Nevada County Clerk-Recorder

Transaction #: 500768

Receipt #: 317862

Scan the QR Code to search our services
or go to www.mynevadacounty.com/nc/recorder

NATALIE ADONA
950 Maidu Avenue Suite 210
Nevada City, CA 95959
530-265-1221
NC.RECORDER@CO.NEVADA.CA.US

DAVID MERCER

Cashier Date: 10/10/2024 02:43:57 PM (AM)

Print Date: 10/10/2024 02:44:01 PM

Payment Summary

Total Fees:	$50.00
Total Payments:	$50.00
Balance Due:	$0.00

1 Payments

Debit\Credit	$50.00

1 Filing Items

Negative Declaration CFN: **20240000041** Date: **10/10/2024 02:43:57 PM**

From: **COUNTY OF NEVADA PLANNING DEPARTMENT** To **HUNDRED ACRE WOOD LLC**

Fish & Game Admin Fees	1	$50.00

State of California - Department of Fish and Wildlife

2024 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/24) Previously DFG 753.5a

Print | StartOver | Save

RECEIPT NUMBER:
29 — 10/10/2024 — 041

STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
Nevada County Planning Department		10/10/2024

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
Nevada	20240000041

PROJECT TITLE

Alpenglow Timber Use Permit PLN23-0054 CUP23-0004 EIS24-0004

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
Hundred Acre Wood LLC		(530) 412-0622

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
PO Box 3713	Olympic Valley	CA	96146

PROJECT APPLICANT *(Check appropriate box)*

☑ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,051.25	$ 0.00
☐ Mitigated/Negative Declaration (MND)(ND)	$2,916.75	$ 0.00
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,377.25	$ 0.00

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$ 0.00
☑ County documentary handling fee		$ 50.00
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☐ Other

TOTAL RECEIVED $ 50.00

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X	Angie Miller Deputy

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK

POSTED IN THE NEVADA COUNTY CLERKS OFFICE
FROM 10/10/24 TO 11/10/24
BY ___ (DEPUTY)

NEVADA COUNTY
CALIFORNIA

NOTICE OF DETERMINATION

Filed Thursday October 10 2024
Natalie Adona
Nevada County Clerk-Recorder
AM, deputy
File # 20240000041

To: County Recorder, County of Nevada

From: Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Contact: Brian Foss, Planning Director

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: **Alpenglow Timber Use Permit** PLN23-0054; CUP23-0004; EIS24-0004

Applicant: Mr. David J. Mercer, Managing Member
Hundred Acre Wood, LLC
P.O. Box 3713
Olympic Valley, CA 96146
530-412-0622

Project Location: 10375 Silverado Way in unincorporated eastern Nevada County, California. West of State Route 89 and Prosser Creek Reservoir

State Clearinghouse Number: 2024051065

Project Description: **Alpenglow Timber Use Permit PLN23-0054; CUP23-0004; EIS24-0004.** A proposed Use Permit application to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property. **ASSESSOR PARCEL NUMBER**: 016-530-031 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Adopt the proposed Mitigated Negative Declaration pursuant to Sections 15073.5(c)(1), 15074, and 15097 of the California Environmental Quality Act Guidelines. **RECOMMENDED PROJECT ACTION**: Approve the Conditional Use Permit (CUP23-0004). This is to advise that the **Nevada County Board of Supervisors (Lead Agency)** upheld the Planning Commission's approval of the above-described project on appeal on **October 8, 2024**, and made the following determinations regarding the above-described project:

1. The project ___ will, ✓ will not, have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ✓ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ✓ were, __ were not, made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Program ✓ was, __ was not, adopted for this project.
5. A Statement of Overriding Considerations ___ was, ✓ was not, adopted for this project.
6. Findings ✓ were, ___ were not made pursuant to the provisions of CEQA.

The Mitigated Negative Declaration (EIS24-0004) was found to be adequate environmental review for the approval of the project (PLN23-0054; CUP23-0004; EIS24-0004) pursuant to Sections 15073.5(c)(1), 15074, and 15097 of the California Environmental Quality Act Guidelines.

This is to certify that the original Mitigated Negative Declaration, with comments and responses if applicable, and a record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, California 95959.

Brian Foss
Signature

10/9/24
Date

FISH & WILDLIFE FEE: $ 2,916.75 (or Current fee)
ADM. FEE PD. ✓ YES ___ N/A

The Fish & Wildlife fee for the project was paid at the time the previous Notice of Determination was filed on August 12, 2024. Please see attached receipt.

Filed Monday August 12 2024

RECEIVED

SEP 1 : 2024

NEVADA COUNTY
PLANNING DEPARTMENT

State of California - Department of Fish and Wildlife
2024 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
DFW 753.5a (REV. 01/01/24) Previously DFG 753.5a

Print | Start Over | Save

RECEIPT NUMBER:
29 — 08/12/2024 — 31

STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
Nevada County Planning Commission		08/12/2024

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
Nevada	2024000003

PROJECT TITLE

PLN23-0054, CUP23-0004, EIS24-0004

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
Mr. David J. Mercer, Managing Member Hundred Acre Wood, LLC		(530) 412-0622

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
PO Box 3713	Olympic Valley	CA	96146

PROJECT APPLICANT *(Check appropriate box)*

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☑ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,051.25	$	0.00
☑ Mitigated/Negative Declaration (MND)(ND)	$2,916.75	$	2,916.75
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,377.25	$	0.00

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
☐ County documentary handling fee		$	50.00
☐ Other		$	

PAYMENT METHOD:

