

**NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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**GUIDELINES for
DEVELOPMENT WITHIN A FLOODPLAIN**

The Nevada County General Plan establishes a number of policies for protecting floodplains. Those policies are implemented by Title 18 of the Nevada County Code, the County Floodplain Regulations. Constructing or placing fill within a floodplain requires a use permit and is subject to environmental review and the specific requirements of Title 18.

Disturbance within 100' of a floodplain requires a Management Plan, pursuant to Section 12.04.210 of Zoning Regulations. This packet *does not* address setbacks from floodplains. See the Management Plan application package for information.

In order to grant a use permit for development within a floodplain, it must be determined that the proposed development is designed to 1) protect human life and health, 2) minimize the expenditure of public funds for costly flood control projects, 3) minimize the need for flood rescue relief efforts, 4) meet the purpose of the Federal Emergency Management Agency, 5) minimize potential obstructions to recreational access, 6) minimize water quality problems created by sedimentation and excessive vegetation removal, especially trees, and 7) minimize impacts to the general aesthetics or visual character of the area.

Fees: Use Permit filing fees are subject to change. The Planning Department can provide you with a copy of the most current fees for the Departments of Planning, Public Works and Sanitation, and Environmental Health. Use Permit fees do not include any other type of permit fee, and, upon completion of the use permit review process, additional fees will be required for any building permits, sewage disposal permits, or well permits. Those fees are not collected with the land use application fees.

If you are constructing within a floodplain, you will be subject to the payment of State Fish & Game fees before you can obtain any development permits. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Game Code, fees must be assigned during the CEQA environmental review process and must be paid at the time of filing of the Notice of Determination (fee must be submitted to the Planning Department within 10 days of the permit approval). 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 & Game and is not controlled by, or used for, County purposes.

PROCEDURE:

- Step 1: Applicant has a site plan and required application documents prepared.
- Step 2: Applicant acquires additional information to accompany the application, including perc tests and soil mantles, test wells.
- Step 3. *Complete* application forms are filed with County Planning Department, accompanied by filing fees.
- Step 4: Application documents are reviewed for completeness, a file made and application information is distributed to other interested agencies for comment.
- Step 5: Upon receipt of agency comments and review, the Planning Department will prepare an Initial Study and circulate an environmental document.
- Step 6: If no significant environmental impacts are identified, a public hearing will be held 70 days after the filing of your application. Final action can be taken at that meeting if there are no significant issues requiring further review.
- Step 7: Proponents or opponents of the project may appeal the decision of the ZA or the Commission within ten days of the decision. Appeals must be filed on forms provided by the Board of Supervisor's office within the ten day period. Appeals are considered by the Board of Supervisors.
- Step 8: If no appeals are filed, you must satisfy any conditions of your use permit approval. prior to obtaining any development permits (i.e. grading and/or building permits) Each agency that required conditions on your use permit will be required to confirm that their conditions have been satisfied.

The use permit approval is valid for three years at which time you must have completed your project. You can apply for an extension of time if you have not commenced construction. If you fail to meet those time limits, you will lose your approval and have to start all over again, complying with the rules that are in effect at the time of your new application. The amount of time required to fulfill those conditions will depend on the applicant and his/her surveyor or engineer. Typically, final implementation of your use permit requires coordination with the Department of Public Works, the Planning Department, Environmental Health, your local Fire District and any other agency with conditions.

ENVIRONMENTAL REVIEW: State law designates Nevada County as the Lead Agency for conducting environmental review for your project. Other agencies will review your proposal and identify potential impacts within their jurisdiction, and modifications, permits and/or approvals from those agencies may be required. It is in your best interest to contact any concerned agency prior to application submittal to determine what concerns should be addressed.

As a result of reviewing your application documents, and upon receipt of comments from other agencies, additional technical or engineered information, and/or specific studies, may be required in order to adequately evaluate the potential environmental impacts of your project. No public hearing will be scheduled until adequate environmental review is completed.

