

**Exhibit A:**  
**49er Self-Storage**  
**Conditions of Approval & Mitigation Monitoring & Reporting Plan (MMRP)**  
**PLN21-0281; RZN21-0003; CUP21-0005; PFX21-0006; EIS22-0003**

**A. PLANNING DEPARTMENT**

1. The project is a proposed Rezone from Highway Commercial (CH) to Neighborhood Commercial (C1) to allow for the proposed self-storage use, 2) a Use Permit to allow for the development and operation of a 35,300-square foot self-storage facility with 17 permanent buildings and 7 storage containers, as well as the formal approval of the existing Alta Sierra Family Automotive auto repair facility, and a 3) a Petition for Exceptions from Road Standards to allow for a reduced easement width on Johnson Place.
2. Defense and Indemnity Agreement. Within 15-days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
3. Expiration Date. All Conditions of Approval shall be completed within three (3) years from the effective date of the approval of the project (PLN21-0281; RZN21-0003; CUP21-0005; PFX21-0006; EIS22-0003). unless an extension of time for reasonable cause is requested prior to the expiration date and granted by the Board of Supervisors pursuant to Section 5.10 of the Nevada County Land Use and Development Code.
4. Hours of operation for the self-storage facility and auto repair facility are limited to the hours of 7am to 9pm, seven days a week.
5. Design of the building shall be in substantial conformance to that authorized in this approval, as represented on the approved building elevations kept in the Planning File. All final building plans shall represent the following design details: color, materials, and architectural features as described in the project staff report, or as may be modified at the public hearing and kept on file with the Planning Department. Prior to building permit issuance, the applicant shall provide building plans showing the door colors utilizing earth tones or muted soft colors. No design shall be permitted to have bright jarring colors or intense white color.
6. Lighting included in this approval is subject to conformance with Land Use and Development Code Section L-II 4.2.8. High pressure sodium, and mercury vapor light fixtures are prohibited, and flood lights and spotlights are prohibited. All proposed exterior lighting shall be shown on building plans, including the existing lighting for the auto repair facility. All exterior lighting shall be screened and directed downward to prevent off-site spill and night sky pollution. Lighting systems, other than signs, shall include dimmers, occupancy sensors, time controls or separate circuits, to allow sections of the lighting to be dimmed or turned off as needed. All exterior security lighting shall utilize dimmers, motion sensors or heat sensors, or a combination thereof between 11 p.m. and sunrise to provide security and minimize impacts to neighboring parcels. All exterior lighting shall be maintained as approved and installed.
7. The project signage shall be designed and maintained consistent with the preliminary sign plan, (as provided for in the project staff report and kept on file with the Planning Department). Prior to building permit issuance, the applicant shall provide a final sign plan showing only the

proposed monument sign and wall sign. No signage shall be permitted to have internally illuminated features.

8. The landscaping plan shall be maintained consistent with the preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
  - a. All details depicted on the preliminary plans (including the substitution of native and drought tolerant species for non-native, water-demanding species) and any modifications included by these conditions of approval; and
  - b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and;
  - c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
  - d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and
  - e. A note 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. The final landscape plan shall incorporate a minimum 15-foot buffer yard adjacent to SR-49, and a minimum 10-foot buffer yard adjacent to Johnson Place.

Prior to final inspections of the building permits, 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.

9. 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 (LUDC), including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. The project site plan shows three-spaces and one of which is an ADA accessible space for the self-storage facility and 15 spaces including one ADA accessible space for the auto repair facility. Final plans should be in substantial conformance with approved site plans and maintained for the life of the project. All parking areas shall be maintained free of flammable vegetation and consist of surfacing capable of supporting a 75,000-pound vehicle.

