



# **RESOLUTION No. 24-561**

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

**RESOLUTION TO UPHOLD THE APPEAL FILED BY LESLIE BARBAZETTE TO OVERTURN THE PLANNING COMMISSION'S JULY 25, 2024, 2 FOR, 2 AGAINST, 1 ABSENT DENIAL OF THE WOLF CRAFT COLLECTIVE CRAFT SCHOOL AND LOW-INTENSITY CAMP, ADOPTING THE MITIGATED NEGATIVE DECLARATION (EIS23-0002), THE AQUATIC AND OAK RESOURCES MANAGEMENT PLANS (MGT23-0021 & MGT24-0004), THE PETITION FOR EXCEPTIONS (PFX24-0006) AND THE CONDITIONAL USE PERMIT (CUP23-0006) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A CRAFT SCHOOL AND LOW-INTENSITY CAMP LOCATED AT 10743 WOLF ROAD, SOUTHERN NEVADA COUNTY, APN 057-030-011**

WHEREAS, on July 27, 2023, Leslie Barbazette ("Applicant") applied for a Conditional Use Permit to construct a craft school, low-intensity camp and event center (Project) at 10734 Wolf Road in south Nevada County; and

WHEREAS, on July 19, 2024, the Applicant submitted a request in writing to remove the events from the Project proposal based on feedback from neighbors which resulted in a reduced Project footprint and amendments to the Project's conditions of approval; and

WHEREAS, on July 25, 2024, the Planning Commission heard the Project and received public testimony and voted 2 for, 2 against, 1 absent, which resulted in a failed motion and denial of the Project and its associated entitlements; and

WHEREAS, pursuant to Nevada County Code Section 12.05.120 Appeals of the Nevada County's Zoning Ordinance any decision of the Planning Commission may be appealed within 10 days after the date of the decision; and

WHEREAS, on August 2, 2024, Leslie Barbazette, Applicant, and Robert Wood, Project Representative (together, "Appellant") filed a timely appeal of the Planning Commission's July 25, 2024 denial of the Project; and

WHEREAS, on August 20, 2024, the Board of Supervisors accepted the appeal and set the appeal hearing for October 22, 2024; and

WHEREAS, on October 22, 2024, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal; and

WHEREAS, the Board found the Project was conditioned and mitigated to comply with the County's Zoning Ordinance and to ensure less than significant impacts to all environmental issues pursuant to the California Environmental Quality Act Sections 15073.5(c)(1), 15074 and 15097; and

WHEREAS, the Board found the Project Management Plans were found consistent for approval under the County's Resource Protection Standards pursuant to Nevada County Code Sections 12.04.217 Watercourses, Wetlands and Riparian Areas, and 12.04.215 Trees; and

WHEREAS, the Board found the Project Petition for Exceptions to Road Standards was supported by the County Department of Public Works and Office of the County Fire Marshal and found consistent for approval pursuant to Nevada County Code Section 16.10.120; and

WHEREAS, the Board found the Project was found consistent for approval under the County's Zoning Regulations for a Conditional Use Permit pursuant to Nevada County Code Sections 12.03.060 Camps, Low Intensity, and 12.05.060 Use Permits.

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

1. The facts set forth above are true and correct.
2. The proposed Mitigated Negative Declaration, provided as sub-attachment 2 of Attachment 3 of this staff report, is adequate for the project pursuant to Sections 15073.5(c)(1), 15074, and 15097 of the California Environmental Quality Act Guidelines, making Findings 2.a through 2.d:
  - a. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment; and
  - b. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels, and
  - c. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California; and
  - d. Pursuant to Section 15073.5 of the California Environmental Quality Act Guidelines, recirculation of the project specific Initial Study/Mitigated Negative Declaration (EIS23-0002) is not required because of the modified Mitigation Measure 3.D and added Mitigation Measure 4.F as these requirements enhance the effectiveness of the original mitigation measures.
3. The aquatic resources Management Plan (MGT23-0021) allowing encroachment into the onsite aquatic resources pursuant to Title 12, Chapter 4, Section 12.04.217 of the Nevada County Code is necessary to provide project infrastructure, making findings 3.a and 3.b:
  - a. That the project has been designed to reduce the impacts to the waterways to the maximum extent possible by installing barriers to protect aquatic features, performing restorative plantings and to ensure soil and other pollutants do not enter the waterways; and
  - b. All the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
4. The oak resources Management Plan (MGT24-0004) allowing for the removal of 12 oaks within the onsite landmark oak grove, pursuant to Section Title 12, Chapter 4, Section 12.04.215 of the Nevada County Code is necessary to provide project infrastructure, making findings 4.a and 4.b:
  - a. That the project has been designed to reduce the impacts to the waterways to the maximum extent possible by installing barriers to protect aquatic features, performing restorative plantings and to ensure soil and other pollutants do not enter the waterways; and

- b. All the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
5. The Petition for Exception to Road Standards (PFX24-0006) to allow for a short portion of the onsite road to exceed 16% in slope pursuant to Nevada County Code Title 16, Chapter 10, Section 16.10.120, is necessary to provide for safe ingress and egress to all the project improvements making findings 5.a through 5.e:
- a. That there are special circumstances and conditions which affect the proposed parcel including steep slopes, watercourses and wetlands, ponds and landmark oak trees; and
  - b. That this exception is necessary for the preservation of the property right of the owner, who is allowed to seek a Use Permit for the proposed use; and
  - c. That the granting of this exception will not be detrimental or injurious to other property in the local area because it was approved by the County with specific input and conditions from the Nevada County Department of Public Works and has been conditioned to provide the same overall practical effect as strict compliance with the Road Standards; and
  - d. That the granting of this exception will not constitute a grant of special privilege that is inconsistent with the limitations upon other similar properties; and
  - e. That this exception will provide the same practical effect of fire protection and is supported by the Nevada County Office of the Fire Marshal/CalFire, which is responsible for assuring compliance with California Code of Regulations Title 14, Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5.
6. The Conditional Use Permit to allow for the construction and operation of a craft school and low-intensity camp is consistent with Nevada County Code Title 12, Chapter 3, Section 12.03.060, subject to the Mitigation Measures and Conditions of Approval provided for in Exhibit A, making findings 6.a through 6.k pursuant to Nevada County Zoning Regulations Title 12, Chapter 5, Section 12.05.050 and 12.05.060:
- a. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Rural General Plan land use map designation; and
  - b. The proposed use is allowed within and is consistent with the purposes of the "AG" zoning district within which the project is located, which allows social event facilities and low-intensity camps; and
  - c. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, because the project meets the setbacks and other standards of the Site Development and Resource Protection Standards, mitigating the impact of the project on environmentally sensitive resources; and
  - d. The design of proposed facilities is consistent with the intent of the design goals, standards, and elements of the Land Use and Development Code and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area; and
  - e. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, because the parcel is 15.77-acres in size; and

