

**COMMUNITY DEVELOPMENT AGENCY
COUNTY OF NEVADA
PLANNING DEPARTMENT
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
(530) 265-1222 FAX (530) 265-9851**

USE PERMIT GUIDELINES

The Nevada County Land Use and Development Code (Chapter II, Zoning Regulations) specifies which kinds of land uses are allowed subject to a Use Permit. Not all uses are allowed in all zones even with a use permit. You must check the zoning district provisions for your property to determine if a use may be allowed, with or without a use permit. Generally speaking, conditional uses are those that might be compatible with the zoning district but, under some circumstances, may have a detrimental effect on surrounding properties. The use permit allows a case-by-case review of a specific proposal. What may seem to be a compatible project in one neighborhood may be disastrous in another. The use permit process allows conditions to be placed on an approval that will protect the environment or the neighborhood.

Depending on the type of project and its size, it will be considered by either the Planning Commission or the Zoning Administrator. The Planning Commission reviews use permits for campgrounds, mobilehome parks, mining, subdivisions and large commercial projects. The Zoning Administrator reviews use permits for small commercial or industrial projects, and residential use permits. Specific legal findings must be made in order to approve a use permit, including a determination of consistency with Zoning Regulations and the General Plan, compatibility with surrounding properties, that adequate public services are available to the site, and that the site is adequate to accommodate the proposed use.

1. The property is adequate in size and shape for the proposed use.
2. The roads are adequate for the proposed use.
3. The proposed use will not have a significant adverse effect on surrounding properties or the permitted use thereof.
4. There are adequate services to support the use.
5. The proposed use is consistent with the General Plan.

Application forms are available in the County Planning Department and Planning staff is available to assist and advise you of the filing requirements. Prior to submitting an application, you should contact any agency which has jurisdiction within your property area, including other County departments, State agencies and special districts (fire, schools, water). Failure to determine other requirements can result in delays.

Fees: Filing fees must be paid at the time you submit your use permit application. Those fees pay for the time it takes to review your land use application and they are separate from any other permits you may require, including building or septic permits. Fees vary, depending on the type of use permit you are trying to obtain. In addition to permit fees, other costs you may incur may include road impact fees, the cost of perc and mantle testing, preparation of environmental studies, preparation of a current title report, and any review fees required by your Fire District.

Nevada County Planning Department & Department of Environmental Health (530) 265-1222
Nevada County Department of Public Works (530) 265-7022
Nevada County Fire Protection Planner (530) 265-1714

PROCEDURE:

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

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

ROAD IMPROVEMENTS

When property is developed road improvements are often required. The type and extent of these improvements is determined by several factors, including the volume of traffic (ADT) of the roadway, the classification of the roadway and the type of development being proposed. The minimum road standard generally required is for a Fire Safe Access Road. The following chart summarizes County road standards, however, specific questions regarding road improvements should be directed to the Departments of Transportation and Sanitation.

NEVADA COUNTY STANDARD SPECIFICATION SUMMARY CHART

Functional Classification	Min. ROW Note 4	Standard Lane Width	Standard Shoulder Width	Fuel Mod. Zone Width	Standard Design Speed	Standard Max. Grade Below 3500'	Standard Max. Grade Above 3500'	Required Surface
Minor Arterial (Urban)	60-100'	12'	Varies	10' min.	35 mph	10%	8%	Note 1
Minor Arterial (Rural)	60'	12'	6'	10' min.	35 mph	10%	8%	Note 1
Collector (Urban)	60-100'	12'	Varies	10' min.	35 mph	10%	8%	Note 1
Major Collector (Rural)	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Minor Collector (Rural)	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Local Class 3 Over 2000 ADT	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Class 2 401-2000 ADT	50'	10'	4'	10' min.	25 mph	10%	8%	Note 1,5
Class 1 101-400 ADT	50'	9'	2'	10' min.	20 mph	10%	8%	Note 1,5
Fire Standard Access Road Up to 100 ADT								
Two-Way	50'	9'	1'	10' min.	20 mph	16%	16%	Note 2,5
One-Way	34'	10'	2'	10' min.	20 mph	16%	16%	Note 2,5
Driveway								Note 3

