RESOLUTION NO. 15-111

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE OAK TREE MANAGEMENT PLAN (MGT14-003) AND THE USE PERMIT (U13-008) TO ALLOW FOR THE EXPANSION OF EXISTING FOREST SPRINGS MOBILEHOME PARK COMMUNITY BY 62-UNITS ON A 21.62-ACRE PORTION OF ASSESSOR'S PARCEL 23-230-23

WHEREAS, Forest Springs, LLC. has elected to pursue a General Plan Amendment (GP13-004) in connection with a site specific rezone (Z13-006), Oak Tree Management Plan (MGT14-003), and Use Permit (U13-008) to facilitate future Mobilehome Park and open space uses on the Site; and

WHEREAS, the proposed Use Permit was submitted to the State Clearinghouse, Nevada County DPW-Roads and Sanitation and Transit Services, Nevada County Department of Environmental Health, Nevada County County Counsel, Nevada County Sheriff's Department, Local Area Formation Commission, Nevada Irrigation District, Nevada County Consolidated Fire Protection District, Nevada County Office of the Fire Marshal, Northern Sierra Air Quality Management District, Department of Fish and Wildlife, Central Valley Water Quality Control Board, Rural Quality Coalition, CalTrans, United Auburn Indian Community of the Auburn Rancheria, Native American Heritage Commission, the County Supervisors of District II and III, the Planning Commissioners, and owners of property within 300 feet of the project site, as public notice of the proposed action was sent to the applicable local school districts; and

WHEREAS, an Oak Tree Management Plan has been prepared that accompanies the proposed Use Permit in accordance with Section L-II 4.3.3.C of the Land Use and Development Code to mitigate potential biological impacts to a 5-acre Landmark Oak Grove and two Landmark Oak Trees as a result of this project (Exhibit A); and

WHEREAS, the County has prepared a project specific Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (EIS13-017) and circulated it for a 30-day public comment period from September 8, 2014 to October 8, 2014, which was revised and recirulcated for public comment between January 6, 2015 to February 7, 2015; and

WHEREAS, on October 23, 2014, the Planning Commission held a duly noticed public hearing on the proposed General Plan Land Use Map designation amendment (GP13-004), site specific rezone (Z13-006), Oak Tree Management Plan (MGT14-003), and Use Permit (U13-008) (collectively "Project") in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and continued the consideration of the project at the request of the Planning Department to allow the reconsideration of the project's proposed density transfer and for additional information on the project's storm drainage design and an inventory of oaks to be removed for the construction of the drainage swale; and

WHEREAS, on February 12, 2015, the Planning Commission held a duly noticed public hearing on the proposed project, as revised; and

WHEREAS, after reviewing and considering the proposed Project, the Planning Commission recommended by a 5-0 vote that the Board of Supervisors approve the proposed Resolution approving the Management Plan and the Use Permit for a 62-unit age-restrict (55 and over) Mobilehome Park which will expand the existing Forest Springs Mobilehome Community at this site; and

WHEREAS, the Nevada County Board of Supervisors on March 10, 2015 held a duly noticed public hearing on the proposed Project; and

WHEREAS, separate Resolutions of the Board of Supervisors approved the Project's Mitigated Negative Declaration (EIS13-017), General Plan Amendment (GP13-004), and a separate Ordinance of the Board of Supervisors adopted site specific rezoning associated with the Project (Z13-006); and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed use permit, all information and evidence submitted in favor and against the proposed Use Permit, and the complete record before it, has determined that a Use Permit is now approved to allow for the development of the site as a Mobilehome Park subject to the Conditions of Approval and Mitigation Measures provided within Exhibit B, attached herein and made a part of the project action.

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

A. That the project is consistent with the Goals and Policies of the Nevada County General Plan, and specifically with the General Plan Land Use Maps, including the Residential land use designation;

B. That the proposed Mobilehome Park is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the Multi-Family Medium Density District, and the Mobilehome Parks and Planning Development Combining Districts, which this project site located;

C. That the proposed Management Plan (MGT14-003) (Exhibit A) will provide for adequate protection of the 5-acre Landmark Oak Grove, including provisions for replanting lost oak trees;

C. That the design of the proposed Mobilehome Park meets all required setbacks, parking, open space and other development standards required by Chapter II of the Nevada County Land Use and Development Code;

D. That the proposed Mobilehome Park is consistent with the intent and design goals, which will ensure the future project will be compatible with both the surrounding areas;

E. That the 21.62-acre project site, which is a portion of the 116-acre Assessor's Parcel (APN 23-230-23), is adequate in size and shape to accommodate the proposed Mobilehome Park expansion, without compromising the Nevada County site development standards;

F. That adequate public services exist within the project area and are available to serve the project, including treated public water from the Nevada Irrigation District, and adequate onsite small-community wastewater disposal systems that are permitted through the Waste Discharge Requirements program which is administered by the Central Valley Regional Water Quality Control Board;

H. That the proposed Mobilehome Park will not adversely impact La Barr Meadows Road and State Route 49, which are not required to be improved, and will be adequate in width and pavement type to carry the quantity and kinds of traffic generated by this use;

I. That adequate public services exist within the project area and are available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare;

J. That all feasible mitigation measures and Condition of Approval (Exhibit B) have been imposed upon the project to offset the impacts this project may have on aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and utilities and service systems and the applicant has agreed with those measures; and

K That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, the Office of the Fire Marshal, and the Nevada County Consolidated Fire District, Central Valley Regional Water Quality Control Board, Department of Fish and Wildlife, and the Nevada Irrigation District, adequate public services exist in the immediate area to support the project including adequate roads, fire flow, wastewater disposal, protection of biological resources, domestic water service; and

L. That the conditions listed are the minimum necessary to protect the public health, safety and general welfare.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby approve a the Oak Tree Management Plan (MGT14-003) and the Use Permit (U13-008) for APN 23-230-23 that will allow for the development of a Mobilehome Park to expand the existing Forest Springs Mobilehome Park Community by 62 age-restricted (55 and over) units.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of March, 2015, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Interim Clerk of the Board of Supervisors

By: Julie Patterson Hunter

Edward C. Scofield, Chair

3/10/2015 cc: Planning*
NCE
FSLLC

Exhibit A

MANAGEMENT PLAN FOR THE FOREST SPRINGS MOBILEHOME COMMUNITY PHASE IV APNs 23-250-72, 23-280-13, and 23-280-12; ± 23 ACRES GRASS VALLEY, CALIFORNIA

March 5, 2014

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TABLE OF CONTENTS

APPENDICES

SITE INFORMATION

Site Name: Forest Springs Mobilehome Community
APNS: 23-250-72, 23-280-13, and 23-280-12
Location: northwest 1/4 of Section 12, Township 15 North, Range 7 East, MDM on the Grass Valley USGS topographic map

INTRODUCTION

This Management Plan contains recommendations for avoiding and minimizing impacts to a landmark oak grove and for the removal of two landmark black oak (*Quercus kelloggii*) trees (greater than 36 inches diameter at breast height) that were found on the site. A feasible design plan could not be devised that achieved project objectives and requirements yet incorporated these trees into the planned Phase IV development of the Forest Springs Mobilehome Community. Nevada County Land Use and Development Code (Chapter II Zoning Regulations, Section L-II 4.3.15C.2 & 3) states: "Projects shall be approved only when they do not remove or disturb landmark oak trees (*Quercus* sp. greater than 36" DBH), or landmark oak groves (groves with 33% or greater canopy cover). A Management Plan shall be prepared to evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals as follows:

> CEQA - Public Resources Code Section 21083.4: Oak Woodland Mitigation. Counties determine if a project could result in significant conversion of oak woodlands. Mitigation options include, but are not limited to:
> 1. Conserving oaks through conservation easements
> 2. Planting and maintaining an appropriate number of trees (either on-site or by restoring former oak woodlands); tree planting limited to half the mitigation requirement
> 3. Contribute funds to Oak Woodland Conservation Fund for the purpose of purchasing conservation easement.

For these reasons, the goal for the lost value of the two landmark oak trees is for this project to restore a ±5 acre Landmark Oak Grove to an overall high value woodlands and to implement fire protection measures for the safety of the surrounding community. This report fulfills the requirements of the policies and ordinances for oak resource protection contained in the Nevada County zoning ordinances.

ENVIRONMENTAL SETTING

The study area is situated on a dry, mostly flat terrain located in the Sierra Nevada foothills in the south portion of Nevada County. This area of the county exhibits both oak woodlands and low-elevation montane forest. There is an area of approximately ± 8.27-acres on site with a south-slope orientation that is mostly composed of black oak trees. The other ± 15 acres on the site are composed mostly of lower elevation conifers including Ponderosa pine, sugar pine, and some incense cedar and Douglas fir. The shrub layer is mostly an impermeable layer of manzanita chaparral, interspersed with non-native grasses, poison oak, invasive Scotch broom, downed wood and other debris. There were very few native forbs to speak of throughout the proposed subdivision.

The parcels that make up the Phase IV addition have not been managed for many years, if ever, once they were initially logged. Coniferous trees can maintain a healthy forest even with trees in close proximity to each other and growing to 60 to 100 feet high. However, oaks do not fare as well, and these parcels are evidence of poorly maintained woodlands. For example, the understory is either littered with broken tree limbs or heavily infested with manzanita and Scotch broom, scattered under the woodlands. The infestation of these plants and the lack of routine maintenance over the years has resulted in poor overall woodland health coupled with a very high fire risk.

Landmark oak groves (with hardwood canopy coverage >33 percent) occur along the south sloping parcel. This ± 8.27 acre site is considered a Landmark Oak Grove due to its tree canopy which measures as greater than 33 percent canopy closure throughout most of the stand. The average tree trunk measures 12 - 16 inches diameter at breast height (DBH). There is a moderate amount of regeneration of black oaks found throughout this woodland. It is also considered a closed stand, evidenced by the fact that the tree crowns are narrow and slender with rather spindly branches. This is typical of stands where a dense canopy is formed by small to medium diameter trees with relatively low diversity of other plants, and it provides only limited special wildlife values.

