

**COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

950 Maidu Avenue  
Nevada City, California 95959-8617  
Phone (530) 265-1222 or *Fax* (530) 265-9851

**GUIDELINES for  
COMMERCIAL, INDUSTRIAL or MULTI-FAMILY  
DEVELOPMENT PERMITS**

The Nevada County Land Use and Development Code (Chapter II, Zoning Regulations) specifies which kinds of land uses are allowed and what type of permit, if any, is required for allowed uses. Those uses requiring a Development Permit (shown in the Land Use Tables as “DP”) are those uses generally recognized as consistent with the purposes of the zoning district, but require careful review to ensure compliance with site development standards.

The Planning Commission reviews commercial and industrial Development Permits for projects proposing more than 10,000 square feet of building or use area. Multi-family projects consisting of 5-9 dwelling units are reviewed by the Zoning Administrator; 10 or more units are reviewed by the Planning Commission. In order to approve a Commercial, Industrial or Multi-Family Development Permit, a number of specific legal findings must be made by the hearing body. Specific findings are listed in Section L-II 5.5 of Zoning Regulations, but include, in part, a determination that the project is consistent with the General Plan and with any Area Plan in effect within the project area; and that the project will not be detrimental to, existing and anticipated future uses on abutting property and in the nearby surrounding neighborhood or area. Highways, streets, and roads on and near the site must be adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use and adequate provision has been made for project specific impacts and the cumulative effect traffic generated by the proposed use so that it will not create or add to an identified problem before construction of needed improvements for which a development fee has been established and imposed upon the project. All Development Permits are subject to Design Review, consistent with adopted Nevada County Design Guidelines and any Guidelines adopted as part of an Area Plan for the project area.

Application forms for Development Permits are available in the County Planning Department. 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 or water). Failure to determine other requirements can result in delays.

**Fees:** Filing fees must be paid at the time you submit your Development Permit application. Those fees pay for the time it takes to review your land use application and are separate from any other permits you may require, including building or septic permits. 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	(530) 265-1222
Nevada County Department of Environmental Health	(530) 265-1222
Nevada County Department of Public Works	(530) 265-1222
Nevada County Fire Protection Planner	(530) 265-1222

## **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 84 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 permit approval, prior to obtaining any development permits (i.e. grading and/or building permits). Each agency that required conditions on your permit will be required to confirm that their conditions have been satisfied.

Development Permit approval is initially good for three years at which time you can apply for an extension of time if you have not completed the project. If you fail to meet time limits, you will lose your approval. Typically, final implementation of your use requires coordination with the Department of Public Works, the Planning Department, Environmental Health Department, your local Fire District, and any other agency with conditions, i.e. CalTrans or a water district.

## ROAD IMPROVEMENTS

The type and extent of improvements that will be required 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. Developers should review General Plan Policy 4.24A which identifies several “*limited access areas*” (dead-end road areas) that may require construction of emergency access roads. Specific questions should be directed to the Department of Transportation.

### 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 Transportation Standard Drawings, available from the Nevada County Department of Transportation, 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 Transportation at (530) 265-1411.

### **FIRE SAFETY**

**Water Supply:** County ordinance requires that all projects provide water for fire protection, separate from water that may be required for domestic use. The ordinance requires that water be available *prior to occupancy*. If you are not served by public water you will be required to provide a system that satisfies the requirements of the Uniform Fire Code, including plumbing compatible with your Fire District and the California Department of Forestry (CDF) equipment. Ponds and doughboy pools are seldom acceptable and you should plan on a system that satisfies Fire Service needs.

**Fuel Modification:** County and State Fire Safe regulations require that ten feet on each side of access roads be delineated as fuel modification zones, requiring flammable vegetation be removed within those zones. Subdivisions resulting in more than ten parcels with a density of one residence per 1.5 acres, require a mandatory greenbelt/fuel modification zone between the subdivision and the wildland fuels. In areas of severe hazard, additional zones may be required. Any brush cleared from the site for road construction or fire safety, must be legally disposed of before the map can record.

Questions regarding fire protection requirements should be directed to the Nevada County Fire Protection Planner at (530) 265-1714, Monday through Thursday from 8:00 a.m. to 5:00 p.m.

## 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 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 projects within the unincorporated territory of the County. All projects are subject to compliance with the California Environmental Quality Act (CEQA), which establishes minimum time lines for preparing and circulating environmental documents. Once your application has been distributed to other agencies for review, Planning staff will begin preparation of an Initial Study to identify potentially significant impacts associated with your project. Other agencies will review your proposal to identify potential impacts within their jurisdiction, and they may require modifications, permits and/or approvals. It is in your best interest to contact any concerned agency prior to application submittal to determine what concerns may be raised during review of your project. For example, contact CalTrans if the project site is adjacent to or will impact a State highway; Fish & Game if the site is in a Deer Migratory Route; Nevada Irrigation District (N.I.D.) if there's a canal on the site; or the Foothill Airport Land Use Commission if you're adjacent to an airport. The more preparation you do, the least likely you are to encounter surprises along the way.

Upon receipt of agency comments or concerns, the Initial Study will be completed, recommending one of the following environmental documents:

1. A Negative Declaration will be recommended if no substantial evidence exists that the proposed project may have a significant environmental effect; or
2. A Mitigated Negative Declaration will be recommended if there is a potential for impacts but the project can be improved and impacts reduced to a less than significant level by the incorporation of mitigation measures; or
3. An Environmental Impact Report (EIR) will be recommended if the proposed project MAY have a significant adverse environmental effect despite best efforts to mitigate the impacts.

The environmental document will be circulated for public and agency review. No public hearing will be scheduled until adequate environmental review is completed. Final adoption of the environmental document occurs at the public hearing.

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 will normally 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. Inventories shall include an analysis of existing resource data, including mapping and aerial photography, available from resource agencies and the Planning Department, where appropriate. In most instances, this data is of a general nature and will 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 Farmland map;
- \*o. Wetlands, as delineated in the National Wetlands Inventory (or the Biological Inventory);
- \*p. Floodplains, as mapped by Federal Emergency Management Agency (FEMA).

\* Preliminary resource identification data is available in the Planning Department.

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

- Clustering
- Building envelopes
- Conservation easements and/or deed restrictions
- Setbacks and/or buffers
- Development restrictions
- Transfer of Development Rights
- 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 the basis for the design or re-design of your project in order to provide for "no net loss" of sensitive resources. If special-status species are present on the subject site and cannot be avoided by the project, the applicant must obtain U.S. Fish and Wildlife and State Department of Fish and Game appropriate permits, as a condition of approval and prior to any land disturbance.

The Inventory must be prepared by a qualified 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.