



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

August 11, 2017

**NOTICE OF CONDITIONAL APPROVAL
DEVELOPMENT PERMIT**

Kevin Nelson
Nelson Engineering
18881 Wildflower Drive
Penn Valley, CA 95946

File No: PLN16-0072; DVP16-8; EIS16-0002
APN: 06-920-10

At the regular meeting of August 10, 2017, the Nevada County Planning Commission approved the above referenced Development Permit (PLN16-0072; DVP16-8; EIS16-0002) for the construction and operation of a propane business on property located at 13145 Loma Rica Drive in Grass Valley (APN 06-920-10), subject to the following mitigation measures and conditions:

Conditions of Approval and Mitigation Measures

A. PLANNING DEPARTMENT

1. Development Permit DVP16-8 authorizes the construction and operation of a 2,000-square foot office, 2,016-square foot warehouse, and 2,500-square foot outdoor storage area with two 30,000-gallon propane tanks for a propane business within a 2.3-acre lot. The office and warehouse would each have a dark green seamed metal roof, brown plank lap siding, and corrugated metal wainscoting. The proposed office height is approximately 17 feet high and the warehouse height will not exceed 23 feet. Seventeen public and employee parking spaces will be provided, ten in front of the business and seven in the rear. Two ADA accessible spaces and a van/car pool space are included. An eight-foot tall solid wall is proposed to screen the service vehicle parking area from residences to the north and east. Five 15-foot light poles are proposed. Two poles will be located at the corners of the front parking area and three in the rear. All light fixture will be downward directed and shielded to prevent light from spilling offsite. A 14-square foot monument sign is proposed at the entrance. Approximately 6,000 cubic yards of material will be excavated and used as fill onsite. The project proposes to cover a third of the parcel with impervious surfaces comprised of the buildings, pavement, curbs, walkways, and gravel. The remainder of the parcel will consist of landscaping (20%) and open space (47%).
2. Approval of this Permit supersedes any prior entitlements.

3. Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this Development Permit is not valid until the expiration of the ten (10) day appeal period from the date of the Planning Commission's final action on the project.
4. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Development Permit and adoption of the Mitigated Negative Declaration (PLN16-0072, DVP16-8, EIS16-0002) (i.e. Final Project Action), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.
5. All associated improvements, including parking areas, lighting and landscaping shall be constructed in substantial conformance with the approved plans.
6. The design of the building including architectural features, materials and colors shall be in substantial conformance with the approved design, including brown plank lap siding, a dark green seamed metal roof, and corrugated metal wainscoting. The approved project shall be consistent with the final stamped set of plans which contain the site plan and associated pages. The final plans and color renderings shall be kept on file with the Planning Department.
7. Prior to final occupancy, a final set of plans shall be submitted to the Planning Department for review and inspection purposes. Additionally, the applicant shall contact the Planning Department for a final inspection to verify that all conditions, mitigations measures, and ordinance requirements have been satisfied. Fees for such inspections shall be applicable at the time of request.
8. Lighting included in this approval to be as shown in the proposed plans, subject to and in conformance with Land Use and Development Code Section L-II 4.2.8. High pressure sodium, and mercury vapor light fixtures are prohibited, and flood lights and spot lights are prohibited. All proposed exterior lighting shall be shown on building plans. The standards used for the exterior lighting within the parking lot and outdoor areas shall be limited to no more than 15 feet in height. All new exterior lighting shall be screened and directed downward to prevent off-site spill and night sky pollution. The use of motion or heat sensors may provide greater Security than continuous lighting and are the preferred alternative to continuous nighttime lighting. Lighting fixtures and location shall conform to Land Use and Development Code Section L-II 4.2.8. All exterior lighting shall be maintained as approved and installed.
9. The project signage shall be maintained consistent with the preliminary sign plan and with Section L-II 4.2.12 of the Land Use and Development Code. This approval is for one monument sign that shall be placed outside of the site distance triangle at the project entrance and Loma Rica Drive. The monument sign will not exceed 25 square feet and be

placed on a natural rock base. Reference the approved design kept on file with the Planning Department.