However, long-term conservation within the area designated as Open Space would increase the woodlands' overall health and likewise would reduce the level of on-site fuels This would be accomplished by selective cutting of some woody vegetation, including certain of the smaller trees (but not all, to ensure long-term sustainability of the woodland from recruitment of new trees), and reduction of fine-caliber ground fuel loads.

METHODS

An oak assessment field survey was conducted in October 2013 and multiple site visits have been conducted since that time. This survey is based on the tentative and February 2014 revised maps prepared by Nevada City Engineering, Inc. The original map is an aerial map

overlaid with the site plan. The entire site was walked using a GRS densitometer to determine the areas where there was oak canopy coverage greater than thirty-three percent. Particular attention was paid to those sites designated for construction and fire prevention safety.

SUMMARY

This Management Plan was developed to specify mitigation actions for direct impacts to the two-landmark oak trees and to restore and improve the 5-acre landmark oak grove site. This Management Plan was prepared in conjunction with the biological inventory report for the same site; see that report for a more detailed description of the on-site resources.

Landmark oak groves (with hardwood canopy coverage >33 percent) occur along the south sloping parcel. This ± 8.27 acre site is considered a Landmark Oak Grove due to its tree canopy which measures as greater than 33 percent canopy closure throughout most of the stand. The average tree trunk measures 12 - 16 inches diameter at breast height (DBH). There is a moderate amount of regeneration of black oaks found throughout this woodland. It is also considered a closed stand, evidenced by the fact that the tree crowns are narrow and slender with rather spindly branches. These conditions are often found in situations with a dense canopy formed by small to medium diameter trees with relatively low diversity of other plants, and as noted, they provide only limited special wildlife values.

Required mitigation measures will include thinning in the the south sloping area (Landmark Oak Grove), especially the smaller diameter trees, and removal of the understory debris to promote the health of the woodlands and for fire protection. The acreage comprising the Landmark Oak Grove will be designated as "Open Space" upon completion of the project. An earthen drainage swale, ± 0.85 acre will be constructed using onsite native soils in the north portion of the area designated as open space to collect excess storm water, allowing the water to percolate through the soil profile. In addition, it is expected that the local Fire District's conditions of approval will require that the area be maintained in a fire safe manner. These brush clearing requirements, along with tree thinning as recommended above, will not only provide overall health benefits to the woodland, but also will greatly improve fire safety for the larger nearby community. These provisions will reduce the likelihood that any future wildfire will cause a fire hazard to the community or cause lasting damage to the high-canopy-coverage oak woodlands.

IMPACT ASSESSMENT

The removal of the two landmark oak trees and the construction of the detention pond within the open space area will require mitigation. Instead of planting additional black oak trees, especially on the site of a mobilehome community, a more practical mitigation measure would be to thin and clear the understory of the area considered a Landmark Oak Grove, which will be designated as Open Space within the project. This will not only lower the fire risk, but will also

provide overall a more healthy oak woodland environment. After the initial management of the oak woodlands, ongoing maintenance should be required on an as needed basis for continued fuels management, including ongoing selective cutting of some woody vegetation, in particular certain of the smaller tree saplings (but not all, to ensure long-term sustainability of the woodland from recruitment of new trees), and reduction of fine-caliber ground fuel loads.

The detention swale will impact about 0.85 acres of mixed conifer interspersed with some black oak. Once the swale is completed, the swale embankment will be re-seeded and/or planted with native shrubs, grasses and forbs that already exist on site or within the Sierra Nevada Foothills; refer to Appendix A for a site map of the mitigation area and Appendix B for a complete list of recommended native vegetation for reseeding/replanting of the area designated as "Open Space".

DISCUSSION AND MITIGATION

The project design has been adjusted to minimize direct or indirect impacts on the landmark oak grove, but the project will result in construction within the limits of the two-landmark oak trees. In accordance with Nevada County Zoning Ordinance requirements, if it is impossible for the project design to avoid landmark oak groves or trees, or if avoidance would make it impossible to achieve a more important environmental protection goal or requirement, then the project may be approved and constructed if a Management Plan is prepared, approved and implemented.

In this case, the project design has been altered to cluster development in the central part of the site, thus impacting the two landmark oak trees, rather than spreading it out and extending into the south facing slope of the site, an area that has the potential of becoming a high value oak woodlands with care and maintenance. The mitigation measures recommended herein provide mitigation for both direct and indirect impacts on the landmark oak grove habitat, and they will reduce those impacts to a less-than-significant level.

Mitigation measures recommended herein will reduce both direct and indirect impacts on the landmark oak grove (designated as Open Space) habitat to less than significant. This will be accomplished by opening-up the canopy, removing the weaker scraggly trees, reducing lower-story fuels, and removing most of the understory, which is almost exclusively composed of Scotch broom. These simple measures will help to transform the oak woodland from low quality to a higher value woodland habitat.

Overall Health and Fire Safety within the Landmark Oak Grove

Implementation of the following habitat management actions will minimize the likelihood that wildfire will completely destroy the protected oak grove and preclude rapid natural regeneration. The purpose of active management (fuel reduction) is to reduce

ground-level, understory, and lower canopy fuels sufficiently that the intensity of an inevitable wildfire is sufficiently reduced that the post-fire regeneration is relatively rapid. This shall be achieved without removal of all smaller trees, which would prevent recruitment of new trees to the canopy and would ultimately eliminate the desired values for which the area is being preserved.

- Remove much of the ground fuel loads, especially medium-caliber material, but preserve a limited number of downed logs as habitat elements and retain sufficient quantities of the finest caliber twigs and leaves to maintain the health of the duff layer.
- Ladder fuels reduction is necessary to minimize the intensity of a wildfire, but also retain a sufficient number of saplings in various size/age classes so as to preserve the long-term ecological regeneration of the oak canopy. Thinning of lower-canopy or understory fuels should be undertaken in rotating patches so that all stages of succession and vegetation structure are represented somewhere in the area at all times.
- Preserve all large snags and trees with flaws and cavities, which provide both a basis for the invertebrate food chain, upon which native vertebrate wildlife depends, and the nesting sites for many such species.
- If fuel breaks are required then they shall be designed so that they do not become sources of invasive weed seeds and so that they retain sufficient soil structure (high capacity for infiltration) to minimize the potential for erosion. Ideally, fuel breaks shall be greatly thinned woodland areas rather than completely cleared strips of grassland.

Recommend Procedure for Pruning of Oak Trees

Required pruning of oaks for fire safety and clearance should be done only during the winter dormant seasons. Limbs larger than two inches should be cut in three steps to avoid tearing the bark, damaging the trunk, or splitting the branch. The first cut should be made on the underside of the branch 1 to 2 feet from the crotch, cutting approximately 1/4 of the way through until the saw starts to bind. Make the next cut on top within a few inches farther out than the first, and then finally, saw until the limb breaks free.

On-going Selective Pruning of Oak Trees

A selective pruning/thinning out regime would benefit these trees by reducing the number

of oaks. Reducing the number of oaks would result in a three-fold benefit:

- Promote overall healthier environment for remaining oaks; lessen the competition for limited resources and provide more sunlight.
- Thinning smaller, less vigorous trees reduces the risk of disease and the spread of mistletoe (*Phoradendron villosum*).
- Reducing the fuel load and opening up the canopy would decrease the risk of fires.

BEST MANAGEMENT PRACTICES FOR OAK PRESERVATION

Information on building around oaks and oaks in the home garden can be found in the Integrated Hardwood Range Management Program's (IHRMP) leaflet, Living Among the Oaks. Additional information on disturbance around oaks and protecting trees from construction impacts can be found in the UC Cooperative Extension's (UCCE) handout, Disturbance Around Oaks (Frost, 2001) and the California Department of Forestry's (CDF) Tree Notes, Protecting Trees from Construction Impacts (Sanborn, 1989). Information on the care of oak trees is also available through the California Oak Foundation at:

http://www.californiaoaks.org/ExtAssets/oakcaresec.pdf)

The following are general guidelines or best management practices for tree protection during construction activities, taken from some of the above sources.