- Note 1: All structural sections for this classification based on future year traffic and estimated percentage of that traffic which will be heavy vehicle
- Note 2: Surface capable of supporting a 40,000 lb. vehicle with a minimum 4" A.B. compacted to 95% with subgrade compacted to 90%
- Note 3: Driveway standard specifications are contained in Chapter XVI of the Nevada County Land Use and Development Code, Fire Safety Regulations
- Note 4: Intersection channelization may increase the minimum right of way at spot locations
- Note 5: If approved by the Engineer, all grades over 10% will require minimum 2" A.C. surface (Section L-XVII 3.4[C])

The Nevada County Department of Public Works Standard Drawings, available from the Nevada County Department of Public Works, illustrate and clarify the standard specifications contained within this Chapter, as well as the Driveway specifications.

Dead End Roads. PRC 4290 and the County Road Standards require that the maximum length for a cul-de-sac or other dead end road, including all dead end roads accessed from that dead end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre	800 ft.	(1/8 mile)
parcels zoned for 1 acre to 4.99 acres	1320 ft.	(1/4 mile)
parcels zoned for 5 acres to 19.99 acres	2640 ft.	(1/2 mile)
parcels zoned for 20 acres or larger	5280 ft.	(1 mile)

Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

Sec. L-II 4.3.18 of Zoning Regulations requires that all projects within a high or very high hazard zone shall provide secondary access where the project is served by a dead-end road that exceeds the maximum length established by County Road Standards. Secondary access roads shall be improved to the Fire Standard Access Road standard in Chapter XVII, County Road Standards.

Specific questions regarding road improvements should be directed to the County Department of Public Works at (530) 265-7022.

FIRE SAFE STANDARDS

Most commercial uses are subject to compliance with both the Uniform Fire Code and with California Public Resources Code 4290. Residential use permits must comply with Nevada County ordinance requirements for water storage, driveways and vegetation removal.

Water Storage/Fireflow: All projects that require a land use permit must provide water for fire protection. Commercial occupancies must provide fire flow consistent with the UFC. Single family residential uses must comply with the water storage requirements spelled out in County ordinance, Sec. L-XVI, Article 4, which requires that you provide on-site water storage, if you are not served by public water or a community water system,. Ponds and doughboy pools are seldom acceptable and you should plan on a system that satisfies your local Fire District and the California Division of Forestry.

Residential Driveways: Driveway permits are required for all dwellings, and their driveways must be constructed to within 50' of the structure. Driveways that have a slope of 16-20% must be paved and no driveways are permitted to exceed 20%. A turnaround will be required at the end of the driveway. State regulations have requirements not included in the County ordinance. If you have a driveway that exceeds 150' in length, you will be required to construct turnouts. If your driveway or road is gated, there may additional requirements.

Fuel Modification: State law requires that flammable vegetation be removed from within 30' of structures. County ordinance requires clearance of flammable vegetation for a distance of 10' along both sides of driveways. Disposal of flammable vegetation and fuels caused by development and construction, including road and driveway construction, must be completed prior to the final inspection of a building permit. When brushing, keep in mind that burning is only possible during the non-fire season months, and some other method may be necessary for brush disposal during the Summer.

EXCEPTIONS: You may apply for an Exception to the above Fire Safe Standards if, because of health, safety, environmental conditions, physical site limitations, historical site constraints, or other limiting conditions, you cannot meet the standards. Exceptions must be authorized by the California Department of Forestry, and must include alternative improvements that offset the proposed development. You should discuss possible exceptions with the County Fire Protection Planner. A form, available from the Planning Department, must be submitted with your application. Exceptions must be granted before your project is approved.

SEWAGE DISPOSAL/WATER & HAZARDOUS MATERIAL INFORMATION

1. Sewage Disposal and Water Availability: No application will be accepted without adequate sewage disposal and water information. *Requirements may vary* and each applicant is advised to check with the Department of Environmental Health prior to submittal. Generally, you must submit:
 - a. The results of soils studies representative of the initial and repair sewage disposal area, per Chapter VI of the Land Use Code (Note: a soils study includes a minimum 2 mantles and 3 percolation tests performed by a California registered civil engineer, engineering geologist or environmental health specialist). A will-serve letter shall be submitted from the applicable sewage disposal agency for sites served by public sewer.
 - b. A Valid (current within one year) Well Drillers Report or Pump Test Report, in accordance with Chapter X, Section L-X 1.6.E.1 of the Land Use and Development Code, demonstrating sufficient water supply, shall be provided for sites served by a well. A will-serve letter shall be submitted from the applicable water agency for sites served by public water.

