

Attachment 1
Rincon del Rio Continuing Care Retirement Community
Conditions of Approval and Mitigation, Monitoring and Reporting Plan (MMRP)

A. PLANNING DEPARTMENT

1. Approval of this project is limited to:
 - a) A Use Permit to amend the Comprehensive Master Plan (CMP) for the entire site to facilitate the development of the site as proposed on the project Site Plan and described in the staff report as “Proposed Modified Project”;
 - b) Adoption of a revised Management Plan component of three Management Plans to address and manage natural resource areas on the site including encroachment into Steep Slopes, Landmark Oak Groves and Water Resources;
 - c) A Tentative Final Subdivision Map to subdivide the project site from the existing four (4) lots into 102 Single-Family Residential Parcels ranging in size from 4,699 square feet to 8,391 square feet. 221 Single Ownership Condominium parcels ranging in size from 1,300 square feet to 1,500 square feet. 23 common area parcels ranging in size from 11,807 square feet to 130.42 acres for parking, landscaping, open space, Village Center, Group House/Memory Care and other common facilities;
 - d) A Second Amendment to the Development Agreement between Nevada County and the project applicant to address issues associated with project phasing; provision of project infrastructure, service responsibilities; financial assurances and project operations.
 - e) Petition for Exceptions from the Local Class 1 Road Standards on portions of Rincon Way to allow for a 30-foot easement on Rincon Way and for use of Rodeo Flat Road as an emergency access route having grades in excess of 16-percent and for the interior roads that they shall be constructed to Local Class 2 Standards, with an exception of allowing a reduction of the right-of-way width from 50 feet to 40 feet, and shoulder width from 4 feet to 2 feet when AC dike is used.
2. Submit eight (8) copies of the Final Map and Supplemental Data Sheet to the Planning Department for distribution to all applicable County Departments for review and approval, along with a map check fee pursuant to the most current Fee Resolution of the Board of Supervisors.
3. One Supplemental Information Map, which contains non-title information including all conditions, mitigation measures and easements requiring notes on the Supplemental Map, shall be recorded concurrently with the final parcel map.
3. If a Notice of Determination is not filed for the environmental document on this project, 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. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$3,445.25 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. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

4. **Within 15 days after project approval, the applicant shall sign and file with the Nevada County Planning Department a defense and indemnity agreement provided herewith. No permits or approvals shall be issued for this parcel, including without limitation a Building Permit, Grading Permit, unless and until the applicant has fully complied with this condition.**
5. Pursuant to Land Use and Development Code Section L-XIV 1.4 Disclosure, the seller shall ensure that a disclosure statement containing substantially the following language is provided to, and a written acknowledgment thereof is signed by, all prospective buyers/occupants by inclusion in the disclosure form/occupancy agreement required by Article 1.5 of Chapter 2 of Title 4 of Division Second of the California Civil Code, commencing with section 1102, as follows:

“NEVADA COUNTY RIGHT TO FARM ORDINANCE

The County of Nevada recognizes and support the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents on or near agricultural lands should be prepared to accept some inconveniences or discomforts with agricultural noise, odors, fumes, dust, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. Nevada County has determined that inconveniences or discomforts with such agricultural operation shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Article 1 of Chapter XIV of the Nevada County Land Use and Development Code recognizes agricultural lands and operations and establishes a grievance committee to assist in the resolution of any disputes which might arise between residents regarding agricultural operations (for more details see said Article).”

6. Pursuant to Land Use and Development Code Section L-II 5.18, the project shall apply for an annual review of the Development Agreement by the Planning Commission, during which the Commission shall review, based on substantial evidence, whether the property owner has demonstrated good-faith compliance with the terms and conditions of the Development Agreement. A finding of good-faith compliance shall conclude the review, while a finding that the applicant has not complied with the terms and conditions of the Development Agreement shall result in a hearing before the Board of Supervisors, who will determine in another publicly notices hearing whether the Agreement will be amended or cancelled.
7. All Planning Department cost incurred in the processing of this project shall be paid prior to map recordation or prior to the issuance of any construction permit.

Project Phasing:

8. The project is proposed to be constructed in Phases to assist in assuring that the project is developed in an orderly, systematic manner while providing for flexibility to meet market

trends and user demand while attempting to minimize the potential impacts of successive phases on existing residents will and while assuring that infrastructure and core project elements are provided in a timely and responsible manner.

The phasing plan shall be consistent with the phasing plan approved by the Planning Commission and Board of Supervisors conforming to the requirements and sequencing described below:

Phase I: The project shall construct the required core infrastructure improvements (water, sewer, roads, sewer lift stations and the water tank), primary and emergency access roads, drainage facilities, ingress/egress control elements (Gatehouse and Emergency Access Road Control Gate), primary access road improvements, propane gas and dry utilities (electrical, telephone, etc.). Vertical construction (structures) of fourteen (14) residential Cottage Units and four (4) 5-Plex Condominium Units (20 Units), which may then be occupied upon completion. The 14 Cottage Units and four (4) 5-Plex Condominiums units will be located adjacent to roadways constructed as part of the Phase I core infrastructure.

Phase II: The project may initiate construction of Phase II upon the verification that Phase I of the project is occupied at a minimum of 70%. Phase II will include construction of twenty-four (24) Bungalow Units and a temporary gravel construction roadway to allow large trucks and construction equipment traffic to utilize this roadway primarily during grading operations to minimize the impacts to project residents of construction traffic and sediment tracking onto Phase I roadways shall also be constructed.

Phase III: Will commence with grading of the retirement village core area including future Phases V and VII. This will enable earthwork excavation and placement of fill, minimizing the distance material has to be moved and provide a rough graded site capable for construction of utility infrastructure to support the village core. The initial Phase III work will also include re-vegetation and/or stabilization of graded areas as required to meet County Codes and stormwater requirements. Phase III will also include construction of four (4) attached condominium units (56 Units) and two (2) 5-Plex Condominium units (10 units).

Phases IV-X: Will continue build-out of the project to the outer areas and construction of the Village Service Center, including residential Cottages, Bungalows and the Group House Memory Care / Assisted Living Facility, Pool / Fitness Center, Pick Ball / Tennis Courts and Auto / Tractor Repair Barns. Phases IV-X will commence following the previous phase as indicated on the phasing exhibit and once a residential occupancy of 70% has been achieved in the previous Phases.

Minor modifications to the phasing, sequence of phasing, combining of phases, or interchanging of unit types may be approved by the Nevada County Planning Director if the modification(s) are determined to be within substantial conformance with the approved tentative map and project approval.

Tentative Final Map:

9. Submit to the Planning Department for review and approval, Conditions, Covenant and Restrictions (CC&Rs), for the entire project, which shall provide for the following:
 - a. Required, automatic membership within one, non-profit property owners association responsible for implementing and enforcing the provisions of the approved CC&R. document, including but not limited to:
 - 1) Ownership and maintenance of all Common Areas, including fencing, and Open Space;
 - 2) Limitations on Common Area use, as established by tentative map and use permit approval.
 - 3) Notice that further subdivision is restricted until sewer service is available;
 - 4) Commercial occupancy limitations based on sewer availability, as authorized by the County Department of Public Works;
 - 5) Architectural design standards for both residential and commercial development, including impervious surface runoff requirements established by the Use Permit;
 - 6) Lighting restrictions as established by the Use Permit;
 - 7) Signage restrictions as established by the Use Permit;
 - 8) Restrictions on outdoor storage or uses as established by the Use Permit;
 - 9) Requirements for establishing landscaping pursuant to the approved Landscape Plan, prior to future occupancies, including provisions for landscape maintenance, insuring the replacement of any plantings that do not survive.
 - b. An Association charge on each parcel to ensure sufficient funds for perpetual maintenance of the common property, such charge to be a lien on the property.
 - c. A fire safety management plan providing for long-term vegetation management to minimize the fire hazard along the boundaries of this project.
 - d. Formation of a Homeowners Association which shall be responsible for enforcing all property use restrictions and maintenance obligations
 1. Age and occupancy restrictions which comply with all Federal and California laws and regulations and shall limit the number of occupants to 415.
 2. The homeowners association shall provide the County with a copy of each verification of occupancy report prepared pursuant to 24 CFR §100.307.

3. The County shall be made a third-party beneficiary of all property use restrictions and age and occupancy restrictions and shall have the right to enforce such restrictions pursuant to a provision substantially similar to the following provision which shall be included in the Declaration of CC&Rs:

Notwithstanding any provision of this Declaration to the contrary, and with respect to matters within the regulatory powers of the County, including, but not limited to the development agreement and the conditions of approval for the subdivision map for the Development, the County has the right, but not any duty, to enforce the terms of this Declaration in the County's absolute discretion.