10. The parking area shall be maintained consistent with the preliminary site plan. Parking areas shall be constructed in accordance with the design standards of Section L-II 4.2.9 of the Land Use and Development Code, including surfacing, curbing, slope, drainage, backout area, driveway/aisle widths, and parking stall sizes. A minimum of 17 parking spaces, including required ADA accessible parking and a van pool space, shall be provided in substantial conformance with approved site plans and maintained for the life of the project.
11. The landscape plan shall replace four of the proposed deciduous trees along Loma Rica Drive and all the deciduous trees along the east boundary line with 15-gallon cedar trees.
12. The landscaping plan shall be maintained consistent with the preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
 - a. All details depicted on the preliminary plans (including the substitution of native and drought tolerant species for non-native, water-demanding species) and any modifications included by these conditions of approval; and
 - b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and;
 - c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
 - d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and
 - e. A note that “All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials.”

Prior to final occupancy of each building on the project site, the landscape architect/property owner shall verify that all plant materials have been installed for said building and parking area(s) pursuant to the approved plan.

13. **Minimize Construction Equipment Idling (Mitigation Measure 3B).** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on the grading and improvement plans: “During construction, the

contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

Timing: *Prior to issuance of the grading permits/During construction*

Reporting: *Planning Department approval of grading permits/Complaint driven*

Monitoring: *Building Department inspections/Public complaints*

Responsible Agencies: *Planning and Building Department, Code Compliance Division*

14. **Avoid impacts to nesting raptors and migratory birds (Mitigation Measure 4A).** If construction occurs between February 1 and August 31, pre-construction surveys for nesting raptors and migratory birds shall be conducted pursuant to California Department of Fish and Wildlife requirements and according to the Migratory Bird Treaty Act. These surveys should be accomplished within **7 days** prior to commencement of grading activities. If a legally-protected species nest is located in a tree for removal, the removal shall be deferred until after August 31 or until the adults and young are no longer dependent on the nest, as determined by a qualified biologist.

If any active nests are located onsite, an appropriate no disturbance buffer zone shall be established around the nests, as determined by the qualified biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of the breeding season or until the young have successfully fledged. Buffer zones are 100 feet for migratory bird nests and 250 feet for raptor nests. If active nests are found in areas of work, a qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist may reduce the buffer depending on the species and daily monitoring is required to ensure that the nest is not disturbed and no forced fledging occurs. Daily monitoring shall occur until the qualified biologist determines that the nest is no longer occupied.

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

Reporting: *Approval of the grading and improvement permits*

Responsible Agency: *Nevada County Planning Department*

15. **Halt work and contact the appropriate agencies if cultural resources are discovered during project construction (Mitigation Measure 5A).** All equipment operators and employees involved in any form of ground disturbance 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 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.

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

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

16. **Incorporate noise attenuation features to buffer neighboring residences (Mitigation Measure 12A).** Prior to approval of grading or building permits, the project shall incorporate design controls that assist in minimizing potential long-term operational noise impacts on the adjacent residence to the east and south. Sound protection features shall include an eight-foot wall of CMU block or the equivalent sound dampening material. The final design shall be reviewed and approved by the Nevada County Planning Department, and if deemed necessary by the Planning Department, shall be reviewed for noise attenuation by a qualified noise specialist to ensure that noise will remain within levels allowable by the Nevada County Land Use and Development Code.

Timing: *Prior to issuance of the grading permits or building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

17. **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 - Friday. 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*

18. **Appropriately dispose of vegetative and toxic waste (Mitigation Measure 18A).** 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 the grading permits or improvement plans*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

19. Prior to Final Occupancy, applicant shall extend the screening fence to fully enclose the developed area including the outdoor storage area, propane tanks, and rear turn-around and parking areas. The fence shall be clearly shown on the Site Plan to ensure compliance with this condition.

20. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department a defense and indemnity agreement, in a form approved by County Counsel. No further permits or approvals shall be issued for the project, including

without limitation improvement plans, a grading permit or building permit, unless and until the applicant has fully complied with this condition.