☐ Cash ☑ Credit ☑ Check ☐ Other **TOTAL RECEIVED** $ 2,966.75

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X Kourtni Walker	Deputy Kourtni Walker

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK DFW 753.5a (Rev. 01/01/2024)

RESOLUTION NO. 24-542

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION TO DENY THE APPEAL FILED BY DONALD B. MOONEY ON BEHALF OF FRIENDS OF PROSSER TRUCKEE AND TO UPHOLD WITH MODIFICATIONS THE DECISION OF THE PLANNING COMMISSION TO ADOPT A MITIGATED NEGATIVE DECLARATION (EIS24-0004) AND APPROVE A CONDITIONAL USE PERMIT (CUP23-0004) FOR THE CONSTRUCTION AND OPERATION OF A MIXED-USE DEVELOPMENT INCLUDING A FORESTRY MANAGEMENT AND MATERIAL PROCESSING FACILITY SUPPORTED BY A WOOD FIRED BOILER AND ASSOCIATED STRUCTURES AND SIX RESIDENTIAL DWELLING UNITS FOR STATE-REGULATED EMPLOYEE HOUSING IN THREE DUPLEXES LOCATED AT 10375 SILVERADO WAY, TRUCKEE, APN 016-530-031

WHEREAS, on April 25, 2023, David Mercer, Managing Member, Hundred Acre Wood, LLC submitted an application for a Conditional Use Permit to construct a management and material processing facility and six residential dwelling units for State-Regulated Employee Housing (Project) at 10375 Silverado Way, Truckee; and

WHEREAS, on August 8, 2024, the Planning Commission heard the Project and received public testimony and approved a Mitigated Negative Declaration and Conditional Use Permit for the construction of the Project on a 5-0 vote; and

WHEREAS, approval of 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 Project was found consistent for approval under Conditional Use Permit for natural resource development and processing facilities pursuant to Nevada County Code Section 12.05.060 Use Permits; 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 16, 2024, Donald B. Mooney on behalf of Friends of Prosser Truckee, "Appellant" filed a timely appeal of the Planning Commission's August 8, 2024, conditional approval of the Mitigated Negative Declaration and Use Permit; and

WHEREAS, on September 10th, the Board of Supervisors accepted the appeal filed by Mr. Donald B. Mooney on behalf of Friends of Prosser Truckee and set the appeal hearing for October 8, 2024; and

WHEREAS, on October 8, 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 denied the

appeal, upholding that the decision of the Planning Commission to approve the Mitigated Negative Declaration and Conditional Use Permit with Conditions of Approval and the Mitigation Monitoring & Reporting Plan (MMRP) for the Project; and

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 Project is consistent with the intent of the goals, standards, and elements of the County's General Plan and Zoning Ordinance.

3. There is no substantial evidence in the whole record (including but not limited to the Initial Study / Mitigated Negative Declaration, the Conditions of Approval & MMRP dated August 12, 2024, all written evidence and testimony provided to the Board of Supervisors and Planning Commission by County staff, members of the public, the Project applicant, and appellant) supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment. Pursuant to Section 15073.5 of the California Environmental Quality Act Guidelines, recirculation of the project specific Initial Study / Mitigated Negative Declaration (EIS24-0004) is not required because of the modified Mitigation Measure 13.B and added clarification in Public Service Section, as these minor language changes provide clarification of the intent of the original requirements for the project.

4. The Initial Study / Mitigated Negative Declaration reflects the County's independent judgment and analysis.

5. 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.

6. The conditions provided in the Project Conditions of Approval and MMRP dated August 12, 2024, as modified by the Board of Supervisors including ongoing maintenance of the vegetation at Klondike Flat and State Highway 89 intersection and the construction of an earthen berm along Klondike Flat, are deemed necessary to protect the public health, safety, and general welfare.

7. 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 denies the appeal filed by Donald B. Mooney on behalf of Friends of Prosser Truckee and upholds with modifications the decision of the Planning Commission to approve a Mitigated Negative Declaration (EIS24-0004) and Conditional Use Permit (CUP23-0004) to construct a management and material processing facility and six residential dwelling units for State-Regulated Employee Housing based on the findings as set forth herein and adoption of the Conditions of Approval and MMRP dated August 12, 2024 as modified by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 8th day of October 2024, by the following vote of said Board:

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

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATTHIASEN
Chief Deputy Clerk of the Board of Supervisors

BY: Tine M

Hardy Bullock, Chair

NEVADA COUNTY
CALIFORNIA

Community Development Agency
Planning Department
Planning@nevadacountyca.gov
www.nevadacountyca.gov/Planning

950 Maidu Avenue, Suite #170
PO BOX #599002
Nevada City, CA 95959

PH: (530) 265-1222 ext. 2
FAX: (530) 265-9854

August 12, 2024

NOTICE OF CONDITIONAL APPROVAL
Alpenglow Timber Conditional Use Permit and Mitigated Negative Declaration
(PLN23-0054; CUP23-0004; EIS24-0004)

David Mercer
PO Box 3713
Olympic Valley, CA 96146

File No: PLN23-0054; CUP23-0004; EIS24-0004
APN: 016-530-031

At the regular meeting of August 8, 2024, the Nevada County Planning Commission approved by a vote of 5/0, the above-referenced Conditional Use Permit (CUP23-0004) and Mitigated Negative Declaration (EIS24-0004) at 10375 Silverado Way in unincorporated eastern Nevada County, California.

A. PLANNING DEPARTMENT

1. This is a conditional approval of a Use Permit application to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property.