- f. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, including agricultural uses, and it is not detrimental to abutting property and in the nearby surrounding neighborhood or area with the implementation of the conditions and mitigation measures, and due to the site having vegetation to provide screening from public views, and mitigation of potential project impacts; and
  - g. That adequate provisions exist for water and sanitation for the proposed use as reviewed and conditioned by the Environmental Health Department; and
  - h. Roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the Department of Public Works, Office of the County Fire Marshal and Caltrans, and adequate provision has been made for project specific impacts by including mitigation to installing a new left hand turn lane, signage, and a payment of development impact mitigation fee shall be imposed for additional trips generated by the project; and
  - i. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
  - j. All feasible mitigation measures have been imposed on the proposed project as provided in Exhibit A or as may be modified at the public hearing; and
  - k. The conditions provided Exhibit A are deemed necessary to protect the public health, safety, and general welfare.
- 7. The proposed Project is consistent with the intent of the goals, standards, and elements of the County's General Plan and Zoning Ordinance, including protection of environmental resources.
  - 8. There is no substantial evidence in the record supporting a fair argument that the proposed Project, as mitigated and conditioned, might have any significant adverse impact on the environment.
  - 9. Adequate facilities and services exist within the Project area which will be available to serve the Project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including utility service and fire protection.
  - 10. The conditions provided in the Project Conditions of Approval as provided in Exhibit A of this Resolution are deemed necessary to protect the public health, safety, and general welfare.
  - 11. The location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby upholds the appeal filed by Leslie Barbazette, overturning the decision of the Planning Commission to deny the Project and its associated entitlements and approves the Project allowing for the construction and operation of a craft school and low-intensity camp subject to the conditions of approval and mitigation monitoring and reporting plan provided in Exhibit A attached herein.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of October 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Lisa Swarthout, Susan Hoek, and  
Hardy Bullock.

Noes: Supervisor Edward C. Scofield.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN  
Chief Deputy Clerk of the Board of Supervisors

By: 

  
Hardy Bullock, Chair

**Exhibit A:**  
**Wolf Craft Collective**  
**Conditions of Approval & Mitigation Monitoring & Reporting Plan (MMRP)**  
**PLN23-0085, CUP23-0006; MGT23-0021; MGT24-0004; PFX24-0006; EIS23-0002**

**A. PLANNING DEPARTMENT**

1. A Conditional Use Permit, known as the Wolf Craft Collective, is a proposed low-intensity camp located at 10734 Wolf Road, Grass Valley, CA (APN 057-030-011) in the southern part of Nevada County, approximately 0.75 miles west of Highway 49. In addition to the Use Permit (CUP23-0006) for a low-intensity camp, Management Plans are required for impacts to trees (MGT23-0021) and watercourses (MGT24-0004), and a Petition for Exception to Road Standards (PFX24-0006) is required for road grades greater than 16%.

The objectives of the project are to provide workshops on craft skills such as woodworking, metalsmithing, fiber crafts, and ceramics along with overnight accommodations, food services, administrative space, and retail to serve participants of the workshops. The project site also includes residential and agricultural uses such as crop and animal raising. The project is intended to serve local and out-of-town guests.

During normal craft workshop operations, the project is expected to have 3 to 10 employees and 30 to 40 guests on site. Workshops will typically vary from 1 to 7 days in length. Some guests will stay off site and travel to the site to attend workshops. Hours of operation would be from 8:00 am to 6:00 pm for significant noise generating classes, such as metal and woodworking; other non-noise generating classes such as ceramics and fiber studio are allowed until 8pm. 7 days a week for workshops with overnight lodging available. The project also proposes to include a temporary recreational vehicle for security housing during the construction phase as allowed by Nevada County Code Title 12, Chapter 3, 12.05.150. The security housing would consist of a single recreational vehicle located near the future café area as shown on the project site plan.

Events pursuant to Nevada County Code Title 12 Chapter 3 Section 12.03.070 are not authorized by this Use Permit.

The project is split into three phases to be completed within 7 years of land use permitting approval. Construction is anticipated to begin in 2024 and complete in 2030. Staging areas for construction will occur on site. The scope of each phase is described below.

- Phase I (estimated construction 2024-2026)
  - Driveway with encroachment onto County-maintained Wolf Road
  - Interior circulation roads - approximately 1,800 feet
  - Parking areas sufficient for buildings in this phase - 42 32 parking spaces
  - Ceramics shop with kiln and bathroom— 2,400 square feet, 30 feet tall
  - Barn for animal keeping and storage – 3,240 square feet, 27 feet tall
  - Classroom with a bathroom – 664 square feet, 17 feet tall
  - Classroom – 600 square feet, 15 feet tall
  - Office building with lobby, retail, bike and laundry room, bathroom – 1600 square feet, 12 feet tall
  - 9 tent cabins each with a restroom – 450 square feet each, 19 feet tall
  - 4 tent camping decks – 750 square feet each
  - Shared restroom for tent campers – 144 square feet
  - Food truck and utilities for future café
  - Trash enclosure – 200 square feet
  - Septic system
  - Stormwater treatment areas



- Fencing and retaining walls throughout
- Monument sign at entrance
- Wolf Road improvements including a new left turn lane
- Installation of landscaping, hardscaping, and lighting at developed areas
- Security housing- recreational vehicle
- Phase II (estimated construction 2027-2028)
  - Conversion of 664 square-foot classroom to fiber studio
  - Metal shop with machinery and bathroom – 2400 square feet, 20 feet tall
  - Wood shop with machinery and bathroom – 2400 square feet, 20 feet tall
  - 2 additional tent cabins – 450 square feet each, 19 feet tall
  - Residence and driveway
  - Parking areas and driveways to serve structures in this phase – 45 12 parking spaces
  - Installation of landscaping, hardscaping, and lighting at developed areas
- Phase III (estimated construction 2029-2030)
  - Commercial café with bathroom – 1000 square feet indoor and 500 square feet outdoor dining area
  - Café stormwater treatment area
  - Cabins to replace 9 tent cabins

The design of the structures will include board form concrete, standing seam metal, corten steel, glass, wood screening, and fabric. Colors may include dark bronze, black, dark green, and natural materials.