10. Prior to the final inspections for building permits, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project-building permit or at the time of request if no building permit is required.
11. **Mitigation Measure 1A: Minimize light and glare from light fixtures.** All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. This will include the use of shielding devices to orient the light downward and reduce glare. In addition, all external light fixtures shall utilize low-pressure sodium lamps, or other similar low intensity lights, to reduce light spillage. This condition shall be shown on all improvement/building plans prior to permit issuance.  
*Timing:* Prior to issuance of grading/improvement/building permits and throughout operation.  
*Reporting:* Approval of future grading/improvement permit  
*Responsible Agency:* Planning Department and Building Department
12. **Mitigation Measure 1B: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls shall be low reflectivity. This condition shall be implemented prior to issuance of the building permit of the self-storage facility.  
*Timing:* Prior to issuance of grading/improvement/building permits and throughout operation.  
*Reporting:* Approval of future grading/improvement permit  
*Responsible Agency:* Planning Department and Building Department
13. **Mitigation Measure 2A: Obtain a Timber Conversion Permit and Timber Harvesting Plan if required by CAL FIRE.** Prior to any tree removal and the issuance of grading and improvement permits for the self-storage project, the applicant shall obtain a Timber Conversion Permit and Timber Harvesting Plan if required by CAL FIRE and provide evidence of the permits to the Planning Department.  
*Timing:* Prior to issuance of grading/improvement/building permits.  
*Reporting:* Approval of future grading/improvement permit  
*Responsible Agency:* Planning Department
14. **Mitigation Measure 3D: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)  
*Timing:* Prior to issuance of grading/improvement/building permits and throughout operation.  
*Reporting:* Approval of future grading/improvement permit  
*Responsible Agency:* Planning Department
15. **Mitigation Measure 4A: Nesting raptors and migratory birds.** The following note shall be added to all improvement/grading/construction plans:

- a. Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.
- b. If construction is to take place during the nesting season (March 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- c. Tree removal and construction shall not take place during the breeding season (March 1 – July 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
- d. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
- e. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.
- f. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with CDFW and the extent of any necessary compensatory mitigation shall be determined by CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department and Building Department*

16. **Mitigation Measure 4B: Fence design and installation to minimize harm to deer movement.** Project fencing shall be designed and constructed in coordination with a County-approved biologist to minimize impacts to deer and deer movement through the site.

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

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department and Building Department*

17. **Mitigation Measure 4C: Implement Best Management Practices (BMPs) During Construction.** To protect water quality and aquatic life in downstream aquatic resources, the

contractor shall implement the following BMPs during construction, which shall also be shown as a note on all improvement and grading plans:

- a. Disruption of soils and native vegetation shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
- b. If straw is used for erosion control, only certified weed-free straw shall be used to minimize the risk of introducing noxious weeds such as yellow star thistle.
- c. The contractor shall exercise every reasonable precaution to prevent contamination of the project area with spilled fuels, oils, bitumen, calcium chloride, and other harmful materials. Contamination of the project area soils from construction byproducts and pollutants such as oil, cement, and wash water shall be minimized. Drip pans or absorbent pads should be used during vehicle and equipment maintenance work that involves fluids. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- d. To minimize erosion, development runoff shall not be discharged directly across steep slopes. Runoff shall instead be directed through energy dissipaters constructed at discharge points to reduce flow velocity and prevent erosion.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department and Building Department*

18. **Mitigation Measure 4E: Provide Copies of Permit Conditions/Mitigation Measures to Contractors.** To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department and Building Department*

19. **Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction.** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native

American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department and Building Department*

20. **Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00PM:** During grading and construction, work hours shall be limited from 7AM to 7PM, Monday through Saturday. Prior to issuance of grading, improvement, and building permits, plans shall reflect hours of construction.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

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

**Responsible Agency:** *Planning Department and Building Department*

21. **Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. Inert waste, such as rock or concrete should be retained "on-site" and incorporated into the development as much as possible. Such methods shall be noted on the grading and improvement plans.