   Sawmill Facility Component:
   The proposed facility would include an approximately 4.5-acre area with log decks for log storage and a partially enclosed debarker, a 48,000 square foot sawmill, an open 15,000 square foot firewood storage area with solar roof, a 9,600 square foot workshop, a 6,000 square foot boiler plant building, three (3) dry kilns utilizing a 3,000 square foot area, and associated infrastructure including truck scales, parking, and fuel and water storage. The proposed site layout is shown on the site plan in Figure 2, below.

   The majority of the proposed development would be located outside the Scenic Corridor Combining District, including all buildings. The exception is the approximately 4.5-acre log storage yard area with log decks, including the enclosed de-barker as it utilizes a previously disturbed and clear-of-vegetation area. Neither this log storage area nor the project area beyond to the west is visible from the State Highway 89 North roadway.

   All the facility structures utilize a common, simple design theme and metal siding, doors, roofing, and natural cement features utilizing earth tone colors intended to blend with the dominant surrounding forest canopy and natural environment, as shown in Figure 3.

   Residential Facility Component:
   Employee housing for five or more employees is subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the California Department of Housing and Community Development (HCD) and compliance with County regulations related to building construction, sewage disposal, and water supply.

   The State-Regulated Employee Housing component is an allowed use by right in the FR Zoning District, subject to zoning compliance and building permit issuance. Although the residential component is an allowed use, the LUDC requires that whenever multiple project applications are proposed, they are processed concurrently and shall be considered by the Planning Commission. As a result, the proposed uses are compatible with the Forest Land Use and Zoning designations.

The proposed project includes six (6) housing units permitted under the California Employee Housing Act. The State-Regulated Employee Housing component would include three (3) duplexes with two (2) residential dwelling units each, for a total of six (6) proposed dwelling units. The residential component would be subject to standards for the construction, maintenance, use, and occupancy defined in the California Employee Housing Act.

The three residential duplex structures all utilize a similar rural design theme as shown in Figure 4, utilizing horizontal wood siding, wood trim, and asphalt roofing. The duplexes would consist of a 756-square-foot one-bedroom unit with covered parking and 1,646-square-foot three-bedroom units with a two-car garage. The one-bedroom unit would be located on the ground floor with the garage while the two-bedroom unit would be located on the second floor of the duplex. Each unit would be independent with separate access and sufficient cooking, cleaning, bathing, and sleeping facilities.

Supporting Development and Infrastructure:
The proposed project will incorporate native vegetation as landscaping and screening and includes approximately 25-acres located on the southern side of the subject parcel to be preserved as open space.

Electricity for the proposed project would be provided by proposed extensions from existing infrastructure operated by Liberty Utilities. Water for the proposed project, including fire suppression as well as the operational and residential components would be provided by an existing on site well supported by a proposed 200,000-gallon water tank to be located on an existing graded pad. The proposed system will extend the 8" water main to service both components and provide new fire department connections to support fire suppression. Four new septic systems would be installed to provide for sewage disposal for the proposed project; one system is proposed to support restrooms in the proposed facility and one system is proposed to support each for the three (3) proposed duplexes.

The project components would be accessed via new interior roads utilizing an existing driveway off of Klondike Flat Road. Klondike Flat Road originates from State Route (SR) 89 utilizing an approximate 450-foot stretch of roadway located within a 60-foot wide right of way through a parcel of land owned by the United States Forest Service (APN 016-530-011) by way of a Special Use Permit granted in 1976 and amended in 1985. The Klondike Flat roadway is contained within a dedicated 60' right-of-way in which then extends beyond the project boundary to Silverado Way. Klondike Flat Road would be improved to provide for two (2) 10-foot-wide travel lanes which meet Two-Way Fire Safe Access Road Standards as shown in Figure 6. The interior roadways leading to both the facility component (Mill Road) and the residential component (Alpenglow Drive) would be developed to provide for two (2) 10-foot-wide travel lanes to achieve Fire Access Road Standards. Residential dwelling units would be accessed via proposed private driveways improved to meet Private Driveway Construction Standards.

Project Operation:
The facility would operate 6 days per week, Monday through Saturday from 7 A.M to 10 P.M and produce 4.5 million board feet of lumber per year, generate 2,000 cords of firewood, and utilize processing and forest residuals to fuel the wood-fired boiler. Wood material would be sustainably sourced from fuels management and forestry projects throughout the surrounding region and hauled to the site from various project locations.

The project components would be accessed via new interior roads utilizing an existing driveway off of Klondike Flat Road. A total of 10 trucks are proposed to haul wood material to the site on operational days and cut lumber will be hauled away from the site in 4 trucks per day. Including residential and service trips, the total number of trips generated by the project is 61 daily trips with 7 occurring in the peak hour. Of these trips, 39 daily trips and 4 peak hour trips are proposed as new trips, the remainder are existing trips that would have gone to or from the existing operation in the Hobart Mills area located to the northeast of the proposed project on the opposite side of SR 89.

The project is expected to generate noise associated with operation of the proposed facility, including traffic noise along SR 89 and Klondike Flat Road. The primary noise sources associated with operation

of the proposed project include the sawmill, the planar, the debarker, firewood cutting machine, loading, and unloading of raw materials and finished products, forklifts, and heavy truck and auto circulation both entering and traversing the project site.

The boiler would support the operation of the dry kilns and provide space heat on-site to the facility and residential units. The boiler and kilns would operate for 365 days per year and 24 hours per day utilizing wood products from the operation. Operation of the boiler is the primary source of project related emissions, and the estimated operational emissions for the proposed project are 7,622 metric tons of CO_2e per year.