The structures on site will be served by driveways and pedestrian walkways. The project proposes 44 parking spaces throughout the property, seven of which are ADA accessible. Improvements, including a new left turn lane and an improved driveway encroachment, will be made to Wolf Road. The site will be accessed through the single existing driveway encroachment.

The surface runoff generated from the proposed impervious areas of compacted gravel, concrete, asphalt, and roof runoff will be captured via sheet flow or via a series of ditches and culverts to infiltration trenches and bioretention facilities throughout the project. The preliminary drainage report indicates there will be no net increase in peak runoff for a 10-year and 100-year storm event and the post-development drainage flows shall not exceed pre-development drainage flows. Grading includes approximately 12,250 cubic yards of cut and 4,240 cubic yards of fill with a net export of 8,010 cubic yards.

Landscaping plans include mostly native and drought tolerant plants. Approximately 19 oak trees (12 within the onsite oak grove) and 2 pine trees will be removed. Raised garden beds for edible plants will also be included. Hardscaping includes boulders, boardwalks, paving, permeable concrete pavers, decomposed granite, wood fencing, outdoor seating, and concrete boardform retaining walls. There will be signage at entrance and internal wayfinding signage. Exterior lighting includes various downward facing fixtures installed with the landscaping, affixed to structures, and freestanding.

The project site will be served by PG&E for electricity, and gas will be provided by individual underground propane tanks. A Class 2 commercial well will be installed onsite and will be used

for potable water and to supply irrigation lines. Sewage disposal will be handled via on-site septic system(s). An OSSE was completed and identified appropriate areas for the septic system(s).

2. Appeal Period. Pursuant to the requirements of the Zoning Regulations, you are hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Planning Commission's final action on the project (Aug 5, 2024 at 5:00 PM).
3. 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.
4. Expiration Date. As a phased development, all Conditions of Approval shall be completed within seven (7) years from the effective date of the approval of the pursuant to Section 12.05.100.C.1 of the Nevada County Zoning Regulations (October 22, 2031).
5. Hours of operation for the low-intensity camp/craft school are limited to the hours of 8 A.M. to 6 P.M. for significant noise generating classes, such as metal and woodworking; other non-noise generating classes such as ceramics and fiber studio are allowed until 8pm.
6. The maximum allowed campers/students at any given time are 40 and the maximum number of permanent employees onsite shall not exceed 10, not including the project applicant/owners.
7. Prior to issuance of grading or building permits for any phase of the project, all overnight camping facilities, shall meet a minimum setback of 100-feet from the interior and rear property lines and be shown on submitted plans that they can achieve this requirement.
8. Prior to grading or building permit issuance, the construction staging area shall be relocated to provide for a minimum of 50-feet from neighboring property lines.
9. Design of the buildings 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. No design shall be permitted to have bright jarring colors or intense white color.
10. Lighting included in this approval is subject to conformance with Zoning Regulations Section 12.04.108. 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. 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 turned off as needed. Lighting shall be turned off between 11 P.M. and sunrise. Internal or backlighting for signage is prohibited. All exterior lighting shall be maintained as approved and installed.
11. The project signage shall be designed and maintained consistent with the preliminary sign plan kept on file with the Planning Department. No signage shall be permitted to have internally illuminated features.



12. All trash and recycling areas shall be contained within a screened enclosure as shown on the site plan, protected from adverse weather conditions, and accessible to the solid waste collection equipment. Said enclosures shall be built with compatible building materials and colors as used with the school/camp facility, shown in the plans kept on file with the Planning Department, and shall conform to Section 12.04.111 of the Zoning Regulations.
13. Final landscaping for the project shall be in compliance with Nevada County Section 12.04.107 of the Zoning Regulations and the preliminary landscape plan. A final landscape plan shall be provided with building plans for each individual phase as outlined in Condition A.1. Landscaping shall be provided in accordance with County standards. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
  - a. All details depicted on the preliminary plans and any modifications included by these conditions of approval; and
  - b. The location of all required plant materials, evenly dispersed within each required planting area; and
  - c. A legend listing the type, number and size of plant materials, indicating both the 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 be included in all required plantings pursuant to the Zoning Code; and
  - d. Irrigation plan per the Zoning Code; and
  - e. A note on the plan, certified by a licensed landscape architect, landscape designer, or horticulturalist, that trees are located on the plan so as to cover 40% of the parking area with tree canopies within 15 years, consistent with the Zoning Code; and
  - f. A note that "All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials."
  - g. Prior to final occupancy of any phase of the project, the landscape architect shall verify that all plant materials have been established for said phase including all building(s) and parking area(s) pursuant to the approved plan.
14. Parking areas shall be constructed in accordance with the design standards of Section 12.04.109 of the County Code, including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. The project site plan shows forty four (44) spaces and seven (7) ADA accessible spaces. 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.
15. Parking is prohibited within the County Right of Way, on the primary access road, and in undeveloped areas or areas of dry grass.
16. Phased project site improvements/infrastructure (road, wells, septic, parking, landscaping, drainage, etc) shall be completed as outlined in Planning Department Condition A.1 and as shown on the project phasing plan (sheet C.2.0) kept on file with the Planning Department.

However, project phases may occur in any order as long as project site infrastructure to support the improvements has been completed.

17. **Limit Construction Hours. (Mitigation Measure 13A):** In order to avoid impacts from construction noise, construction work hours shall be limited to 7AM to 5PM, Monday through Friday. Prior to issuance of grading permits, this measure shall be included as a note on all plans.

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

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

**Responsible Agency:** Planning Department

18. Noise levels generated by this use shall not exceed those standards set forth in Section L-II 4.1.7 of the Zoning Ordinance, applicable to the Rural Zoning Districts.

19. **Watercourse and Riparian Area Best Management Practices. (Mitigation Measure 4A):**

Proposed disturbance adjacent to the existing pond within the southern section of the subject parcel will include the bridge crossing footings to be on located along the pond's edge and not within the wetted portion of the pond itself and therefore, the access road and bridge crossing of the pond will not directly impact the pond and potential indirect impacts to the pond from impacts within the non-disturbance buffer of the pond will be minimized by mitigation measures and BMPs outlined below.