**Timing:** *Prior to Issuance of grading/improvement/building permits and throughout construction*

**Reporting:** *Planning Department Approval of Grading and Construction Permits*

**Responsible Agency:** *Planning Department and Building Department*

## **B. BUILDING DEPARTMENT**

1. Complete grading, erosion control, construction and utility plans shall be submitted for review at time of building/grading permit submittals in conformance with Nevada County Land-Use Code Chapter V.
2. 2 sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittals.
3. A State Storm Water Pollution Prevention Plan (SWPPP) permit shall be obtained and submitted at time of grading plan submittal.
4. Complete drainage calculations shall be provided at time of grading plan submittals.
5. A special inspection agreement shall be completed and included at time of construction plan submittal for all required project special inspections.

6. Disabled accessible parking shall be provided with routes of travel to all building entrances and accessible camping/rental sites based on the overall number of parking spaces provided. Routes of travel shall connect all facilities and amenities throughout the site.
7. A complete code analysis shall be provided for the buildings showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.
8. A disabled van accessible parking space shall be constructed based on the number of parking spaces currently shown. An accessible route of travel shall be provided from the accessible parking space to each accessible storage unit.
9. A plumbing fixture analysis/calculation shall be provided for all structures showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
10. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.
11. The landscaping on the site shall be designed to meet the state model water efficient landscape ordinance (MWELo) requirements. Complete plans, details and calculations shall be provided by a licensed landscape architect indicating compliance.
12. A minimum of disabled accessible storage units shall be in compliance with Table 11B-225.3 of the California Building Code and dispersed throughout the various types and sizes of storage units throughout the site. These units shall be located on an accessible route of travel to the disabled accessible parking space.

**C. DEPARTMENT OF PUBLIC WORKS**

1. Prior to final building inspection, roads shall be improved to the following standards and shall meet LUDC Sec. L-XVII 3.4 Design Geometrics and 3.5 Structural Section Design: Local Class 1 - 101-400 ADT.
2. Prior to final building inspection, the applicant's engineer shall certify that any required improvements have been completed in conformance with the applicable standards.
3. Prior to any work within the right of way, the applicant shall obtain an encroachment permit from the County, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work.
4. Prior to the issuance of grading and building permits, the applicant shall provide final grading and drainage plans with an accompanying analysis prepared by a registered civil engineer that demonstrate no net stormwater runoff from the proposed project. The drainage analysis shall meet all requirements of Article 5, "Storm Drainage" of the Nevada County Land Use and

Development Code Section L-XVII. This shall include a hydraulic analysis of the project drainage system including culvert sizing, invert elevations, design storm freeboard and detention pond sizing. The hydrologic analysis shall include an analysis of post-development peak runoff versus pre-development peak runoff at all points exiting the development. Include in the grading plan grading for structures, parking areas and detention ponds.

5. Dischargers whose project disturbs one or more acres or where projects are less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit shall require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
6. Pursuant to General Plan Policy 11.6A, commercial and industrial development of 1 acre or greater in size must provide oil, grease and silt traps. The applicant shall provide for oil, grease, and silt traps designed by a registered civil engineer in the site plans and shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided pursuant to General Plan Policy 3.19C.
7. Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to grading or improvement permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.
8. Prior to issuance of any building permits, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors at time of building permit for trips generated by the project.
9. Driveways and parking lot circulation shall be designed to fire safe road standards. A truck turning analysis shall be completed for ingress and egress to the project site along with internal circulation areas to ensure that the larger of fire trucks or delivery vehicles can successfully navigate the project site.
10. Identify all easements and utilities on and adjacent to the site on the site plan.
11. In compliance with LUDC Sec. L-II 4.2.11.C.2, the applicant shall provide either a) conformance with Waste Management's standard of 50 feet of backout between trash enclosures and parking and building areas, or, if that cannot be met, b) documentation of Waste Management's approval of the location of the waste and recycling bins shown on the site plan. The trash bin shall be placed within a solid screen enclosure constructed of materials and colors compatible with the building style, at least one foot higher than the receptacle.