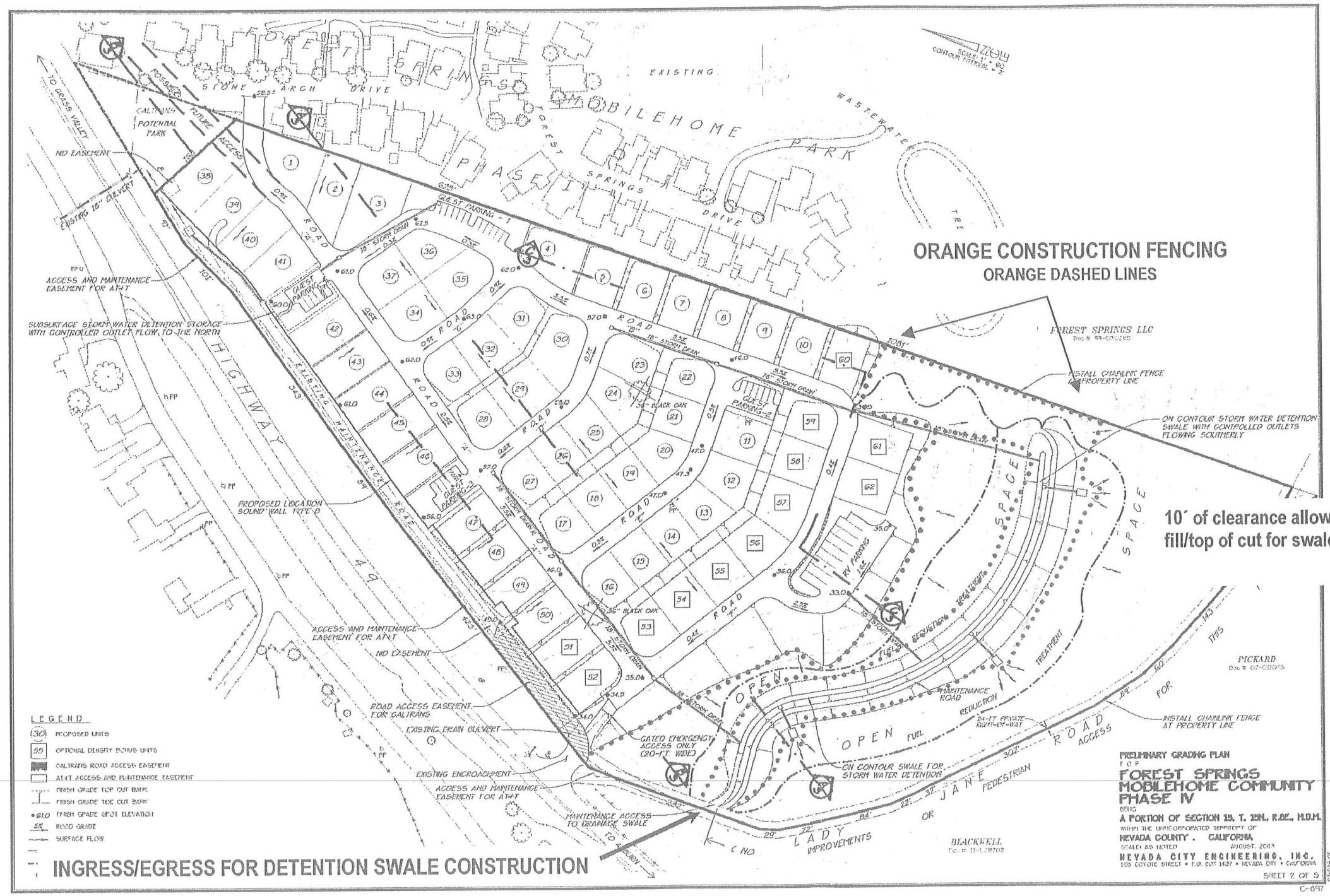
- The Open Space/Landmark Oak grove to be preserved within the south slope parcel, and any other oaks adjacent to the construction areas, should be protected with high-visibility fencing placed at least one foot outside the dripline prior to commencement of construction.
- For the construction of the detention swale, an ingress/egress route should be designated for travel by heavy construction equipment to and from the site.
- If possible, do not disturb the Protected Root Zone (PRZ) of trees to be preserved. The PRZ is defined by its "critical root radius." It is more accurate than the dripline for determining the PRZ of trees growing in forests or that have narrow growth habits. To calculate critical root radius, measure the tree's diameter at breast height (dbh) which is 4.5 feet above the ground. Measure in inches. For each inch, allow for 1 to 1.5 feet of critical root radius.
- Install high visibility fencing around the PRZ of any tree or cluster of trees with overlapping canopy that are identified on an approved grading plan as needing protection.
- The fencing should be four-feet high and bright orange with steel t-posts spaced 8 feet apart.
- Do not grade, cut, fill or trench within the PRZ.

- Do not store oil, gasoline, chemicals, other construction materials, or equipment within the PRZ.
- Do not store soil within the PRZ.
- Do not allow concrete, plaster, or paint washout within the PRZ.
- Do not irrigate within the PRZ or allow irrigation to filter into the PRZ.
- Plant only drought tolerant species within the PRZ.

The following are general guidelines for protecting oak trees in gardens and yards.

- Avoid summer irrigation.
- Disturb the zone within six feet of the trunk as little as possible. The base of the tree should be kept dry.
- Limit plantings beneath oak trees to drought-tolerant species that do not require summer irrigation.
- Landscape beneath oak trees with non-living plant materials such as wood chips.

APPENDIX A. FOREST SPRINGS SITE PLAN FOR THE PLACEMENT OF CONSTRUCTION FENCING DURING GRADING AND TIMBER HARVESTING ACTIVITIES



10´ of clearance allowed from the toe of fill/top of cut for swale construction

APPENDIX B. PLANT SELECTION[1] FOR REPLANTING WITHIN THE DESIGNATED "OPEN SPACE" OF FOREST SPRINGS MOBILE HOME PARK

SIERRA NEVADA FOOTHILLS

GRASS/ANNUAL

Scientific Name	Synonym[2]	Common Name	Origin	Tolerance	Propagation	Comments
Vulpia microstachys	*Festuca*	six weeks grass	Native	Dry to moist	seed	fast growing cover crop - USE GRASS SEED SPARINGLY

GRASS/PERENNIAL

Achnatherum occidentalis	*Stipa o.*	needlegrass	native	dry	no seed treatment; seeds, containers	dry sites, sagebrush scrub, coniferous forest, alpine- USE GRASS SEED SPARINGLY
Elymus trachycaulus ssp. trachycaulus	*Agropyron subsecundus*	big squirreltail	native	dry to moist	no seed treatment; seeds, containers	dry to moist, open areas, forest, woodland- USE GRASS SEED SPARINGLY
Festuca idahoensis		Idaho fescue	native	dry to moist	no seed treatment, seeds, containers	dry open or shady places- USE GRASS SEED SPARINGLY
Fescue rubra		red fescus	native	dry	no seed treatment, seeds, containers	varieties available, beware of less adaptive non-natives; sand dunes, grassland, subalpine forest, loosely tufted groundcover- USE GRASS SEED SPARINGLY
Hordeum brachyantherum var. *californicum*	*H.californicum*	California barley	native	dry to moist	no seed treatment, seeds, containers	meadows, pasture, streambanks, forms clumps; one variety is very short (<8 inches tall), tolerates alkaline and infertile soil- USE GRASS SEED SPARINGLY
Koeleria macrantha		Junegrass	native	dry to moist	no seed treatment, seeds, containers	open sites, clay to rocky soils, shrubland, woodland, coniferous forest, alpine- USE GRASS SEED SPARINGLY
Melica californica		California melic	native	dry	no seed treatment, seeds, containers	with short rhizomes, requires good drainage and full sun; tolerates serpentine- USE GRASS SEED SPARINGLY
Melica torreyana		Torrey's melic	native	dry	no seed treatment ,seeds, containers	chaparral, coniferous forest; part shade- USE GRASS SEED SPARINGLY
Nassella pulchra	*Stipa p.*	purple needlegrass	native	dry	no seed treatment, seeds, containers	bunchgrass; adapted to clay soils, tolerant of summer drought and heat, tolerant of serpentine, tolerant of poor soils- USE GRASS SEED SPARINGLY
Poa secunda ssp. *secunda*	*P. sandbergii, P. scabrella*	bluegrass	native	Dry	no seed treatment; seeds	many areas, including plains, dry woods, rocky slopes, foothills, grassy slopes, ridge-tops, open timber; grows well in rich clay loam but also thrives in shallow, rocky, or sandy soils; sun-part shade; grows on neutral, alkaline, and saline soils; forage- USE GRASS SEED SPARINGLY

HERBS, ANNUAL

Scientific Name		Elevation	Common Name	Origin	Tolerance	Propagation	Comments
Eschscholzia californica		0-2000	California poppy	native	dry to moist	no seed treatment, seed	Grass open areas, disturbance related
Lotus micranthus		< 1300	lotus	native	dry to moist	no seed treatment, seed	widespread in open or disturbed areas; good colonizer, nitrogen-fixer
Trifolium	*wildenovii*	< 1700	tomcat clover	native	dry to moist	seed	spring moist, heavy soils; good colonizer

HERBS, PERENNIAL

Achillea	*millefolium*	< 3500	yarrow	native	dry to wet	no seed treatment; seeds or container	ubiquitous, highly variable species with many ecotypes; good stabilizer, invades on disturbed sites
Artemisia	*ludoviciana*	< 3500	silver wormwood	native	dry		dry, sandy to rocky soils

Epilobium	*angustifolium* ssp. *circumvagum*	< 3300	fireweed	native	dry to moist	no seed treatment; seeds, containers	

HERBS, PERENNIAL (cont)

Scientific Name	Elevation	Common Name	Origin	Tolerance	Propagation	Comments
Linum lewisii	400 – 3400	blue flax	native	dry	no seed treatment, seeds	dry open ridges and slopes; requires full sun
Lupinus albicaulis	500-3000	sickle-keeled lupine	native	dry	fresh seeds – no treatment, stored seeds – treatment; seeds, containers	dry slopes and openings, requires full sun; good colonizer, nitrogen-fixer
Monardella vilosa	< 1300	coyote mint	native	dry	no seed treatment; vegetatively from rooted side shoots; seeds, containers	dry, rocky or gravelly places in oak woodland, chaparral, and montane forest; full sun to part-shade
Penstemon heterophyllus	50-1600	foothill penstemon	native	dry	no seed treatment (treatment may increase viability); seed, containers	grassland, chaparral, and forest openings; tolerates poor, rocky soils
Xerophyllum tenax	< 2300	beargrass	native	dry to moist	seed requires treatment; rhizome cuttings; containers	requires good drainage. often on steep slopes with shallow soils; tolerates serpentine and gabbro soils, prefers sun, moderately shade-tolerant

SHRUB, SUBSHRUB

Ceanothus prostrates		mahala mat	native	dry	seed requires treatment; containers	prostrate and mat-forming-good ground cover; open flats, coniferous forest; highly variable; requires good drainage, nitrogen-fixer
Epilobium canum	*Zauschneria californica* < 3000	California fuchsia	native	dry	no seed treatment; seeds, containers	dry slopes and ridges; different varieties; requires full sun and good drainage; spreads from underground stem; provides showy groundcover and is a good stabilizer
Ericameria linearifolia	*Haplopappus l.* < 2000	narrowleaf goldenbush	native	dry	no seed treatment; seeds, containers	dry slopes, valleys
Eriogonum Umbellatum	200-3700	sulfur-flowered buckwheat	native	dry	no seed treatment (treatment increases viability); seeds, containers	many varieties; dry open, often rocky places; some varieties tolerate serpentine; is a good stabilizer, provides good groundcover
Eriophyllum Lanatum	< 4000	wooly sunflower	native	dry to moist	no seed treatment; seeds, containers	many varieties in many habitats
Mimulus Aurantiacus	*Diplacus, Mimulus longiflorus* < 1600	sticky monkeyflower	native	dry	no seed treatment; seeds, containers	consists of many different varieties; requires good drainage; requires full sun near coast, yet tolerates some shade inland
Salvia Sonomensis	< 2000	creeping sage	native	dry	seed requires treatment; divisions; cuttings; containers	chaparral, oak woodland, and yellow pine forest; prostrate, mat-forming; requires good drainage, fully sun, dry sites; provides a good groundcover; fire resistant if mowed and lightly irrigated; tolerates clay and serpentine soils