1. Limit construction to periods of extended dry weather and/or the dry summer season;
2. Establish the areas around the pond, NID canal, and riparian area as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction;
3. No fill or dredge material will enter or be removed from the pond, riparian area, or NID canal. The culvert crossings may be upgraded where access roads cross the drainage ditches and the placement of boulders along the edges of the culverts will minimize erosion at both ends of the culverts and along each side of those drainage ditches;
4. Use appropriate machinery and equipment to limit disturbance in these areas;
5. Placement of straw and/or other soil erosion control devices between the pond, riparian area, NID canal, and drainage ditches, and the areas where grading and/or vegetation removal will occur to limit potential runoff and sedimentation into those aquatic resources;
6. No dewatering of the pond, NID canal, riparian area, or drainage ditches will occur as part of the proposed construction; and
7. Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the pond, riparian area, NID canal, and drainage ditch. Place staging areas and other work areas outside of the non-disturbance buffers to these aquatic resources within the subject parcel during construction as feasible. However, the staging area within the eastern section of the subject parcel should be approved in that location given it is within a flat area and BMPs (including straw) will be placed around the edges of the staging area to minimize any potential runoff from that area.
8. The contractor shall exercise reasonable precaution to protect these as well as all aquatic resources and their adjacent non-disturbance buffers from pollution such as fuels, oils, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near any aquatic resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
9. No equipment for vehicle maintenance or refueling shall occur within the non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other

chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instructions on the label.

10. Exposed bare soil along the proposed disturbance within the non-disturbance buffers should be protected against loss from erosion by the placement of straw within the area where vegetation will be removed. Once revegetation is completed the erosion control within the non-disturbance buffer areas can be removed.
11. To ensure the proper and timely implementation of all mitigation measures contained in this Aquatic Resources Management Plan, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and permit requirements to the contractors prior to grading and construction within the non-disturbance buffers. All contractors shall be completely familiar with the mitigation measures contained above and with the terms and conditions of all permits.

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

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

**Responsible Agency:** Planning Department

20. **Implement Restorative Landscaping. (Mitigation Measure 4B):** A Landscape Planting Plan is attached as Appendix C showing areas to be planted with both aquatic associated and upland associated habitats. The additional restoration within the subject parcel to include several areas that will include native plantings, and will offset any impacts to aquatic and upland plant species within the subject parcel.

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

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

**Responsible Agency:** Planning Department

21. **Bird Survey. (Mitigation Measure 4C):** The following note must appear on all grading plans: The trees, shrubs, and grasslands within the subject parcel contain suitable habitat for nesting raptors and MBTA and CDFW protected nesting bird species. The breeding season for most protected birds in the vicinity of the Project area is generally from February 1 to August 31. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or mitigation measures. However, construction or development activities during the breeding season could disturb or remove occupied nests of migratory birds or raptors and would require the implementation of a pre-construction survey within 250 feet of the disturbance area within the subject parcel for nesting migratory birds and raptors prior to development. If any nesting raptors or migratory birds are identified during surveys, active nests shall be avoided and a no-disturbance buffer shall be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers shall be determined by a CDFW qualified wildlife biologist or a biologist on the Nevada County Pre-Qualified Biological Consultants List and would depend on the bird species actively nesting, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors would be analyzed by the qualified biologist who would make an appropriate decision on buffer distances. The applicant or their representative shall ensure all buffer areas are marked with high-visibility construction fencing and all workers on site are trained to avoid such areas.

Grading, construction, and vegetation removal shall be avoided during the nesting season (February 1- July 31) to prevent impacts to nesting raptors or migratory birds, including nesting Cooper's hawks, yellow-breasted chats, and yellow warblers, using the construction zone and adjacent forest. If construction activities cannot be avoided during the nesting season, pre-

construction surveys shall be conducted to verify that the construction and potential disturbance zones do not support nesting migratory birds.

1. Tree removal shall not take place during the breeding season (February 1 -July 31), unless supported by a report from a qualified biologist to verify that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
2. An additional survey may be required if periods of construction inactivity (e.g., gaps of activity during grading, tree removal, road building, or structure assembly) exceed a period of two 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.
3. Surveys shall be conducted no sooner than two weeks prior to the initiation of construction activities or other site disturbances.
4. Should any active nests or breeding areas be discovered, a buffer zone (protected area surrounding the nest, the size of which is to be determined by a qualified biologist) shall be established with high-visibility construction fencing. A monitoring plan shall be developed to ensure buffer zones are enforced. Nest locations shall be mapped to determine the necessary buffer zones and a report stating the survey results shall be submitted to the Nevada County Planning Department within one week of survey completion in order to verify compliance with the required buffer zone mitigation.

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

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

**Responsible Agency:** Planning Department

22. **Compensatory Oak Planting. (Mitigation Measure 4D):** The Project applicant shall implement the specifications for the blue oak acorn planting to be located within the northwest section of the subject parcel where common white snowberry are shown to be planted within the updated Landscape Planting Plan (see Appendix C). The acorns will be planted within that area.

Given the landmark grove trees have not been removed prior to the permit being finalized for the project, nor will any landmark grove trees be removed prior to project approval, a 2:1 ratio for planting acorns would be required for each tree removed and belonging to the areas of mapped landmark grove (see Appendix A). Therefore, a total of thirty (30) blue oak acorns will be planted within the northwest section of the subject parcel within the circles identified for common white snowberry planting in Appendix C. A minimum of 24 blue oaks must survive 5 years for the mitigation planting to be successful. Therefore, given some acorns may not sprout or survive, it is recommended that a greater than 2:1 mitigation ratio be planted to give the applicant a higher probability of having the minimum of 24 native blue oaks survive the entirety of the required 5 years. Successful growth of 24 blue oaks is of equivalent biological value as the inch-for-inch replacement required by Nevada County Code Section 12.04.215

A memo-format report and photo documentation prepared by a Nevada County pre-qualified biological consultant shall be submitted to the Nevada County Planning Department in October of each year for five years once the blue oak acorns are planted. Maintenance, irrigation, and monitoring throughout the growing season shall be the responsibility of the Project applicant, but the Project Biologist shall conduct a field review of the plantings annually, in advance of the annual monitoring report sent to Nevada County to ensure that the mitigation is implemented successfully.