4. The County shall have the right to require an amendment to the Declaration of CC&Rs to conform the CC&Rs to any legal requirements imposed on the development by the County pursuant to a provision substantially similar to the following provision which shall be included in the Declaration of CC&Rs:

Notwithstanding any other provision of the Declaration of CC&Rs, the subdivider and the homeowners association reserve the right to amend all or any part of the Declaration of CC&Rs to such an extent and with such language as may be requested by the County to conform to all County requirements associated with the Conditions of Approval, or the 2013 Settlement Agreement, as well as to address any modification of any County development permits which requires a conforming amendment to this Declaration. The Association shall Record any amendment requested by the County within sixty (60) days of receipt of a written request from the County. Any such amendment shall be effectuated by the Recordation of the amendment, specifying the County requested the amendment and setting forth the amendatory language necessary to comply with the County's request. Recordation of the amendment shall include a copy of the County's request for the amendment and the recorded amendment shall be binding upon all of the real property comprising the Development and all persons having an interest therein.

5. Occupancy census and reporting requirements substantially similar to the following provisions shall be included in the Declaration of CC&Rs:

1. Compliance with Reporting Requirements - Owner

By accepting a deed to a Residence within the Community, each Owner covenants and agrees as follows:

- 1.1 Respond to Requests. To fully and truthfully respond to all requests by the Community Association for age and occupancy information concerning each occupant of the Owner's Residence, and to cause all occupants of the Owner's Residence to cooperate by providing such information. Owners understand and acknowledge that age and occupancy information shall be requested by the Community Association as part of its obligation to conduct regular age and occupancy surveys of the Community; and,

- 1.2 Cooperate with Surveys. To cooperate and to cause all residents of the Owner's Residence to cooperate in the Community Association's age and occupancy surveys. Each Owner understands, acknowledges and agrees that such surveys are required to maintain the Community's eligibility to continue operating as an age and occupancy restricted Senior Citizen Housing Development under Senior Citizen Housing Laws; and,
- 1.3 Update Board. In the event of the change of occupancy of any Residence, the Owners of the Residence shall inform the Board in writing in advance of any changes and shall provide the Board the names and ages of all current occupants of the Residence, and such other information as the Board reasonably requests to verify the ages and qualifications of all occupants; and,
- 1.4 Comply with Governing Documents. To ensure that all occupants of the Owner's Residence comply at all times with all provisions of the Governing Documents, including restrictions on age and other qualifications of permanent occupants and limiting the duration of visits by temporary occupants of those who do not meet the age and occupancy restrictions; and,
- 1.5 Indemnity. To indemnify, defend and hold harmless the County, from any and all Claims, from such Owner's or Owner's Occupants' failure to comply with any provisions of the Declaration of CC&Rs or Conditions of Approval.

2. Compliance with Reporting Requirements - Occupants

Each Occupant of a Residence shall:

- 2.1 Respond to Request for Information. Fully and truthfully respond to all requests by the Community Association, at any time such information is requested, for the resident's age and occupancy information, which information, in the judgment of the Board, is reasonably necessary to ensure that the Community complies with Senior Citizen Housing Laws; and,
- 2.2 Comply with Occupancy Requirements. Comply with the Governing Documents, including restrictions on age and other qualifications of permanent occupants and limiting the duration of visits by temporary occupants or those who do not meet the age and occupancy restrictions; and,
- 2.3 Comply with Governing Documents. It shall be the responsibility of the Owner to ensure compliance with the requirements set forth above.

3. Enforcement of Age Restrictions

If a violation of this Article occurs, then in addition to other remedies authorized under this Community Declaration, the Community Association may take legal action to remove the violating person from the Residence.

4. Additional Duties of the Community Association

The Community Association shall ensure that the Community complies with this Article, the Community Association Rules, and Senior Citizen Housing Laws. The Community Association shall develop policies and procedures for ensuring compliance with the age restrictions and shall routinely perform all of the following:

4.1 Occupancy Surveys. The Community Association shall conduct regular age and occupancy surveys in order to determine the numbers and ages of all persons occupying Residences within the Community. The information gathered in the surveys shall be based on birth certificates, affidavits, prior surveys or other proof of age deemed reliable under Section 100.307(d) of Title 24 of the Code of Federal Regulations, and which in the judgment of the Board, is reasonably necessary to ensure that the Community complies with Senior Citizen Housing Laws. The Community Association shall also collect age and occupancy information at the time of sale or lease of each Residence and shall update all occupancy survey information no less frequently than once every two (2) years. The Community Association shall have the power to carry out its duties under this Article by any legal means available, as the Board deems appropriate.

4.2 Summary of Survey. The Community Association shall keep in its records a written overall summary of the latest occupancy survey and make the summary available for inspection upon reasonable notice and request by any Person, including members of the public. Individual surveys, supporting documentation, and affidavits shall be kept in a separate file with limited access, created for the sole purpose of complying with state and federal laws governing age restricted senior housing, and not in general files. The segregated documents shall be considered confidential, but shall be made available for review by Governmental Agencies investigating compliance with Senior Citizen Housing Laws and compliance with the 2013 Settlement Agreement.

6. As part of the Declaration of CC&Rs provisions which conform to California Department of Real Estate (DRE) regulations, additional provisions substantially similar to the following shall be included to clarify the DRE's phased development regulations do not permit the expansion of the subdivision beyond the size permitted by the County's conditions of approval:

The County's Conditions of Approval for the Development establish a maximum number of Units which may be annexed to the Development. Except as permitted by DRE regulation 2792.27(b) and Section ____ of this Declaration [the provision of the CC&Rs which tracks the regulation] no annexation of any real property to this Declaration shall be permitted without the written consent of the County.

7. The Declaration of CC&Rs shall include the following provision to create an additional opportunity to address occupancy:

The subdivider reserves the right to retain up to 24 condominium units as rentals not subject to the commencement of homeowners association regular assessments until the subdivider can document to the County that the individual sale of the condominium units will not result in a violation of the terms of the 2013 Settlement Agreement.

10. Record concurrently with the Final Map, a Supplemental Information Map that contains non-title information, including:
 - a. Mapping of all "Common Areas" including landscaping, open space, parking, sidewalks and drainage improvements."
 - b. A Note advising that recorded CC&Rs reflect all conditions and mitigation measures that restrict future use or development, including use of open space areas; and that require compliance with design standards for building construction, including impervious surface runoff requirements. All residential and commercial development density for the entire Rincon del Rio project has been exhausted through clustering. No further subdivision or development shall be permitted on Lot T as shown on the Final Map for the Project.
11. Prior to map recordation, submit for approval, road names for the on-site roads, pursuant to Chapter VII of the Land Use & Development Code. Approved road names shall be shown on the final map and posted on site.
12. One Supplemental Information Map, which contains non-title information including all conditions, mitigation measures and easements requiring notes on the Supplemental Map, shall be recorded concurrently with the final parcel map
13. All on-site utilities shall be undergrounded.
14. Prior to map recordation the developer shall submit a Final Landscaping Plan, prepared by a licensed Landscape Architect, to the Planning Department for review and approval, pursuant to Section L-II 4.2.7 of the Land Use and Development Code. The Plan shall include, but not be limited to providing the following:
 - a. Plantings around native oaks shall be drought-tolerant plantings that are compatible with oaks.

- b. The location of all required plant materials, evenly dispersed within each required planting area.
 - c. The required number of trees and shrubs for all interior parking areas in the village area and common areas, pursuant to Land Use and Development Code, Section L-II 4.3.7.
 - d. Provide a legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names.
 - e. List plant materials in groupings of trees, shrubs and ground cover plants. Show both common names and botanical names of plants.
 - f. The Landscape Plan shall include the following Notes:
 - 1) All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials.
 - 2) Certification that shade trees are shown that will provide shade canopy for 40% of the village parking area within 15 years of maturity.
 - i. Provide a water-efficient Irrigation Plan, noting compliance with the Water Conservation standards, including the use of soil amendments.
15. All oak tree replanting or mitigation areas that are part of the required mitigation shall be implemented on-site. All trees and resident species shown for retention shall be incorporated into the grading improvement and landscape plans, detailing methods to be employed for tree retention and preservation as addressed in the Oak Management Plan and Biological Mitigation Measures.

Recreation:

16. The recreation elements contained within the project, including the project Clubhouse, shall only be used and made available to residents of the Project and their guests. No public use of project recreational amenities shall be permitted.
17. Current Park & Recreation Facilities Mitigation fees will be required at the time of building permit issuance for future development residences. The following note[s] shall be included on the Supplemental Data Sheet for the Final Map:

“A Park & Recreation Facilities Mitigation Fee in accordance with Nevada County Ordinance No. 2460, creating and establishing the authority for imposing and charging said fee within the unincorporated territory of Nevada County, will be levied at the issuance of residential building permits for future development residences, and/or additions to the existing residences (based on square footage of the addition), for each parcel created by the

map, and will be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.”