SHRUB

Ceanothus cuneatus	< 1800	Buckbrush	Native	Dry	Seed requires treatment; containers	Many varieties, variable, prostrate to subshrub to shrub; some serpentine tolerance, requires good drainage; widespread, nitrogen-fixer
Ceanothus integerrinus	200-2100	Deer brush	Native	Dry	Seed requires treatment; containers	Dry slopes, ridges; highly variable; disturbed roadsides, nitrogen-fixer
Cercis occidentalis	100-1500	Redbud	Native	Dry	Seed requires treatment; containers	Requires full sun and good drainage; is a good stabilizer, seeds require dormancy treatment; nitrogen-fixer; occurs in many habitats
Cerocarpus Betuloides	< 2500	Mountain mahogany	Native	Dry	No seed treatment; containers	Chaparral, pine/oak woodland, coniferous forest;

						many varieties
Dendromecon Rigida	< 1800	Bush poppy	Native	Dry	Seed requires treatment; rooted stem cuttings, containers	Dry slopes and washes, recent burns; requires good drainage
Heteromeles Arbutifolia	< 1300	toyon, Christmas berry	Native	Dry to moist	Fresh seeds-no treatment, stored seeds-treatment; seeds containers	Chaparral, oak woodland, mixed-evergreen forest; requires full sun and good drainage

SHRUB (cont)

Scientific Name	Elevation	Common Name	Origin	Tolerance	Propagation	Comments
Quercus Berberidifolia	*Q.dumosa* misapplied 300-1500	Scrub oak	Native	Dry to moist	Seed requires treatment if stored; acorns, containers	Dry slopes in chaparral; requires good drainage and full sun; some ecotypes acid-tolerant
Rhamnus ilicifolia	*R.crocea* ssp. ilicifolia < 2000	Hollyleaf redberry	Native	Dry	Fresh seeds require no treatment; containers	Chaparral, montane forests, good on dry banks

[1]Source: *Rehabilitation of Disturbed Lands in California: A Manual for Decision Making* by Newton and Claassen, 2003. Special Publication 123.
[2]Plant species occur at compatible elevations, water regime, and climate to the Forest Springs project site.

ADDENDUM

This Addendum addresses certain concerns raised by Nevada County Planner Kim Hunter regarding the impact of the planned construction and operation of a detention swale on current and future landmark oak resources at the site.

CONSTRUCTION OF THE DETENTION SWALE

Construction of the detention swale with outlet flows will require the removal of 25 black oaks within the Landmark Oak Grove (LMOG). None of these oaks are, by definition, landmark oaks (i.e. 36 inch diameter at base height - DBH); two of the oaks are 22 and 26 inches respectively, and the others range from 8 to 14 inches diameter. There is one Landmark oak, a black oak, situated within the western portion of the grove. This 40 inch DBH oak will not be impacted during the construction of the detention swale. Further, the outlet flows and other potential discharge systems will be designed and placed well to the east of this oak.

As discussed in the Management Plan, mitigation for the lost functions and values of oak trees within the LMOG and the one Landmark oak, black oak, 36 inch DBH, within the proposed mobilehome community will reduce both the direct and indirect impacts to this habitat to less than significant. This will be accomplished as discussed in the Management Plan and as supplemented by the avoidance measures and post-construction mitigation measures described in this Addendum.

Impact Avoidance Measures

The following mitigation measures will be implemented during construction of the swale in order to avoid potential direct harm to the preserved Landmark Oak Grove and to the single Landmark Oak situated within the LMOG during construction of the detention swale. These measures will also minimize indirect impacts to the preserved oaks following construction. Additional best management practices for oak preservation are included with the original management plan.

- Establish the landmark oak grove and the landmark oak as Environmentally Sensitive Areas (ESAs) during all phases of construction. The ESA boundaries shall be established at the drip line of the oak grove.
- Plans and specifications shall clearly state all the protection procedures for the oak grove that will be preserved on the project site. These specifications should also require contractors to stay within designated work areas, and shall include a provision for penalties if oak trees are damaged.
- No vehicles, construction equipment or facilities, or materials should be parked or located within the LMOG.
- Soil surface removal greater than one foot shall not occur within the driplines of the LMOG trees to be retained. No cuts or trenching shall occur outside of the designated construction area for the detention swale.

- Soils from the excavation for the detention swale will be removed immediately from the area and not stored within the LMOG.
- No irrigation or ornamental plantings requiring irrigation shall be installed within the LMOG or the perimeter area of the detention swale.

Protection During and After Construction of the Landmark Oak Grove

The following are general guidelines or best management practices for tree protection during construction activities, taken from some of the sources cited below.

- The Open Space/Landmark Oak grove to be preserved within the south slope parcel, and any other oaks adjacent to the construction areas, should be protected with high-visibility fencing placed at least one foot outside the dripline prior to commencement of construction.
- For the construction of the detention swale, an ingress/egress route should be designated for travel by heavy construction equipment moving to and from the site.
- If possible, do not disturb the Protected Root Zone (PRZ) of trees to be preserved. The PRZ is defined by its "critical root radius," and it is a more accurate measure than the drip line for determining the adequate protection area for trees growing in forests or those with narrow growth habits. To calculate critical root radius, measure the tree's diameter at breast height (DBH), which is 4.5 feet above the ground. Measure in inches, and for each inch, allow for 1 to 1.5 feet of critical root radius.
- Install high visibility fencing around the PRZ of any tree or cluster of trees with overlapping canopy that are identified on an approved grading plan as needing protection.
- The fencing should be four-feet high and bright orange with steel t-posts spaced 8 feet apart.
- Do not grade, cut, fill or trench within the PRZ.

Post-Construction Drainage Through the Detention Swale

As discussed in Addendum #1 - Preliminary Drainage Report, the earthen detention swale will be constructed within the Landmark Oak Grove (LMOG). It is anticipated that the swale and outlet flows will mimic the overland flow regime that naturally occurs on the site at this time. The construction of the detention swale is expected to convey storm-water off-site, and should not impound water for more than 24 to 36 hours of a storm event. It is anticipated that through these modifications, the detention swale will be mimicking the pre-development drainage patterns to the greatest extent practical.

Post-Construction Study and Mitigation Actions

It is expected that if the constructed detention drainage system is going to adversely affect the LMOG, die-off and/or deterioration will start to occur within a 5-year time frame. For this reason, mitigation measures should include a 5-year plan for inspection by an arborist/biologist of the preserved trees, including trees subject to encroachment within the drip

line, for construction-related damage or other associated impacts. Trees subject to desiccation as a result of construction activities will be monitored closely. If a tree's health and/or structure have been adversely impacted by construction and the tree cannot be restored to its pre-construction condition, mitigation measures will be implemented for loss of the tree under the guidance of the arborist/biologist.

To ensure that the LMOG will not be adversely impacted by drainage conditions, such as water retention within the landscape or excess volumes of runoff from impervious surfaces of the mobilehome park causing scouring within the grove, the following mitigation measures will be implemented to protect the LMOG resources:

- prior to the final configuration of the project Improvement plans, appropriate protective details will be determined during the final design phase and will be documented within the Final Drainage Report for the project. The project biologist shall review and approve these final documents, in writing, before the required county plan review and approval.
- a 5-year study of the impact of both the drainage and potential construction impacts on the LMOG will be conducted by an arborist/biologist assessing the overall health of the LMOG. This study will include quantitative monitoring of the effects of the detention swale's impacts on the LMOG's biological integrity and diversity, survival, and overall continued health. In addition, it will seek to ascertain the nature and strength of evidence of any decline in the oak populations, or any changes such as deterioration of the oaks located where water conveys across the landscape. The study will also assess the regeneration/recruitment of oaks within the LMOG.
- The 5-year monitoring should take place at the end of each growing season, prior to the period of senescence of the oaks. A report and point-set photographs (or videography) should be included with each year's findings and sent to Nevada County Planning in a timely manner. If the trees are adversely affected by the project then off-site mitigation as determined by the qualified biologist would be required.

RECRUITMENT OF BLACK OAK*

These mitigation measures are recommended in consideration of the following concerns and characteristics of California black oaks (*Quercus Kelloggii*).

Regeneration Processes

California black oak reproduces by sprouting from the root crown and establishing from acorns. Sprouting accounts for most reproduction, while seedling establishment helps maintain existing stands and allows the species to expand into new areas. However, because sprouting depends upon fire or some other top-killing disturbance, it is less important than seedling establishment on undisturbed sites. Even on disturbed sites, seedlings sometimes outnumber sprouts.

Vegetative Regeneration

California black oak sprout from the root crown or bole after fire, logging, frost, or other top-killing events. Edwards and McDonald state that most California black oak stands originate from sprouts. Sprouting is the California black oak's primary method of reproduction after top-killing events like fire. Even seedlings sprout after top-kill, and sprouting ability is retained until trees are "very old and moribund." Old California black oaks may not sprout if perennating buds are covered by thick bark. Trees originating from root crown sprouts are often multistemmed. The number of sprouts/bole tends to decrease over time; pole-sized clonal clumps generally contain 1 or 2, or occasionally up to 4, sprouts.