12. The Department of public works is willing to grant an exception to the 50' r/w on Johnson Place as follows:
  - a. Prior to issuance of building permits, the applicant shall offer for dedication to the County of Nevada a 10-foot non-exclusive easement for public access, utility, and emergency egress purposes along the project's frontage on Johnson Place.
  - b. A 10-foot easement for the purposes of vegetation/fuel reduction would be required along the SE side of Johnson place as discussed with the applicants engineer

**D. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT & NEVADA COUNTY OFFICE OF THE FIRE MARSHAL**

1. Johnson Place has a 30-foot easement. As long as we can achieve a 20 foot (two 10-foot travel lane) in addition to the shoulders the Fire District will support this exception.
2. At time of submittal of improvement plans, applicant will provide a code analysis that includes required fire flow and fire sprinkler flow needs.
3. There are two NID fire hydrants adjacent to the parcel (H0184 at 15690 Johnson Pl and H0183 at 15637 Johnson Pl) as shown on the site plan. Each is on an 8-inch line, fed by a 6-inch line on Alta Sierra Drive. NID estimates the available fire flow to be 880 cfm (10 ft/sec through the 6-inch line) available for several hours. The static pressure at the hydrants are 136 psi and 120 psi, respectively. The California Fire Code specifies a minimum of 1,500 gpm measured at 20 psi for all Type IIB Non Combustible construction under 5,900 sq ft. To support the available approximate 880 cfm fire flow, the following conditions for the storage facility development will be required prior to final building inspection:
  - a. Large buildings have been broken up into smaller buildings in the proposed site plan as a means of reducing the fire flow demand. This results in an average building size of approximately 2,500 sq ft with no buildings being over 5,000 sq ft. The proposed building sizes are shown in the table below.
  - b. Fire suppression sprinklers will be installed in all buildings except buildings 11, 12, 13a, 13b (originally one building that has been split as discussed), 15, 16, and 17, which will be monitored through a central alarm system with installed smoke or heat sensors. They are not required to have fire sprinklers.
  - c. An 80,000 gallon water storage tank with an unpressurized draw hydrant located near building 6 will be provided per the site plan. This will provide an additional 620 gallons per minute (1,500 less 880 provided by NID) for 2 hours.
  - d. The existing significant ladder fuels will be removed and properly maintained. Defensible Space will be maintained around buildings according to ReadyNevadaCounty.org
  - e. Other than the draw hydrant for the water storage tank, no other hydrants are required for the site.
  - f. The metal containers located at the end of several of the buildings will be used as rentable storage units. They will be left in place and will be monitored through a central system with installed smoke or heat sensors. They are not required to have fire sprinklers.

4. The Fire District has adopted development fees for new construction and fees for services provided by the Department of Fire Prevention and shall be paid at the time services are rendered.

The Fire District's approval of this application is not valid until all plan review fees have been paid.

5. All meetings and inspections require a minimum of 48-hours advance request.
6. Ensure all Fire Related site plan features are met as they will be inspected prior to final.

**E. ENVIRONMENTAL HEALTH DEPARTMENT**

1. Clarify the domestic water source for the parcel, well or public water. If it's a well, provide the location of the well. If it's public water, provide the service connection location AND A Will-Serve Letter from the service provider.
2. Obtain an approved 100% sewage disposal repair area for the existing development.

**F. NEVADA IRRIGATION DISTRICT**

1. If a domestic meter is requested (understanding that the landscape will be handled by the existing well), a Water Demand Analysis will be required to determine the appropriate meter size for proposed use and associated fees to collect based on demand.
2. A commercial service requires the installation of a Reduced Pressure Principle Device (backflow prevention) at the owners expense.
3. If commercial fire flow is required, the applicant will need to install a Private Fire Service to accomplish on site fire protection. Application and improvement plan submittal required.
4. If the applicant needs to install a Public Fire Hydrant near the north end of the property, the waterline within Johnson Place will need to be extended. Application and improvement plan submittal required.
5. NID will require easements for existing facilities, if needed, and easements for all future facilities needed to complete the proposed project.

