately determine the location of the existing leachfield on APN 39-170-10 and if necessary, abandon any portion in conflict with the road and easement, and reconstruct any necessary replacement area to the satisfaction of the Nevada County Environmental Health Department.
- 8. **Identify and properly secure all potential mining-related hazards (Mitigation Measure 6E):** Prior to any logging, clearing, or grubbing work and prior to the issuance of grading and improvement permits, all mining features on the subject property, including excavations, shafts, subsurface tunnels, glory holes, etc., shall be identified and mapped, and either surveyed or marked with GPS coordinates. A workplan shall be prepared for all excavations, inclined shafts, vertical shafts, subsurface tunnels, glory holes, etc. prior to

starting any work in the field (including mitigation), and shall include the following recommendations for closure of mining features located on the property. The workplan shall be verified or modified by the geotechnical engineer on a case-by-case basis. The workplan shall be submitted to the Environmental Health Department for review and approval, and all work described in the workplan shall be conducted prior to the issuance of any grading or improvement permits. Confirmation of completion of this remediation shall be provided with a letter report from a California-licensed geotechnical engineer prior to issuance of any grading or improvement permits. The workplan shall include but not be limited to the following measures, which may be modified as recommended by a geotechnical engineer to provide flexibility for treatment in the field:

- a. A job safety analysis and recommendations to ensure safety of all construction and clearing personnel on the site.
- b. Vertical shafts (greater than 15 feet deep) shall be overexcavated to a depth of at least ten feet below ground surface (bgs), as determined by the geotechnical engineer in the field. The resulting excavation shall resemble an inverted cone. The tip of the cone shall be between three and four feet in diameter, and the sides of the cone shall be sloped at gradients between $\frac{3}{4}$:1, (H:V), and 1:1 (H:V), between the tip of the cone and the ground surface. Access to the excavation shall be prohibited. The excavation shall be filled with approximately eight to ten cubic yards of four-sack sand-cement slurry. The edges of the plug shall extend at least three feet beyond the side walls of the shaft into competent native soil/rock, as verified by the geotechnical engineer in the field. The slurry shall not extend any higher than four feet bgs. The concrete shall cure for a minimum of seven days, after which the remainder of the excavation shall be backfilled with compacted soil. The soil shall be placed in eight-inch loose lifts, and compacted to a minimum of 90 percent compaction based on ASTM D1557. Placement and compaction should be verified by the geotechnical engineer during backfill.
- c. Inclined shafts shall be over-excavated to a point of competent roof structure, as determined in the field by the geotechnical engineer. This activity typically requires over-excavation of the portal so that sufficient soil/rock remains between the top of the shaft and the existing ground surface. The excavations shall be plugged with concrete, as determined by the geotechnical engineer in the field, and backfilled with compacted fill as described above.
- d. All excavations shall be backfilled to eliminate potential physical hazards associated with open excavations. Shallow exploratory mining excavations (less than 15 feet deep) located within 100 feet of proposed building footprints or within 20 feet of structural improvements (e.g., roads and utilities) shall be over-excavated to competent material, as determined by the geotechnical engineer in the field. After loose soil and debris are removed, the excavations shall be backfilled with compacted fill as described above.

Timing: Prior to issuance of clearing, logging, and grubbing work and issuance of grading and improvement permits

Reporting: Agency approval of permits

Responsible Agency: Planning Department and Environmental Health Department

D. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. No roadways shall exceed 16 percent grade. If any roadways exceed this requirement the applicant shall apply for a Petition for Exception with the Planning Department.
2. The Fire District has adopted development fees for new construction and fees for services provided by the Fire Prevention Bureau. Fees for services provided by the Fire Prevention Bureau are based on an hourly rate. Fees for service provided by the Fire Prevention Bureau shall be paid at the time services are rendered. The Fire District's approval of this application is not valid until all plan review fees have been paid.
3. All meetings and inspections require a minimum of 48-hours advance request.
4. Prior to Final Map recordation, a note shall be placed on the Supplemental Data Sheet advising all future homeowners that "Maintenance of vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained fuel reduction zone by removing and clearing away all brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer. Such clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants, which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees."
5. All roads serving this project shall meet the minimum requirements of a Fire Standard Access Road. (The standards set forth in the Department of Public Works road improvement conditions of approval above meet this standard.) Additionally, a 10-foot wildland fire fuel modification area shall be provided on both sides of all roads. This area shall be maintained in a fire safe condition at all times, including removal of brush, 20-foot spacing between trees, and limbing of all tree branches to not less than 6 feet off the ground. Vertical clearance, over the driving surface, shall be not less than 15 feet. Certification of Compliance, by a licensed Civil Engineer shall be provided to Nevada County Consolidated Fire District prior to map recordation.
6. Emergency Water Supply (L-XVI 4.1). The project shall provide available and accessible emergency water for wildfire protection on SRA lands, in specified quantities and locations to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available.
7. Gates on Access Roads. The following standards shall be applicable to the gates associated with this project:
 - a. Gate entrances shall be at least two feet wider than the width of the traffic lanes serving the gate.