Project Construction:
In order to construct the proposed development, approximately 17.7 acres of total ground disturbance would occur across the approximately 124-acre parcel. Ground disturbance is anticipated to extend from minimal surface disturbance to up to 6 feet below surface. Approximately 17,000 cubic yards of material would be excavated, and approximately 2,400 cubic yards used as fill onsite, with excess cut disposed of offsite at the Hobart Mills Recycled Aggregate Yard or the Eastern Regional Landfill. Development of the improvements included in the proposed project would result in the parcel being covered with approximately five (5) percent impervious surfaces.

The project components are proposed to develop concurrently, and all construction is anticipated to occur across a 22- to 24-month period and occur within the standard approval timeline of three years from project approval. Construction activities are anticipated to occur no more than six (6) days per week, with operating hours not to exceed 7:00 AM until 7:00 PM.

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 (August 19, 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. All Conditions of Approval shall be completed within three (3) years from the effective date of the approval of the project (PLN23-0054; CUP23-0004; EIS24-0004) unless an extension of time for reasonable cause is requested prior to the expiration date and granted by the Board of Supervisors pursuant to Section 12.05.100 of the Nevada County Zoning Regulations (August 19, 2027).

5. Hours of operation for the sawmill facility are limited to the hours of 7 A.M. to 10 P.M., Monday through Saturday. The boiler and kilns are allowed to operate for 365 days per year and 24 hours per day.

6. 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.

7. 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. All exterior security lighting shall utilize motion or heat sensors between 10 P.M. and 7 A.M. All exterior lighting shall be maintained as approved and installed.

8. 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.

9. All trash and recycling areas shall be contained within a screened enclosure, 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 facility, and shall conform to Section 12.04.111 of the Zoning Regulations.

10. The native vegetation on the project site shall be maintained or replaced to provide the same practical effect as the landscaping requirements of Section 12.04.107 of the Zoning Regulations. Landscaping shall be maintained along street frontages and along property lines of abutting residential properties. Prior to issuance of any grading or building permits, the applicant shall provide photographic evidence to the Planning Department for review and approval demonstrating the retained native vegetation provides the same practical effect as the landscaping requirements defined in Section 12.04.107 of the Zoning Regulations. An earthen and vegetated berm shall be constructed abutting Klondike Flat Road to further reduce noise impacts to adjacent neighbors.

11. Parking areas shall be constructed in accordance with the design standards of Section L-II 4.2.9 of the Land Use and Development Code (LUDC), including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. The project site plan shows eleven (11) spaces and one of which is an ADA accessible space for the sawmill facility and garages for the residential component. 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.

12. Prior to the final inspections for building permits and prior to any commercial operations, the applicant shall submit evidence to the Planning Department certifying that Code Compliance File CC23-0090 has achieved compliance and a Closed status from the Code Compliance Division.

13. Prior to the final inspections for building permits, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project-building permit or at the time of request if no building permit is required.

14. **Mitigation Measure 1A: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls and the proposed water tank shall be low reflectivity. This condition shall be shown on all improvement/building plans prior to permit issuance.

    Timing: *Prior to issuance of grading/improvement/building permits and throughout operation.*
    Reporting: *Approval of future grading/improvement permit*
    Responsible Agency: *Planning Department and Building Department*

15. **Mitigation Measure 4A: Sierra Nevada Snowshoe Hare.** The following note shall be added to all improvement/grading/construction plans:
    a. Avoidance. If feasible, construction will be completed entirely outside the snowshoe hare breeding season, or between September 1 and the end of February. If this mitigation measure is implemented, no other measures for snowshoe hares are required.
    b. Pre-construction Surveys. If the project must be constructed wholly or in part during the snowshoe hare breeding season, a Nevada County prequalified biologist shall survey the proposed impact area(s) for active hare nests within seven days prior to the start of breeding season construction activities.
    c. Establish Buffers. Should any active hare nests be discovered in or near proposed impact areas, a Nevada County prequalified biologist shall identify suitable construction free buffers around the nests.

The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nests are no longer active.

d. Monitoring. Active snowshoe hare nests in or near construction zones will be monitored by a Nevada County prequalified biologist a minimum of once per week to ensure that construction-free buffers are adequately protecting the affected hares, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the nests are no longer active or until construction is complete, whichever comes first.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
Reporting: *Approval of future grading/improvement permit*
Responsible Agency: *Planning Department and Building Department*

16. **Mitigation Measure 4B: Nesting raptors and migratory birds.** The following note shall be added to all improvement/grading/construction plans:
    a. Avoidance. If feasible, construction will be completed entirely outside the avian nesting season, or between September 1 and January 31. If this mitigation measure is implemented, no other measures for nesting birds are required.
    b. Nest Surveys. If the project must be constructed wholly or in part during the avian nesting season (February 1 - August 31), a Nevada County prequalified biologist shall conduct pre-construction surveys for active raptor and migratory bird nests within 10 days prior to the start of nesting season construction activities. Nest surveys will encompass the project site and surrounding lands within ¼ mile for the northern goshawk and all other nesting birds. Nest surveys will be repeated every 10 days until the completion of all project-related vegetation clearing and grading activities.
    c. Establish Buffers. Should any active nests be discovered in or near proposed construction zones, a Nevada County prequalified biologist shall identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.
    d. Monitoring. Active nests in or near construction zones shall be monitored by a Nevada County prequalified biologist a minimum of once every week to ensure that construction-free buffers are adequately protecting the affected birds, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the nests are no longer active or until construction is complete, whichever comes first.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
Reporting: *Approval of future grading/improvement permit*
Responsible Agency: *Planning Department and Building Department*