Seedling and Sprout Growth

California black oak's shoot and horizontal root development are slow for the first 6 to 7 years, with most initial growth concentrated in vertical roots. On favorable sites, California black oak seedlings are 2 to 4 inches in height, and have a 9-inch taproot within 28 days after emerging. Lateral roots are slower to develop than taproots. First-year seedlings are typically 2 to 6 inches tall, and their taproots may extend 3 feet below ground. Conifer seedlings grow faster than and outshade California black oak seedlings, but California black oak seedlings often grow through chaparral shrubs. California black oak seedlings on open sites grow faster than seedlings beneath the canopy. California black oaks respond to release after logging, fire, or other top-killing events open the canopy.

Until about age 25, California black oak saplings rapidly gain height growth but have thin stems. After this period, trees on open sites gain larger diameter to height ratios. Notably, California black oak may establish seedlings in large numbers on some sites, but have only a few trees graduate into the sapling class.

*Resources:

Fryer, Janet L. 2007. Quercus kelloggii. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: http://www.fs.fed.us/database/feis/ [2014, May 15].

Kuhn, Bill and Brent Johnson. 2008. Status and Trends of Black Oak (*Quercus kelloggii*) Populations and Recruitment in Yosemite Valley (a.k.a. Preserving Yosemite's Oaks) Final Report to The Yosemite Fund.

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December 1, 2014

Brian Foss, Planning Director
County of Nevada - Community Development Agency
950 Maidu Avenue
Nevada, CA 95959

Re: Forest Springs Mobilehome Park Phase 4 - Oak Tree Replanting

Dear Brian,

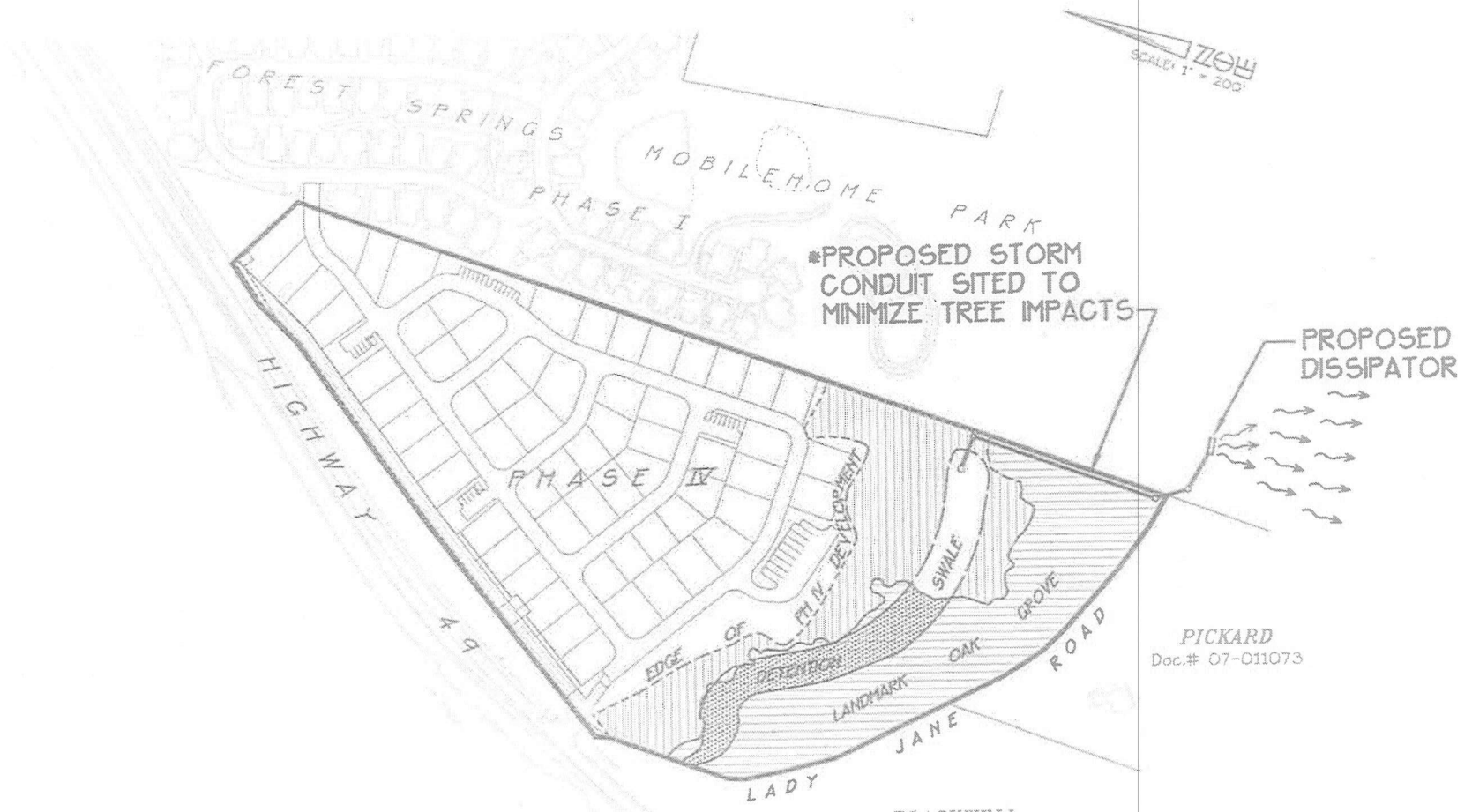
Attached is a map showing the location of the approximately 5 acre Landmark Oak Grove within the area designated as Open Space for Forest Springs Mobilehome Park Phase 4.

An additional survey conducted this fall shows that 25 oaks will most likely be removed to construct the detention swale, all within the open space area and the Landmark Oak Grove. The required replanting at a 3:1 ratio for these oaks, plus the one Landmark Oak tree within this area, will require that 78 new black oak trees be planted. Replanting could be done within openings in the existing tree canopy within the designated Open Space acreage, keeping in mind that spacing would require each tree be located at least 15 feet outside of the dripline of existing oak trees. Prior to replanting, a qualified biologist or arborist shall flag the replanting sites. Potential replanting sites have been marked on the attached map to demonstrate that adequate space exists, however, flagging at the time of the actual planting should be the final deciding factor.

If there is not sufficient space within the open space area at the Forest Springs site to complete the entire replanting, another option would be to protect existing oak saplings that are already established on a site under the auspices of the Bear Yuba Land Trust. The Land Trust is shortly acquiring land in the south county that has black oak and other species of oaks on 35 acres of land. Providing permanent protection of this land, as well as further permanent protection of the young oak seedlings at the Forest Springs site, would satisfy Nevada County oak protection policy and result in befitting projects for all sites involved.

Please contact me if you have any further questions.
Yours truly,

Tina Costella, M.S.



LEGEND

- LANDMARK OAK GROVE IMPACT AREA (~1 AC.)
- LANDMARK OAK GROVE (~5 AC.)
- OAK REPLACEMENT REPLANTING AREA (~3 AC.)

OAK GROVE MITIGATION EXHIBIT

FOREST SPRINGS MOBILEHOME COMMUNITY PHASE IV

NEVADA COUNTY, CALIFORNIA
SCALE: 1"=200' NOVEMBER, 2014

NEVADA CITY ENGINEERING, INC.
505 COYOTE STREET • P.O. BOX 1437 • NEVADA CITY • CALIFORNIA

07-026-01

Tree Inventory

Project: Forest Springs Mobilehome Park Phase 4 - Detention Swale Location
Date: 11/14/14
Surveyors: Tina Costella, Costella Environmental Consulting and Janeane Martin, Nevada City Engineering

Count	Tag #	Species Common *Scientific Name*	Diameter at Breast Height (inches)	Vigor 1=Poor 3=Average 5=Good	Comments
1	67	Black Oak *Quercus Kelloggii*	9	2	Crown loss
2	68	Black Oak *Quercus Kelloggii*	10	2	Crown loss
3	69	Black Oak *Quercus Kelloggii*	12	2	Crown loss
4	70	Black Oak *Quercus Kelloggii*	11	2	Crown loss
5	71	Black Oak *Quercus Kelloggii*	13	2	Crown loss
6	71	Black Oak *Quercus Kelloggii*	5/10.5	2	Dbl trunk, Crown loss
7	71	Black Oak *Quercus Kelloggii*	12	2	Crown loss
8	72	Black Oak *Quercus Kelloggii*	23	1	Crown loss and basal decay
9	73	Black Oak *Quercus Kelloggii*	12.5/9	3	Dbl trunk
10	74	Black Oak *Quercus Kelloggii*	10.5/8	2	Dbl trunk, 1" distance from mature *Pinus ponderosa*
11	75	Black Oak *Quercus Kelloggii*	8.5	1	Basal cavity
12	75	Black Oak *Quercus Kelloggii*	16	1	5% lean, crowded into *Pinus sabiniana*
13	75	Black Oak *Quercus Kelloggii*	10	1	crowded into *Pinus sabiniana*
14	75	Black Oak *Quercus Kelloggii*	17	1	crowded into *Pinus sabiniana*
15	76	Black Oak *Quercus Kelloggii*	17.5	2	crowded into *Pinus sabiniana*
16	76	Black Oak *Quercus Kelloggii*	11.5	2	5% lean

Count	Tag #	Species Common *Scientific Name*	Diameter at Breast Height (inches)	Vigor 1=Poor 3=Average 5=Good	Comments
17	77	Black Oak *Quercus Kelloggii*	11.5/8.5/11	2	Trpl trunk, crown loss
18	77	Black Oak *Quercus Kelloggii*	6	2	Crown loss
19	77	Black Oak *Quercus Kelloggii*	8.5	2	Crown loss
20	77	Black Oak *Quercus Kelloggii*	17/18	3	Dbl trunk
21	77	Black Oak *Quercus Kelloggii*	16/7	2	Dbl trunk, 5% lean
22	78	Black Oak *Quercus Kelloggii*	9	1	Crown loss
23	78	Black Oak *Quercus Kelloggii*	9.5	1	Crown loss
24	78	Black Oak *Quercus Kelloggii*	10/13	2	Dbl trunk
25	79	Black Oak *Quercus Kelloggii*	5.5/10.5/8	2	Trpl trunk, Crown loss

Exhibit B

MITIGATION MEASURES AND CONDITIONS OF APPROVAL
Forest Springs Mobilehome Community Phase IV Expansion
GP13-004; Z13-006; MGT14-003; U13-008 and, EIS13-017

A. PLANNING DEPARTMENT

1. This Use Permit (U13-008) authorizes the use of a 21-acre portion of Assessor's Parcel 23-230-23 to be developed as Phase IV of the Forest Springs Mobilehome Community. Of the 21-acre site, approximately 13-acres will be designated for the use of a Mobilehome Park 62-unit, age-restricted (55 or older) mobilehome spaces. The remaining 8-acres of the site will be designated and retained as open space. This Use Permit approval is predicated upon the approval of the General Plan Land Use Map Amendment (GP13-004) and Rezone Application (Z13-006) by the Nevada County Board of Supervisors. The approved project shall be consistent with the final stamped set of plans which contain the site plan, and associated pages. The final plans shall be kept on file with the Planning Department.

2. Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this use permit is not valid until the expiration of thirty (30) days from the date of the Board of Supervisors final action on the project Rezone (Z13-006).

3. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (U13-008) (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.

4. As established by the Nevada County Land Use and Development Code Section L-II 4.2.8, the following lighting standards are required to minimize nighttime light pollution and energy waste:

   a. All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways.

   b. All light fixtures will use high efficiency lamps. High pressure sodium and mercury vapor light fixtures are prohibited.

5. The project shall fully comply with state permitting and construction standards for Mobilehome Parks as required by the California Mobilehome Parks Act (Health and Safety Code, Division 13, Part 2.1). The owner of the Mobilehome Park shall also maintain a valid permit to operation with the Department of Housing and Community Development.

6. 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 27 parking spaces, including disabled parking, shall be provided in substantial conformance with approved site plans and maintained for the life of the project.

    a. Off-street tandem parking is permitted on each mobilehome space within an area where the Mobilehome Parks Combining District (MH) has been applied.

7. The Final Landscaping Plan shall be maintained consistent with the preliminary landscape plan, with the modifications required by Mitigation Measure 1A to incorporate replacement plantings, and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:

    a. All details depicted on the preliminary plans (including the substitution of native and drought tolerant species for non-native, water-demanding species) and any modifications included by these conditions of approval; and

    b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and;

    c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and

    d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and

    e. A note on the plan, certified by a licensed landscape architect, landscape designer, or horticulturalist, that trees are located on the plan so as to cover 40% of the parking area with tree canopies within 15 years, consistent with Land Use and Development Code Section L-II 4.2.7.E.2.g; and

    f. A note that "All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials."

g. Prior to the placement of any Mobilehome units on the project site, the landscape architect/property owner shall verify that all plant materials have been established for said building and parking area(s) pursuant to the approved plan.

8. The soundwall to be constructed along the western edge of the project boundary shall be designed and constructed of materials and colors that complement the existing soundwall which was installed by Caltrans as a part of the State Route 49/La Barr Meadows Road Widening Project. The wall shall be extended easterly at the point where it reaches the proposed emergency access road along the southern boundary Lot 52 until it reaches Road 'A'.

9. The developer shall provide road names consistent with the policies established by Section L-VII 2.4 of the Land Use and Development Code for the internal roadways within new development prior to the issuance of any grading or improvement permits the developer shall provide road names.

10. The 8.3-acres located at the southern portion of the project site shall be retained as open space that shall be maintained by the property owner in accordance with the submitted Fuels Reduction & Open Space Maintenance Plan for Forest Springs Mobilehome Park Phase IV which requires pruning and the creation of defensible space within the open space area, the annual removal of Scotch broom, and erosion control seeding along the stormwater detention swale.

11. Prior to placement of any Mobilehome units, the applicant shall contact the Planning Department for a final inspections 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.

12. A final set of plans shall be submitted to the Planning Department for review and inspection purposes.

13. Payment of all applicable recreation mitigation fees shall be made to the Bear River Recreation and Park District prior to the issuance of any building permits.

14. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department an indemnity agreement, in a form approved by County Counsel, which shall be substantially in the form provided below. 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.

a. The applicant shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul this approval or any prior or subsequent project-related approvals or conditions imposed by the County or any of its agencies, departments, commissions, agents,

officers or employees concerning this project, or to impose personal liability against such agents, officer, or employees resulting from their involvement in the project, which claim, action, or proceeding is brought within the time providing by law, including any claim for private attorney general fees claimed by or awarded to any party from County. The County shall not be required to but may, within its unlimited discretion participate in the defense of any such claim, action, or proceeding in good faith at its own expense. The applicants shall not be required to pay or perform any settlement of such claim, action, or proceeding unless the settlement is approved by the applicants. The applicants' obligations under this condition shall apply regardless of whether any permits or entitlements are or have been issued under this project.

15. **Planting of Trees along the Interior of the Sound Wall (Mitigation Measure 1A).** The applicant will submit a revised landscaping plan in accordance with Land Use and Development Code L-II 4.2.7 that includes the planting of the appropriate tree species, to be approved by the Planning Department, along the interior of the sound wall which is at the rear boundary line of mobilehome park spaces 38-52. The tree species shall have a potential height which exceeds the height of the sound wall by a minimum of 5 feet. The required trees may not be removed unless identified by a qualified professional as being in a hazardous condition presenting immediate danger to health and property. The following measures shall be implemented for the landscaping plan:

1. One tree shall be planted at the rear boundary of mobilehome lots 38, 39, 49, and 50.

2. Two trees shall be planted, evenly spaced, at the rear boundary of mobilehome lots 40-48, 51, and 52.

Timing: *Prior to Issuance of the Grading Permits or Improvement Plans*
Reporting: *Approval of the Grading Permit or Improvement Plans*
Responsible Agency: *Planning Department*

16. **Avoid Impacts to Nesting Raptors and Migratory Birds (Mitigation Measure 4A).** This project shall avoid impacts to potentially nesting raptors and migratory birds by scheduling such activities for the non-breeding season (March 1– August 31). The following measures shall be implemented to protect nesting birds and shall be noted on the grading and construction plans for this project:

1. Tree removal shall be avoided during the breeding season (March 1 – August 31)

Alternatively, the developer could initiate pre-construction surveys, conducted to verify that the construction zone area and those trees designated for removal do not support nesting migratory birds. In this alternative, the following measures shall be implemented to protect nesting birds and shall be shown on the proposed grading and construction plans for this project:

2. If tree removal must occur during the nesting season, surveys for nesting raptors and migratory birds are required prior to any construction-related activities or other site

disturbances initiated during the breeding season (March 1 – August 31). These surveys should be accomplished within 7 days prior to commencement of grading activities.

3. An additional survey may be required if periods of construction inactivity (e.g., gaps of activity during grading, vegetation removal) exceed a period of three weeks, an interval during which bird species, in the absence of human or construction-related disturbances, may establish a nesting territory and initiate egg laying and incubation.

4. Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest) and monitoring plan, if needed shall be developed, Nest locations shall be mapped and submitted along with a report stating the survey results, to the Planning Department within one week of survey completion. A qualified wildlife biologist shall monitor the progression of reproductive states of any active nests until a determination is made that nestlings have fledge and that a sufficient time for fledging dispersal has elapse; construction activities shall be prohibited with in the buffer zone until such determination is made.

Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Planning Department*

17. **Protect Landmark Oak Grove from Construction Impacts (Mitigation Measure 4B).** To avoid accidental harm to the preserved Landmark Oak Grove during construction of the drainage swale, the following mitigation measure shall be implemented during the construction phase of the development:

1. Establish the Landmark Oak Grove and the one identified Landmark Oak Tree as Environmentally Sensitive Areas (ESAs) during construction. The boundary of the oak ESA shall be established as the dripline of the oaks or oak groves and delineated on the ground with temporary construction fencing and shown on all improvement, building and grading permit site plans.

2. Plans and specifications shall clearly state protection procedures for the Landmark Oak Grove that will be preserved on the project site. These specifications should also require contractors to stay within designated work areas. For the construction of the detention swale, an ingress/egress route should be designated for travel by heavy construction equipment moving to and from the site.

3. If possible, do not disturb the Protected Root Zone (PRZ) of trees to be preserved. The PRZ is defined by its "critical root radius," and it is a more accurate measure than the drip line for determining the adequate protection area for trees growing in forests or those with narrow growth habits. To calculate critical root radius, measure the tree's diameter at breast height (DBH), which is 4.5 feet above the ground. Measure in inches, and for each inch, allow for 1 to 1.5 feet of critical root radius. High visibility fencing shall be installed around the PRZ of any tree or cluster of trees with overlapping canopy that are identified on an approved grading plan as needing

protection. Fencing should be four-feet high and bright orange with steel t-posts spaced 8 feet apart. Do not grade, cut, fill or trench within the PRZ.

4. No vehicles, construction equipment, mobile offices, or materials should be parked or located within the Landmark Oak Grove.

5. Soil surface removal greater than one foot shall not occur within the driplines of oaks to be retained. No cuts or trenching shall occur outside of the designated construction area for the detention swale.

6. Soils from the excavation for the detention swale will be removed immediately from the area and not stored within the Landmark Oak Grove.

7. Paving should not be placed within the dripline of oaks to be retained, except for those trees marked for mitigation.

8. No irrigation or ornamental plantings requiring irrigation shall be installed within the Landmark Oak Grove or the perimeter area of the detention swale.