- b. All gates providing access from a road to a driveway or another road shall be located at least thirty (30) feet away from the primary road right-of-way or easement and shall open to allow a vehicle to stop without obstructing traffic on that primary road.
- c. All gates installed on emergency access roads are subject to the following provisions:
 - i. At no time shall a gate on an emergency access road be locked. Gates shall be unlocked upon formation of the PRD or prior to map recordation of Phase 1, whichever comes first.
 - ii. The following standard signage shall be required on all gates on emergency access roads: “Emergency Access Only. This Gate Shall Remain Unlocked.”
 - iii. Pursuant to the enforcement powers established by the Nevada County Land Use and Development Code Section L-XVII 8.3 and 8.4, the County, or an agent of the County, reserves the right to remove locks from gates or to remove other encumbrances, including but not limited to boulders, ditches, and berms, that inhibit the use of an emergency access road for its intended purpose.

E. NEVADA COUNTY BUILDING DEPARTMENT

- 1. **Implement the recommendations of a geotechnical evaluation for project grading and structural work (Mitigation Measure 6A):** Prior to issuance of grading permits and improvement plans, a final design-level geotechnical report shall be prepared by a licensed engineer and submitted to Nevada County and recommendations therein followed for all subsequent grading and structural work. The geotechnical investigation report shall include the recommendations provided in the Preliminary Geotechnical Report, or, if more site-specific design-level recommendations are applicable, shall provide updated and/or additional recommendations. The final report shall provide recommendations that ensure that fill soils are compacted to CBC standards and that any liquefiable and expansive soils, if present, are accounted for in the grading design and structural specifications for the site. The geotechnical investigation shall include the excavation of exploratory trenches and laboratory testing to determine the presence of potentially expansive soil and derive project specific mitigation approaches, if appropriate; evaluation of subsurface conditions in areas of proposed development and the potential for creep; and excavation of exploratory trenches along proposed road and utility trench alignments to allow observation of subsurface soil and rock conditions. Performance standards shall include the following: a) all grading and structural work shall meet the performance standards of applicable CBC regulations, b) construction methods shall be used which minimize risks to structures and do not increase the risk to the site, or to adjacent properties and their structures, from the geologic hazard; c) development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion; d) site planning shall minimize disruption of existing topography and vegetation; e) excavation and grading shall be minimized to the greatest extent practicable; and f) any limitations to site disturbance, such as clearing restrictions, imposed as a condition of development approval shall be marked in the field and approved by the county prior to undertaking the project. This mitigation shall be included as a note on the Supplemental Map prior to map recordation for all phases.

Timing: Prior to issuance of the grading and improvement permits, and map recordation

Reporting: Agency approval of permits and map recordation

Responsible Agency: Building Department and Department of Public Works

2. **Limit the grading season (Mitigation Measure 6B):** Grading plans shall include the time of year for construction activities. No grading shall occur after October 15 or before May 1 unless the Chief Building Inspector or his/her authorized agent determines project soil conditions to be adequate to accommodate construction activities. This mitigation shall be included as a note on the Supplemental Map prior to map recordation for all phases.

Timing: Prior to issuance of the grading and improvement permits, and map recordation

Reporting: Agency approval of permits and map recordation

Responsible Agency: Planning Department and Building Department

3. **Obtain appropriate Stormwater Permit and implement an Erosion and Sediment Control Plan (Mitigation Measure 6C):** Prior to issuance of grading permits or improvement plans for all project-related grading, including road construction and drainage improvements, the construction and grading permits shall comply with the applicable NPDES regulations.

- a. Grading plans shall include verification that an NPDES 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:

- i. 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.
- ii. Topsoil shall be removed and stockpiled for later reuse prior to excavation activities, if applicable. Topsoil shall be identified by the soil-revegetation specialist who will identify both extent and depth of the topsoil to be removed.
- iii. Stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas upon completion of grading. Revegetation shall consist of native seed mixes only. The primary objectives of the soil amendments and revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are aesthetically similar to the surrounding native forest ecosystem.
- iv. Geo-fabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization.