B. BUILDING DEPARTMENT

1. Complete grading, erosion control, construction and utility plans shall be submitted for review at time of building/grading permit submittal in conformance with Nevada County Land Use Code Chapter V.
2. Two sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittal. A review letter from the geotechnical engineer shall also be provided stating they have reviewed the foundation plan and it is in the conformance with their geotechnical design.
3. All plans shall be designed and wet stamped/signed by a California Licensed Design professional (Architect and/or Engineer)
4. All exterior doors shall be accessible and be on an accessible route leading to accessible parking and/or a public way unless except per CBC 11B-206.4.1.
5. An accessible route of travel shall be provided from the building entrance and parking stall to the outdoor storage area. An accessible route of travel shall also be provided to the public way.
6. Driveway improvements shall be designed to accommodate future sidewalk, curb, and gutter construction. This requirement shall be reflected on improvement plans and reviewed and approved by the Nevada County Planning and Public Works Departments.
7. A complete code analysis shall be provided for the building showing allowable area, height, fire protection components, non-separated/separated uses, etc.
8. Completion of the County of Nevada Special Inspection Agreement will be required at the time of the building permit submittal for all required special inspections.
9. The building/improvements shall comply with all energy requirements (lighting, mechanical, envelope, etc.) per the 2013 California Energy Code. Applicable registered energy compliance documentation shall be provided at the time of the building permit submittal.
10. Firewalls shall be constructed for exterior walls located in proximity to property lines based on the building occupancy, construction type and location on property per the 2014 CBC (east wall will be required to be a firewall with a rating depending on the use and occupancy of the building).

11. Information will need to be provided on the plans indicating the type and amount of hazardous, flammable and explosive materials, gasses and liquids to determine what will be required per the 2013 CBC and CFC.
12. A complete plumbing fixture analysis per the 2013 California Plumbing Code shall be required for the minimum number of required bathrooms and plumbing fixtures.
13. Emergency egress shall be in compliance with the 2013 CBC Chapter 10 for allowable travel distances for one exit and minimum number of exits depending upon the total occupant load.
14. Any racking or shelving over 54” in height shall be included as part of the building plans and structural calculations shall be provided showing how they will be seismically secured.
15. All landscape and irrigation shall be in compliance with the 2013 CGBSC. Show all required information as part of the plans including, but not limited to irrigation controllers, sensors, types of equipment, metering, etc.
16. The electrical plans shall clearly indicate how the electrical will be in compliance with 2013 CEC Article 500 for hazardous locations.
17. A hot work program permit shall be obtained from the local fire department prior to final building certificate of occupancy.
18. Clearly show throughout the plans how the building and site will be in compliance with 2013 CFC Chapter 35 for Welding and Hot Work Operations.
19. **Prepare a final soils or geotechnical report for final grading and structural work (Mitigation 6A).** Prior to issuance of grading permits and improvement plans, a final soils or geotechnical report shall be prepared a licensed engineer and submitted to the Nevada County Building Department, and recommendations therein followed for all subsequent grading and structural work.
Timing: Prior to issuance of the grading permits and improvement plans
Reporting: Agency approval of permits or plans
Responsible Agency: Building Department
20. **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.
Timing: Prior to issuance of the grading permits or improvement plans
Reporting: Agency approval of permits or plans
Responsible Agency: Building Department

21. **Prepare 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, said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

1. During construction, Best Management Practices (BMPs) for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. This SWPPP includes the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.
2. If applicable, topsoil shall be removed and stockpiled for later reuse prior to excavation activities. Topsoil shall be identified by the soil-revegetation specialist who will identify both extent and depth of the topsoil to be removed.
3. Upon completion of grading, stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. 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.
4. Geo-fabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization.

Timing: Prior to issuance of the grading permits or improvement plans

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Building Department

22. **Comply with energy efficiency standards (Mitigation 7A).** Prior to issuance of grading and building permits, the design of the project shall comply with the following standards:

1. Orient buildings to take advantage of solar access for passive lighting, heating, and cooling options.
2. Permanent installed lighting is high efficiency and has required controls.
3. Incorporate daylighting and proper placement of high efficiency, low emissivity windows and skylights to take advantage of natural light.
4. Utilize energy efficient appliances, including the highest efficiency water heaters and incorporate solar water heaters where appropriate.
5. Use renewable energy technologies where cost effective.
6. Specify energy efficient mechanical systems and energy management control systems for heating, cooling, and ventilation systems.

Timing: Prior to issuance of grading and building permits

Reporting: Approval of grading and improvement permits

Responsible Agency: Building Department

C. DEPARTMENT OF PUBLIC WORKS

1. Prior to building permit issuance, the applicant shall pay all applicable traffic impact fees

2. Prior to issuing a building permit, the applicant shall prepare a drainage report. The report shall document the net increase in impervious surface and ensure that the project is adequately accounting for increased stormwater runoff and that the net runoff is equal to or less than pre-existing conditions based on calculations of the 10 and 100-year event.
3. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit and construct a commercial approach in accordance with Land Use Development Standards, Drawing No. B-4. Approach width shall be designed to accommodate truck turning movement for trucks and oversized vehicles. Landscape and existing trees shall be designed and trimmed to assure proper sight distance.
4. Improvement plans shall include an oil/water separator in the proposed storm drainage system. The separator shall be installed prior to plan approval.