Timing: *Prior to issuance of Grading Permit or Improvement Plans*
Reporting: *Agency Approval of Permits or Plans*
Responsible Agency: *Planning Department*

18. **Mitigation Measure 4C. Management of Landmark Oak Grove.** The developer shall fulfill the recommendations of the March 5, 2014 Management Plan and Addendum for the Forest Springs Mobilehome Community, prepared by Costella Environmental Consulting (MGT14-003). This fulfillment shall be representative of the identified 5-acre Landmark Oak Grove located within the 8.3-acres of designated open space. Said fulfillment shall incorporate the Management Plan (Section 4.1) including active management and fuels reduction, recommended procedure for pruning oak trees, and on-going selective thinning of trees. A qualified biologist shall prepare a report on the success of the On-Site Management Plan and submit a copy to the Planning Department prior to final approval of site grading permits.
Timing: *Prior to final of Grading Permits*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Planning Department*

19. **Oak Tree Replacement (Mitigation Measure 4D).** To compensate for direct, indirect and cumulative impacts to oaks, every black oak tree removed within the identified Landmark Oak Grove and the one identified Landmark Oak to be removed within the development area, shall be mitigated at a ratio of 3:1 through oak tree replacement plantings on Assessor's Parcel 23-230-23 or on a site otherwise approved by the Planning Director. To ensure thorough implementation of this mitigation measure the developer shall submit the following:

1. A revised landscape plan showing the location of the replacement oaks onsite; and

2. A revised, or additional, management plan that provides for the long-term maintenance of the replacement black oaks.

Timing: *Prior to issuance of Grading Permit or Improvement Plans*
Reporting: *Agency Approval of Permits or Plans*
Responsible Agency: *Planning Department*

20. **Replacement Oak Planting Protocol (Mitigation Measure 4E).** The following measures will be taken to ensure the maximum survival rate of replacement black oak tree plantings:

1. Only containerized stock grown from a local nursery will be used for oak tree replacement. Containerized stock must be inspected prior to planting to ensure health; stock determined to be root bound or in poor health will not be used in the planting effort.

2. No replacement oak trees shall be planted within 15 feet of the driplines of existing oak trees on the onsite or offsite mitigation areas, or within 15 feet of a building or other existing development.

3. Planting sites will be identified based on the suitability of the soil, slope, aspect, and micro-habitat. These locations shall be flagged by a certified arborist prior to planting.

4. Plantings shall be made in the late fall or early winter to permit plant establishment in the cool months and maximize survival of the plantings.

5. Water basins made of loose soil shall be built around the outside of the root ball of each planting.

6. Periodic removal of competing vegetation will be required until plantings are well-established. Integrated Pest Management (IPM) removal techniques will be followed, which will typically require that removal be completed manually, unless otherwise approved by the project arborist.

Timing: *Prior to final inspection of Grading Permits or Improvement Plans*
Reporting: *Agency Final of Permits or Plans*
Responsible Agency: *Planning Department*

21. **Implement Noxious Weed Management Measures (Mitigation Measure 4F).** To prevent the inadvertent spread of noxious weeds the following measures shall be implemented:

a. Flag all populations of Scotch broom with 5 or more plants and show these areas on all improvement, building and grading site plans.

b. To avoid spreading the seed bank through the contamination of graders and other equipment working within the infestation, the flagged Scotch broom populations should be avoided whenever possible.

c. If flagged populations of Scotch broom cannot be avoided, the seed contaminated soil will be disposed of in a local landfill according to the guidelines from the local Agricultural Commissioner. To remove the seed contaminated soil, the upper few inches of soil will be scraped within and around the infestation, pile, and covered with heavy duty black plastic to heat-treat the seeds until removed for disposal. Alternatively, seed contaminated soil may be retained onsite to be used on the 13-acres of developed land area with no contaminated soil being used for off-site purposes or within the designated open space.

d. All vehicles and equipment working in the infested areas shall clean tires, tracks and undercarriages of seed and plant parts before leaving the property.

Timing: *Prior to issuance of Grading Permit or Improvement Plans*
Reporting: *Agency Approval of Permits or Plans*
Responsible Agency: *Planning Department*

22. **Provide Copies of Permit Conditions/Mitigation Measures to Contractors (Mitigation Measure 4G).** To ensure that proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other permit, the developer shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction. The contractor or a designated crew supervisor shall be on site during any constructions and shall be completely familiar with the required mitigation measures.
Timing: *Prior to issuance of Grading Permit or Improvement Plans*
Reporting: *Agency Approval of Permits or Plans*
Responsible Agency: *Planning Department*

23. **Pathway Location, Construction and Maintenance (Mitigation Measure 4H).** To ensure that the proposed pathways are located, constructed and maintained in a way to not further impact the Landmark Oak Grove within the designated open space, the following measures shall be implemented:

1. Prior to the issuance of any development permits, the developer shall submit a revised Fuels Reduction and Open Space Maintenance Plan with trail location, construction and an ongoing maintenance program for the proposed pathways.

2. The proposed pathways shall follow the design guidelines established by the Western Nevada County Non-Motorized Recreation Trails Master Plan. Specifically, the proposed pathways shall meet the design standards for a single-use pedestrian trail.

3. Wherever possible, pathways shall be located within existing areas of disturbance. The main portion of the pathway system shall be located within the area of

disturbance that will occur as a result of the construction of the drainage detention swale.

4. If further ground disturbance or tree removal is required as a result of pathway construction, an addendum to the existing Management Plan will be required which may warrant further environmental review.

Timing: *Prior to issuance of Grading Permit or Improvement Plans*
Reporting: *Agency Approval of Permits or Plans*
Responsible Agency: *Planning Department*

24. **Encountering Subsurface Cultural Resources (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: *Planning Department*

25. **Discovery of Paleontological Resources (Mitigation Measure 5B).** 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: *Planning Department*

26. **Clearing and Grading (Mitigation Measure 6B).**

1. Clearing and Grubbing: Areas proposed for fill placement, paved areas, and building pads should be cleared and grubbed of vegetation and other deleterious materials as described below:
   a. Strip and remove organic surface soil containing shallow vegetation and any other deleterious materials. Organic soil can be stockpiled onsite and used in landscape areas but is not suitable for use as fill. The actual depth of stripping may vary across the site. Areas of deeper organic surface soil may be encountered in drainage swales and low lying areas.
   b. Over excavate any loose fill, debris and /or other onsite excavations to underlying, competent material. Possible excavations include exploratory trenches, glory holes. Mantles or soil test pits, tree stump holes and abandoned drainage improvements.
   c. Remove rocks greater than 8 inches in greatest dimension (oversized rock) by scarifying to a depth of 12 inches or to resistant weathered rock, if shallower, in proposed building pads and areas to support pavement, slabs-on-grade, and other flatwork. Oversized rock should be placed in deep fill per the recommendations of the project geotechnical engineer, stockpiled for later use in landscape areas, drainage features, or stacked walls, or placed outside areas of proposed improvements.
   d. Vegetation, tree stumps and exposed root systems, and any other deleterious materials and oversized rocks no used in landscape areas should be removed form areas of proposed improvements.

2. Preparation for Fill Placement: Upon completion of site clearing, grubbing and over excavation, the exposed native soil should be observed by the project geotechnical engineer prior to placement of fill at the project site. Fill placed on the slopes steeper than 5:1, H:V, should be benched and keyed into the existing slope to allow placement of fill in horizontal lifts.

3. Fill Placement: Fill should be placed according to the following guidelines:
   a. Material used for fill construction should consist of uncontaminated predominantly granular, non-expansive native soil or approved import soil. Rock used in fill should be no larger than 8 inches in diameter. Rocks large than 8 inches are considered oversized material and should be place in deep fill per the recommendations of the project geotechnical engineer, stockpiled for use in landscape areas or rock walls, or removed from the site.
   b. Imported fill material should be predominantly granular, non-expansive and free of deleterious or organic material.
   c. Potentially expansive clay soil, if encountered, is typically not suitable for use in building pads or beneath pavements without mitigation. Options to mitigate potentially expansive soil include over excavation and replacement with predominantly granular soil, mixing with suitable material, project specific moisture conditioning and compaction specifications, and the use of mitigative foundation design.

d. Fill should be uniformly moisture conditioned and placed in maximum 8-inch thick loose lifts (layers) prior to compacting.
e. The moisture content, density and relative compactions of fill needs to be confirmed by routine testing and observation during placement.

4. Slope Grading:
   a. Cut and fill slopes should generally be no steeper than 2:1, H:V. Based on our experience in the area, steeper cut slopes gradients will be feasible in areas that have significant rock structure. Steeper cut slope gradients must be verified based on results of laboratory testing and observation of slope conditions. Steeper fill slope gradients may be feasible with the use of geotextile reinforcement, increased compaction specifications, or the use of rock buttressing or facing.
   b. Fill slopes should be constructed by overbuilding the slope face then cutting it back to the design slope gradient. Fill slopes should not be constructed or extended horizontally by placing soil on an existing slope face and/or compacted by track walking.
   c. Benching during placement of fill on an existing slope must extend through loose surface soil into firm material, and be performed at intervals such that no loose soil is left beneath the fill.

5. Excavation: Rock outcrops have been observed onsite. These areas of moderately or slightly weathered rock can be difficult to excavate with conventional grading equipment during grading or trenching. Pre-ripping, blasting, or splitting may be required in these areas. The scope of future design-level investigations should include excavation of exploratory trenches along proposed road and utility trench alignments to allow for observation of subsurface soil and rock conditions.

Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Building Department and Planning Department*

27. **Limits on the Grading Season (Mitigation Measure 6C).** 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 and Planning Department*

28. **Erosion and Sediment Control (Mitigation Measure 6D).** 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. Erosion Control: Best Management Practices (BMP's) for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. Graded portions of the site should be seeded

following grading to allow vegetation to become established prior to and during the rainy season. In addition, grading which results in greater than one acre of soil disturbance or in sensitive areas may require a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements and include the implementation of BMP's for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control. At minimum, the following controls should be installed prior to and during grading to reduce erosion:

a. Prior to commencement of site work, fiber rolls should be installed down slope of the proposed area of disturbance to reduce migration of small rocks from the site.
b. Soil exposed in permanent slope faces should be hydroseeded or hand seeded/strawed with an appropriate seed mixture compatible with the soil and climate conditions of the site as recommended by the Nevada County Resource Conservation District or other local agency.
c. Following seeding, jute netting or erosion control blankets should be placed and secured over graded slopes steeper than 2:1, H:V, to keep seeds and straw from being washed or blown away. Tackifiers or binding agents may be used in lieu of jute netting.
d. Surface water drainage ditches should be established as necessary to intercept and redirect concentrated surface waters away from cut and fill slope faces. Surface waters should not be directed over slope faces. The intercepted water should be discharged into natural drainage courses or into other collection and disposal structures.
e. 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: *Building Department and Planning Department*

29. **Slope Management Plan (Mitigation Measure 6E).** Based on the presence of steep slopes within the project area, a Management Plan will be required for any ground disturbance that encroaches into slopes exceeding 30%.
Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Planning Department*

30. **Construction of Noise Barriers (Mitigation Measure 12A).** To comply with the noise criteria that are established by the Nevada County General Plan Noise Element and Land Use and Development Code Section L-II 4.1.7, the following construction practices shall be included in the project design:

1. In order to comply with the 60 dBA Ldn noise level standard, a property line barrier 7-feet in height shall be required along the western property lines of Spaces 42 through 52 (including the parking area), and increasing to 8 feet in height from Spaces 38 through 41.