17. **Mitigation Measure 4C: Maternity Roosting Bats.** The following note shall be added to all improvement/grading/construction plans:
    a. Avoidance. If feasible, tree and snag removal will be conducted entirely outside of the bat maternity season, or between September 1 and April 14. If this mitigation measure is implemented, no other measures for roosting bats are required.
    b. Pre-construction Surveys. If tree and snag removal must occur during the maternity season (April 15 - August 31), a Nevada County prequalified biologist shall conduct pre-construction surveys for active maternity roosts within 10 days prior to any such activities. The surveys will encompass all large trees and snags proposed for impact. The biologist will look for individuals, guano, and staining around cavity openings, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no active maternity roosts are found within the survey area, no further mitigation is required.
    c. Establish Buffers. Should any active maternity roosts be discovered in trees or snags proposed for impact, the Nevada County prequalified biologist shall identify a suitable construction-free buffer around the roost site. The buffer will be identified on the ground with flagging or fencing, and will be maintained until a qualified biologist has determined that the nursery is no longer active.
    d. Monitoring. Active maternity roosts shall be monitored by a Nevada County prequalified biologist a minimum of once every week to ensure that construction-free buffers are adequately protecting the

affected colonies, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the bats have dispersed or until construction is complete, whichever comes first.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
Reporting: *Approval of future grading/improvement permit*
Responsible Agency: *Planning Department and Building Department*

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

    Timing: *Prior to issuance of grading/improvement/building permits.*
    Reporting: *Approval of future grading/improvement permit*
    Responsible Agency: *Planning Department and Building Department*

19. **Mitigation Measure 4E: Western bumblebee.** The following note shall be added to all improvement/grading/construction plans:
    a. Avoidance. If feasible, construction will be completed entirely outside the flying season, or between September 1 and February 28. If this mitigation measure is implemented, no other measures for western bumblebees are required.
    b. Surveys. Within 1 year prior to vegetation removal and/or the initiation of construction, a qualified biologist familiar with western bumble bee behavior and life history shall conduct surveys to determine the presence/absence of the species. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between approximately March 1 to September 1. Survey results including negative findings shall be submitted to the CDFW upon completion.
    c. Permitting. Should any active nests be discovered in or near proposed construction zones, the applicant shall receive a CESA Section 2080 Incidental Take Permit from the California Department of Fish and Wildlife, if required.

    Timing: Prior to issuance of grading/improvement/building permits and throughout construction.
    Reporting: Approval of future grading/improvement permit
    Responsible Agency: California Department of Fish and Wildlife, Planning Department and Building Department

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

    Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

    Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
    Reporting: *Approval of future grading/improvement permit*
    Responsible Agency: *Planning Department and Building Department*

21. **Mitigation Measure 7A: Halt Work and Contact the Appropriate Agencies if Paleontological Resources or Unique Geological Features are Discovered during Project Construction.** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any paleontological or geological resources discovered during project construction are properly managed. These requirements including the following:

    Any person who, in the process of project activities, discovers any fossils, paleontological resources, or unique geological features within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified paleontologist or geologist shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment.

    Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
    Reporting: *Approval of future grading/improvement permit*
    Responsible Agency: *Planning Department and Building Department*

22. **Mitigation Measure 13A. Limit Potential Noise Impacts:** The following note shall be included on all future grading, improvement, and building permits:
    a. Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM daily.
    b. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
    c. When not in use, motorized construction equipment shall not be left idling for more than 5 minutes.
    d. Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.
    e. Operational activities shall be limited to between the daytime hours of 7 AM and 10 PM daily.

    Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
    Reporting: *Agency approval of permits or plans*
    Responsible Agency: *Planning Department and Building Department*

23. **Mitigation Measure 13B. Limit Heavy Truck Trips to Daytime Hours Only (7AM-7PM):** The following note shall be included on all future grading, improvement, and building permits:
    a. Heavy truck trips shall be limited to between the daytime hours of 7 AM and 7 PM daily.
    b. The operation is required to provide mufflers which meet the standards of the California Highway Patrol on all trucks belonging to the operator and used on public roadways.

    Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
    Reporting: *Agency approval of permits or plans*
    Responsible Agency: *Planning Department and Building Department*

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

    When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA 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 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 & California Native American Tribes*

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

    Timing: *Prior to Issuance of grading/improvement/building permits and throughout construction*
    Reporting: *Planning Department Approval of Grading and Construction Permits*
    Responsible Agency: *Planning Department and Building Department*

B. BUILDING DEPARTMENT

1. Complete grading, erosion control, construction, and utility plans shall be submitted for review at time of building/grading permit submittals in conformance with Nevada County Land-Use Code Chapter V.

2. Complete mill equipment specifications including seismic anchorage and electrical plans.

3. 2 sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittals.

4. A State Storm Water Pollution Prevention Plan (SWPPP) permit shall be obtained and submitted at time of grading plan submittal.

5. Complete drainage calculations shall be provided at time of grading plan submittals.

6. A special inspection agreement shall be completed and included at time of construction plan submittal for all required project special inspections.

7. Disabled accessible parking shall be provided with paths of travel to building entrances based on the overall number of parking spaces provided. Routes of travel shall connect all facilities and amenities throughout the site.

8. Commercial structures shall be designed to meet disabled accessibility standards in accordance with Chapter 11B of the California Building Code.

9. Temporary and permanent bike parking spaces shall be provided by the total number of parking spaces provided per the CA Green Building Standards Code.

