



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY, CA
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Trisha Tillotson
Community Development Agency Director

Brian Foss
Planning Director

**NOTICE OF AMENDED CONDITIONAL APPROVAL
PETITION FOR EXCEPTION TO DRIVEWAY STANDARDS AND MANAGEMENT PLAN**

January 18, 2024

Justina Dunne
PO Box 1513
Nevada City, CA 95959

File No: PLN20-0042; PFX22-0037;
MGT23-0023
APNs: 053-320-044; 053-260-019;
053-210-024; 053-320-043;
053-260-029

Re: Petition for Exception to Driveway Standards, and Management Plan for encroachment to a Watercourse setback

Dear Justina Dunne,

The application submitted on April 2, 2020, resubmitted with final revisions on August 30, 2023, and revised with the January 12, 2024 memorandum to rescind the Administrative Development Permit, for a Petition for Exceptions to Driveway Standards and Management Plan to permit existing and proposed residential development at 14120 Thoroughbred Loop in Grass Valley, CA 95949, **is hereby approved subject to the conditions of approval provided below.**

The project was distributed to responsible agencies and departments for their review. Based on the review of the application materials and agency comments, the approval of the Petition for Exceptions to Driveway Standards and Management Plan is required to adhere to the following conditions:

A. PLANNING DEPARTMENT

1. Management Plan: The following conditions shall be implemented during and after construction for ground disturbance within the 100-foot setback of a watercourse for the development of the proposed septic system to avoid protect water quality and aquatic life in the watercourse, and to avoid introduction of invasive weeds:
 - a. Prior to construction adjacent to the watercourse, install weed-free fiber rolls (wattles) on both sides of the existing bridge to prevent erosion and deposition of surface soils into the watercourse.
 - b. The contractor shall avoid doing any excavation or grading within 3 days of a significant rainfall event.

- c. The contractor shall exercise every reasonable precaution to protect the watercourse at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.
 - d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.
2. Defense and Indemnification Agreement: Within 15 days after project approval, the applicant shall sign and file with the Planning Department the attached Defense and Indemnity Agreement, in the form approved by County Counsel.
 3. Fees: All fees incurred in the processing of this project shall be paid in full within 10 days of action on the project. Project approval does not become effective unless and until the applicant has complied with this condition.
 4. Development Timeline: Construction pursuant to this permit's approval must be completed within three (3) years from the effective date of approval of the permit, which is October 9, 2026, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Agency, pursuant to Section L-II 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to any portion of the approved use not completed.

B. CANNABIS COMPLIANCE/BUILDING DEPARTMENT

1. Commercial cannabis cultivation is not permitted on site.
2. Building Permit #220464 submitted for the as-built barn/residence is required to have all fees paid and to be issued. The structure will be required to obtain a final inspection prior obtaining a certificate of occupancy.
3. Building Permit #222339 for the as-built horse barn is required to have all fees paid, and to be issued. The structure will be required to obtain a final inspection concurrently with the final inspection of Building Permit #220464.
4. Building Permit #223654 for the as-built tractor barn is required to have all fees paid, and to be issued. The structure will be required to obtain a final inspection concurrently with the final inspection of Building Permit #220464.
5. Submit a building permit for the 1950's horse barn with stalls or submit supporting documentation that the structure identifying that the structure was constructed prior to the requirement of a building permit. The structure will be required to obtain a final inspection or written notification that the supporting documentation was sufficient and approved concurrently with the final inspection of Building Permit #220464.
6. Agricultural Exemption permit #220609 for the nine (9) hoop houses is to be amended to not support commercial cannabis cultivation or be withdrawn. The structures will be

required to obtain a final inspection concurrently with the final inspection of Building Permit #220464.

C. ENVIRONMENTAL HEALTH DEPARTMENT

1. Septic permit EH23-0192 must be finalized by 7/20/24 and prior to issuance of Building Permit #220464.
2. Well must be tested annually and lab report submitted to EH Department prior to issuance of Building Permit #220464..
3. Owner is responsible for any damage done to septic system during development or operations of commercial farming. Do not grade near or below system. Do not drive over system.