2. Hazardous Materials: Included in the use permit application packet is a Hazardous Materials/Waste Statement form that must be completed. If there is a potential for hazardous material storage on the project site, the applicant will be required to file a Hazardous Materials Inventory Statement (obtainable from the Dept. of Environmental Health), listing all materials, their quantities and locations. Upon review of that list, the following additional permits may be required, pursuant to State Law:
 - a. A Hazardous Materials Storage Permit
 - b. Permit for a State TSD Facility (from State Dept. Health Services)
 - c. A Business Plan
 - d. A Risk Management Prevention Plan
 - e. Obtain an EPA I. D. Number
 - f. Applicant may need to comply with Health & Safety Code Chapter 6.5 for Waste Control and California Code of Regulations Title 22, Article 6.

ENVIRONMENTAL REVIEW

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

As a result of reviewing your application documents, and upon receipt of comments from other agencies, additional technical or engineered information, and/or specific studies, may be required in order to adequately evaluate the potential environmental impacts of your project. For example, projects proposing outdoor activities near sensitive land uses, like homes, schools, or hospitals, may require a noise study; projects in areas with known traffic problems may require traffic studies. No public hearing will be scheduled until adequate environmental review is completed.

All projects will be reviewed for their ability to preserve the County's unique character, to protect environmentally sensitive resources, to provide open space, to prevent and/or reduce fire hazards, to maintain or enhance vegetation and landscaping, to prevent and reduce flood hazards, to provide transitions between multiple-use site developments, to further Community design, to provide buffering/screening to mitigate adverse effects, to provide incentives for access to public resources and open space, and to protect important agricultural, mineral, and timber resources.

Listed below are the resources and constraints identified as environmentally sensitive by Policy 1.17 of the General Plan. If any of these resources/constraints are present on the site being developed, a professional on-site field inventory may be required in order to delineate the extent of the resource/constraint and to determine the impact of the proposed development on the resource/constraint. All inventories shall be prepared in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the County under similar conditions. The Filing Instructions and Project Information Questionnaire within each land use application require that you identify these resources/constraints. For preliminary resource identification, data that is available in the Planning Department is marked by an asterisk (*) This data is of a general nature and will, in most instances, not substitute for on-site field review.

Inventories should include the following resources and constraints:

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

To minimize the impact of each project on important resources, the following siting and design measures shall be implemented, as appropriate:

Building envelopes; conservation easements and/or deed restrictions; setbacks and/or buffers; development restrictions; Transfer of Development Rights; and off-site mitigation/mitigation banking.

SPECIAL STUDIES

As a result of reviewing your application documents, and upon receipt of comments from other agencies, additional technical or engineered information, and/or specific studies, may be required in order to adequately evaluate the potential environmental impacts of your project. For example, projects proposing outdoor activities near sensitive land uses, i.e. homes, schools or hospitals, may require a noise study; projects in areas with known traffic problems may require traffic studies.

All land use applications that propose development that will result in any disturbance of soil, including land divisions, must include an Archaeological Survey and a Biological Inventory of the site, as follows:

ARCHAEOLOGICAL SURVEY REQUIRED

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

BIOLOGICAL INVENTORY REQUIRED

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

The Inventory must be prepared by a qualified Biologist, listed on the County's Pre-Qualified Biological Consultants List effective 2015, and must follow the format provided in the attached "**Guidelines for Preparing Biological Reports.**"

PRELIMINARY DRAINAGE ANALYSIS REQUIRED

General Plan Policy 3.19A prohibits increases in storm-water runoff due to new development that could result in flood damage to downstream uses and requires that retention/detention facilities be designed such that the water surface returns to its base elevation within 24 hours after the applicable storm event with sizing based upon the protection of downstream facilities. Further Policy 11.6A requires new development to minimize the discharge of pollutants. The purpose of the preliminary drainage analysis is to document how the project will be consistent the two aforementioned General Plan Policies. The preliminary drainage analysis is used as the basis for determining if the project will maintain pre-project discharge rates once constructed and is utilized as a part of the environmental analysis and to assist decisions makers when considering a project. The preliminary drainage analysis must be prepared by a registered engineer licensed to prepare such analyses.