Use Permit:

18. The project occupancy for the entire site and CCRC facility is limited to a maximum of 415 age-restricted residents per the project description and the Development Agreement. No increase in population of the site is allowed at any time. An annual report shall be submitted to the County Planning Department by January 31st certifying the number of residents on the site for the previous year.
19. The project shall be limited to residents 55 years of age and older. Developer shall not change, alter, operate or utilize the Property for any purposes other than as an age restricted Continuing Care Retirement Community consisting of a maximum of 345-units and 415 senior residents. All community residences (village core building units, cottages, bungalows, four-plexes and fourteen-plexes shall never be converted to non-age restricted units such as apartments, condominiums, town-houses or single-family residences. The facility must maintain a State license for operating a Continuing Care Retirement Community (CCRC) in order to maintain consistency with the General Plan Land Use Designation and Zoning District.
20. Commercial uses are limited to those retail/service/office uses allowed pursuant to the Comprehensive Master Plan approved for the project. The retail/commercial space shall be limited to service for the residents of the project and registered guests only. No public access or general retailers/service providers/office use or commercial use for the general public is allowed of any kind.
21. Occupancy of commercial buildings will require verification from the Department of Public Works that adequate sewer capacity is available to serve the proposed size and type of use proposed.
22. Prior to occupancy, a parking areas shall be constructed as shown on the approved site plan consistent with the Parking table (Table 4) shown in the staff report and in accordance with the design standards of Sec. L-II 4.2.9 of the Land Use and Development Code, including slope, drainage, backout areas, driveway/aisle widths, and parking stall sizes. Wheelchair accessible parking shall be designed in accordance with Title 24 of the California Administrative Code. Any change in square footage will change the required parking, consistent with Section LII 4.2.F.12.b.
23. Permit Time Limits: The Use Permit shall be valid for the life of the Development Agreement. Any extensions or terminations of the Development Agreement shall apply to the Use Permit.

Lighting:

24. A lighting plan for all exterior lighting shall be included in construction plans submitted to the Building Department for a building permit. Consistent with Sec. L-II 4.2.8 of Zoning Regulations, all light fixtures shall be top and side-screened, and shielded to direct light

downward to prevent spillover onto adjacent properties or roadways. Mercury vapor light fixtures, floodlights and spotlights are prohibited. The Plan shall depict the location, height and positioning of all commercial and residential light fixtures and shall provide a description of the type and style of lighting proposed, including pole or building mounted area lights and sign lights. Pole lights shall not exceed a 15' height. All exterior lights shall include dimmers, sensors, time controls or separate circuits to allow them to be turned off if lighting becomes a nuisance.

Screening:

25. No outdoor storage shall be allowed on the site as part of the operation of the on-site Commercial uses.
26. All solid waste receptacles shall be placed within a screened enclosure, constructed of colors and materials compatible with building style. The enclosure shall be adequate in size to accommodate recycling materials. Construction detail shall be represented on the final building plans.
27. All mechanical equipment, air conditioning units, heating units and utilities shall be screened from the view of adjacent properties or roadways. No equipment shall be placed on rooftops. All gutters, screens, vents and flashing shall be painted to prevent glare and to blend with adjacent building colors.
28. Building design shall conform to the design features represented on the submitted building elevations, including architectural detailing, materials and colors included in the Architectural Summary and Comprehensive Master Plan.

Signage:

29. A Comprehensive Sign Plan shall be submitted to the Planning Department for review and approval, prior to the placement of any signs. The Plan shall provide a common design theme for all project signs, including on-site directional, monument, recreational and advertising signs. All project signage shall be designed consistent with Land Use and Development Code Section L-II 4.2.12, including provisions for location, size and number of signs, and within the Design Guidelines for the project. The sign plan shall be consistent with the preliminary sign plan approved by the Board of Supervisors as part of the project.
30. Residential signage shall be limited to individual street address signs, which shall utilize a common design style for lettering, colors and materials.

Design:

31. Project Design Guidelines shall be in general conformance with the Comprehensive Master Plan approved for the project and the Western Nevada County Design Guidelines applicable to the project site.
32. Architectural detailing of the residential and village center structures shall be consistent with the approved design shown and described in the Architectural Summary and on the project elevations and floor plans, including but not limited to proposed materials, roof pitch,

covered entries, colors and treatment, e.g., mullions and trims. Siding materials, garage doors and trim materials should be of high-quality to minimize maintenance.

33. Individual satellite dish antennas are prohibited from placement on rooftops where unscreened and visible from off-site.

Gate/Access:

34. Primary access to the project site shall only be taken from Rincon Way. No through traffic or secondary public access shall be permitted from Rodeo Flat Road or through the project to Rodeo Flat Road. The connection to Rodeo Flat Road shall be for secondary emergency ingress/egress purposes only and shall have a gate restricting access that shall be monitored by the operator as further outlined in the project Development Agreement. Any damage to the gate that causes it to not function properly shall be repaired to working order within 24 hours.
35. The project shall construct a locked gate at the terminus of the emergency road at Rodeo Flat Road following the construction of the roadway as part of the Phase I improvements. The gate installed on the emergency access route at Rodeo Flat Road will be locked, and will be controlled by CalFire and Higgins Fire Protection District. The gate design shall be approved by both the Higgins Fire Protection District and the Nevada County Planning Department prior to commencement of construction. It will be installed as soon as the road connection between Rincon del Rio and the Ranchos neighborhoods is completed during Phase I of the project build-out, thereby eliminating the need for a temporary gate. The gate and all posts, hinges, latches and other members shall be constructed of heavy gauge steel as appropriate for the gate size. No PVC will be used. It shall be locked as accessible only be emergency and maintenance personnel via redundant electronic systems powered by 110 volts and, in case of power loss, battery backup (which will be charged by 110 volts solar). Examples of acceptable access technologies include: Frequency activated dispatch, Click 2 Enter, Keypad activation, or other state of the art technology. The gate will be positioned such that it is visible from the cul-de-sac on Rodeo Flat Road. The gate shall have an electronic, remote monitoring device that would automatically notify the on-site project management in the event that the gate was opened, damaged or not functioning as intended. Additionally, the gate shall be inspected and monitored on a regular weekly basis by facility staff to ensure that it is maintained and functioning as intended.
36. Signage shall be installed on or at the emergency gate site acknowledging that the roadway is intended for emergency purposes only and stating that access to the site by non-emergency traffic is prohibited. A phone number to the project management shall be provided on the sign to call in the event the gate is open or not functioning correctly.
37. All construction traffic shall enter and exit the project site via Rincon Way only excepting construction traffic required to facilitate the installation required off-site infrastructure in Rincon Way. Prior to the occupancy of the first dwelling unit, a lockable gate, prohibiting the free-flow of traffic, shall be provided and maintain on the project site at the intersection of Rodeo Flat Road and the on-site emergency access road connecting to it.

38. At such time as an alignment has been identified and connection points to off-site locations have been established, approved and secured for a regional trail along the Bear River as contemplated in the Western Nevada County Non-Motorized Trails Plan, the project/property owner shall dedicate a public access trail easement along the Bear River as it crosses the property having a width sufficient to accommodate the proposed trail and any necessary maintenance or emergency access points required. The trail easement shall not be required to provide for on-site public parking or to provide for public access to or from or across the site.
39. The maintenance of project open space areas identified on the approved project site plan shall be the responsibility of the property owner/project operator.
40. A design level geotechnical investigation shall be prepared including soil borings and/or test pits, seismic survey, laboratory testing and analysis.
41. Geotechnical recommendations shall be based on the civil grading plan and include conclusions and recommendations for grading and construction in both soil and rock conditions.
42. Geotechnical design parameters (e.g. allowable foundation bearing capacity, seismic design parameters etc.) determined during the investigation shall be based on the most recent California Building Code.
43. During construction operations geotechnical on-site testing and observation services shall be provided documenting that items including but not limited to grading, compaction, and footing preparation in accordance with the design level geotechnical investigation.
44. A fuel management plan shall be prepared and submitted for review and approval by the Higgins Fire Protection District, Nevada County Fire Marshal Office and the Planning Department prior to issuance of any grading permit for Phase I.
45. The emergency access road from the project shall be used only for emergency, inspection and evacuation purposes, as determined necessary and appropriate by fire, police, and medical or other authorized emergency services personnel.
46. The developer shall either not construct, or 24 age-restricted condominium units shall remain as rental units and shall not be sold in fee-simple ownership individually without agreement with the County of Nevada that individual sale will not result in violation of the terms of the 2013 Settlement Agreement. Units can be designated as rental units in any phase with the aforementioned requirements being adhered to.

ENVIRONMENTAL MITIGATION MEASURES

47. **Air Quality:** To offset the potential air quality impacts associated with construction and future residential and commercial development of this site, the following mitigation measures are required:

Mitigation Measure 3.3.1a: The project applicant shall submit to the NSAQMD for approval an Off-Road Construction Equipment Emission Reduction Plan prior to groundbreaking demonstrating that the heavy-duty (greater than 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 40 percent particulate reduction compared to the most recent CARB fleet average at time of construction. Acceptable options for reducing emissions may include use of construction equipment with Tier 2 or cleaner engines exclusively, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.

The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. Construction contracts shall stipulate the following:

- Emissions from on-site construction equipment shall comply with NSAQMD Regulation II, Rule 202, Visible Emissions.
- The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes when not in use (as required by California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators where feasible.

Mitigation Measure 3.3.1b: All architectural coating activities associated with construction of the proposed project shall be required to use interior and exterior coatings that contain less than 250 grams of volatile organic compounds (VOC/ROG) per liter of coating.

Mitigation Measure 3.3.1c: Grid power shall be used (as opposed to diesel generators) for construction site power needs where feasible during construction.

Mitigation Measure 3.3.1d: Deliveries of construction materials shall be scheduled to direct traffic flow to avoid the peak hours of 7–9:00 AM and 4–6:00 PM.