**G. CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

1. The existing encroachment to State Route 49 shall be obliterated including any A/C pavement encroaching into Caltrans Right of Way.
2. Any project along or within the State's ROW requires an encroachment permit that is issued by Caltrans. The applicant must provide necessary documents including but not limited to environmental, cultural resources, traffic operations and hydraulics and mitigate effects on the

State's highway right of way. Facilities proposed within the State R/W necessitate a Maintenance Agreement with the local entity.

3. The development of this site will increase impervious surface area through the construction of roads, driveways, parking lots, buildings, etc. with a corresponding increase in surface water runoff. This project will decrease surface water detention, retention and infiltration. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the 100-year storm event should be minimized through project drainage mitigation measures.
4. Increases in peak runoff discharge for the 100-year storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.
5. All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.
6. Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.
7. All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

## **H. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE**

1. **Notice of Determination Fee.** Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently \$2,548.00, 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 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved

environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

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

1. **Mitigation Measure 3A: Prepare a Dust Control Plan.** Prior to issuance of grading and improvement permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

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

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *NSAQMD and Planning Department*

2. **Mitigation Measure 3B: Reduce emissions during construction.** The following are the minimum mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at [www.arb.ca.gov/diesel/diesel.htm](http://www.arb.ca.gov/diesel/diesel.htm)).

- a. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).

- b. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at [www.arb.ca.gov/coatings/arch/Approved\\_2007\\_SCM.pdf](http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf)).

- c. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.

- d. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *NSAQMD and Planning Department*

3. **Mitigation Measure 3C: Comply with open burning prohibitions.** The applicant shall use alternatives to open burning of vegetative material on the project site, unless deemed infeasible by the Air Pollution Control Officer. The applicant shall treat cleared vegetation by legal means other than open burning, such as chipping, shredding, grinding, use as firewood, and conversion to biomass fuel. Open burning of site-cleared vegetation shall be permitted

only upon Northern Sierra Air Quality Management District (NSAQMD) approval of documentation showing alternatives are unobtainable or economically infeasible. The applicant shall obtain an approval letter from NSAQMD prior to approval of improvement or grading plans for road, driveway or future residential construction indicating the approved method of cleared vegetation disposal, and shall note such methods on any project plans prior to approval. At no time shall open burning of materials generated by this project occur at another site unless approved in advance by the NSAQMD.

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

**Reporting:** *Permit issuance*

**Responsible Agency:** *NSAQMD and Planning Department*

4. **Mitigation Measure 3E: Mitigate any asbestos discovered during construction.** If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *NSAQMD and Planning Department*

## **J. CENTRAL VALLEY WATER QUALITY CONTROL BOARD**

1. **Mitigation Measure 4D: Obtain a Storm Water Pollution Prevention Plan (SWPPP) from the Central Valley Regional Water Quality Control Board.** Given that the project would disturb over one acre, the project applicant shall obtain a SWPPP from the Central Valley Regional Water Quality Control Board and provide it to the Building Department prior to the onset of any construction activities and prior to issuance of grading and improvement permits.

**Timing:** *Prior to issuance of grading/improvement/building permits and throughout construction.*

**Reporting:** *Approval of future grading/improvement permit*

**Responsible Agency:** *Planning Department, Building Department, and CVWQCB*

## **K. UNITED AUBURN INDIAN COMMUNITY**

1. **Mitigation Measure 18A: Unanticipated Tribal Cultural Resources.** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate

treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

***Timing:*** *Prior to Issuance of grading/improvement/building permits and throughout construction*

***Reporting:*** *Planning Department Approval of Grading and Construction Permits*

***Responsible Agency:*** *Planning Department & United Auburn Indian Community of the Auburn Rancheria*