

C O U N T Y O F N E V A D A
P L A N N I N G D E P A R T M E N T
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GUIDELINES FOR PREPARING A MANAGEMENT PLAN

Note: these Guidelines are general. Guidelines for a management plan for a specific resource may be available, e.g. Management Plan Guidelines for impacts to Important Agricultural Lands. Ask whether specific Guidelines have been prepared for the resource for which you need a Management Plan.

Management Plans are a tool used to minimize the impacts of development on environmentally sensitive environmental resources by using techniques that permanently protect sensitive resources. A Management Plan, prepared by a qualified professional, may be used to minimize impacts where avoidance is not feasible, demonstrating that impacts can be minimized in a reasonable fashion, allowing development while protecting the resource.

Avoiding or Minimizing Impacts on Sensitive Resources. Nevada County General Plan Policy 1.5.3 identifies the environmentally sensitive resources that require protection. Zoning Regulations Title 12, Chapter 4 establish the specific Resource Standards and procedures intended to avoid or minimize the impact of development on sensitive resources. Where sensitive resources are present, as identified on the resource maps listed in the Regulations or in other reliable records, a professional field inventory and review must be undertaken to delineate the extent of the resource and determine the impact of the proposed development.

Standards. To avoid resource impacts to the maximum extent possible, the following three successive standards are established. A project cannot descend to succeeding methods until it has been demonstrated to the County's satisfaction that the preceding methods are infeasible:

- 1. Avoidance is the preferred standard.** Avoidance requires the project be designed to completely avoid the identified resource, assuring the resource is fully protected and not disturbed. Avoidance may be attained through techniques that permanently protect the resource, including the use of building envelopes, conservation easements, common driveways, fencing, setbacks or buffers, development restrictions, offsite mitigation or mitigation banking. Permanence shall be ensured through dedications, easements, irrevocable trusts, deed restrictions, covenants, "Open Space" zoning, or similar techniques. Provisions to avoid the resource shall become conditions of approval or mitigation measures for the project. Avoidance shall be required unless the Planning Agency determines that avoidance effectively removes the potential for reasonable development of the parcel.

- 2. Minimization.** If avoidance is infeasible, minimizing impacts through the preparation and implementation of a County-approved Management Plan is an acceptable alternative. The Management Plan must be prepared by an independent consultant approved by, or under the

direction of, County staff, and must limit the degree of impact to the maximum extent possible. Minimization can be attained through techniques that permanently protect the resource and require permanence (same as Avoidance). Management Plan provisions to minimize impacts shall become conditions of approval or mitigation measures for the project. Minimization shall be required unless the Planning Agency determines that this standard will not effectively protect the resource or avoid the constraint to an acceptable level. In such instances, the County shall deny the project.

3. **Compensation.** Compensating for impacts by replacing or providing a substitute resource or environment is appropriate where the Planning Agency determines that avoiding or minimizing the impact is not acceptable. Compensation may include the on-site or off-site provision or creation, protection, and maintenance of a resource or habitat. Management Plan provisions to compensate for impacts shall become conditions of approval of the project. Lands used as compensation for unavoidable project impacts shall be acquired through fee title or conservation easements with the express purpose of maintenance as compensation for impacts to wildlife in perpetuity. Holders of title or easements shall be restricted to mutually agreed upon agencies or private, non-profit conservation entities approved by the Planning Agency. Realistic and effective avoidance of impacts and then minimization of impacts must first precede the use of compensatory mitigation.

Content and Form of Management Plan. The scope and level of detail associated with each Management Plan shall depend upon the scale and type of project, size and quality of resource or level of constraint, and the degree to which the project affects the resource or constraint. Plans prepared for smaller projects only affecting a resource or constraint to a limited degree should be concise, with mitigation measures commensurate with the anticipated level of impact. Plans prepared for larger projects seriously affecting a high quality resource or major constraint, should be of such a detail and level of comprehensiveness to ensure effective mitigation.

Management Plans must normally include the following information:

- a. Identification of the resource or constraint;
- b. A discussion supporting the proposed design as the preferred alternative, rather than avoidance of the resource or constraint altogether;
- c. Description of the mitigation or compensation measures and the extent to which they will offset or minimize the impact to the resource or the risk;
- d. Time frame for implementation;
- e. Success standards;
- f. Monitoring of mitigation and compensation measures, and other conditions of approval, to assess effectiveness.
- g. Remediation measures in the event of failure of mitigation or compensation, or other conditions of approval;
- h. A Performance Bond.
- i. Management Plans shall be prepared by an independent, qualified professional, under the direction of the County, as required for each resource. Biologists preparing an inventory or analysis, or a Management Plan, must be prequalified by the County and listed on the County's most current Prequalified Biologist List. All biological inventories and biological reports are required to be prepared by a Nevada County prequalified biologist.

