

Final Conditions of Approval (COAs) and Mitigation Monitoring and Reporting Plan (MMRP)

Gabelman Project

(PLN24-0060; GPA24-0002; RZN24-0002; TPM24-0003; MGT24-0019;
MGT24-0020; PFX24-0009; EIS24-0006)

A. PLANNING DEPARTMENT:

1. **Project Description.** A General Plan Amendment (GPA) and Zoning District Map Amendment (Rezone), Tentative Parcel Map (TPM), Management Plans for both Oak Resources and Watercourses (MGT), and Petition for Exceptions to Driveway Standards (PFX). The General Plan Amendment (GPA24-0002) proposes to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Parcel 1) and 10.05-acres (Parcel 2). Proposed Parcel 1 is partially developed with an existing well and an OSSE was recently completed by Dundas Geomatics, Inc. In order to achieve the clustering requirements pursuant to rural regions, proposed Parcel 1 includes two proposed building envelopes in the northern portion of the proposed parcel, one for a primary residence and one for either an accessory dwelling unit (ADU) or other accessory structures. Proposed Parcel 2 is currently developed with an existing residence, existing well, and existing PG&E connection, and an OSSE was completed by Dundas Geomatics, Inc. for this parcel as well. The existing driveway will be widened in the applicable areas to meet Nevada County private driveway construction standards.

The proposed improvements to the existing driveway passes through an existing seasonal drainage and landmark oak grove and therefore require the approval of a Watercourse Management Plan (MGT24-0019) and Oak Resources Management Plan (MGT24-0020). The proposed Watercourse Management Plan has been developed for the proposed project seeking approval to develop within the 50-foot non-disturbance buffer to the centerline of the drainages being crossed by the access road within the project area on the subject parcel, and the proposed Oak Resource Management Plan has been developed for the proposed total area of landmark grove canopy to be potentially removed by the upgrades to the proposed and existing access roads. A maximum of 0.3 acres of native oak and other hardwood trees pertaining to those mapped landmark groves will be removed as part of the proposed project.

Additionally, the project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. Scenic Drive is a private road with an existing 60' right-of-way connecting to Tyler Foote Crossing Road, and each parcel is located less than the 2,640 feet dead end road length. The proposed driveway improvements are

required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas that currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. A Steep Slopes Management Plan (MGT20-0041) was previously approved in July of 2020 for the grading of an access road constructed on slopes exceeding 30% slope. The Planning Department recognizes this Steep Slopes Management Plan, and the mitigation measures associated with the approved Steep Slopes Management Plan, which will be carried forward as a part of this proposed project to protect and reduce the potential risk of erosive impacts as a part of the project.

2. **Defense and Indemnity Agreement.** Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
3. **Fees.** Pursuant to the Agreement to Pay form signed and submitted by the applicant/authorized representative, all fees incurred in the processing of this project shall be paid in full within 30 days of the mailing of such billing for the project. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. Project approval does not become effective unless and until the applicant has complied with this condition.
4. **Expiration Date.** The final parcel map must be recorded within 36 months from the effective date of the tentative map approval and implementation of the adopted Ordinance, which would be August 21, 2028, unless an extension is filed pursuant to Section 66452.6 of the Government Code (Subdivision Map Act) and granted by the Board of Supervisors.
5. **Supplemental Information Map.** One Supplemental Information Map, which contains non-title information including all conditions, mitigation measures and easements requiring notes on the Supplemental Map, shall be recorded concurrently with the final parcel map.
6. **Map Check.** Submit eight (8) copies of the Parcel Map and Supplemental Data Sheet(s) to the Planning Department for distribution to all applicable County Departments for review and approval, along with a map check fee pursuant to the most current Fee Resolution of the Board of Supervisors. This map shall be prepared in substantial compliance with the approved tentative map along with any requirements outlined herein. Acreage of resulting parcels shall be shown on the map.