10. 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.

11. 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.

12. A complete code analysis shall be provided for the buildings showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.

13. Building shall have exterior fire rated/listed assemblies per locations on property in compliance with the California Building Standards Codes.

14. 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.

15. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.

16. 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.

17. **Mitigation Measure 3E: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements (e.g. water heating, furnaces, boiler units, etc.).

    Timing: *Prior to issuance of grading/improvement/building permits and throughout operation.*
    Reporting: *Approval of future grading/improvement permit*
    Responsible Agency: *Planning Department*

C. <u>DEPARTMENT OF PUBLIC WORKS</u>

1. Prior to final building inspection, roads shall be improved to the following standards and shall meet Chapter 10: Road Standards, Road Design Standards:
   a. Internal Road shall meet Fire Standard Access Road Standards - 20' Wide w/ 2' Shoulders.
   b. Klondike Flat Road shall be improved to meet Two-Way Fire Safe Access Road Standards, per Std Dwg C-1.

2. Prior to final building inspection, the applicant's engineer shall certify that any required improvements have been completed in conformance with the applicable standards.

3. Prior to any work within the right of way, the applicant shall obtain an encroachment permit from the County, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work. Caltrans encroachment permit will be required for improvements to encroachment at SR 89.

4. The driveway access from Klondike Flat Road must conform to the County's Commercial 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.

5. Prior to application completeness, the applicant shall provide preliminary 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. Dischargers whose project disturbs one or more acres or where projects are less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit shall require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

7. The project is required to obtain coverage under either the General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), Order No. 2014-0057-DWQ (NPDES No. CAS000001) or the Timberland Management Activities on Non-Federal and Federal Lands General Order No. R5-2017-0061. Industrial activity subject to this permit includes earth disturbance, clearing, grading, grubbing, stockpiling, and excavation. The Industrial General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Applicant shall provide the Waste Discharge ID to the Department of Public Works after obtaining coverage under the appropriate Order.

8. 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.

9. 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.

10. Prior to issuance of any building permits, the applicant shall pay appropriate traffic impact fees proportional to 39 ADTs based on the latest fee schedule adopted by the Nevada County Board of Supervisors at time of building permit for trips generated by the project.

11. Driveways and parking lot circulation shall be designed to fire safe road standards. Prior to issuance of the grading permit, a truck turning analysis shall be completed for ingress and egress to the project site along with internal circulation areas to ensure that the larger of fire trucks or delivery vehicles can successfully navigate the project site.

12. Landscaping and all other improvements for roads required to meet County standards 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.

13. Indicate on the site plan the location of any existing or proposed lighting. Public Works will require that any proposed lighting be shielded and directed away from rights-of-way to prevent any light and glare trespass that could result in safety issues for passing motorists.

14. Prior to issuance of the grading permit, identify all easements and utilities on and adjacent to the site on the site plan.

15. The developer shall establish a Permanent Road Division (PRD) for maintenance of proposed roadways and other infrastructure, including storm water facilities, or provide a road agreement or annex to a maintenance entity for Klondike Flat Road.

16. Prior to building permit issuance, 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.

17. Street signs shall be of the type and size as shown in the Nevada County Standard Drawings. A street sign installation with four sign plates on each post is required at each intersection. The location of street sign installations shall be shown on the improvement plans.

18. Stop signs, speed limit signs and other traffic control signs shall be of the size and type and shall be installed in locations that are in conformance with the State of California, Department of Transportation Traffic Manual and as required and approved by the Engineer.

19. Nevada County has an exclusive franchise agreement with Tahoe Truckee Disposal Company, Inc., A California Corporation (DBA, Tahoe Truckee Sierra Disposal or TTSD), for collection and transport of all franchise material, including green waste, generated within Eastern Nevada County. Therefore, applicant shall agree to the following terms:
    a. If accepting material from residential or commercial customers, material processed on site must either be self-hauled by customers (i.e. delivered by a person or entity directly to the disposal facility), or any hauling service provided by the applicant must be incidental to another service provided (i.e. gardening, landscaping, tree trimming, cleaning, maintenance, etc.); and
    b. Applicant shall not haul materials solely for the purpose of hauling and/or removal of debris from residential or commercial customers; and
    c. Persons or entities providing hauling incidental to another service cannot subcontract any portion of the self-haul to the applicant or an affiliate; and
    d. Applicant shall not sell, loan or rent bins or carts or other containers or provide a bin or cart collection service to residential or commercial customers. Any violation of the above terms may result in civil actions or revocation of use permits or other entitlements granted by Nevada County. In addition, the applicant shall indemnify and hold harmless the County from any action arising from said violations.

D. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL/CALFIRE

1. All roads will meet Nevada County Road Standards, to and including required widths, weight ratings, radius(s), shoulders, markings, signage, and vegetation clearance.

2. Prior to final approval, all structures located on all developed parcels shall comply with the following:
    a. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation, or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. Such thinning or removal of vegetation does not apply to individual isolated trees, ornamental shrubbery or ground cover plants

unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees.

b. 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.

3. 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.

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

5. **Mitigation Measure 2A: Obtain a Timber Conversion Permit and Timber Harvesting Plan if required by CAL FIRE.** Prior to any tree removal and the issuance of grading and improvement permits for the proposed project, the applicant shall obtain a Timber Conversion Permit and Timber Harvesting Plan by CAL FIRE and provide evidence of the permits to the Planning Department.