D. OFFICE OF THE NEVADA COUNTY FIRE MARSHAL

1. Ensure Fire Related site notes are met, as they will be inspected prior to certificate of occupancy for Building Permit #220464.

E. NEVADA COUNTY CONSOLIDATED FIRE DISTRICT

1. None of the existing structures on the property shall be used for cannabis processing.
2. All residential structures shall be properly addressed prior to approval from the Fire District.
3. The plan shows a pond and a detail referring to a pond on APN 053-260-018. We do not encourage the use of a ponds for water storage unless they are well maintained. Since the pond is used for fire protection, the following standards will be required:
 - a. The pond shall remain at the level designated for the amount of storage required for the project.
 - b. Pond shall be continually maintained for fire protection. A plan to maintain the pond in a working condition shall be developed and shall include an ongoing maintenance plan and annual inspection by a means approved by the Fire District. This agreement and plan shall run with the land.
 - c. The pond shall remain under common ownership or allowed use as proposed for the project. Also include how the water will be supplied year around to the pond.
4. Ensure there's adequate room at the fire department connection so fire apparatus using the hydrant does not block the roadway.
5. Any pesticides and/or fertilizer storage in buildings shall be identified in an approved manner for firefighter safety.

6. Confirm in writing that the easement concerns on the driveway have been mitigated. Prior to this distribution I was notified of a concern regarding the easement.
7. 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. All meetings and inspections require a minimum of 48-hours advance request.

F. DEPARTMENT OF PUBLIC WORKS

1. Prior to issuance of the Building Permit #220464, the total width of the fuel modification area must equal 20 feet. If the 10 feet of fuel modification area cannot be achieved due to the adjacent parcel's property line on the east side of the driveway, then additional fuel modification must take place on the west side of the driveway to equal 20 feet total.
2. Traffic fees: Applicant shall pay traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors for local and regional traffic impacts. Applicant will be invoiced for these fees.

MANAGEMENT PLAN FINDINGS

- I. That while a portion of the proposed project is located within an area designated as a protected resource through Section L-II 4.3.17 of the Nevada County Land Use & Development Code, the impact shall be mitigated by Best Management Practices defined in the Conditions of Approval; and
- II. That the watercourse will be substantially protected, and any damage remediated through recommendations in the March 28, 2023, Management Plan prepared by a biological consultant pre-qualified by the County, and made Conditions of Approval, and no additional significant loss of resource value is anticipated to occur; and
- III. That there is no feasible alternative location for the proposed septic system. By eliminating or minimizing any potential impacts to the watercourse with the Management Plan, it will minimize any impacts to the watercourse during construction.

PETITION FOR EXCEPTION TO DRIVEWAY STANDARDS FINDINGS

In approving the Exception to the Roadway Standards, the following findings are made pursuant to Section L-IV 2.6 of the Nevada County Land Use and Development Code, permitting the proposed driveway to include sections that do not meet county Standard Drawing C-1:

- I. That there are special circumstances and conditions which affect the subject parcel including the width of the vegetation management zones and the minimal increase in traffic associated with the permitting of the existing and proposed residential development.

- II. That this exception is necessary for the preservation of the substantial property right of the owner, including the permitting of the existing and proposed residential development; and,
- III. That the granting of this exception will not be detrimental or injurious to other property in the local area because the grading and construction activities will be subject to Building and Grading Permits approved by the County with specific input and conditions from the County of Nevada Office of the Fire Marshal and the Nevada County Department of Public Works; and,
- IV. 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,
- V. That this exception will provide the same practical effect of fire protection and is supported by the County of Nevada Office of the Fire Marshal, which is responsible for assuring compliance with Public Resources Code Section 4290.

Construction pursuant to this permit approval must be completed within three (3) years from the effective date of the approval of the permit, which is by October 10, 2026, unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Department, pursuant to Sec. 5.10 of the Nevada County Land Use and Development Code. If an extension of time is not applied for and granted, the permit shall become null and void, as to any portion of the approved use not completed.

If you have any questions, please feel free to contact Kyle Smith, Senior Planner at 530-265-1610 or kyle.smith@nevadacountyca.gov.

Sincerely,

Brian Foss
Planning Director

By: _____
Kyle Smith, Senior Planner

Enclosed: Defense and Indemnification Agreement