All projects will be reviewed for their ability to preserve the County's unique character, to protect environmentally sensitive resources, to provide open space, to prevent and/or reduce fire hazards, to maintain or enhance vegetation and landscaping, to prevent and reduce flood hazards, to provide transitions between multiple-use site developments, to further community design, to provide buffering/screening to mitigate adverse effects, to provide incentives for access to public resources and open space, and to protect important agricultural, mineral, and timber resources. Listed below are the resources and constraints identified as environmentally sensitive by Policy 1.5.3 of the General Plan. A professional on-site field inventory may be required in order to delineate the extent of any resources/constraints and to determine the impact of proposed development on the resource/constraint. All inventories shall be prepared in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the County under similar conditions. The filing instructions in each land use application require that you identify these resources/constraints. For preliminary resource identification, data available in the Planning Department is marked by an asterisk (*) This data is of a general nature and will, in most instances, not substitute for on-site field review.

Inventories should include the following resources and constraints:

- a. Steep slopes (30+%);
- b. Visually important ridgelines and viewsheds;
- c. Landmark oaks, 36" or greater in diameter;
- d. Riparian corridors within 100 feet of intermittent or perennial water courses;
- e. Significant cultural resources (significant as defined by Appendix K of CEQA);
- * f. Earthquake faults (as shown on the Epicenters & Faults Map, *Figure 1 of GP Vol. 2*)
- *g. Major deer migration corridors, critical range, and critical fawning areas (as defined by State Fish and Game's Migratory Deer Range Maps; *Figure 5 of GP Vol. 2*)
- * h. Rare and endangered species (*Figure 7, GP Vol. 2* provides limited, preliminary information, however, a site specific Biological Inventory is mandatory)
- *i. Significant mineral areas, defined by State Division of Mines & Geology's MRZ-2 classification maps (*Figure 8 of GP Vol. 2*);
- *j. Areas subject to fire hazards by CDF's Fire Hazard Zone Maps (*Figure 11 of GP Vol. 2*);
- *k. Avalanche hazards (potential hazard areas are shown on *Figure 12 of GP Vol. 2* and are more specifically mapped on County zoning maps);
- *l. Areas with high erosion potential (*Figure 3.3 of the County's Master Env. Inventory*);
- *m. Landmark groves (those areas with 33+ % canopy closure);
- *n. Important agricultural lands, as defined by the State Important Farmland map;
- *o. Wetlands, as delineated in the National Wetlands Inventory (or the Biological Inventory);
- *p. Floodplains, as mapped by FEMA.

ARCHAEOLOGICAL SURVEY REQUIRED

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Contact the North Central Information Center (NCIC) at Sacramento State University for the purpose of conducting a record search to determine if any previous archaeological studies have been conducted on the project site. The NCIC will issue a letter indicating that either 1) there has been a previous study and the site does not contain significant historical/cultural resources, 2) that a study has been conducted and the resources have been adequately recorded, or 3) that there is a potential for the site to contain important resources and that an archaeological field survey is recommended. Projects identified as having a medium or high sensitivity level, and that are recommended by the NCIC to have a field survey conducted, MUST submit a Survey (or "Inventory") with the land use application. That Inventory must be prepared by a qualified archaeologist. An NCIC instruction guide is available from the Planning Department. To contact the North Central Information Center, call the Department of Anthropology at (916) 278-6217.

BIOLOGICAL INVENTORY REQUIRED

Policy 13.2A of the General Plan requires that all land use applications include a site specific Biological Inventory. The purpose of the Inventory is to determine the presence of special-status species or their habitat that may be affected by the project, to describe existing vegetation and wildlife, and to identify riparian corridors, wetlands, landmark oak groves, and landmark oaks. The Inventory will be used as the basis for the design or re-design of your project in order to provide for "no net loss" of sensitive resources. If special-status species are present on the subject site and cannot be avoided by the project, the applicant must obtain U.S. Fish and Wildlife and State Department of Fish and Game appropriate permits, as a condition of approval and prior to any land disturbance.

The Inventory must be prepared by a qualified Nevada County biologist, listed on the County's most current Prequalified Biological Consultants List, and must follow the format provided in the County's "Guidelines for Preparing Biological Reports" (preapproved consultants have received training for compliance with the Guidelines).