Mitigation Measure 3.3.3: The project applicant shall adhere to the following NSAQMD-recommended mitigation measures to reduce long-term operational emissions:

- Use of wood-burning stoves or fireplaces within interior and exterior areas of residential land uses shall be prohibited. Each residence shall be equipped with a non-wood-burning source of heat.
- The project applicant shall provide, operate, and fund a green-waste drop-off site for residents.

47. **Biological Resources:** To reduce the potential biological resource impacts associated with the implementation of the project, the following mitigation measures shall be required:

Mitigation Measure 3.4.1:

Prior to any vegetation removal or ground-disturbing activities:

- a) Focused surveys shall be conducted within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include impacts from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species) and/or during periods of physiological development that are necessary to identify the plant species of concern. According to the known blooming periods, surveys would need to be conducted in May or June and again in July or August (Draft EIR **Table 3.4-3**); however unusual weather may affect blooming periods so reference sites should be checked. It is important for project staff to schedule the required plant survey in time to allow for salvage and transplantation, if required, prior to initiation of project grading. Specifically, if construction is to be initiated during or prior to September in any year, the survey will need to be completed during the previous calendar year in order to satisfy the mitigation measure requirements. Project approval conditions should include language that alerts project proponents to this circumstance to avoid costly construction delays. The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be provided to County staff prior to initiation of any grading or equipment operation. If no occurrences of special-status species are found, no further mitigation is required.

**TABLE 3.4-3
 BLOOMING PERIODS FOR SPECIAL-STATUS PLANT
 SPECIES THAT MAY OCCUR IN THE PROJECT SITE**

Plant Species	Typical Blooming Period
Jepson's onion	April – August
Oval-leaved viburnum	May - June
Brandegee's clarkia	May – July

Sierra blue grass	April – June
Brownish beaked-rush	July – August
Finger rush	May – June

b) If any federally or state-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFG (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants), as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or permits obtained. These plant species shall be avoided to the extent possible. Avoidance measures shall include fencing of the population(s) before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. If these plants cannot be avoided, the following mitigation measures shall be applied:

- Before the approval of grading plans or any groundbreaking activity within the project site, the project applicant shall submit a mitigation plan concurrently to the CDFG (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants) for review and comment, and the applicant may consult with these entities before approval of the plan. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for the population(s) that would be removed during construction of the project includes implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites. The mitigation ratio for directly impacted plant species shall be at a minimum ratio of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species (its rarity or endangerment status), its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the project applicant at an approved mitigation bank should such credits be available.
- Transplantation of existing special-status plants could be undertaken to move the plant(s) to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. Please note, however, that for some species transplantation may not be successful or effective method for conservation as requirements for some species are highly specialized and not clearly understood. Thus, transplantation shall only be used where success can be assured. Avoidance shall be required for special-status plant species that cannot be transplanted, salvaged or cultivated.
- If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity.

Mitigation Measure 3.4.2a: A habitat assessment for California red-legged frog shall be conducted consistent with the Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog (USFWS 2005). If suitable habitat is found the project site, then field surveys should be undertaken consistent with the aforementioned guidance. If California red-legged frog is found, consultation with the USFWS and additional mitigation measures will be required. If California red-legged frogs are present on the project site, an on-site biological monitor shall be present on the project site to ensure that special-status species are not harmed during construction activities. In the event that a special-status frog is found during project construction, construction activities shall stop until the frog is moved by a qualified biologist to a safe location outside of the construction zone.

Mitigation Measure 3.4.2b: If California red-legged frogs are identified during the aforementioned survey (MM 3.4.2a), the project applicant will implement mitigation that would result in no net loss of aquatic California red-legged frog habitat. Restored and preserved habitat will be protected in perpetuity through dedication of the conservation easement. The specific determination of the appropriate measures will be determined through consultation with USFWS but will include one of the following: create habitat suitable for California red-legged frog, purchase mitigation credits at a USFWS-approved conservation bank, or pay an in-lieu fee into a USFWS mitigation plan..

Mitigation Measure 3.4.2c: If California red-legged frogs are identified during the aforementioned survey (MM 3.4.2a), the following avoidance and minimization measures shall be implemented to reduce potential impacts to the species:

1. The permittee shall not work in waters of the U.S. during the wet season (November 1 to April 15), unless storm flow is absent and rain is not forecast for at least three days.
2. If a work site is to be temporarily dewatered by pumping, the methods and materials used will be determined by the County in consultation with the USFWS on a site-specific basis. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.
3. A qualified biologist will permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, from the project area to the maximum extent possible, as feasible, if they are encountered. The biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.
4. During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work area.
5. The number of access routes, size of staging areas, and total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally sensitive

areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.

6. All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the project applicant will ensure that the contractor's stormwater pollution prevention plan (SWPPP) includes provisions for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Mitigation Measure 3.4.2d: If California red-legged frogs are identified during the aforementioned survey (MM 3.4.2a), a worker environmental awareness program (WEAP) shall be established and implemented prior to construction. The program shall include, at a minimum, special-status species or resource identification, a description of suitable habitat for special-status species occurring on the project site, and measures to implement in the event that California red-legged frogs are found during construction. The program shall be presented to all members of the construction crew.

Mitigation Measure 3.4.2e: Illumination installed shall be affixed with glare shields and directed away from adjoining properties and roads. An outdoor illumination plan as required by Nevada County Land Use and Development Code, Chapter II, Article 4.0, Section L-II 4.2.8, shall be submitted to the Nevada County Planning Department prior to commencement of construction operations. The plan shall be designed to use the minimum amount of lights and incandescent lamps as possible, so as not to cause lighting effects on wildlife in the surrounding area, and shall employ low-watt orange-colored lamps ("bug lights") whenever possible.

Mitigation Measure 3.4.3a: A preconstruction survey for western pond turtle shall be conducted at least one week prior to the onset of construction activities adjacent to suitable habitat. The survey area shall encompass a 325-foot radius of the area to be affected. If juvenile or adult turtles are found within the survey area, the individuals should be moved to a predetermined location with suitable habitat. If a turtle nest is found within the survey area, construction activities should not take place within 100 feet of the nest until the turtles have hatched. Additional mitigation measures, such as nest relocation and barrier fencing of suitable aquatic habitat to prevent turtles from moving into the construction area to nest, hibernate, or aestivate while allowing turtles already in the construction area to move back to water, will be employed after coordination with the CDFG.

Mitigation Measure 3.4.3b: If vegetation removal or ground surface disturbance (any form of grading) is to occur between March 1 and August 31, the project applicant shall retain a qualified biologist to conduct a focused survey for active bird nests within 14 days prior to the disturbance of the construction area and periodic field surveys during construction to

ensure nests have not been established during construction activities. Nesting surveys for small birds are only fully effective if carried out between dawn and 11 AM, as many species become inactive during the middle of the day. If active nests are found, trees/shrubs with nesting birds shall not be disturbed until abandoned by the birds or a qualified biologist deems disturbance potential to be minimal (in consultation with the USFWS and/or CDFG, where appropriate). If applicable, tree removal and grading shall be restricted to a period following fledging of chicks, which typically occurs between late July and early August. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, other restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest as confirmed by the appropriate resource agency) or alteration of the construction schedule. If construction activities or tree removal is proposed to occur during the non-breeding season (September 1 to February 28), a survey is not required, no further studies are necessary, and no mitigation is required.

Mitigation Measure 3.4.4: A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the proposed project. If jurisdictional waters cannot be avoided, the project applicant shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.

The project applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.

Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

Mitigation Measure 3.4.6: Each project phase submittal shall demonstrate compliance with the Rincon del Rio Habitat Management Plan in regards to mitigation and protection of on-site oak woodland resources.

Mitigation Measure 3.4.7: 100-foot setback of wetland and riparian habitat from construction shall be established. For all project elements that must unavoidably be

constructed within 100 feet of riparian or wetland areas, the project shall implement water quality and wildlife habitat mitigation measures provided on pages 7 through 9 of the Rincon del Rio Habitat Management Plan.

Mitigation Measure 3.4.10: The project applicant shall include visually prominent signage along all trails on the project site warning trail users of rattlesnake hazards. Language on the sign shall include the following or similar: “WARNING: Rattlesnakes may be found in this area. They are important members of the natural community. If you see a rattlesnake, step away from it slowly. Rattlesnakes are not aggressive and will not attack unless disturbed or cornered. Avoid placing your hands where you cannot see them and give rattlesnakes plenty of space.”

48. **GREENHOUSE GASES:** To offset the potential impacts associated with the emissions of Greenhouse Gases resulting from the project, the following mitigation measures are required:

Mitigation Measure 3.5.1a: The project applicant shall be required submit a Construction Recycling Plan (CRP) with the goal of recycling at least 50 percent of construction waste or demolition materials. The CRP shall be prepared to the satisfaction of Nevada County and require the following of the project applicant:

1. Prepare a monthly summary of how many tons of material overall is being diverted through the CRP throughout construction. The applicant shall report to the County, in an approved format, on the amount of materials collected, disposed, and diverted, the facilities to which those materials were taken, and the types of materials which were recycled.
2. Reuse, recycle, or compost all construction debris to the maximum extent possible. To the fullest extent possible, all construction waste collected over the course of construction activities shall be processed to recover all reusable, recyclable, and compostable materials.
3. Set a goal of achieving a 50 percent diversion for all construction waste resulting from project construction.