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

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

**Responsible Agency:** Planning Department

**23. Oak Grove Best Management Practices. (Mitigation Measure 4E):** The following Best Management Practices (BMPs) for oak resources shall be implemented during the development of the proposed Project:

1. Plans and specifications shall clearly state protection procedures for oak resources within the Project area. The specifications shall also require contractors to stay within designated work areas.
2. Damage to Oak Trees during construction shall be immediately reported to a qualified biologist on the Nevada County Planning Department's Biological Resources Consultants List or a certified arborist to assess the potential level of impacts to oak resources and determine whether the damage will have a significant impact on any landmark oak trees or landmark oak grove. If it is determined by the qualified biologist or certified arborist that the damage to any landmark oak tree or landmark oak grove is significant for that tree or landmark grove, work shall be stopped and the Nevada County Planning Department shall be contacted to discuss appropriate mitigation measures for such damages.
3. Equipment Damage to limbs, trunks, and roots of all remaining trees shall be avoided during project construction and development.
4. Grading Restrictions Care must be taken to limit grade changes near the drip line of an oak tree. Grade changes can lead to plant stress from oxygen deprivation or oak root fungus at the root collar of oaks. Minor grade changes further from the trunk are not as critical but can negatively affect the health of the tree if not carefully monitored by a qualified biologist or certified arborist.
5. The Root Protective Zones (Drip Lines) Grade shall not be lowered or raised around the trunks (i.e., within the drip line) of any oak tree. A qualified biologist or certified arborist shall supervise all excavation or grading proposed within the protective zone (drip line) of a protected oak resource and/or the clearance of vegetation within the protective zone (drip line) of a protected oak resource. Such work within the drip line of any protected oak resource shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the greatest extent possible and treated as recommended by the qualified biologist or certified arborist.

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

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

**Responsible Agency:** Planning Department

**24. Impacts to Western Pond Turtle (Mitigation Measure 4F):** The following note must appear on all grading, building and construction plans: Prior to ground-disturbing activities near the NID spillway or adjacent ponds, a Qualified Biologist should survey the Project Site where suitable habitat (including nest sites) occurs for western pond turtle. Surveys shall be performed within 30 days prior to starting Project activities and should be performed within a minimum of 500 feet upstream and downstream of the Project activity where accessible. If detected during surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared and implemented by a Qualified Biologist. The plan should include daily construction monitoring. The plan shall be submitted to CDFW.

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

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

**Responsible Agency:** Planning Department/CDFW

**25. Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. (Mitigation Measure 5A):** All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately

and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe shall be contacted. A professional archaeologist shall be retained by the developer and consulted to 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 the issuance of building/grading permits and during construction*

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

**Responsible Agency:** *Planning Department*

26. **Appropriately Dispose of Toxic Waste. (Mitigation Measure 19A):** Industrial toxic waste (petroleum and other chemical products) is not accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

**Timing:** *Prior to issuance of grading or improvement permits and during construction*

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

**Responsible Agency:** *Planning Department*

27. **Right to Farm Notice.** To acknowledge proximity to agricultural resources and the potential for conflict, prior to final occupancy for Phase 1, the applicant shall record a written acknowledgement/disclosure statement with the Nevada County Recorder's Office in the following form:

#### **NEVADA COUNTY RIGHT TO FARM NOTICE**

Nevada County permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, agritourism, traffic, operation of machinery during any time of the day or night, storage and disposal of manure, and the ground or aerial application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. Nevada County has determined in the Nevada County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Nevada County Code and that residents or users nearby property should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Nevada County Right to Farm Ordinance see Agriculture in the Nevada County Code or contact the Nevada County Agricultural Commissioner's Office.

28. Pursuant to Nevada County Code Title 12, Chapter 3, Section 12.03.150.D, Occupancy of a recreational vehicle is allowed as security housing following the issuance of the first grading, building or environmental health permit for the project and is subject to those standards for temporary occupancy as required by Section 12.03.150.C. The security housing use is subject to the timelines associated with this project as outlined in Condition A.4 and shall cease use as

security housing following the project completion expiration date. This condition does not supersede other Recreational Vehicle and Temporary Occupancy on the property as allowed for by Section 12.03.150.

29. Prior to the final inspections for building permits for phase of the project, 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.

## **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. Temporary and permanent bike parking spaces shall be provided by the total number of parking spaces provided per the CA Green Building Standards Code.
8. Clean air/EV/vanpool parking spaces shall be provided based on the overall number of parking spaces provided per the CA Green Building Standards Code. The surface of these spaces shall be constructed of concrete or asphalt.
9. Plans shall indicate the accommodation for the installation of required elements for the future installation of Electric Vehicle (EV) charging stations per CA Green Building Standards Code 5.106.5.3. A minimum number of future EV charging stations shall be provided per this code. A minimum number of these spaces shall be designed to meet requirements for a van accessible parking space and a minimum of spaces shall be designed to meet the requirements for a standard disabled accessible parking space per Chapter 11B of the California Building Code.
10. A complete code analysis shall be provided for the buildings showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.
11. Transient lodging facilities (cabins) shall meet disabled accessibility requirements in accordance with chapter 11B of the CA Building Code. Based on the current number shown a minimum of one cabin shall meet these disabled accessibility standards.



12. A minimum of two (2) campsites shall be on an accessible route and have an accessible routing leading to site facilities (restrooms, etc).
13. A plumbing fixture analysis/calculation shall be provided for all structures showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
14. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code. See C occupancy provisions in the CBC for information on requirements for membrane tent cabins.
15. The landscaping on the site shall be designed to meet the state model water efficient landscape ordinance (MWELO) requirements. Complete plans, details and calculations shall be provided by a licensed landscape architect indicating compliance.
16. Provide a list of permanently installed crafting related equipment (permanent water, power or gas connections).

**C. DEPARTMENT OF PUBLIC WORKS**

UNLESS OTHERWISE SPECIFIED, THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF GRADING AND BUILDING PERMITS:

1. **Road Improvements.** Roads to be improved to the following standards: The main access and all commercial accesses shall be improved to a Fire Standard Access Road meeting requirements of LUDC Sec L-XVII, other accesses for residences and permanent camping areas shall meet standards for fire standard driveways meeting requirements of LUDC Sec. L-XVI. Where more than 4 occupancy units are served by an access, that section of road must meet Fire Safe Access Road Standards.

Applicant's petition for exception (PFX24-0006) is conditionally approved contingent upon final Public Works acceptance and approval of the final grading and building permits. All road grades over 10% shall consist of a structural section of 3" AC over 6" AB compacted to 95% relative compaction over subgrade compacted to 95%. No grades shall exceed 20%, and no other variances have been granted.

2. **Engineer's Certification.** The applicant's engineer shall certify that any required improvements have been completed in conformance with the final approved plans and applicable standards. Roadways and their related structures and facilities shall be certified to be constructed in conformance with the conditionally approved petition for exception and with LUDC Sec L-XVII. Driveways and their related structures and facilities shall be certified to be constructed in conformance with Sec L-XVI.
3. **Encroachment Permit.** 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.