- b. For all work within water features and non-disturbance buffers to water features, the project applicant shall implement standard and additional Best Management Practices during and after work. Where these measures conflict or overlap with the standard or steep slope measures, the following measures shall take precedence. These measures shall be incorporated into the NPDES permit for the project site and shall include, but not be limited to the following:
- i. No Work within Flowing Water. At no time shall heavy equipment operate in flowing water.
 - ii. Limit Construction to the Dry Season, typically May 1 to October 15 of any given year. Construction shall be temporarily suspended prior to and during storm events, and equipment will be either shut down or be utilized for erosion control and temporary runoff control. For the purpose of this project, a "storm" is defined as any precipitation event that could or would cause runoff, and sedimentation from surfaces exposed by construction.
 - iii. Minimize the Number and Size of Work Areas in the vicinity of the embankment, stream, and any protected resources. Place staging areas, spoil areas, and other work areas a minimum of 50 feet from any onsite ephemeral stream, and 100 feet from any ponds. Field reconnaissance shall be conducted during the planning stage to identify work areas and clearly mark those areas on all final grading and construction drawings.
 - iv. Install Sediment Controls. Prior to the start of work, including any grading or vegetation removal, install silt fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils from entering the overflow channel or adjacent parcel. Silt fencing shall be installed well above the stream environment and extend beyond the construction zone, upstream and downstream. The use of standard straw is prohibited to avoid introduction of noxious weeds, such as star thistle. Periodic inspection of these devices shall be completed at least once each day during construction. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.
 - v. Minimize Soil and Vegetation Disturbance. Disruption of soils and native vegetation shall be minimized to limit potential erosion and downstream sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. If straw is used for mulch or for erosion control, use only certified weed-free straw or rice straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle and goat grass.
 - vi. Pollution Prevention.
 - Construction material storage areas containing hazardous or potentially toxic materials shall have an impermeable membrane between the ground and the

- hazardous material and be placed outside of the non-disturbance at 100 feet or greater.
- Good housekeeping practices, use of safer alternative products, such as biodegradable hydraulic fluids, shall be utilized where feasible.
 - The contractor shall exercise every reasonable precaution to protect the pond, overflow channel, and riparian vegetation from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. No slash or other debris shall be placed in or adjacent to the pond or overflow channel. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- vii. Employee Training. An employee training program shall be implemented. Employees shall be trained to prevent or reduce the discharge of pollutants from construction activities to waters and of the appropriate measures to take should spills occur.
- viii. Locate Refueling Areas Away from Water Bodies. Equipment or vehicle maintenance or refueling shall occur as far from the pond and overflow channel as possible. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or cat litter. For other hazardous materials, follow cleanup instructions on the package.
- ix. Provide Copies of Permit Conditions to Contractors. To ensure the proper and timely implementation of all permit conditions contained in this Management Plan, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these conditions and permit requirements to the contractors prior to grading and construction near the ESAs and adjacent non-disturbance buffers. All contractors must be completely familiar with the terms and conditions of all permits.
- x. Post-construction Erosion Control. Exposed bare soil along the stream embankment and including the non-disturbance buffers shall be protected against loss from erosion by the seeding of an erosion-control mixture and restored with a combination of native grasses, rice straw wattles, a mulch of native straw or certified weed-free straw, and a planting of native riparian species, or another option approved by CDFW or RWQCB. The restoration grass species chosen, which shall be a native erosion seed mix, shall include the criteria of tolerance to drought and nutrient-poor soils. Seeded banks shall be covered with mulch to accelerate plant growth. Non-native species that are known to invade wildlands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats shall not be used as these species displace native species.
- c. For all work within steep slope areas (≥ 30 percent), said permits and plans shall also incorporate, at a minimum, the following erosion and sediment control plan from the Steep Slope Management Plan prepared by Nevada City Engineering in March 2015.