Mitigation Measure 3.5.1b The project applicant shall include the following energy-efficient building measures to be applied during site development for each structure:

- Meet CALGreen Building Code Tier 1 standards (Title 24, Part 11) at the time of building permit issuance.
- A4.203.1 Exceed Tier 1 California Energy Code based on the 2008 energy standard requirements by 15 40 percent with the implementation of the following measures:
- A4.205.1 Radiant Barrier*
- A4.205.2 Exterior Shading on South & West Windows
- A4.206.1 Blower Door Testing
- A4.207.2 HVAC Commissioning
- A4.207.6 Cooling Equipment SEER higher than 13.0 and EER 11.5 or higher
- A4.207.7 Interior and/or Insulated Ductwork

- A4.207.8 Duct Leakage Testing Shows <6% Leakage*
 - A4.207.9 Whole House Fan
 - A4.207.10 Energy STAR Ceiling Fans
 - A4.209.1 Hard-wired Lighting Fixtures at least 90% Energy STAR
 - A4.210.1 All Applicable Appliances Energy STAR
 - Room Specific Air Conditioning
 - Interior and/or Insulated Ductwork
 - Installation of Programmable Thermostat Timers
 - Installation of solar hot water heaters and tankless hot water heaters for each dwelling unit
- Additionally, requiring the project applicant to meet and exceed Tier 1 Standards for all categories will result in the following pre-requisites needing to be met:
- A4.106.4 - Not less than 20% of the total parking, walking, or patio surfaces shall be permeable (excluding primary driveway, walkway and porch areas).
 - A4.106.5 - Roofing materials shall have a minimum 3- year aged solar reflectance and thermal emittance or a minimum Reflectance Index (SRI) equal to or greater than the values specified in Tables A4.106.5(1) and A4.106.5(2). Steep slope >64, low slope >10 or 16 (depending on climate zone)
 - A4.303.1 – Kitchen Faucet has a Maximum flow rate of 1.5 gpm.
 - A4.303.4 - When landscaping is provided by the builder, a water efficient landscape irrigation system shall be installed that reduces potable water use.

Tier 1: Reduce the use of potable water to a quantity that does not exceed 65% of ETo times landscape area.

- 4.408.1 - Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent. (Excavated soil and land-clearing debris excluded).
- A4.403.2 - As allowed by the enforcing agency, reduce cement used in foundation mix design. Products commonly used to replace cement in concrete mix designs include, but are not limited to fly ash, slag, silica fume, rice hull ash. Tier 1: Not less than a 20% reduction in cement use.
- A4.405.3 - Use materials, equivalent in performance to virgin materials, with post-consumer or pre-consumer recycled content value (RCV) for a percent of the total materials cost. (RCV equals percent postconsumer + 1/2 percent pre-consumer times material cost.)
Tier 1: minimum 10%.
- A4.504.2 - Tier 1: At least 80% of resilient flooring installed shall comply with the criteria listed above.
- A4.504.3 - Tier 1: Install thermal insulation in compliance with the VOC emissions limits defined in Collaborative for High Performance Schools (CHPS) Low-emitting Materials List.

Mitigation Measure 3.5.Ic: The project applicant shall include a solar photovoltaic system that can generate at least 1 kW hour of energy per dwelling unit.

Mitigation Measure 3.5.1d: The landscape of the proposed project shall be maintained without the use of gas-powered landscaping equipment (i.e., lawn mowers, leaf blowers, chainsaws, and hedge trimmers).

Mitigation Measure 3.5.1e: The project applicant shall include the following water conservation measures to be applied site development for each structure.

- Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers and faucets.
- Low- water use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor.

Mitigation Measure 3.5.1f: The project applicant shall provide, operate, and fund a recycling and compost drop-off site for residents.

Mitigation Measure 3.5.1g: The project applicant shall purchase carbon credits to offset 584 metric tons of greenhouse gas emissions. Only carbon offset credits that are verified and registered with the Climate Action Reserve may be used to offset project emissions. Verification of this purchase and the associated offset shall be provided to the Nevada County Community Development Department prior to issuance of building permits.

49. **Cultural and Paleontological Resources:** To offset the potential impact that could occur from the project to cultural and paleontological resources, the following mitigation measures are required:

Mitigation Measure 3.6.2a: The project applicant shall retain a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to monitor all initial ground-disturbing activities in native soils or sediments, including all vegetation removal. If no cultural resources are identified during this phase of ground disturbance, and if determined between the qualified archaeologist and the lead agency, monitoring may be reduced to on-call status.

If any prehistoric or historic artifacts or other indications of archaeological resources are found during site grading or once project construction is under way, the on-site monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance, and the County shall be immediately notified. Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project applicant will consider the recommendations of the qualified archaeologist. The County, the qualified archaeologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project

applicant, the qualified project archaeologist, and the lead agency as to the appropriate preservation or mitigation measures.

Mitigation Measure 3.6.2b: Should cultural resources, other than human remains, be discovered during construction activities when an archaeological monitor is not present, project personnel shall halt such activities in the immediate area and notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with PRC Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project applicant will consider the recommendations of the qualified archaeologist. The County, the qualified archaeologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, the qualified project archaeologist, and the lead agency, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.

Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, PRC Section 5097.98 and California Code of Regulations (CCR) Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Sections 15064.5(d) and (e) shall be followed.

Mitigation Measure 3.6.3: Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the County shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County and the project applicant shall consider the recommendations of the qualified paleontologist. The County, the qualified paleontologist, and the project applicant shall consult and agree upon implementation of a measure or measures that the County, the qualified paleontologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, qualified paleontologist, and the County, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.

50. **Hazardous Materials/Human Health:** To reduce the potential impacts to Hazardous Materials/Human Health, the following mitigation measures shall be required:

Mitigation Measure 3.8.7: The project applicant shall prepare an emergency evacuation plan for the project site. The plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an emergency, including but not limited to vanpooling, transport of residents under nursing care, and identification of an emergency meeting location.

51. **NOISE:** To offset the potentially adverse impacts associated with Noise, the following mitigation measure shall be required:

Mitigation Measure 3.11.1: The following mitigation measures shall be implemented and specified on all construction contracts:

- a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and state and federal holidays.
- b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.
- c) Construction equipment staging areas shall be centrally located on the project site or located at the farthest distance possible from nearby residential land uses.
- d) All motorized construction equipment and vehicles shall be turned off when not in use.
- e) At a prominent location legible from a public road at or near the construction area(s) a phone number and contact information shall be provided of a site supervisor or manager with authority to deal with noise complaints. The sign shall be present for the duration of construction.

The following mitigation measures shall be implemented and specified on all construction contracts:

Sewer Lift Stations

- a) The proposed sewer lift station, and optional station if needed, shall be designed so that operation noise levels at nearby noise-sensitive receptors would not exceed applicable Nevada County noise standards (refer to Draft EIR **Table 3.11-5**). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding and enclosures, and use of sound-rated doors and vents.

On-Site Agricultural Activities

- b) On-site agricultural activities using noise generating equipment shall be limited to the daytime hours of 7 a.m. to 7 p.m.

Auto/Tractor Repair Barns

- c) Use of the auto/tractor repair barns shall be subject to the following conditions:
 - 1. Noise-generating activities/equipment repair shall be conducted within the barn.
 - 2. All doors and windows shall be closed when noise-generating activities are conducted.
 - 3. Signage specifying the above conditions shall be posted at building entrances.
- d) Stationary equipment (i.e., air compressors, generators, etc.) shall be designed and installed so that operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards of 55 dBA Leq during the daytime hours of 7 a.m. to 7 p.m., in accordance with Nevada County noise standards (refer to Draft EIR Table 3.11-5). Typical design measures may include, but are not limited to, the selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures.
- e) Main building entrances/overhead doors shall be shielded from direct line of sight of proposed on-site dwelling units located within 250 feet of the repair barns.

Property Maintenance

- f) Landscape maintenance activities using noise-generating equipment shall be limited to the daytime hours of 7 a.m. to 7 p.m.
- g) Building equipment and material loading/unloading areas shall be designed so that operation noise levels at nearby noise-sensitive receptors would not exceed applicable Nevada County noise standards (refer to Draft EIR Table 3.11-5). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding and enclosures, use of sound-rated doors and vents, and incorporation of sound barriers/building parapets to interrupt line of sight between the source and nearby receptors.

Building Mechanical Equipment

- h) Building equipment shall be designed and installed so that operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards (refer to Draft EIR Table 3.11-5). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures. Building parapets shall be incorporated, where necessary, to shield roof-mounted equipment from direct line of sight of nearby noise-sensitive receptors. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.