Applicant's work within the right of way shall include, but not be limited to, construction of the new private road approach, the new left turning lane, and striping.

4. **Road & Driveway- Approach Standards.** New roads and driveways must conform to the County's Approach standards in the Land Use and Development Code, as shown in the County's Standard Drawings. Compliance with the standards must be shown on plans. Any driveway and road improvements within the County right of way shall require an encroachment permit from the County prior to any work within the right of way.
5. **Grading and Drainage.** Prior to issuance of grading permit, 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.
6. **Construction SWPPP (for 1+ ac disturbance during construction).** Dischargers whose project disturbs one or more acres or where projects 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).
7. **Oil, Grease and Silt Traps.** 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.
8. **Maintenance of Drainage Facilities.** Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to grading or improvement permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.
9. **Traffic Mitigation Fees.** Prior to issuance of any building permits, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors at time of building permit for additional trips generated by the project. The applicant shall be invoiced for 53 Average Daily Trips as recommended by the Traffic Impact Study.

10. **Sight Distance Maintenance.** Landscaping and all other improvements shall be designed, installed, and maintained to ensure that driver sight distance is sufficient. No improvements other than maintainable landscaping shall be permitted in the County right of way.
11. **Solid Waste and Recycling Accessibility.** 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. **Petition for Exceptions.** Road grades in excess of 10% shall have a structural section of 3' AC over 6' AB compacted to 95% relative compaction over subgrade compacted to 95%. Grades of roads or driveways shall not exceed 20%. Curves shall be widened in accordance with LUDC Sec. L-XVII 3.4.F. No variances except grades up to 20% are granted.
13. **Implement a Construction Traffic Control Plan. (Mitigation Measure 17A):** Prior to issuance of grading and improvement permits, the applicant shall submit a Construction Traffic Control Plan to the Department of Public Works for review and approval. The plan shall 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. Relevant measures shall be noted on all construction plans prior to issuance of permits.  
**Timing:** Prior to issuance of grading and improvement permits  
**Reporting:** Permit issuance  
**Responsible Agency:** Department of Public Works
14. **Sight Distance Maintenance. (Mitigation Measure 17B):** The following note shall appear on all landscaping plans: Landscaping and all other improvements shall be designed, installed, and maintained to ensure that driver sight distance is sufficient. All existing vegetation between the roadway and fence shall also be trimmed to ensure adequate sight distance.  
**Timing:** Prior to issuance of grading and improvement permits  
**Reporting:** Permit issuance  
**Responsible Agency:** Department of Public Works
15. **Driveway Warning Traffic Sign. (Mitigation Measure 17C):** The existing W2-2 sign south of the project site shall be replaced with a W2-7R sign to alert northbound drivers of the project's driveway on the right. This scope shall be included in the encroachment permit with the Department of Public Works for the project's driveway improvements at Wolf Road.  
**Timing:** Prior to issuance of encroachment permit  
**Reporting:** Permit issuance  
**Responsible Agency:** Department of Public Works
16. **Fire Safe Road Standards. (Mitigation Measure 17D):** Road grades in excess of 10% shall have a structural section of 3" asphalt concrete (AC) paving over 6" aggregate base (AB) compacted to 95% relative compaction over subgrade compacted to 95%. Grades of roads or driveways shall not exceed 20%. No road or roadway structure shall have an inside radius of less than 50 feet. In cases where the centerline radius of a road is less than or equal to 200 feet, the inside edge of pavement shall be widened by four feet. In cases where the centerline

radius is 100 to 200 feet, the inside edge of pavement shall be widened by two feet. A letter from a licensed engineer affirming installation of the road to the above standards shall be provided to the Department of Public Works and the roadways shall be inspected by the Fire Marshal prior to final building inspection. This note shall appear on all grading and building permits.

**Timing:** Prior to issuance of grading and improvement permits; prior to final building inspection

**Reporting:** Permit issuance

**Responsible Agency:** Department of Public Works / Fire Marshal

17. **Left Turning Lane. (Mitigation Measure 17E):** The applicant shall install a new left turning lane into the proposed driveway to ensure safe driveway access from the north. This scope of work shall be subject to an Encroachment Permit from the Department of Public Works.

**Timing:** Prior to issuance of encroachment permit

**Reporting:** Permit issuance

**Responsible Agency:** Department of Public Works

#### **D. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL**

1. As this area is not served by municipal water, thus NPFA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting will be required with FDC in a location conducive for the Fire Department, within the studios and workshops. Construction type and Cubic Footage will determine exact gallonage, however based on rough calculations – at or more than 20,000 gallons would be required. Also based on distance more than one FDC (fire hydrant) would be required. Furthermore no less than 750 gallons per minute flow rate will be required – minimum of 5" diameter piping from the tank(s) or the pound to the hydrants. Provide the deferred submittal of the sprinkler plans to this office for review.
2. A Warf style draft hydrant is proposed at the upper pound that will also be used to meet the required fire flow. The pound can also be used to meet the municipal water, thus NPFA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting will be required with FDC in a location conducive for the Fire Department, within the studios and workshops.
3. All interior roads will meet Nevada County Road Standards, to and including required widths, weight ratings, radius(s), shoulders, markings, Fire Department turnaround(s) and vegetation clearance.
4. 4. Tents would be required to meet or exceed State Fire Marshals standards on flammability resistance and be marked with the approved certification (CFC Chapter 31 and CCR title 19, division 1, chapter 8).
5. The barn based on size and construction type may generate the requirement to have an automatic fire sprinkler system. Thus, this would require 1500 gallons per minute flow for two hours duration (CFC appendix B). Provide the deferred submittal of the sprinkler plans to this office for review.
6. All buildings with the exception of the tents, cottages, and residence will generate the requirement for NFPA72 compliant Transmitting Fire Alarm System. Provide the deferred submittal of the sprinkler plans to this office for review.
7. The residence will require an Automatic Fire Sprinkler System.

8. **Evacuation Plan. (Mitigation Measure 9A):** Prior to Building/Grading Permit issuance, the applicant shall work with the Nevada County Fire Marshal to develop an evacuation plan that ensures safe and orderly emergency evacuation of the site in case of an emergency.

**Timing:** Prior to building/grading permit issuance

**Reporting:** Approval of permits

**Responsible Agency:** Fire Marshal

9. All structures shall be compliant to PRC 4291 Defensible Space requirements.
10. Parking will not obstruct FD access (20FT) to any structure.