   Timing: *Prior to issuance of grading/improvement/building permits.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *Planning Department*

E. ENVIRONMENTAL HEALTH DEPARTMENT

1. Prior to issuance of grading, building, or improvement permits, the applicant shall obtain written approval from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been approved. The Lahontan Regional Water Quality Board has determined the site it is an illegal dump site and is subject to an investigative order under California Water Code section 13267 or a cleanup and abatement order under California Water Code section 13304. The Lahontan Water Quality Control Regional Board is designated at the Lead Agency per Department of Toxic Substance Control (DTSC) certified lead agency requirements.

2. Prior to any ground disturbance, the applicant shall obtain a written Clean Closure Certification from Lahontan Regional Water Quality Control Board with concurrence from CalRecycle and the Nevada County Environmental Health Department stating the Removal Action Workplan has been successfully implemented. In addition, the applicant shall obtain an Air Quality permit for Soil Aeration/Remediation from the Northern Sierra Air Quality Management District prior to any ground disturbance.

3. Construction projects that involve more than one acre of ground disturbance must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order WQ-2022-0057-DWQ (see correspondence from Robert Tucker, LRWQCB, to owner dated October 12, 2023). Following the construction project, the facility for the sawmill operation must obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities, Order Nos: WQO-2014-0057, WQO-2045-0122-DWQ, and WQO-2018-0028-DWQ (2014 Water Quality Orders | California State Water Resources Control Board) or (2018 Water Quality Orders | California State Water Resources Control Board).

4. EH22-0622 septic permit was submitted for the Sawmill. Each of the three centralized systems will require a separate septic permit submittal. All four (4) septic systems are required to be issued and receive final inspections prior to building construction.

5. The applicant shall obtain 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. The Small Domestic Water Supply Permit required to be issued and receive final inspections prior to final occupancy of structures.

6. The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code).

   Pursuant to Nevada County Code "All solid wastes shall be stored, collected, utilized, treated, processed, and disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. All solid wastes shall be disposed of at disposal site approved by the County." A description of solid waste handling and disposal procedures should be provided to Nevada County Environmental Health.

   Green waste, chipping and grinding and/or processing green waste for a biomass operation is subject to these regulations. Applicant would need to contact the Local Enforcement Agency (LEA, Nevada County Environmental Health) for solid waste program requirement information.

7. The sawmill operation will likely generate hazardous waste including but not limited to used oil (non-RCRA Hazardous Waste per CA Health and Safety Code, Division 20, Chapter 6.5, Article 13), equipment maintenance wastes and emission control wastes from the wood fired boiler system. Please be advised that the operator shall comply with waste determination requirements in the California Code of Regulations, Title 22, Chapter 12, Section 66262.11.

8. **Mitigation Measure 9A: Halt Work and Contact the Appropriate Agencies if Solid Waste is Discovered during Project Construction.** The extent of the existing waste disposal site and 100-foot setback thereto shall be delineated as a Non-Disturbance Area on all future improvement/grading/construction plans associated with this project. All grading and construction plans shall include the note outlining the requirements provided below to ensure that any waste discovered during project construction are properly managed. These requirements including the following:

   Any person who, in the process of project activities, discovers any waste including sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal shall cease from all project activities on the project site. The Lahontan Regional Water Quality Control Board as the Local Enforcement Agency and the Nevada County Department of Environmental Health shall be notified to assess any discoveries and develop appropriate management recommendations for waste treatment and site cleanup.

   Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *Planning Department, Environmental Health Department, and the Lahontan Regional Water Quality Control Board*

F. TRUCKEE FIRE PROTECTION DISTRICT

1. The Fire District routinely adopts and amends the California Fire Code. New developments are required to comply with the locally adopted and amended Fire Code that is in effect at the time the project is permitted. Complete plans must be submitted to the Fire District for review and approval Plan Review — Truckee Fire Protection District. The developer will be responsible for plan review fees for both in house plan reviews as well as third party plan reviews conducted to ensure compliance with the locally adopted fire code. The developer is required to comply with the Fire District's interpretation of the Fire Code as the authority having jurisdiction. Some typical interpretations include: providing Knox key box access for building control rooms and gates, providing markers, snow removal, and vehicle impact

protection for fire hydrants, providing and maintaining pre-fire safety plans for Fire District use and, limiting vertical combustible construction prior to completion of an emergency water supply.

a. Inspections can be scheduled at Inspections — Truckee Fire Protection District
b. Sprinkler plans can be submitted as a deferred submittal to EFS Engineered Fire Systems, Inc.

2. The Fire District has adopted a capital facilities mitigation program that applies to new developments. This project is unique in that fire protection funding generated from the proposed development may not accurately represent the values at risk or impacts to service delivery related to the development. Prior to building permit issuance, the applicant shall either (1) complete an annexation of the subject property into the TFPD jurisdiction approved by the Nevada County Local Formation Commission (LAFCo), or (2) enter into an Out of Area Service Agreement with TFPD approved by the Nevada County LAFCo.

3. The developer is required to comply with the Fire District's currently adopted defensible space ordinance throughout the life of the project. The Zone 0 "ignition resistant zone" will be in effect after January 1st 2023 for new construction and January 1st 2024 for existing construction. A vegetation management plan that addresses the creation and continued maintenance of defensible space around the entire project area will be required.

G. 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. All testing results shall be submitted to DTSC for further evaluation to determine future involvement. Please use the Unit's Inbox to submit the results and reference the project title and this comment letter in your response.

2. A Hazardous Waste Management Plan shall be incorporated into the project to segregate and dispose of any hazardous waste if encountered at the Site. Please coordinate with Kerri O'Keefe at the LRWQCB for guidance.