D. ENVIRONMENTAL HEALTH DEPARTMENT

1. Prior to building permit issuance, apply for and receive approval of a permit to install an onsite sewage disposal system. The sewer system shall be designed to connect to a public system in future. This requirement shall be reflected on improvement plans and reviewed and approved by the Environmental Health and Public Works Departments.
2. Prior to approval for occupancy, obtain final approval for the sewage disposal system.
3. Prior to approval for occupancy, submit proof of service from the Nevada Irrigation District.
4. Prior to approval for occupancy, provide an acceptable inventory statement of materials considered hazardous or of concern for health and safety, that are to be used, stored or generated specific to the proposed facility activities.
5. Prior to approval for occupancy, provide adequate construction, number and size of solid waste receptacles. Provide at least weekly solid waste removal services.

E. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. Fire flow requirements for each building is a minimum 1,500 gallons per minute. Two fire hydrants will be required to meet this flow. The fire hydrant located at the driveway entrance will meet the requirement for one of the hydrants. If there is another public fire located within 500 feet of the project and there is clear access, that fire hydrant may be considered. If not, an onsite fire hydrant may be required. This item needs to be coordinated with the Fire District along with the County Fire Marshall.
2. The applicant shall provide in writing information from the Nevada Irrigation District listing the available fire flow in the area. A copy of this letter shall be submitted to the Fire District for review and approval.

3. Installation of the large tanks shall meet the requirements of NFPA 58 and the California Fire Code.
4. Prior to issuance of a building permit, applicant shall submit a Fire Protection Plan in compliance with LUDC Section L-II 4.3.18.C.4 to be approved by the Nevada County Consolidated Fire District and the County Fire Protection Planner. The approved original shall be kept on file at the County Planning Department and an approved copy shall be provided to and kept on file with NCCFD.
5. The Fire District has adopted development fees for new construction and fees for services provided by the Fire Prevention Bureau. 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.

F. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Implement dust control measures (Mitigation Measure 3A).** Prior to the approval of any grading and building permits, to reduce impacts of short-term construction, all future development permits shall comply with the following standards to the satisfaction of the NSAQMD, which shall be noted on all construction plans:
 - a. Alternatives to open burning of vegetation material on the project site shall be used by the project applicant unless deemed infeasible to the Air Pollution Control Officer (APCO). Among suitable alternatives is chipping, mulching, or conversion to biomass fuel.
 - b. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
 - c. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
 - d. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
 - e. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - f. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
 - g. All inactive disturbed 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 non-toxic soil stabilizers to all inactive construction areas.
 - h. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
 - i. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

- j. If serpentine or ultramafic rock is discovered during grading or construction the District must be notified no later than the next business day and the California Code of Regulations, Title 17, Section 9315 applies.

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

Reporting: *Approval of the grading permit or improvement plans*

Responsible Agency: *Northern Sierra Air Quality Management District*

2. **Reporting of Potential Air Polluting Processes and Substances.** Prior to approval for occupancy, the applicant shall contact the Northern Sierra Air Quality Management District regarding the possible need for an Authority to Construct/Permit to Operate and provide a description of the manufacturing processes and any potential air pollution sources. Applicant shall provide documentation to the Nevada County Planning Department that NSAQMD permits have been obtained or are not required.

G. 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 \$2,216.25 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.

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. on August 21, 2017).

Please find enclosed a Defense and Indemnification Agreement. Please sign this form and return within 15 days of project approval.

NEVADA COUNTY PLANNING COMMISSION
BRIAN FOSS, EX-OFFICIO SECRETARY

By: _____
Tine Mathiasen
Clerk to the Planning Commission

cc: Northern Sierra Propane Company
Kirk Koslin

Northern Sierra Propane Approval (PLN16-0072; DVP16-8; EIS16-0002)
August 11, 2017

enc: Defense and Indemnification Agreement

cc: Building Department
Department of Public Works
Environmental Health Department
Nevada County Consolidated Fire District
Northern Sierra Air Quality Management District