7. **Park & Recreation Facilities Mitigation Fees.** Current Park & Recreation Facilities Mitigation fees will be required at the time of building permit issuance for future residences and accessory dwelling units. The following note[s] shall be included on the Supplemental Data Sheet for the Parcel Map:

“A Park & Recreation Facilities Mitigation Fee in accordance with Nevada County Ordinance No. 2460, creating and establishing the authority for imposing and charging said fee within the unincorporated territory of Nevada County, will be levied at the issuance of residential building permits for future residences, and accessory dwelling units, for each parcel created by the map, and will be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.”
8. **Right to Farm Notice.** The supplemental data sheet for the recorded map, shall include the following right to farm notice note: “When transfers occur of the parcels shown on the recorded map, the seller shall ensure that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of Divisions Second of the California Civil Code, commencing with Section 1102: Nevada County Right to Farm Notice: The County of Nevada recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural operations, including timber harvesting, falling and removal, including, but not limited to, noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizer, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. The Nevada County Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).”
9. **Easements.** Prior to Map Recordation, all proposed easements shown on the tentative parcel map including access and utilities shall be recorded.
10. **Steep Slopes.** Implement All Mitigation Measures Before and After Construction – To protect water quality and aquatic life in neighboring waterways and to ensure the integrity of the topographic changes, the following Recommended Actions shall be implemented during and after construction. The required Recommended Actions include, but are not limited to:

- a. As much as possible the earthwork portion of this project is to be completed during extended periods of dry weather. If earthwork is completed during the wet season (October 15th to April 15th) it will be necessary to take extra precautionary measures to protect subgrade soils. Wet season earthwork shall require additional mitigation measures, including diversion of surface runoff around exposed soils and draining of ponded water on the site. Once subgrades are established, exposed soils shall be protected from construction traffic.
- b. Erosion control measures shall be implemented at the site prior to grading activities in areas down-gradient of construction where said erosion control facilities will not get destroyed during grading activities. This shall include the implementation of silt fencing down-gradient of all proposed construction work along the upper slopes of all drainage ways, outside of the flow line. Silt fencing shall be maintained during all construction activities and repaired immediately upon failure. Silt fencing shall be inspected daily prior to the start of the days construction and repaired as necessary.
- c. All grading performed on slopes steeper than 20% shall be provided with a keyway and benched.
- d. Limit or avoid heavy equipment from accessing steep slope portions of the property and disturbed areas. Do not drive vehicles or heavy equipment on steep slopes. Keep all personal vehicles on the access road, pad area, or offsite and walk onto the property. Maintain heavy equipment on the access road or pad area and use excavator arms to access and remove material from steep slopes. If areas of steep slopes must be accessed by equipment, mini-excavators or hand removal shall be used.
- e. Erosion control measures shall be implemented at the site during and after grading activities in areas of exposed ground due to construction. The following erosion control measures shall be implemented following grading activities:
 - i. Straw waddles shall be placed on contours on all fill and cut slopes and along the grading pad. Waddles placed on fill or cut slopes shall be placed at spacing no greater than 10 feet. Waddles placed along the pad areas may have a placement of no more than 20 feet.
 - ii. Native seed mixture with straw cover shall be placed over the final graded pad and side slopes following disturbance of said area. Seeded areas shall be watered to initiate seed growth at a moderate rate so as to not cause erosion or runoff from the area.
- f. Post construction, monthly field inspections shall be performed to inspect grading and erosion control measures. Additionally, inspections shall occur before and after heavy rainstorms to determine the adequacy of the constructed improvements and erosion control.
 - i. Along the northern access road, the following activities shall be implemented to stabilize steep slopes and protect the area from future erosion:
 - a. Placement of straw waddles at 15-foot spacing along steeper portions of the northern access. Placement of straw waddles at 20-foot spacing where slopes become less steep.

- ii. Seed and straw shall be applied to the northern access with native seed mixture. Allow seasonal rains to germinate the seed mixture.
- iii. Inspect the northern access monthly during the first rain of the season following erosion implementation and repair or add additional erosion control as necessary.

11. Avoid Impacts to Nesting Birds. Mitigation Measure 4A: The following note shall be added to all improvement/grading/construction plans: Impacts to nesting raptors, including special-status avian or bat species, and migratory birds can be avoided by removing vegetation before the start of the nesting season, or delaying removal until after the end of the nesting season.