Permanence: Management Plan provisions to minimize impacts shall become conditions of approval or mitigation measures for the project. All project conditions of approval and mitigation measures shall be fully enforced to ensure that the resources are protected and constraints avoided consistent with the findings of the Planning Agency and Management Plan, if applicable. For discretionary projects, a monetary deposit may be required to be posted and maintained to insure the protection of the resource or avoidance of the constraint during construction. The amount of the deposit shall be determined by the Planning Agency based on the size and scale of the project, and the level of resource sensitivity identified in the Management Plan. The deposit shall be in the form of a Certificate of Deposit, Cash Deposit, or Letter of Credit from a bank, and shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any condition of approval or mitigation measure regarding resource protection or constraint avoidance shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the Planning Agency, in addition to other applicable penalties.

Qualified Professionals authorized to prepare Management Plans

Resource	Qualified Professional
Agricultural Lands, Important	Registered Professional Forester, certified rangeland manager, or USDA/NRCS certified conservation planner
Cultural Resources	Qualified professional meeting the standards set by the Register of Professional Archaeologists
Deer Habitat, Major	qualified biologist
Earthquake Faults/Seismic areas	Certified Engineering Geologist or Civil Engineer
Floodplains	Registered Professional Engineer
Mineral Areas, Significant	Professional Registered Engineer, Registered Geologist, or Land use planner
Endangered Species	Qualified Biologist
Steep Slopes/High Erosion areas	Civil Engineer, Engineering Geologist, or Certified erosion control specialist
Timber Resources	Registered Forester, Certified Arborist, or qualified botanist or biologist
Trees (oaks or heritage trees)	Certified Professional Arborist, Licensed landscape architect, Registered Professional Forester, or qualified botanist or biologist
Visually Important Ridgelines/Viewsheds	Land use planner, Architect, or Landscape architect
Watercourse/Wetlands/Riparian areas	Qualified biologist or botanist

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MANAGEMENT PLAN
CONTENTS & FORMAT

I. Report cover

Provide a cover that identifies the project, the project location, the preparer and the date of plan preparation.

II. Introduction

Briefly explain the need for this management plan.

Example: This management plan is submitted pursuant to Sec. 12.04.203 of County Zoning Regulations, required for development projects that will result in disturbance of sensitive resources. The biological inventory prepared for the proposed project identifies ____ (#) acres of _____ (*the sensitive resource, e.g. steep slopes, oak woodlands, wetlands, riparian area*) that may be disturbed.

III. Summary of Management Plan Conclusions & Recommendations

List the Section VI conclusions and recommended mitigation measures.

IV. Property Description

Provide a summarized description of the property, identifying physical site characteristics and improvements (ok to excerpt from Biological and/or Cultural Resources Inventory), acreages, and the resources on or adjacent to the project. Identify the acreage of the resource. Include photos.

V. Project Description

- a. Describe the proposed project, identifying any design features such as clustering, building envelopes, or open space, whether there is a preferred alternative design.

Example: this project proposes to subdivide xxx acres into 10 residential lots, in a clustered design, creating lots that vary in size from 5 to 9 acres, reserving xx acres of open space adjacent to the XXX resource.

- b. Include a copy of the project map or site plan. The project evaluated by the Management Plan must reflect the submitted project design.

VI. Analysis of Potential Impacts

- a. Include an evaluation and assessment of the resource, identifying the methodology used to determine value/potential value of the resource;
- b. Identify other environmentally sensitive resources that may preclude avoidance of the subject resource
- d. Explain why/how project design minimizes impacts to the resource
- e. Include a map showing the location/boundaries of the resource, within the depicted project boundaries

VII. Recommended mitigations and conditions

- a. List the recommended mitigation measures and explain the extent to which each will offset or minimize the impacts to the resource. Standards that are otherwise required for the project are not acceptable as mitigation.
- b. Identify time frames for implementing recommended mitigations or conditions

VIII. Justification to Support Management Plan

- a. Consistent with the provisions of Sec. 12.04.203, explain why avoidance is not feasible.
- b. Identify alternative project designs and their feasibility

IX. References

X. Statement of Qualifications