Recreational Uses

- i) Team use of recreational areas shall be prohibited during the more noise-sensitive nighttime hours of 10 p.m. to 7 a.m.
- j) Pickleball courts shall be located no closer than 250 feet from existing adjacent residential properties or on-site residential units, or shielding (e.g., noise curtains/blankets or barriers) shall be installed at the court perimeter sufficient to shield noise-sensitive receptors located within 250 feet of the courts. Noise curtains or barriers shall be installed/constructed to a minimum height of 6 feet above ground level with no visible air gaps between construction materials or at the base of the structure. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.
- k) Swimming pool equipment (e.g., pumps, heaters, and blower units) shall be designed and installed so that equipment operational noise levels at nearby noise-sensitive land uses would not exceed applicable Nevada County noise standards (refer to Draft EIR Table 3.11-5). Typical design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding, and locating equipment indoors and/or within enclosures.

Proposed Dwelling Units

- l) Proposed on-site dwelling units shall be equipped with fresh air supply systems or air conditioning systems to allow windows to remain closed during inclement weather conditions so that acceptable interior noise levels can be maintained.
- m) Outdoor activity areas or residential dwellings located within 175 feet of pickleball courts and the outdoor swimming pool, 350 feet of proposed on-site agricultural farming/orchard areas, and within 250 feet of the proposed auto/tractor repair barns shall be shielded from direct line of sight of these noise sources, to be measured at a height of 5 feet above ground level. These distances represent the area of potential impact within which noise levels from these sources are projected to potentially exceed the County's noise standards. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.
- n) On-site dwelling units located within 175 feet of pickleball courts and the outdoor swimming pool, 350 feet of proposed on-site agricultural farming/orchard areas, and within 250 feet of the proposed auto/tractor repair barns shall be provided written notification of potential exposure to nuisances noise associated with the operation of these nearby uses prior to purchase/occupancy. These distances represent the area of potential impact within which noise levels from these sources are projected to potentially exceed the County's noise standards. No mitigation will be required if the project applicant provides a noise analysis of the final design demonstrating compliance with County noise standards.

52. **PUBLIC SERVICES**: To offset the potential impacts on Public Services resulting from the project, the following mitigation measures are required:

Mitigation Measure 3.13.4.2: Prior to approval of improvement plans for each building, the project applicant shall provide the County with an approved set of improvement plans accepted by NID, which shall include:

- Quantification of anticipated water usage by parcel.
- A comprehensive water system design for distribution piping and connection to the existing NID distribution system.
- Appropriate pipe sizing to accommodate minimum fire flow water pressures (as determined by CAL FIRE, NID, and the HFPD).
- Identification of pipe sizing, pipe location, and the location of the tie-in with NID facilities.
- Provisions for easement, rights-of-way, and in-fee land to NID for water facilities.

Mitigation Measure 3.13.5.1: Prior to final map recordation, the applicant shall fund the project's fair share of addition of membranes at the Lake of the Pines Wastewater Treatment Plant. NCS D-1 shall determine the exact payment to ensure adequate capacity at the plant is available.

Mitigation Measure 3.13.6.1: Prior to issuance of occupancy permits the applicant will complete the following mitigation measures:

- 1) All businesses will subscribe to waste collection and recycling services provided by the County's franchised waste collection company.
- 2) All businesses will participate in the recycling program offered through the County's franchised waste collection company. Businesses will recycle all items available through the company's program, or an equivalent method, which ensures that the waste is diverted away from landfill disposal.
- 3) Any green waste material generated at the project area such as lawn trimmings, shrubbery, and tree trimmings shall be diverted away from disposal through the County's franchised waste collection company's green waste collection program, or an equivalent method which ensures that the waste is diverted away from landfill disposal.
- 4) Adequate space for waste and recycling containers will be constructed at the complex to ensure ease of collection by the County's franchised waste collection company. The units housing the containers shall be constructed to allow sufficient space for the quantity of containers needed to ensure that the waste and recyclables can be collected

in an efficient manner. Waste Management will be consulted to ensure that sufficient space is for recycling and trash containers.

- 53. TRAFFIC AND CIRCULATION:** To offset potentially significant impacts to local and regional traffic and circulation, the following mitigation measures shall be required:

Mitigation Measure 3.14.4a: The project applicant shall be responsible for the entire cost of restriping Rincon Way at SR 49. Westbound Rincon Way shall be striped to include dedicated left and right turn lanes in order to provide positive guidance for motorists queuing along Rincon Way while waiting to enter the northbound or southbound SR 49 traffic flow.

Mitigation Measure 3.14.4b: If the project will modify the Rincon Way/Connie Court intersection with the completion of the project entrance, changes in roadway segments shall be designed to meet sight distance standards identified in the Caltrans Highway Design Manual. A minimum 150-foot sight line shall be provided meeting stopping sight distance standards identified in the Caltrans Highway Design Manual.

Mitigation Measure 3.14.5: The project applicant shall include visually prominent signage on or beside the proposed emergency access gate separating the site and Rodeo Flat Road. The signage shall indicate that the access is intended for emergency vehicle access only, or other wording limiting the access roadway to emergency vehicle traffic. The gate shall be designed to close automatically via spring, gravity, or other means to ensure that it presents a “closed” visual to drivers on Rodeo Flat Road. The roadway in front of the gate shall have a Fire Marshall approved turnaround that does not involve entering the gate.

Implementation of these mitigation measures will reduce the level of impact to a less than significant level.

Mitigation Monitoring Matrix:

<i>MEASURE</i>	<i>MONITORING AUTHORITY</i>	<i>WHEN IMPLEMENTED</i>
MM 3.3.1a	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The Off-Road Construction Equipment Emission Reduction Plan shall be submitted and approved prior to issuance of grading permits for the first phase of construction. The plan shall be implemented during all phases of construction.
MM 3.3.1b	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The requirement shall be shown as a note on the construction plans and implemented during construction
MM 3.3.1c	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The requirement shall be shown as a note on the construction plans and implemented during construction

MM 3.3.1d	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The requirement shall be shown as a note on the construction plans and implemented during construction
MM 3.3.3	Nevada County Community Development Agency; Northern Sierra Air Quality Management District	The requirement shall be shown as a note on the construction plans and implemented throughout the time span of project operations
MM 3.4.1	Nevada County Planning Department	Prior to any vegetation removal or ground-disturbing activities. Surveys will be conducted during the species' blooming period and submitted to the Planning department
MM 3.4.2a	Nevada County Planning Department	The project applicant shall incorporate requirements into final improvement plans. Surveys shall be conducted prior to any vegetation removal or ground-disturbing activities and submitted to the Planning Department for review. If California red-legged frogs or foothill yellow-legged frogs are found, monitoring activities shall be conducted throughout construction until the area is unoccupied.
MM 3.4.2b	Nevada County Planning Department	Consultation with the USFWS will occur after protocol-level surveys are conducted. Compensation for loss of habitat will occur prior to any vegetation removal or ground-disturbing activities and as directed through consultation with the USFWS.
MM 3.4.2c	Nevada County Planning Department	The project applicant shall incorporate requirements into final improvement plans. If California red-legged frogs are found, these minimization measures shall be implemented.
MM 3.4.2d	Nevada County Planning Department	A qualified biologist shall implement a worker awareness program prior to any vegetation removal or ground-disturbing activities
MM 3.4.2e	Nevada County Planning Department	Prior to any vegetation removal or ground-disturbing activities

MM 3.4.3a	Nevada County Planning Department	Submitted to the Planning Department prior to any vegetation removal or ground-disturbing activities
MM 3.4.3b	Nevada County Planning Department	Submitted to the Planning Department prior to any vegetation removal or ground-disturbing activities. Reference to this requirement and the Migratory Bird Treaty Act (MBTA) shall be included in the construction specifications.
MM 3.4.4	Nevada County Planning Department	Prior to any vegetation removal or ground-disturbing activities
MM 3.4.6	Nevada County Planning Department	Mitigation and protection areas shall be shown on the grading and construction plans and protected prior to any vegetation removal or ground-disturbing activities
MM 3.4.7	Nevada County Planning Department	Wetland setbacks shall be shown on the final plans and implemented prior to any vegetation removal or ground-disturbing activities
MM 3.4.10	Nevada County Planning Department	The signage shall be submitted to Planning for review and approval and remain throughout time span of project operation
MM 3.5.1a	Nevada County Community Development Agency	Submit plan to Planning Department prior to building permit issuance and implemented during construction
MM 3.5.1b	Nevada County Community Development Agency	Shown as a note on the building plans and compliance with mitigation shall be demonstrated prior to the issuance of building permits
MM 3.5.1c	Nevada County Community Development Agency	Submit plan prior to the issuance of building permits
MM 3.5.1d	Nevada County Community Development Agency	Included as a requirement of the Use Permit and as a note on the final landscape plans
MM 3.5.1e	Nevada County Community Development Agency	Included as a requirement of the Use Permit and as a note on the final landscape plans