- a. If construction is to take place during the nesting season (February 1 - August 31), including any ground disturbance, preconstruction surveys for nesting raptors, migratory birds and special-status bats shall be conducted within 7 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist and in accordance with California and Federal requirements.
- b. Tree removal and construction shall not take place during the breeding season (February 1 – August 31), unless supported by a report from the qualified biologist verifying that birds, including raptors, are not nesting in the trees proposed for removal or disturbance.
- c. If active nests are found, temporary nest disturbance buffers shall be established; a quarter-mile buffer for nesting raptors and, a 200-foot buffer if active migratory bird nests are found.
- d. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an onsite biologist/monitor experienced with raptor behavior, shall be retained by the project proponent to monitor the nests, and shall, along with the project proponent, consult with the CFWD to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated biologist/monitor shall be onsite daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time the biologist/monitor may determine that monitoring is no longer necessary, due to the raptors' acclimation to the activities.

- e. Any trees containing nests that must be removed as a result of development shall be removed during the non-breeding season. However, the project proponent shall be responsible for off-setting the loss of any nesting trees. The project proponent and biologist/monitor shall consult with the CDFW and the extent of any necessary compensatory mitigation shall be determined by the CDFW. Previous recommended mitigation for the loss of nesting trees has been at a ratio of three trees for each nest tree removed during the non-nesting season.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Approval of the Parcel Map for recordation and future permit issuance*

Responsible Agency: *Planning Department*

12. **Establish Building Envelopes to Minimize Impacts to Oak Species as well as Resident and Migratory Deer Populations. Mitigation Measure 4B:** Delineate building envelopes, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the parcel map and on all future grading/improvement/building permit plans with a Note stating, "All habitable structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement or driveways." Agricultural structures may be allowed to be constructed outside the building envelopes so long as they do not encroach into any environmentally sensitive areas, unless a Management Plan is approved.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Approval of the Parcel Map for recordation and future permit issuance*

Responsible Agency: *Planning Department*

13. **Protect and Facilitate the Free Movement of Wildlife. Mitigation Measure 4C:** The Supplemental Data Sheet for the recorded map shall include the following note: To protect agricultural and domestic use of this property while still facilitating the free movement of wildlife, no solid fence shall be placed on any parcel except around a single-family dwelling, cultivated areas and animal enclosures. Perimeter fencing shall be limited to three or four-strand barbed-wire type, open material, with the lowest strand being barb-less and a minimum of 18" from the ground.

Timing: *Prior to map recordation*

Reporting: *Approval of the Parcel Map for recordation*

Responsible Agency: Planning Department

- 14. Establish Environmentally Sensitive Areas (ESA's). Mitigation Measure 4D:** Sensitive biological resources, as shown on the tentative parcel map, shall be mapped and identified as ESAs on the recorded parcel map as well as on all future improvement/grading/construction plans to ensure their protection from future disturbance. These resources include a seasonal stream within the northeastern section of the Project area and the NID canal on the southern end of the parcel. The setback from the perennial stream shall be delineated as 50-feet from the highwater mark. The setback on the canal shall be delineated as 100 feet from the upslope side and 20 feet from the downslope side. The following note shall be included: "No disturbance is allowed within areas delineated as Environmentally Sensitive Areas, unless a Management Plan is approved."

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

- 15. Minimize Potential Impacts to the Drainages. Mitigation Measure 4E:** As detailed below, measures to minimize potential impacts to the drainages are recommended to limit impacts of the proposed Project on those sensitive resources. These measures are intended for inclusion into the proposed development within the non-disturbance buffers during and after construction to minimize direct and indirect impacts to water quality during and following construction. This will be accomplished by implementing the following during and following construction:
- a. Limit construction to periods of extended dry weather and the dry summer season;
 - b. Limit any construction within the 50-foot non-disturbance buffers to the minimum feasible;
 - c. Establish the area around the active drainage channel as an Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
 - d. No fill or dredge material will enter or be removed from the drainage channels during construction;
 - e. Use appropriate machinery and equipment to limit disturbance in this area;
 - f. Placement of soil erosion control devices (such as wattles, hay bales, etc.) between drainages and the areas to be graded and developed to limit potential runoff and sedimentation into the drainage channels;
 - g. No dewatering of any drainages will occur as part of the proposed construction; and
 - h. Implement Best Management Practices during and following construction.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

16. Compensatory Mitigation for Protected Oak Resources Impacts. Mitigation Measure

4F: For compensatory mitigation for the removal of protected oak resources and compliance with the Nevada County Code for Trees, the project applicant will purchase in-lieu compensatory mitigation credits through the Bear Yuba Land Trust. The project applicant shall purchase a 0.3-acre credit from the Bear Yuba Land Trust as compensatory mitigation for the loss of 0.3 acres of landmark grove within the project area.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

17. Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction. Mitigation Measure

5A: All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. 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.