Where these measures conflict or overlap with the standard measures, the following measures shall take precedence for disturbance in steep slope areas:

- i. Native vegetation removal shall be minimized. Disruption of soils and native vegetation shall be minimized to limit potential erosion and downstream sedimentation.
- ii. Erosion control seeding or permanent landscaping shall be applied to all disturbed soils within the work area prior to October 15 of the year, whether the project is complete or not. A native erosion seed mix shall be used that includes the criteria of tolerance to drought and nutrient-poor soils. Seeded slopes shall be covered with mulch to accelerate plant growth. Seed, fertilizer and mulch shall be applied between September 15 and October 15, with the later end of this range being preferable, if feasible, to increase germination success rates. Seed, fertilizer, and mulch shall be applied using broadcast methods. The above seed rates shall be increased by 25% on slopes greater than 2:1 if hydroseeding methods are used instead of broadcast methods.
- iii. Reseed areas as necessary to achieve full slope establishment.
- iv. The contractor shall have stockpiled onsite supplies of straw, siltation fencing, stakes, and any other facilities necessary to implement emergency or temporary erosion control measures, prior to any land disturbance.
- v. Monitoring of the new roadway slopes is required. Clean straw mulch shall remain available during the first season. Inspections shall be performed as required after construction to ensure that no rivulets or areas of concentrated storm flow and/or erosion begin to form. If such areas are noted, they shall be addressed and remedied as soon as possible on a case-by-case basis. Requirements are expected to be as simple as re-raking an area to eliminate a concentrated flow and re-applying straw or jute netting to eliminate reoccurrence. In the event of any untimely early season storm or infrequent inspections, required remedies may involve rock rip rap and/or additional efforts to arrest and redistribute the desired sheet flows.
- vi. Biodegradable jute netting or other supplemental soil stabilization techniques shall be used on steepened slope areas.

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 issuance of the grading improvement permits

Reporting: Agency approval of permits

Responsible Agency: Planning Department and Building Department

F. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Provide energy-efficient utilities (Mitigation Measure 3A):** Residential improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit. This mitigation shall be included as a note on the Supplemental Map prior to recordation of each project phase.
 - a. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
 - b. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
 - c. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

Timing: Prior to map recordation and prior to issuance of the residential building permits
Reporting: Agency approval of the Final Map recordation and building permits
Responsible Agency: Northern Sierra Air Quality Management District
2. **Limit wood stoves (Mitigation Measure 3B):** The project shall include no more than one wood-fired heat source in any residential unit, which may be a pellet stove or an EPA-certified wood stove, and open fireplaces shall not be permitted within this project. Each residence shall be equipped with a non-woodburning source of heat. This mitigation shall be included as a note on the Supplemental Map prior to recordation of each project phase and implemented prior to the issuance of residential building permits.

Timing: Prior to map recordation and prior to issuance of residential building permits
Reporting: Agency approval of the Final Map recordation and building permits
Responsible Agency: Northern Sierra Air Quality Management District
3. **Reduce emissions during construction (Mitigation Measure 3C):** The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as notes on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This mitigation shall be included as a note on the Supplemental Map prior to recordation of each project phase.
 - a. Alternatives to open burning of vegetative material shall be used to dispose of site-cleared vegetation. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
 - b. Grid power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction.
 - c. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).

- d. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
 - e. Construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
***Timing:** Prior to map recordation, and prior to issuance of grading, improvement, and building permits*
***Reporting:** Agency approval of the Final Map recordation and grading, improvement, and building permits*
***Responsible Agency:** Northern Sierra Air Quality Management District*
4. **Mitigate any asbestos discovered during construction (Mitigation Measure 3D):** If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the 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 the grading or improvement permits*
***Reporting:** Approval of grading or improvement permits*
***Responsible Agency:** Northern Sierra Air Quality Management District*
5. **Implement a Dust Control Plan (Mitigation Measure 3E):** A dust control plan must be submitted to and approved by the Air Pollution Control Officer before issuance of any improvement plans proposing disturbance of topsoil on the project. For the purpose of this regulation, the disturbance of topsoil includes any clearing, grubbing or grading. The Dust Control Plan requirement shall be fulfilled by clearly phrased and enforceable conditions included on the project grading and improvement plans with their own descriptive heading, such as "Dust Control." The following set of dust control measures would constitute an approvable Plan:
- a. The applicant (or other responsible party, which should be indicated) shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and 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. Watering shall occur at least twice daily in active areas during dry weather, including once before initial morning disturbance.

- c. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for minimizing dust emissions.
- d. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
- e. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent windblown dust from leaving the property boundary when winds are expected to exceed 20 mph.
- f. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying County-approved non-toxic soil stabilizers (according to manufacturers' specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
- g. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
- h. Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently if necessary to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
- i. Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.