Guidelines For Preparing Biological Reports for Nevada County Projects

The Nevada County General Plan and Zoning Ordinance require that certain discretionary development projects complete Biological Inventory reports and/or Habitat Management Plans. The Inventory must be prepared by a qualified Biologist, listed on the County's Pre-Qualified Biological Consultants List effective 2015. The intent of these reports is to determine whether the habitat for special status species and/or the actual special status species itself may be affected by a proposed project. The information provided in the report should be at a level of detail sufficient for conducting a CEQA analysis of the project, including existing setting, impacts, mitigation measures, and monitoring. Following the suggested format will ensure that biotic inventories and habitat management plans received by the County are consistent. However, for more detailed information regarding County regulations concerning biological resources please refer to the County's General Plan and Zoning Ordinance. The format suggested below may be tailored to address the issues of a specific project site and modified as appropriate.

Biotic Inventories shall discuss the existing setting and impact analysis. The Biotic Inventory should contain the following information:

- a. Project site location, including a detailed map of the study area.
- b. Regional setting.
- c. A written description of biological setting referencing the community nomenclature used and a vegetation map. Attention should be paid to sensitive biological communities (e.g., wetlands, riparian areas, heritage/landmark trees and groves) and special-status species identified.
- d. Determination of whether the biological community is common or sensitive and the basis for the determination.
- e. Detailed description of survey methodology.
- f. Review of soil survey maps to identify areas with a high potential to support wetlands or unique habitat types.
- g. Dates of field surveys and total person-hours spent on field surveys.
- h. Documentation that field surveys were conducted at the appropriate time of year and that species are identifiable at the time of the survey.
- i. Results of field survey including detailed maps and specific location data for the site's flora and fauna. Investigators are encouraged to provide GPS data to map point locations, transect locations, or to document population boundaries.
- j. A list of all plants and animals observed on the project area. Taxonomic identification must be sufficient to determine whether or not the species is environmentally sensitive, rare, threatened, or endangered.
- k. A description and map of the proposed development project at buildout, including construction of buildings, driveways, fences and other uses normally permitted within that zoning district.
- l. An assessment of potential biological resource impacts. This should include a map showing the distribution of on-site biological communities and sensitive environmental resources defined in the General Plan, in relation to proposed activities and a discussion regarding whether impacts to species or to the community types will be significant either individually or cumulatively as a result of this project. Provide a table listing 1) the acreage of biological community types currently on the project site; 2) the acreage of habitat which will be directly lost via grading and development; and 3) the acreage of habitat degraded due to edge effects.
- m. Discussion of the significance of rare, threatened, endangered, or environmental sensitive species (see Zoning Ordinance), considering nearby populations and total species distribution.

- n. Recommended measures to avoid impacts of the project so that the resource is fully protected and not disturbed. Such measures may include re-design of the project, clustering, deed restrictions, or other measures listed in the County's Zoning Ordinance.
- o. Regulatory and legal considerations, including pertinent local, state, and federal laws. This should also include an analysis of project's consistency with General Plan wildlife and vegetation policies, and Zoning Ordinance requirements.
- p. Future studies recommended addressing specific biological resource issues.

Biotic inventories should include the following information in appendices:

- aa. Copies of all Field Survey Forms or data sheets.
- bb. Name and qualifications of field investigator(s).
- cc. References cited, persons contacted, herbaria visited.
- dd. Formal wetland delineation (if wetlands may be impacted directly or indirectly)
- ee. Natural Diversity Data Base Records and Wildlife Habitat Relationship search results.
- ff. Common and Scientific names of plant and wildlife species observed or with the potential to occur. Provide a table of special-status plants and wildlife identified as having potential to occur on the site (show common name, scientific name, federal, state, and CNPS status, distribution, habitat, period of identification, and occurrence in area). Assess probability of special-status plants and animals to occur on the project site. Also, summarize whether potential habitat for sensitive species exists on the project site.