

Conditions of Approval – Heritage Oaks Phase II –Tentative Subdivision Map (23PLN-27)

A. GENERAL/DESIGN CONDITIONS OF APPROVAL:

1. The approval date for this project is *May 19, 2026*. This project is approved for a period of three (3) years and shall expire on *May 19, 2029*, unless the project has been effectuated (i.e. a grading permit has been issued) or the applicant requests a time extension that is approved pursuant to the Development Code.
2. The project shall be constructed in accordance with the Tentative Subdivision Map (23PLN-27) approved by the Planning Commission. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the Tentative Subdivision Map. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.
3. The Heritage Oaks Phase II Tentative Subdivision Map shall be in compliance with the standards in the Neighborhood Center Flex (NC-Flex) Zone.
4. The split rail fence delineating the open space area shall be shown on the improvement plans and installed with the infrastructure improvements.
5. The established Heritage Oaks Phase II Homeowner's Association shall be responsible for maintenance of the common areas including open space areas.
6. As part of the improvement plan submittal, a landscaping plan shall be prepared for parking lot in accordance with the City's Landscaping Ordinance. The landscaping shall be installed concurrently with parking lot improvements.
7. To the extent feasible, on-site trees shall be preserved, particularly along the west side of the property adjoining State Route 20/49. On-site mitigation is preferred vs. the payment of in-lieu fees with replanting to occur along State Route 20/49 to shield the homes from State Route 20/49.
8. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
9. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

B. ENGINEERING

Engineering conditions for the Final Map:

1. A Grading Permit, shall be issued by the City Engineer and all improvements described on the plans shall be completed or the applicant shall enter into an

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agreement with the City Engineer to complete the grading and public improvements. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his/her expense.

2. The applicant shall submit to the City Engineer for review or approval of a Final/Parcel Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City's Subdivision Ordinance and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
3. Prior to recordation of the final/parcel map, the subdivider shall provide to the Engineering Division an acceptable method, such as a property owners association, tenant agreement, and/or CC&R's to maintain the common areas. Common areas can include residential areas, landscape areas, ingress/egress accesses, monitoring well, roadways and utilities, detention facilities and open space areas not accepted by the City. Documentation may be reviewed by the Community Development Director (for non-residential), City Engineer and City Attorney (if determined necessary). CC&R's must include a statement that they cannot be modified without the approval of the City of Grass Valley.
4. Subdivider shall dedicate land, or pay a fee in-lieu of dedication, for park and recreation purposes in accordance with the City's Development Code.
5. If the applicant desires to record the Final Map prior to completion of the grading and improvements as shown on the approved grading and improvement plans, the applicant shall enter into an agreement to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of all of the improvements, in accordance with the City's Development Code and the California Subdivision Map Act. The applicant must supply the City with a cost estimate, prepared by a licensed Civil Engineer, for all improvements shown on the grading/improvement plans. The cost estimate must be approved by the Engineering Division. The City will then prepare an agreement which will require City Council approval and will be required to be recorded prior to the Final Map approval.
6. If no homeowners association, the Applicant shall sign and record a covenant and agreement to ensure that the onsite detention facilities will be maintained by the property owner(s).

Engineering conditions for the Lot Line Adjustment:

1. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

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2. Lot Line Adjustment documents must be approved by the City Engineer prior to recording. To receive approval, the applicant shall submit the documents listed below to the Engineering Division. Upon approval by the City Engineer, the applicant shall record the deed(s) at his expense and submit one copy of the recorded deed(s) to the Engineering Division.
 - a. Draft legal description for each parcel.
 - b. Lot Line Adjustment Exhibit Plat(s) or record of survey. The Lot Line Adjustment Exhibit Plat(s) and/or record of survey must conform to the Lot Line Adjustment application, be prepared, stamped, and signed by a licensed professional surveyor, and include the following statement for approval by the City Engineer:

"This plat (or record of survey) conforms to lot line adjustment [Insert Application No.] approved by the City of Grass Valley City Engineer on [insert blank line for City to fill in date]. [Insert blank line for signature] Bjorn P. Jones, RCE 75378.
 - c. Draft deed documents. The following note shall be placed on the deed or deeds:

"This deed describes a Lot Line Adjustment between the lands of [Insert Name], described in that certain document recorded at [Insert Document No.], Nevada County Records, [Insert APN], and the lands of [Insert Name], described in that certain document recorded at [Insert Document No.], Nevada County Records, [Insert APN]. This deed is recorded pursuant to [Insert Application No.], on file in the office of the City of Grass Valley Planning Division. It is the express intent of the signators hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels."
 - d. Current tax certificate for each parcel.
 - e. Verification by applicants title company that any existing deeds of trust have been or will be revised upon recordation of the lot line adjustment deeds to reflect the new property descriptions. Verification may be in letter form, or copies of the Modification or Reconveyance submitted with the Lot Line Adjustment deeds for review.
 - f. Closure calculations.
 - g. Copies of reference deeds.

C. MITIGATION MEASURES

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AQ 1 – Mitigation Measures:

With implementation of the following standard conditions of approval, adverse impacts to air quality resulting from the proposed project would remain less than significant.

1. The project shall be required to use Low VOC paintings and coatings.
2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
 - a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
 - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
 - c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
 - e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
 - g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
 - h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass.

TCR 1 – Mitigation Measure:

Inadvertent Discoveries – If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, are discovered work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing

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materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.

TCR 2 – Mitigation Measure:

Inadvertent Discoveries – In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.

TCR 3 – Mitigation Measure

If any suspected TCRs or resources of cultural significance to UAIC, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction or remediation activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist.

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A UAIC Tribal Representative and the City of Grass Valley shall be immediately notified, and the Tribal Representative in coordination with the City of Grass Valley shall determine if the find is a TCR (PRC §21074)

Treatment and Documentation:

The UAIC, the culturally affiliated Tribe, shall consult with the City of Grass Valley to (1) identify the boundaries of the new TCR and (2) if feasible, identify appropriate preservation in place and avoidance measures, including redesign or adjustments to the existing construction process, and long-term management, or 3) if avoidance is infeasible, a reburial location in proximity of the find where no future disturbance is anticipated. Permanent curation of TCRs will not take place unless approved in writing by the culturally affiliated Tribe.

The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and City of Grass Valley shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within 2 weeks of the discovery and submitted to the appropriate CHRIS center in a timely manner.

Work at the TCR discovery location shall not resume until authorization is granted by the City of Grass Valley in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Nevada County Coroner and the culturally affiliated Tribe shall be contacted immediately. Upon determination by the Nevada Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with the project proponent to define appropriate treatment and disposition of the burials.

TCR 4 Mitigation Measure

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The project proponent or their construction contractor shall comply with the following measure to assist with identification of TCRs at the earliest possible time during project-related earthmoving activities:

- a) The project proponent shall contact the UAIC THPO (thpo@auburnrancheria.com) at least 2 to 3 months prior to project ground-disturbing activities to retain the services of a UAIC Certified Tribal Monitor(s). The duration of the construction schedule and Tribal Monitoring shall be determined at this time.
- b) A contracted UAIC Certified Tribal Monitor(s) shall monitor the initial ground disturbance in the project area. If there are cultural finds, the UAIC THPO may require additional Tribal Monitoring.
- c) Tribal Monitors or Tribal Representatives shall have the authority to direct that work be temporarily paused, diverted, or slowed within 100 feet of the immediate impact area if sites, cultural soils, or objects of potential significance are identified. The temporary pause/diversion shall be of an adequate duration for the Tribal Representative to examine the resource.
- d) Appropriate treatment of TCRs or other cultural finds may include but is not limited to:
 - a. Recordation of the resource(s)
 - b. Avoidance and preservation of the resource(s)
 - c. Recovery and reburial of the resource(s) onsite or in a feasible off-site location in a designated area subject to no future disturbance. The location of the reburial shall be acceptable to the UAIC.
- e) To track the implementation of this measure, the Tribal Monitor(s) shall document field-monitoring activities on a Tribal Monitor log.
- f) The Tribal Monitor(s) shall wear the appropriate safety equipment while on the construction site.
- g) The Tribal Monitor, in consultation with the UAIC THPO and the project proponent shall determine a mutual end or reduction to the on-site monitoring if/when construction activities have a low potential for impacting Tribal Cultural Resources.
- h) In the event the Tribal Monitor does not report to the job site at the scheduled time after receiving 24 hour business day notice, construction activities may proceed without tribal monitoring. At no time, regardless of the presence or absence of a Tribal Monitor, shall suspected TCRs be mishandled or disrespected.