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

Reporting: *Approval of grading or improvement permits*

Responsible Agency: *Northern Sierra Air Quality Management District*

G. NEVADA COUNTY AIRPORT LAND USE COMMISSION

- 1. **Dedicate an avigation easement to the Nevada County Airport (Mitigation Measure 8B):** Concurrent with recordation of Phase 2 of the Final Map, the applicant shall dedicate an avigation easement to the Nevada County Airport for Lots 5 and 6 that shall:
 - a. Provide the right of flight in the airspace above the property;
 - b. Allow the generation of noise and other impacts associated with aircraft overflight;
 - c. Restrict the height of structures, trees and other objects;
 - d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - e. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

Timing: *Concurrent with the recordation of Phase 2 of the Final Map*

Reporting: *Agency approval of Final Map recordation*

Responsible Agency: *Planning Department and Airport Land Use Commission*

2. **Record an overflight notice for all lots except Lots 5 and 6 (Mitigation Measure 8C):** Concurrent with recordation of Phases 1 and 2 of the Final Map, the applicant shall record an overflight notice for all lots except Lots 5 and 6, which shall have an avigation easement recorded as provided in Mitigation Measure 8B.
Timing: Concurrent with recordation of each phase of the Final Map
Reporting: Agency approval of Final Map recordation
Responsible Agency: Planning Department and Airport Land Use Commission
3. **Reduce interior noise levels in Airport Compatibility Zone B1 (Mitigation Measure 12A):** Prior to the construction of any habitable structures within Airport Compatibility Zone B1, the applicant shall provide acoustical data documenting that the structure will be designed to reduce noise reduction by 25 dB from exterior to interior within any habitable room. The projected noise contours depicted in Chapter 3, Exhibit 3-5 of the Airport Land Use Compatibility Plan shall be used in calculating compliance with these interior noise level criteria. The calculations shall assume that windows are closed. All proposed structures outside of Compatibility Zone B1 are presumed to meet the above requirements with no special added construction techniques.
Timing: Prior to issuance of building permits
Reporting: Agency approval of permits
Responsible Agency: Planning Department and Airport Land Use Commission

H. NEVADA IRRIGATION DISTRICT

1. Prior to final approval of improvement plans, the applicant shall provide easements, insured by a title company, for all proposed District facilities. Onsite easements can be provided on the subdivision map, but recordation will be required before facilities within the subdivision can be conveyed to the District. Existing easements shall be shown on the final map. Any offsite easements must be obtained separately, prior to final District approval of the improvement plans.

I. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Game Code, a fee in the amount of \$2,210.25 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 10 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; it is not for County purposes.

The Planning Commission considered the initial study and found that the project, with the approved mitigation measures and conditions imposed, will not have a significant effect on the environment.

Pursuant to the provisions of the Subdivision Map Act of the State of California, Government Code, you are hereby notified that the action of the Planning Commission is 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., March 21, 2016).

NEVADA COUNTY PLANNING COMMISSION

Brian Foss Ex-Officio Secretary

By: _____
Tine Mathiasen
Clerk to the Planning Commission

cc: Fred Sacher, Jr.

Enc.

cc: Department of Public Works
Environmental Health Department
Nevada County Consolidated Fire District
Nevada County Building Department
Northern Sierra Air Quality Management District
Nevada County Airport Land Use Commission
Nevada Irrigation District
California Department of Fish and Wildlife

PROOF OF SERVICE BY MAIL

(Code of Civil Procedure Sections 1013a and 2015.5)

I am a resident of the United States and of the State of California, County of Nevada; I am over the age of eighteen years and not a party to the within action; my business address is:

ERIC ROOD ADMINISTRATIVE CENTER
950 Maidu Avenue Nevada City, California 95959-8617

I am readily familiar with the Nevada County Planning Department's business practice for the collection and processing of correspondence for mailing with the United States Postal Service. The within documents will be deposited with the United States Mail on March 16, 2016, in the ordinary course of business.

The name(s) and address(s) of the person(s) served as shown on the envelope(s) are as follows:

Andy R. Cassano
Nevada City Engineering
505 Coyote Street, Suite B
Nevada City, CA 95959

Fred Sacher, Jr.
11935 Norman Lane
Auburn, CA 95603

The foregoing person(s) were served with approval letter, File #EIS14-010, FM14-002, MGT14-007, MGT14-008 and MGT15-011 by placing same for collection and mailing on March 16, 2016, at Nevada City, California, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 16, 2016, at Nevada City, California.

Signature