Timing: Prior to Issuance of Building Permit or Grading Permit and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits. If Discovered, Refer to the MM5A for Specific Requirements

Responsible Agency: Planning Department

- 18. Limit the Amount of Earthwork to be Completed During the Wet Season. Mitigation Measure 7A:** As much as possible the earthwork portion of this project is to be completed during extended periods of dry weather. If earthwork is completed during the wet season (October 15th to April 15th) it will be necessary to take extra precautionary measures to protect subgrade soils. Wet season earthwork shall require additional mitigation measures, including diversion of surface runoff around exposed soils and draining of ponded water on the site. Once subgrades are established, exposed soils shall be protected from construction traffic.

Timing: Prior to issuance of Grading/Improvement/Building permits

Reporting: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

- 19. Implement all Erosion Control Measures. Mitigation Measure 7B:** To protect water quality and aquatic life in neighboring waterways and to ensure the integrity of the topographic changes, the following measures shall be implemented prior to, during, and after construction:
- a. Erosion control measures shall be implemented at the site prior to grading activities in areas down-gradient of construction where said erosion control facilities will not get destroyed during grading activities. This shall include the implementation of silt fencing down-gradient of all proposed construction work along the upper slopes of all drainage ways, outside of the flow line. Silt fencing shall be maintained during all construction activities and repaired immediately upon failure. Silt fencing shall be inspected daily prior to the start of the days construction and repaired as necessary.
 - b. Erosion control measures shall be implemented at the site during and after grading activities in areas of exposed ground due to construction. The following erosion control measures shall be implemented following grading activities:
 - i. Straw waddles shall be placed on contour on all fill and cut slopes and along the grading pad. Waddles placed on fill or cut slopes shall be placed at spacing no greater than 10 feet. Waddles placed along the pad areas may have a placement no more than 20 feet.
 - ii. Native seed mixture with straw cover shall be placed over the final graded pad and side slopes following disturbance of said area. Seeded areas shall be watered to initiate seed growth at a moderate rate as to not cause erosion or runoff from the area
 - c. Along the northern access road, the following activities shall be implemented to stabilize steep slopes and protect the area from future erosion:
 - i. Placement of straw waddles at 15-foot spacing along steeper portions of the northern access. Placement of straw waddles at 20-foot spacing where slopes become less steep.

- ii. Seed and straw shall be applied to the northern access with native seed mixture. Allow seasonal rains to germinate the seed mixture.
- iii. Inspect the northern access monthly during the first rain of the season following erosion implementation and repair or add additional erosion control as necessary.

Timing: *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

Reporting: *Approval of the Parcel Map for recordation and future permit issuance*

Responsible Agency: *Planning Department and Building Department*

20. **Conduct Monthly Field Inspections. Mitigation Measure 7C:** Monthly field inspections shall be performed to inspect grading and erosion control measures. Additionally, inspections shall occur before and after heavy rainstorms to determine the adequacy of the constructed improvements and erosion control.

Timing: *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

Reporting: *Approval of the Parcel Map for recordation*

Responsible Agency: *Planning Department and Building Department*

21. **Limit Heavy Equipment from Accessing Steep Slope Areas. Mitigation Measure 7D:** Limit or avoid heavy equipment from accessing steep slope portions of the property and disturbed areas. Do not drive vehicles or heavy equipment on steep slopes. Keep all personal vehicles on the access road, pad area, or offsite and walk onto the property. Maintain heavy equipment on the access road or pad area and use excavator arms to access and remove material from steep slopes. If areas of steep slopes must be accessed by equipment, mini-excavators or hand removal shall be used.

Timing: *Throughout construction activities for all Grading/Improvement/Building permits*

Reporting: *Approval of the Parcel Map for recordation and future permit issuance*

Responsible Agency: *Planning Department and Building Department*

22. **Keyway for Grading on Slopes Exceeding 20%. Mitigation Measure 7E:** All grading performed on slopes steeper than 20% shall be provided with a keyway and benched.

Timing: *Prior to, during, and after the issuance of Grading/Improvement/Building permits.*

Reporting: *Approval of the Parcel Map for recordation and future permit issuance*

Responsible Agency: *Planning Department and Building Department*

23. **Limit Construction Work Hours to 7:00 AM to 7:00 PM. Mitigation Measure 13A:** During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday – Saturday; no work is permitted on Sundays. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.