MM 3.5.1f	Nevada County Community Development Agency	Included as a requirement of the Use Permit and shall be shown on the final landscape plans
MM 3.5.1g	Nevada County Community Development Agency	Evidence of compliance shall be shown prior to the issuance of building permits
MM 3.6.2a	Nevada County Planning Department	Evidence of compliance shall be shown prior to issuance of grading permits and implemented during ground-disturbing activities
MM 3.6.2b	Nevada County Planning Department	Shall be shown as a note on the final improvement plans and implemented during ground-disturbing activities
MM 3.6.3	Nevada County Planning Department	Shall be shown as a note on the final improvement plans and implemented during ground-disturbing activities
MM 3.8.7	Nevada County Community Development Agency and the Higgins Fire Protection District	Submitted to Planning Department and Department prior to occupancy clearance
MM 3.11.1	Nevada County Planning Department	Shown on the final grading plans and implemented prior to and during construction
MM 3.11.3	Nevada County Planning Department	Shown as a note on the final improvement plans and site plans and implemented to construction and during operation. Operational noise restrictions shall be in both the Use Permit and plans for each of the following features as noted in the mitigation measure: <ul style="list-style-type: none"> • On-site agricultural activities. • Auto/Tractor Repair Barns • Overall project landscaping and general maintenance activities. • Recreation features • Dwelling units
MM 3.13.4.2	Nevada County Planning Department	Prior to improvement plan approval
MM 3.13.5.1	Nevada County Sanitation District-1	Prior to final map approval
MM 3.13.6.1	Nevada County Department of Transportation and Sanitation	Recycling areas shall be shown on the site plans and implemented prior to the issuance of occupancy permits for commercial and retail establishments
MM 3.14.4a	Nevada County Department of Public Works	Prior to the issuance of grading permit for the first phase of construction

MM 3.14.4b	Nevada County Department of Public Works	Prior to the issuance of a grading permit for the first phase of construction
MM 3.14.5	Nevada County Department of Public Works	Submit sign plan to Planning and Fire Department prior to issuance of occupancy permit

B. DEPARTMENT OF PUBLIC WORKS – ROADS

The following are this Department’s recommended Roads Conditions of Approval to be required prior to map recordation:

1. Right-of-Way and Road Improvements:

A) Interior Roads:

- i) Right-of-way for the roads within this development shall be offered for dedication for Public Utilities and Public Roads at 40 feet wide minimum. Separately offer a 40-foot wide minimum easement for Emergency Access purposes on all interior roads within this subdivision.
- ii) Establish a road maintenance agreement or fund for maintenance of the internal project roads. If Rincon del Rio is gated, a Permanent Road Division (PRD) may not be used for the long-term road maintenance.
- iii) The interior primary access roads shall be constructed to Local Class 2 standards, with exceptions as outlined in the Petition for Exceptions, allowing a reduction of the right-of-way width from 50 feet to 40 feet, and shoulder width from 4 feet to 2 feet when AC dike is used. Road improvements shall be constructed to meet the needs of each phase of development (with the caveat that emergency access is required prior to map recordation) in accordance with approved project plans, with turnarounds provided as determined by the fire agency. All roads shall meet all applicable County standards, including sight distance standards. The interior roads shall have a minimum of two 10-foot lanes with an additional 8 feet of pavement width on each side of the road where on-street parking is allowed. In areas without parking, the interior roads shall have a minimum of two 10-foot lanes with 2-foot shoulders when AC dike is used and 10-foot lanes with 4-foot shoulders where AC dike is not used. Post “no parking” signs where appropriate and where on-street parking is not provided. Curb and gutter improvements are also required where applicable per project plans. A pedestrian plan shall be provided for the review and approval of Public Works staff to ensure internal pedestrian circulation and access to onsite amenities from residential units.
- iv) The emergency access road shall be constructed to Fire Standard Access Road standards in place at the time of the original approval, with the exceptions provided in the Petition for Exceptions for grade.
- v) All emergency vehicle access gates shall include visually prominent signage on or beside the proposed access gate separating the site and Rodeo Flat Road.

Signage shall indicate that the access is intended for emergency vehicle access only, other similar wording. The roadway in front of the gates shall have a Fire Marshal approved turnaround. Gate design shall be approved by the Fire Marshal

- vi) A bus stop meeting ADA requirements and a cul-de-sac or other turnaround opportunity shall be constructed on each side of the gatehouse to allow traffic, including Gold Country Stage buses, an opportunity to turn around immediately prior to and after the gatehouse. Design shall meet County standards and be approved by the Fire Marshall and the Department of Public Works.
 - vii) The gatehouse shall be video monitored or staffed 24 hours per day, 7 days per week to provide for emergency access at all times. Additionally, the gate shall be equipped with automation controls for the gate to open as emergency vehicles approach. Design and specifications shall be provided to the Higgins Fire Protection District and the Nevada County Office of the Fire Marshal and approved, prior to installation.
- B) Rincon Way (between State Route 49 and Project Entrance at Planned Gatehouse): The applicant shall construct improvements to this segment to meet Local Class 2 standards. Provide a 2-inch overlay of existing asphalt to meet Local Class 2 standards. Refurbish existing road ditches – excavate at inlets and outlets as needed to restore functionality and stabilize roadside ditches. Restripe westbound Rincon Way to include dedicated westbound left and right turn lanes at State Route 49. All work shall be done in accordance with applicable County standards. Any work on Rincon Way that encroaches on State property shall be completed through the State’s encroachment permit process. All improvements described above include Rincon Way/Hidden Ranch Road from the planned gatehouse at the project entry to Highway 49.
- C) Rincon Way (between Hidden Ranch Road and Connie Court): The applicant shall construct improvements to this segment to meet Local Class 2 standards, including constructing a 20-foot-wide asphalt roadway with 4-foot-wide shoulders within the existing 30’ road and public utilities easement. Realign the existing roadway as necessary to stay within the existing easement. Provide centerline striping and conform with other portions of Rincon Way as necessary. Install 1.5-foot retaining wall on the north side of Rincon Way and 4-foot retaining wall on the south side of Rincon Way. Install AC dike on the south side of Rincon Way where applicable per the project plans. Where Caltrans and County standards differ, all improvements at the intersection of Rincon Way and Connie Court shall be constructed to ensure sufficient stopping sight distance as required by the County. All improvements shall occur within the existing easement. Relocate existing power poles as necessary to stay within existing easement. All work shall be done in accordance with applicable County standards.
- D) A road maintenance agreement or PRD shall be established for the maintenance of Rincon Way between the project site and Highway 49. The owner(s) of the CCRC shall solely bear all road maintenance obligations during project construction as well as all ongoing maintenance costs for Rincon Way/Hidden Ranch Road from the project’s planned gatehouse to Highway 49. The agreement shall establish a reserve for funding future maintenance and improvement needs.

2. Miscellaneous

- A) Improvement plans, prepared by the subdivider's engineer, shall be submitted to and approved by the Department of Public Works prior to commencement of improvements.
- B) Engineer's Certification: The subdivider's engineer shall certify that the required improvements were constructed in conformance with the approved plans.
- C) An encroachment permit, issued by the Department of Public Works, shall be required prior to commencement of any work in the public right-of-way.
- D) Tax Statement: The tax statement shall be signed by the Nevada County Tax Collector prior to final map submittal to the Nevada County Department of Public Works for recordation.
- E) The following notes shall be included on the Supplemental Data Sheet for the Final Map:
 - 1. "A Road Improvement Fee in accordance with Nevada County Ordinance No. 1829, creating and establishing the authority for imposing and charging a Road Improvement Fee with the unincorporated territory of Nevada County, will be levied at the issuance of building permits for each parcel created by the map, and will be based on the latest fee schedule adopted by the Nevada County Board of Supervisors."
- F) Final Map Submittal: Prepare and submit a final Subdivision Map for review and approval by the County Surveyor pursuant to the Subdivision Map Act, Sections 66433-66443. All easements shall be shown or noted on the final Subdivision Map per the title report.

C. DEPARTMENT OF PUBLIC WORKS – SANITATION

The following are the Department's Sanitation recommended Conditions of Approval for Wastewater Collection/Conveyance System and Treatment and Disposal Facilities to be required prior to map recordation:

- 1. Onsite Wastewater Collection System: Design and construct onsite wastewater collection system in accordance with District standards and ordinances. Upon satisfactory completion of construction said system shall be offered to Nevada County Sanitation District No. 1 Lake of the Pines Zone 2 for administration, operation, and maintenance.
- 2. Offsite Wastewater Conveyance System: Design, and construct offsite wastewater conveyance system in accordance with District standards and ordinances. Said offsite system shall convey wastewater from the offsite system to the LOP wastewater treatment facility. Upon satisfactory completion of construction said system shall be offered to Nevada County Sanitation District No. 1 Lake of the Pines Zone 2 for administration, operation, and maintenance. Alternative A is the approved route for wastewater facilities. However, the applicant may elect to construct utilities via Alternative B if they acquire all the necessary easements, rights of way, permits, and permissions to install the infrastructure to facilitate capture and conveyance of sewerage from the contributing structures to the Lake of the Pines

Wastewater Treatment Facility. The County will not be held responsible for the implementation of Alternative B in any way given that Alternative A is feasible

3. Reimbursement Agreement: A reimbursement agreement may be developed for the expanded capacity.
4. Acquisition of Future Sewer Capacity: The Project will need to acquire future sewer capacity from the Nevada County Sanitation District No. 1, Lake of the Pines, Zone 2 Wastewater Treatment Facility through the purchase of EDUs as established in the Sanitation District Code. Once connected to the sewer each EDU would be charged an annual sewer service charge. An estimated 253.68 EDUs will need to be acquired for the capacity needs of the proposed project. The Developer shall prepare a Sewer Design Report detailing the development's proposed infrastructure needs, anticipated hydraulic loads, system sizing and criteria, and any data to provide actual flow information for comparable units that are already in existence in order to make the final determination as to the EDU allocation per dwelling unit/type.