I have also reviewed the Application request for petition for exception to road standards for the Craft School, Located at 10734 Wolf Rd, in Grass Valley.

The Fire Marshal's Office has the following comments for this application.

11. Approved as drawn onsite plan will generate inspection on project final.

#### **F. ENVIRONMENTAL HEALTH DEPARTMENT**

1. Barns or other enclosures for animals or fowl must be a minimum of 100' from any well, Well Ordinance Sec L-X2.10 Well Location. Well must be abandoned by permit; capping is not enough to change setback requirements.
2. Please note, Class II wells require a 200' setback.
3. Project will require Water Permit.
4. Project will require a Centralized Septic System.
5. Centralized Septic System pressure-dosed disposal trenches will include 5' of effective soil below the bottom of the trench for proper operation at installation. A consultant's report verifying the 5' of effective soil below the bottom of the trench will be required prior to final.
6. The proposed Centralized System size needs to be based on Estimated System Demands, including future expansions with Phases II and III. The following is a partial list; final septic plan will need to include all uses:
  - a. The Boarding School GPD discharge rate is required for the student population (100 gpd/student);
  - b. The Café waste discharge;
  - c. Luxury Camps are 100 gpd/person
  - d. Food Truck
  - e. Grease Trap
7. Site will not exceed the planned use of the permitted Centralized Septic System.
8. Submit final Centralized Septic Plans prior to Building Permit issuance.
9. Submit Water Technical Report prior to drilling of Class II well.

10. The water system will require a permitted Class II commercial well and a Small Domestic Water Supply Permit from this Department. Submit a major drinking water plan check, along with applicable fees, to begin the permitting process. Please reference the [guidelines for a new public water system](#) to get more information regarding the drinking water plan check submittal requirements.
11. Food: The mobile food facility shall obtain a mobile food facility permit from this department. To begin the permitting process, submit a food facility plan review, along with applicable fees. The submittal shall contain 2 sets of plans along with specifications sheets and operating procedures. The mobile food facility shall have CA Housing and Community Development Agency approval and operate out of an approved commissary kitchen.
12. The commercial food facility shall obtain a food facility permit from this department. To begin the permitting process, submit a major food facility plan review application, along with applicable fees. The plan review submittal shall contain design/plans for the construction of the food facility/retail space. If submitted in paper form, please include 2 sets plans along with equipment specifications, specific design of the commercial kitchen, any proposed retail area, storage areas, janitorial areas, restrooms, plumbing, electrical, etc.
13. Mobile Food and Commercial Food plan check submittals shall be approved before any construction of the mobile food facility and/or the commercial food facility can begin. The facilities shall pass a final construction inspection with Environmental Health, submit for annual Certificate of Operation permits, and pay applicable fees prior to opening.
14. Organized Camps: The proposed project shall meet the standards set forth in the California Health and Safety Code Section Division 13, Part 2.3, Sections 18897 – 18897.7 to include section 1596.792, and the California Code of Regulations Title 17, Subchapter 6, Sections 30700 – 30753, for laws and regulations relating to Organized Camps.
15. Hazardous Materials: The applicant and/or facility operators must adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 – 25519 and 25100 – 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). The applicant and/or facility operator must apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA).

## **G. NEVADA IRRIGATION DISTRICT**

1. There are NID Spillway channels through the property. Water flows come from three (3) spills on the Magnolia 2 North Canal. Highest recorded flows:
  - Spill 1: 4cfs
  - Spill 2: 8 cfs
  - Spill 3: 5 cfs
  - Plus any additional water that enters the canal. Water could be spilled at any time due to canal emergencies.
2. Verify existing spillway rights or acquire easements.

3. Another culvert may be necessary for road to cabins. If necessary, culvert needs to be designed for canal flows plus storm water.

#### **H. CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

1. All imported soil and fill material shall be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the Preliminary Endangerment Assessment Guidance Manual for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage.
2. Natural occurrences of asbestos are more likely to be encountered in, and immediately adjacent to, areas of ultramafic rock." Therefore, surveys should be conducted for the presence of mercury and asbestos containing materials. Removal, demolition, and disposal of any of the abovementioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.
3. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are Dichlorodiphenyltrichloroethane (DDT), toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet HHRA NOTE NUMBER 3, DTSCSLs approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.
4. Additional chemicals of concern may be found in mixing/loading/storage area, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.

#### **I. UNITED AUBURN INDIAN COMMUNITY (UAIC)**

1. **Install Protective Fencing During Construction. (Mitigation Measure 18A):** The construction contractor(s), with a paid, certified UAIC Tribal Representative present, shall install protective fencing or other acceptable methods outside the site boundary, including a buffer area, before construction starts or restarts. Standard buffer areas are 100 feet, but may be increased or decreased if both the CEQA lead agency representative UAIC agree. The construction contractor(s) shall maintain the protection throughout construction to avoid the resource/area of sensitivity during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area" on all building plans, and the protective fencing shall be depicted on all building plans. Prior to issuance of grading/building permits, the applicant shall submit a copy of a contract with UAIC for monitoring of fence installation to the Planning Department.  
**Timing:** Prior to issuance of grading and improvement permits; prior to start of construction; during construction.



**Reporting:** Permit issuance

**Responsible Agency:** UAIC; Planning Department

2. **Ground Disturbance Monitoring. (Mitigation Measure 18B):** A minimum of seven days prior to beginning earthwork, clearing and grubbing, or other soil disturbing activities, the applicant shall notify lead agency of the proposed earthwork start-date. The lead agency shall contact the United Auburn Indian Community (UAIC) Tribal Historic Preservation Officer (THPO) ([thpo@auburnrancheria.com](mailto:thpo@auburnrancheria.com)) with the proposed earthwork start-date and a paid, UAIC certified Tribal Monitor shall be contracted to monitor the ground disturbance at the project site, including clearing, grubbing, inspecting any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for type of earth moving activities occurring at the project. During or prior to this monitoring, a UAIC Tribal Representative or Tribal Monitor may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.

If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find, or a distance that is agreed upon based on the nature of the find, and the measures included in the Unanticipated Discoveries Mitigation Measure (Mitigation Measure 18C) shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of a paid Native American Monitor during ground disturbing activities. These requirements shall be included on all grading and building permit plans prior to issuance of permits, and a copy of the contract with UAIC for monitoring services shall be submitted to the Planning Department prior to issuance of grading permits.