2. In order to comply with the conditionally acceptable exterior noise level standard of 65 dBA Ldn and block the line of sight to all noise sources, a barrier height of 6 feet shall be required along the remainder of the western property line/project boundary south to Lady Jane Road.

31. **Limits on the Hours of Construction Activities (Mitigation Measure 12B).** To offset the adverse impacts associated improvements including grading, road construction and vegetation clearance on surrounding residential properties, the hours of operation for construction activities shall be limited to the hours of 7:00 am. to 7:00 p.m., Monday through Friday. Grading and improvement plans shall reflect the limited hours of operation.
Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Planning Department*

32. **Location of Fixed Equipment During Infrastructure Construction (Mitigation Measure 12C).** Fixed construction equipment, including compressors and generators, shall be located as far as feasibly possible from residential properties. All noise-generating tools shall be shrouded or shielded, and all intake and exhaust ports on power construction equipment shall be muffled or shielded.
Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Planning Department*

33. **Verification of Wastewater Disposal and Treatment Capacity (Mitigation Measure 17A).**
1. Prior to the issuance of a grading permit for the project, the owner shall obtain the following:
a. Written acknowledgement form the Central Valley Regional Water Quality Control Board that an expansion can be completed without updating the Waste Discharge Requirements, or;
b. Acknowledgement of a completed Report of Waste Discharge if updated Waste Discharge Permits are required.
Timing: *Prior to issuance of the Grading Permits*
Reporting: *Approval of Grading Permits*
Responsible Agency: *Planning Department*

34. Fencing along the southern boundary of the project site, located along Lady Jane Road, shall be constructed of a recognized wildlife friendly fencing, such as three strands of barbless wire or a comparable equivalent and shall meet standard building setbacks and requirements as set forth in Sections L-II 4.2.6 of the Land Use and Development Code which shall be reflected on the final approved site plan.

B. BUILDING DEPARTMENT

1. **Mitigation Measure 6A. Determining Presence of Expansive Clay Soil.** The scope of future, design-level geotechnical investigations at the site will include the excavation of exploratory trenches and laboratory testing to determine the presence of potentially expansive soil and derive project specific mitigation.
Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Building Department and Planning Department*

2. **Closure of Nearby Mining Features (Mitigation Measure 6F).** If onsite mining features are located near proposed development areas, the mining features must be physically closed in accordance with recommendations developed as part of the design-level geotechnical investigation. Shallow mining excavations are typically excavated to reveal underlying competent native soil and rock, and then backfilled with engineered fill. Deeper features are commonly plugged with concrete or foam in accordance with an engineered plan and under the oversight of the Nevada County Building Department.
Timing: *During Construction*
Reporting: *Agency Final of Permits*
Responsible Agency: *Building Department/Environmental Health Department*

2. **Subsurface Drainage (Mitigation Measure 9B).** If grading is performed during or immediately following the rainy season, seepage will likely occur. If groundwater or saturated soil conditions are encountered during grading, it is anticipated that dewatering may be possible by gravity or by temporary installation of sump pumps in excavation.

    1. Control of subsurface seepage at the base of fill areas can typically be accomplished by placement of an area drain. Underlying saturated soil is typically removed and replaced with free draining, granular drain rock enveloped in geotextile fabric to an elevation above the encountered groundwater. Fill soil can be placed over the granular rock. The project geotechnical engineer shall review proposed drainage improvements with regard to the site conditions prior to construction.

Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Building Department*

C. DEPARTMENT OF PUBLIC WORKS

1. Project applicant shall pay all applicable regional and local traffic mitigation fees.

2. The streets within the Mobilehome Park shall provide adequate vehicular circulation for the development and for the area in which it is located, including adequate width, radii and access for emergency vehicles. All Department of Public Works requirements shall be complied with, including, but not limited to, base and paving improvements.

3. **Surface Drainage (Mitigation Measure 9C).** Proper surface water drainage is important to the successful development of the project. The following measures are typically adopted to reduce surface water drainage patterns:

    1. Slope final grade adjacent to structural areas so that surface water drains away from building pad finish subgrades at a minimum 2 percent slope for a minimum distance of 10 feet. Where interior slabs-on-grade are proposed, the exterior subgrade must have a minimum slope of 4 percent away from the structure for a minimum distance of 10 feet. Additional drainage and slab-on-grade construction recommendations will be provided in a design-level geotechnical report.

    2. Compact and slope all soil placed adjacent to building foundations such that water is not retained to pond or infiltrate. Backfill should be free of deleterious material.

    3. Direct rain-gutter downspouts to a solid collector pipe which discharges flow to positive drainage and away from building foundations.

    Timing: *Prior to issuance of grading or improvement permits.*
    Reporting: *Approval of the Project Improvement Plans*
    Responsible Agency: *Department of Public Works*

4. **Avoid Increased Stormwater Runoff (Mitigation Measure 9D).** Drainage facilities for this project shall utilize County Standard Plans and Specifications and be designed by a registered civil engineer. Onsite storm drainage facilities shall be constructed in substantial compliance with the design and analysis provided in the project specific Revised Preliminary Drainage Report dated December 2014, which is to be kept on file with the Department of Public Works. Additionally, measures shall be incorporated into the improvement plans that reduce the offsite drainage flows to pre-project conditions as any additional net increase in stormwater runoff from the project site is prohibited. Features shall also be incorporated into the plans that minimize the discharge of pollutants in conformance with General Plan Policy 11.6A, which include, but is not limited to, the use of curbs and gutters, and the use of oil, grease and silt traps.
    Timing: *Prior to issuance of grading or improvement permits.*
    Reporting: *Approval of the Project Improvement Plans*
    Responsible Agency: *Department of Public Works*

D. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. Fire hydrants capable of supplying a minimum fire flow of 1,000 gallons per minute will be required. Average spacing between fire hydrants shall be no more than 500 feet.

2. Provide the District for review and approval a traffic plan showing the direction that the traffic flows along with the parking areas and number of vehicles that can park in these areas.

E. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. Approved Address numbers shall be provided for this project in such a manner as to be clearly visible and legible from the street associated with the address. The numbers shall be light reflective and shall sharply contrast with their background, be a minimum of 4 inches in height, and mounted on a non-combustible surface. If the address sign is mounted on a post, the post shall also be non-combustible.

2. In accordance with the Land Use and Development Code Section L-II 4.3.18.C.2, 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.

3. The gate on the emergency access from Lady Jane Road shall meet the following requirements:

    a. Gate entrances shall be at least two (2) feet wider than the width of the traffic lanes serving the gate;

    b. All gates providing access from a road to another road shall be located at least 30 feet away from the primary right-of-way or easement and shall open to allow a vehicle to stop without obstructing traffic on that primary road;

    c. At no time shall a gate on an emergency access road be locked;

    d. Standard signage shall be required on all gates on emergency access road: "Emergency Access Only. This Gate Shall Remain Unlocked."

    e. Pursuant to the enforcement powers established by Section L-XVII 8.3 and 8.4 of the Nevada County Land Use and Development Code, the County, or an agent of the County, reserves the right to remove locks from gated or to remove other encumbrances that inhibit the use of the emergency access road for its intended purpose.

F. CALIFORNIA DEPARTMENT OF TRANSPORTATION

1. No net increase to 100-year storm even peak discharge may be realized within the State's Right-of-Way and/or Caltrans drainage facilities as a result of the project. The developer must maintain or improve existing drainage patters and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans.

2. Any work or traffic control that would encroach onto the State Right-of-Way requires an encroachment permit issues by Caltrans.

G. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Reduce Short-term Air Quality Impacts (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:

    1. Due to the close proximity of the project to sensitive receptors, 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.

    2. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.

    3. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust form 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.

    4. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

    5. 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.

    6. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

    7. 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.

    8. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

    9. 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.

    10. 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. **Dust Control Plan (Mitigation Measure 3B).** Prior to clearing, grading or other soil disturbance, a Dust Control Plan must be submitted to, and approved by, the Northern Sierra Air Quality Management District.
Timing: *Prior to Clearing, Grading or Other Soil Disturbance*
Reporting: *Approval of the Grading Permit or Improvement Plans*
Responsible Agency: *Northern Sierra Air Quality Management District*

H. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

1. **Obtain Appropriate Stormwater Permit (Mitigation Measure 9A).** The construction and grading permits shall comply with the applicable NPDES regulations. Obtain a General Permit for Storm Water Discharges Associated with the construction activity. Grading plans shall include verification that an NPDES permit, issued by the State Water Resources Board, has been issued for this project. To protect water quality, the contractor shall implement standard Best Management Practices during and after construction.
Timing: *Prior to issuance of the Grading Permits or Improvement Plans*
Reporting: *Agency approval of Permits or Plans*
Responsible Agency: *Central Valley Regional Water Quality Control Board*

J. 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 $2,210.00 must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 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.

K. NEVADA JOINT UNION HIGH SCHOOL DISTRICT

1. The project applicant shall be responsible for the payment of school mitigation fees pursuant to Government Code Section 53080 or any fees required by state law or District policy.