The Lake of the Pines Wastewater Treatment Plant (WWTP) is currently at near capacity (considering both existing and already approved projects), with a calculated 68 EDU's available for new proposed projects, available on a first come, first serve basis. As such, the Project may pay for up to 68 EDU's in advance, based on availability of EDU's at the time of payment.

Under the current EDU Charge and after the existing 68 EDU's are either paid for and/or used, any additional EDU's from the Project will require the construction/installation of an additional two cassette pairs for two basins at the Lake of the Pines WWTP since the cost for said cassettes are not included in the current EDU charge, As such, the Project/Developer shall be required to pay the County actual cost determined as a result of a competitive bid (estimated at \$700,000) to be utilized for the purposes of expanding the capacity of the existing treatment plant's Membrane Bioreactor System (MBR) and shall concurrently provide a Service Commitment Agreement as outlined and further discussed in the approved Development Agreement. This payment shall be made pursuant to the following terms and/or schedule:

- One year prior to the issuance of any building permit for any structure approved after available EDU's (currently 68) are connected in order to allow time for the work to occur.

Should the EDU Charge for the Lake of the Pines WWTP be revised to include the cost of additional cassettes in the MBR, the separate cost for the construction/installation of an additional two cassette pairs described above would not be required.

5. Improvement Plans: Improvement plans, prepared by the subdivider's engineer, shall be submitted to and approved by the Sanitation District prior to commencement of onsite wastewater collection and offsite conveyance system improvements. These plans shall include the hydraulic design of the sewer system.

Engineer's Certification: The subdivider's engineer shall certify that the required improvements were constructed in conformance with the approved plans.

D. HIGGINS FIRE PROTECTION DISTRICT/COUNTY FIRE MARSHAL

1. The applicant shall complete the installation of all backbone water supply infrastructure for the project and the water service infrastructure for each project phases being undertaken prior to the issuance of a building permit in the phase to be constructed. Fire hydrants shall be considered part of the backbone water supply infrastructure.
2. A comprehensive vegetation management plan shall be created for the entire site. Areas identified as being covered by the required landscape plan may be omitted from the Vegetation Management Plan. Once approved, the plan shall be adhered to, in perpetuity with the project.
3. The maximum distance from any point on road frontage to a fire hydrant shall not exceed 250-feet and potentially less depending on required fire flow for individual structures. Additional hydrants will be required at the time construction of units without direct road access and will be identified at the time of plan submittal.
4. All structures within Rincon del Rio shall have installed throughout an approved, fully supervised automatic fire sprinkler system. All plans for automatic fire sprinkler systems shall be developed to National Fire Protection Association (NFPA) 13, 13D, or 13R standards dependent on occupancy. And shall comply with the California Building and Fire Code.
5. All structures within Rincon del Rio shall have installed throughout, an approved, fully supervised, automatic smoke and or heat detection fire alarm system. All plans for automatic fire alarm systems shall be developed to National Fire Protection Association (NFPA) 72 standards and shall comply with the California Building and Fire Code.
6. Fire Flow will be determined using current California Fire Code (CFC) Appendix B.

Approval of this application is subject to the applicant agreeing to complete the requirements of 4 & 5 prior to issuance of building permits.

7. Roadways shall meet Nevada County Ord. L-XVII 3.4 standards, and shall be no less than 20 feet in width with 4 foot wide shoulders, or 2 foot wide shoulders when AC dike is used.
 - Roads, Driveways and street networks, whether public or private shall provide for safe access of emergency equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency.
 - All roadways unable to support parking in any configuration shall be identified with appropriate “No Parking” signage and red painted curbs.
8. Gated Access and Egress Roadways
 - Gates proposed at required access and egress roadways shall be at least two feet wider than the width of the traffic lane serving that gate. Gates shall be accessible to emergency responders through approved Fire Marshal devices. Gates shall allow automatic egress

in the event of an emergency. Gates shall automatically open and remain open during power outages and meet the conditions outlined above.

9. Defensible Space Nevada County Ord. L-II 4.3.18 C 2
Prior to any occupancy vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a firebreak by removing and clearing away all brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer. Such clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants, which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Replacement vegetation should be ornamental shrubbery of the fire safe varieties. Additional clearing may be required by the Fire Marshal if extra hazardous conditions exist. All flammable vegetation and fuels caused by site development shall be legally disposed or removed.

E. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. A Dust Control Plan shall be submitted to the Northern Sierra Air Quality Management District prior to any disturbance of topsoil, including clearing, grubbing or grading activities. The Plan shall be incorporated into all construction or improvement plans and shall include all mitigation measures required for this project.
2. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
3. Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently if necessary to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
4. Prior to final occupancy, the developer shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance.

**F. NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL HEALTH DEPARTMENT**

1. Environmental Health has no objection to this project subject to normal requirements of County Ordinance and State Law. Such as, proper abandonment of the existing septic system and well (LUDC chapters VI & X) and construction of food facilities/pools/spas in conformance with California Health and Safety Code.
2. All Commercial Kitchens that are constructed in Nevada County and are intended for the purpose of serving food to the public and/or residents of a private living community are required to have a Food Facility Operational Permit that is issued by the Nevada County Department of Environmental Health. All proposed site plans, equipment specification

sheets and proposed menu shall be submitted to the Nevada County Department of Environmental Health for approval prior to any construction or implementation.

3. Public swimming pools and spas are regulated by the Nevada County Department of Environmental Health and the construction of any public pool or spa shall obtain approval prior to construction from the Nevada County Department of Environmental Health.

G. NEVADA COUNTY BUILDING DEPARTMENT

1. Complete 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. Plans submitted shall be completed by licensed California design professionals in each respective field (structural, electrical, mechanical and architectural).
3. 2 sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted related to the subdivision at time of building/grading permit submittals for any grading or building construction at this site.
4. 2 sets of wet stamped/signed site drainage calculations shall be provided at time of building/grading permit submittals.
5. The special inspection and testing agreement shall be completed and submitted for any required project special inspections.
6. All site disabled accessibility requirements shall be incorporated into all plan submittals including but not limited to parking, routes of travel, access/egress components, restrooms, and all other related site amenities.
7. Temporary and permanent bike parking spaces shall be provided by the total number of parking spaces provided per the CA Green Building Standards Code.
8. 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.
9. Plans shall indicate the accommodation for the installation of required elements for the future installation of Electric Vehicle (EV) charging stations per the CA Green Building Standards Code. 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.
10. A complete code analysis shall be provided for the building showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc. Requirements for location on property, fire suppression requirements, etc will be reviewed

once this information is provided.

11. A plumbing fixture analysis/calculation shall be provided showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
12. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.
13. 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.
14. An accessible path of travel shall be provided from the buildings to the public way for all commercial facilities and public accommodations.
15. At the time of applications for building permits, the project/applicant will be required to submit complete plans, including site accessibility plans, showing conformity with applicable section of Chapter 11A and 11B of the California Building Code (or successor reference).
16. At the time of applications for building permits, the project/applicant shall submit copies of will-serve letters from service providers for the phase or element of the project for which building permits are being pursued.

H. NEVADA IRRIGATION DISTRICT (NID)

1. The applicant has been provided three (3) options to provide water service to the project which are acceptable to the Nevada Irrigation District and have been outlined in correspondence to the County, and incorporated into the EIR. The Developer may create phases in these options upon approval by Nevada Irrigation District.
2. If water supply is to come from the Timber Ridge tank site, the project shall replace the existing four-inch (4") water lines in Rodeo Flat Road with eight-inch (8") line as approved by the Nevada Irrigation District. All costs associated with the installation of the new water line shall be the responsibility of the applicant. This condition must be met before the issuance of any building permits.
3. If the private fire system option is selected all domestic water service lines on the project shall be separate from the water lines to be installed for fire suppression purposes. Both systems (fire and domestic) shall operate independently of the other system. All domestic water services shall be equipped with backflow prevention devices per Nevada Irrigation District standards.
4. If the water storage tank for fire suppression is constructed, it shall be a privately-owned and operated water storage facility. The Nevada Irrigation District shall not be responsible for construction, operation or maintenance of the new storage tank.

5. The applicant shall be required to increase the size or number of water pumps at the Timber Ridge tank site to ensure adequate pump capacity and water pressure to the project. All costs associated with the installation of the new water pumps shall be the responsibility of the applicant.
6. At the time of the approval of the final map, the project shall show and record easements to the Nevada Irrigation District in all locations where NID facilities exist on the project site to the satisfaction of the Nevada Irrigation District.
7. The applicant shall encase all existing on-site NID surface canals, as required by the Nevada Irrigation District, where it is determined that project infrastructure elements (e.g. roads, wastewater lines, etc.) could impact water quality in the canal or where it is determined that a public safety hazard is present due to an open canal feature.
8. As part of the Phase I infrastructure work and prior to the issuance of a building permit for any project structure, the applicant shall extend the water service line in Rincon Way to the western edge of the property boundary.