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

Reporting: Agency approval of permits or plans

Responsible Agency: Nevada County Planning Department

24. **All Weather Surfacing Driveway Improvements. Mitigation Measure 17A:** Due to the proposed driveways exceeding 16% grade in certain areas, in order to provide the same practical effect of meeting Nevada County Fire Safe Driveway Standards, the areas where the proposed driveways exceed 16% grade shall be paved with all-weather surfacing with the appropriate base and surface per Nevada County Standards, as shown on the Tentative Parcel Map. Under no conditions will any slope over 20% be allowed. This shall be included as a Note on the Tentative Parcel Map and all future improvements plans.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Department of Public Works

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

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

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

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

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

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: Nevada County Planning Department

B. DEPARTMENT OF PUBLIC WORKS:

UNLESS OTHERWISE SPECIFIED, PRIOR TO RECORDING THE FINAL/PARCEL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. **Parcel Map Recordation.** Prior to recordation of the Parcel Map, the following conditions shall be satisfied:
 - a. The applicant shall submit to the County Surveyor for review and approval a final map pursuant to Subdivision Map Act 66444-66450.
 - b. The applicant shall prepare a Supplemental Data Sheet for all information not affecting record Title interest.
 - c. The applicant shall submit a current Preliminary Title Report with the final Parcel Map.
 - d. The applicant shall show all easements of record on the final Parcel Map.
 - e. The applicant shall pay in full any and all delinquent, current, and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492. A tax certificate is to be provided to the Nevada County Surveyor prior to recording.
 - f. The applicant shall pay the recording fees in effect at the time the final map and related documents are recorded

2. **Road Improvements.** Prior to recordation of the final Parcel Map, Scenic Drive shall be improved to Minimum Fire Standard Access Road standards pursuant to County Standard Drawing C-1. All driveways shall meet or exceed County standards for Fire Standard Driveways. A Petition for Exception to Driveway Standards for proposed grades that will be greater than 16% shall be approved by the Public Works Director up to a maximum grade of 20%.

3. **Engineer's Certification.** The subdivider's engineer shall certify that any required improvements have been completed in conformance with the applicable standards.
4. **Encroachment Permit.** Prior to any work (including maintenance) 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.
5. **Driveway Construction.** New driveways and roads must conform to the County's private Driveway and Private Road 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 prior to map recordation and approval of improvement permits. 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.
6. **SWPP Required (For 1+ acre disturbance during construction).** Dischargers whose project disturb 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 Oder 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. **Grading/Drainage.** The applicant shall provide a grading and drainage report prepared by a registered civil engineer that demonstrates 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.
8. **Right-of-Way and Easement Dedication.** Provide a minimum 32-foot wide Driveway Access and Utility Easement along the proposed driveway for the benefit of all newly created parcels pursuant to County Standard Drawing C-2. This easement width shall include any necessary areas for the maintenance of the proposed driveway and any 12 ft

wide turnouts, 1 ft shoulders on each side, and 10 ft vegetation management areas on each side.

9. **Common Areas.** Prior to recordation of the final/parcel map, the subdivider shall provide to the Department of Public Works an acceptable method, such as a property owners association, tenant agreement, and/or CC&R's to maintain the common areas. Common areas can include residential areas, landscape areas, ingress/egress accesses, monitoring wells, roadways and utilities, detention facilities and open space areas not accepted by the City. Documentation may be reviewed by the Principal Civil Engineer and County Counsel (if determined necessary). CC&R's must include a statement that they cannot be modified without the approval of the County of Nevada.
10. **Deferral of Improvements.** If the applicant desires to record the Parcel Map prior to completion of the grading and improvements as shown on the approved grading and improvement plans, the applicant shall enter into an agreement to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of all of the improvements, in accordance with the County's Land Use and Development Code and the California Subdivision Map Act. The applicant must supply the County with a cost estimate, prepared by a licensed Civil Engineer, for all improvements shown on the grading/improvement plans. The cost estimate must be approved by the Department of Public Works. The County will then prepare an agreement which will require Board of Supervisors approval and will be required to be recorded prior to Parcel Map approval.
11. **Traffic Mitigation Fees.** Current traffic impact fees will be required at the time of building permit issuance for any future residences or accessory dwelling units. The following note shall be included on the Supplemental Data Sheet for the Parcel Map:

“A Road Improvement Fee in accordance with Nevada County Ordinance No. 1829, creating and establishing the authority for imposing and charging a Road Improvement Fee with the unincorporated territory of Nevada County, will be levied at the issuance of building permits for each parcel created by the map, and will be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.”
12. **Driveway Maintenance – Parcel Maps.** Provide a Driveway Agreement to a maintenance entity for the private project access driveway accordance with the Nevada County Subdivision Ordinance to provide ongoing maintenance for the driveway that serve this project. The following note[s] shall be included on the Supplemental Data Sheet for the Parcel Map:

“A Driveway Maintenance Agreement for _____ is on file, recorded as Document No. _____.”

PRIOR TO ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

13. The applicant shall submit to the Department of Public Works for review and approval, an improvement and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway/parking lot slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with County improvement standards.
14. The project plans shall include the following Note:

“All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot tall mesh safety fencing in a bright color. The fencing shall be tied to six-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.”
15. If trees to be removed are 6” or greater in diameter, are classified to be in Group A or B per the California Forest Practice Rules, and are on timberland, the applicant shall obtain one of the following harvest document(s) from the California Department of Forestry and Fire Protection and submit a copy of the approved document to the City: a. Less Than 3 Acre Conversion Exemption. Any project with less than 3 acres of land disturbance may qualify (see 14 CCR 1104.1 (a)(2) for conditions). b. Timberland Conversion (PRC4621) and Timber Harvest Plan (PRC.4581). Any project with 3 acres or greater or that do not meet the conditions in 14 CCR 1104.1 (a)(2).
16. If over 1 acre of disturbed area will occur, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the Department of Public Works.
17. The applicant shall submit to the County Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the County improvement standards and storm drainage criteria.

PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS FOR THE PROJECT, THE DEVELOPER SHALL COMPLETE THE FOLLOWING:

18. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and Department of Public Works of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Community Development and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.
19. Placement of construction fencing around all trees designated to be preserved in the project.

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

20. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
21. No trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the County's Standard Specifications.
22. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.

C. 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:
 - a. The mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 4 engines.
 - b. 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 the manufacturer's specifications. Clear signage shall be provided for construction workers at all access points.
 - c. In addition to these measures, all statewide air pollution control regulations shall be followed, including Airborne Toxic Control Measures (which may be accessed at <https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures>).

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Agency approval of the Parcel Map for recordation and future permit issuance
Responsible Agency: Planning Department / NSAQMD

2. **Use Alternative Methods to Open Burning for Vegetation Disposal. Mitigation Measure 3B:** 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 map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Agency approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

3. **Provide Energy-Efficient Utilities. Mitigation Measure 3C:** Residential improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit. This mitigation shall be included as a note on the Supplemental Map prior to recordation.

- d. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
- e. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
- f. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Agency approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

4. **Limit Wood Stoves. Mitigation Measure 3D:** The project shall include no more than one wood-fired heat source in any residential unit, which may be a pellet stove or an EPA-certified wood stove, and open fireplaces shall not be permitted within this project. Each residence shall be equipped with a non-woodburning source of heat. This mitigation shall be included as a note on the Supplemental Map prior to recordation and implemented prior to the issuance of residential building permits.

Timing: Prior to map recordation and prior to issuance of Grading/Improvement/Building permits

Reporting: Agency approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

D. NEVADA COUNTY FIRE MARSHAL:

1. All structures shall be compliant with PRC 4291 Defensible Space requirements.
2. As this area is not served by municipal water, thus all new structures will generate the requirement for NFPA 1142 Fire Department Water Storage.
3. Per Ordinance 2474 both parcels will meet Nevada County Addressing standards: The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out. All address signs shall have a minimum four (4) inch high numerals with a minimum one-half (1/2) inch stroke and be mounted or placed on a reflectorized background with contrasting colors. Where required by the fire code official, Address identification shall be provided in additional approved locations to facilitate emergency response.
4. For all surfaces proposed over 16%, all weather surfaces will need to be indicated on the site plan, with the appropriate base and surface per Nevada County Standards. Under no conditions will any slope over 20% be allowed.
5. Create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire.

E. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$2,968.75 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 and is subject to change.