**Timing:** Prior to issuance of grading and improvement permits; during ground disturbing activities

**Reporting:** Permit issuance

**Responsible Agency:** UAIC; Planning Department

3. **Unanticipated Discoveries. (Mitigation Measure 18C):** The following mitigation measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities. The requirement shall appear on all grading and building permit plans prior to issuance of permits.

If any suspected 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 as determined by a UAIC Tribal Representative. A UAIC Tribal 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 shall not take place unless approved in writing by UAIC.

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 and improvement permits; during construction*

**Reporting:** *Permit issuance*

**Responsible Agency:** *UAIC; Planning Department*

4. **Cultural Awareness Training. (Mitigation Measure 18D):** The following mitigation measure is intended to address the cultural sensitivity of the project area by including a Worker Environmental Awareness Program for relevant project personnel and construction workers. The training shall be specified in the Standard Construction Specifications for the project prior to building/grading permit issuance.

1. The applicant/Contractor shall provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP shall be developed in coordination with UAIC.
2. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP shall emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.
3. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training and the date. Records of the training shall be submitted to the Planning Department upon completion and no later than prior to final building permit inspection.

**Timing:** *Prior to issuance of grading and improvement permits; prior to start of construction*

**Reporting:** *Permit issuance; final permit inspection*

**Responsible Agency:** *UAIC; Planning Department*

5. **Brush/Vegetation Clearance near Resource. (Mitigation Measure 18E):** Applicant shall contract with United Auburn Indian Community (UAIC) to monitor clearance within 20 feet of the environmentally sensitive area (ESA) to ensure that the resource is preserved and not damaged by equipment or personnel, or obtain written clearance from UAIC to self-perform the work. An executed contract for the clearance work or written letter from UAIC authorizing the

applicant to perform brush/vegetation clearance shall be submitted to the Planning Department prior to issuance of grading/building permits.

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

**Reporting:** Permit issuance

**Responsible Agency:** UAIC; Planning Department

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

1. **Reduce emissions during construction. (Mitigation Measure 3A):** The following are the minimum mitigation measures designed to help reduce project emissions related to construction. These measures shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits:

1. The mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 4 engines.
2. Construction equipment idling time shall be limited to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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.
3. 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)).

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

**Reporting:** Permit issuance

**Responsible Agency:** NSAQMD / Planning Department

2. **Prepare a Dust Control Plan. (Mitigation Measure 3B):** 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. The plan shall include but not be limited to the following measures, which shall also be included on all construction plans:

1. Contact details must be provided for the person/s responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner:
2. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and/or causing a public nuisance. Watering during summer months should occur at least twice daily, with complete coverage of disturbed areas.
3. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary to minimize dust emissions.
4. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
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 inactive portions of the development site shall be covered, seeded, or watered or otherwise stabilized until a suitable cover is established.

7. All material transported off-site shall be either sufficiently watered or securely covered to prevent it being entrained in the air, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
8. Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently, if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the project site.
9. Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering.

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

**Reporting:** Permit issuance

**Responsible Agency:** NSAQMD / Planning Department

3. **Use Alternative Methods to Open Burning for Vegetation Disposal. (Mitigation Measure 3C):** The following note shall be included on all grading and improvement plans: "Open burning of site-cleared vegetation is prohibited. Among suitable alternatives are chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel."

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

**Reporting:** Permit issuance

**Responsible Agency:** NSAQMD / Planning Department

4. **Naturally Occurring Asbestos. (Mitigation Measure 3D):** According to the California Code of Regulations Title 17 Section 93105 (b)(1), State asbestos regulations apply if "Any portion of the area to be disturbed is located in a geographic ultramafic rock unit..." Therefore, there are two options moving forward as detailed below. An approved exemption request or Asbestos Dust Mitigation Plan shall be achieved from NSAQMD and then submitted to the Planning Department prior to issuance of grading permits.

1. The applicant can engage a registered geologist to conduct an evaluation of the property, this evaluation shall also include testing for mercury and asbestos containing material. If this evaluation determines that no serpentine or ultramafic rock is likely to be found in the area to be disturbed, the applicant can request an exemption from the Air Pollution Control Officer of the NSAQMD. (See Title 17 Section 93105 (c)(1)(A) for report requirements.)

Or,

2. The applicant can proceed as if all disturbed soils contain asbestos and subsequently incorporate the required asbestos dust mitigation measures into the project documents and practices, as found in CCR Title 17 Section 93105(e)(2) and (4) etc. This includes submitting and acquiring NSAQMD approval of an Asbestos Dust Mitigation Plan (ADMP) before the start of any construction or grading activity. The ADMP must include:
  - a. concrete measures for soil track-out prevention and control
  - b. dust prevention measures for active construction areas and storage piles
  - c. dust minimization from unpaved roads, parking lots, or staging areas, including a
  - d. limit on vehicle speeds to 15 mph or less
  - e. all offsite transport control measures
  - f. methods of post construction stabilization (in perpetuity)
  - g. all monitoring and reporting to be performed.

Please see the above-mentioned Title 17 sections for specific requirements in each of these categories.

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

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

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

**K. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE**

1. **Designated Biological Monitoring.** The following note shall be shown on all grading and building permits and adhered to as outlined below. To avoid direct mortality, a Designated Biologist shall be retained to be onsite prior to and during all ground- and habitat-disturbing activities that have the possibility to cause harm to wildlife species. Furthermore, the Designated Biologist with proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The Designated Biologist shall possess the appropriate qualifications and authorities to stop work to prevent direct mortality of special-status species. Where feasible, fish and wildlife species shall be allowed to move out of harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
2. **Notification of Streambed Alteration.** The NID spillway passes directly through the project area, as well as, there is proposed disturbance adjacent to the existing pond within the southern section of the parcel, proposed stream crossings, and potential impacts to riparian zones adjacent to drainages. This includes grading throughout the project site and bridge crossing footings to be on located along the pond's edge. Pursuant to Section 1602 of the Fish and Game Code, Notification is required for any activity that may do one or more of the following:
  - a. Substantially divert or obstruct the natural flow of any river, stream, or lake;
  - b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
  - c. Deposit debris, waste, or other materials where it may pass into any river, stream, or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement will include measures necessary to protect existing fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, the project Proponent notify CDFW, pursuant to Section 1602 of the Fish and Game Code as early as possible.

3. **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 \$2,916.75, must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

*Wolf Craft Collective (Barbazette) Use Permit*  
*Conditions of Approval & Mitigation Monitoring & Reporting Plan (MMRP)*  
*PLN23-0085; CUP23-0006; MGT23-0021; MGT24-0004; PFX24-0006; EIS23-0002*