3. The project site is required to achieve a Clean Closure status granted by LRWQCB prior to any ground disturbing activities.

H. LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

1. Prior to issuance of grading, building, or improvement permits, and prior to any ground disturbance, the applicant shall obtain written approval from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been approved.

2. Prior to final occupancy of any structure, the applicant shall obtain a written Clean Closure Certification from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been successfully implemented.

3. Construction projects that involve more than one acre of ground disturbance must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order WQ-2022-0057-DWQ (see correspondence from Robert Tucker, LRWQCB, to owner dated October 12, 2023). Following the construction project, the facility for the sawmill operation must obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities, Order Nos: WQO-2014-0057, WQO-2045-0122-DWQ, and WQO-2018-0028-DWQ

(2014 Water Quality Orders | California State Water Resources Control Board) or (2018 Water Quality Orders | California State Water Resources Control Board).

4. **Mitigation Measure 10A: Storm Water Pollution Prevention Plan (SWPPP).** Obtain a Storm Water Pollution Prevention Plan (SWPPP) from the Lahontan Regional Water Quality Control Board. Given that the project would disturb over one acre, the project applicant shall obtain permit coverage under the Construction General Order from the Lahontan Regional Water Quality Control Board and provide it to the Building Department prior to the onset of any construction activities and prior to issuance of grading and improvement permits. The project applicant shall obtain coverage under the Industrial General Order from the Lahontan Regional Water Quality Control Board and provide it to the Building Department prior to final inspection of improvement permits.

   Timing: *Prior to issuance of grading/improvement/building permits and throughout operation.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *Planning Department, Building Department, and LWQCB*

I. CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

1. Any project along or within the State's ROW requires an encroachment permit that is issued by Caltrans. The applicant must provide necessary documents including but not limited to environmental, cultural resources, traffic operations and hydraulics and mitigate effects on the State's highway right of way. Facilities proposed within the State ROW necessitate a Maintenance Agreement with the local entity.

2. The development of this site will increase impervious surface area through the construction of roads, driveways, parking lots, buildings, etc. with a corresponding increase in surface water runoff. This project will decrease surface water detention, retention and infiltration. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the 100-year storm event should be minimized through project drainage mitigation measures.

3. Increases in peak runoff discharge for the 100-year storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.

4. All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.

5. Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.

6. All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

7. Prior to commencing construction, apply for and receive an encroachment permit to relocate the existing speed limit sign and conduct vegetation management in order to improve sight distance at the Klondike Flat Road/SR 89 intersection and shall maintain vegetation management in this area for the life of the project.

J. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

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

   Timing: *Prior to issuance of grading/improvement/building permits.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *NSAQMD and Planning Department*

2. **Mitigation Measure 3B: Reduce emissions during construction.** The following are the minimum mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations.
   a. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes.
   b. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
   c. Grid power shall be used (as opposed to diesel generators) for job site power needs during construction.
   d. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
   e. Construction activities shall be scheduled to direct traffic flow to off-peak hours unless otherwise deemed infeasible by the District.
   f. There shall be a limit of one wood-burning appliance per residence, and it shall be an EPA Phase II certified appliance. Also, each residence shall be equipped with a non-woodburning source of heat.

   Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *NSAQMD and Planning Department*

3. **Mitigation Measure 3C: Authority to Construct/Permit to Operate.** Building, altering, replacing, or operating the proposed source of air contaminates, shall require an Authority to Construct Permit/Permit to Operate from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with California Air Resources Board under the Portable Equipment Registration Program. The Authority to Construct shall be obtained at the same time as building permits and shall require the installation of a Selective Catalytic Reduction device or an alternative emissions control device or operational techniques pursuant to NSAQMD requirements. Prior to operation, an inspection shall be scheduled with the NSAQMD for the issuance of the Permit to Operate.

   Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*
   Reporting: *Approval of future grading/improvement permit*
   Responsible Agency: *NSAQMD and Planning Department*

4. **Mitigation Measure 3D: Reduce Emissions during Light Industrial Land Use Activities.** The following are the minimum mitigation measures designed to help reduce project emissions related to operational activities which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations.
   a. Mobile heavy equipment shall meet State engine-tier standards in effect at the time of operation.
   b. During operation, the operator shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes.
   c. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
   d. Grid power shall be used (as opposed to diesel generators) for job site power needs during construction.

   Timing: *Prior to issuance of grading/improvement/building permits and throughout operation.*
   Reporting: *Throughout operation.*
   Responsible Agency: *NSAQMD and Planning Department*

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

1. **Notice of Determination Fee**. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently $2,916.75, 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.

You are hereby notified that the action of the Planning Commission is final; however, if you are dissatisfied with any action of the Planning Commission, you may appeal to the Board of Supervisors within a ten-day period from the date of the Planning Commission's decision (deadline 5 p.m. on August 19, 2024).

Please find enclosed a Defense and Indemnification Agreement. Please sign this form and return within 15 days of project approval.

NEVADA COUNTY PLANNING DEPARTMENT
BRIAN FOSS, PLANNING DIRECTOR

By: Jodeana Patterson, Clerk to the Planning Commission

enc: Defense and Indemnification Agreement*
(*Applicant and Representative only)

cc: Project Applicant and Representative
Principal Planner
Building Department
Public Works Department
Office of the Fire Marshal
Environmental Health Department
Truckee Fire Protection District
California Department of Toxic Substances Control
Lahontan Regional Water Quality Control Board
Caltrans
Northern Sierra Air Quality Management District
California Department of Fish and Wildlife