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- i) The CEQA lead shall assist with resolution of disagreements between the project proponent/contractor and the Tribe if such occurs on the project.

GEO 1 Mitigation Measures:

1. Prior to commencement of site work, fiber rolls shall be installed down slope of the proposed area of disturbance to prevent migration of sediment, rocks, and other objects from the site. Fiber rolls on slopes are intended to reduce sediment discharge from disturbed areas, reduce the velocity of water flow, and aid in the overall stability of slopes. The fiber rolls should remain in place until construction activity is complete and vegetation becomes established.
2. Soil exposed in permanent slope faces should be hydroseeded or hand seeded/strawed with an appropriate seed mixture compatible with the soil and climate conditions of the site as recommended by the local Resource Conservation District.
3. Following seeding, jute netting or erosion control blankets should be placed and secured over the slopes steeper than 2:1, H:V, to keep seeds and straw from being washed or blown away. Tackifiers or binding agents may be used in lieu of jute netting.
4. Surface water drainage ditches should be established as necessary to intercept and redirect concentrated surface water away from cut and fill slope faces. Under no circumstances should concentrated surface water be allowed to run over slope faces. The intercepted water should be discharged into appropriate collection areas.

GEO 2 – Mitigation Measure:

The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.

HY/WQ 1 – Mitigation Measures:

1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste

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Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.

2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

HY/WQ 2 – Mitigation Measures:

To protect soil and water resources during the implementation of the stream restoration project, the following Best Management Practices (BMPs) shall be implemented for the duration of the implementation phase and the efficacy of the BMPs monitored for the duration of the maintenance, monitoring, and reporting phase:

1. Prior to commencement of site work, fiber rolls should be installed down slope of the proposed area of disturbance to prevent migration of sediment, rocks, and other objects from the site. Fiber rolls on slopes are intended to reduce sediment discharge from disturbed areas, reduce the velocity of water flow, and aid in the overall stability of slopes. The fiber rolls should remain in place until construction activity is complete and vegetation becomes established.
2. Soil exposed in permanent slope faces should be hydroseeded or hand seeded/strawed with an appropriate seed mixture compatible with the soil and climate conditions of the site as recommended by the local Resource Conservation District.
3. Following seeding, jute netting or erosion control blankets should be placed and secured over the slopes steeper than 2:1, H:V, to keep seeds and straw from being washed or blown away. Tackifiers or binding agents may be used in lieu of jute netting.
4. Surface water drainage ditches should be established as necessary to intercept and redirect concentrated surface water away from cut and fill slope faces. Under no circumstances should concentrated surface water be allowed to run over slope faces. The intercepted water should be discharged into appropriate collection areas.

BMPs shall be shown on the project plans including:

BMP#

TC-10 Infiltration trenches will be installed at roof downspouts for both retention of storm water runoff and for capturing pollutants prior to entering the natural drainage course. Runoff is stored in the void space between the stones and infiltrates into surrounding soil.

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TC-11 Infiltration basins will be installed at the end of the biofiltration swales for stormwater runoff storage and exfiltration into the underlying soil. Pollutant removal occurs through the infiltration of runoff and the absorption of pollutants into the soil and vegetation.

TC-30 Vegetated biofiltration swales will be provided at the discharge of the underground storm water piping. The swale will trap particulate pollutants, promote infiltration, reduce flow velocity, and increase time of concentration of stormwater runoff.

TC-31 A vegetated buffer strip will be provided southerly of the Joyce Drive roadway. The fill slope and area up to the right of way will have amended soils and be seeded to create a vegetated buffer strip that will filter sheet flow from the roadway crown southerly. The strip will reduce runoff velocities allowing stormwater infiltration and filtration of potential pollutants.

TC-50 Water Quality Inlets consist of a 1-foot deep sump at bottom of all storm drain inlets that collects silt and sediment and allows infiltration. At the downstream manhole, there will be an in-line Stormceptor manhole to remove trash and debris and larger suspended solids using radial flow prior to discharge.

NOISE 1 – Mitigation Measure:

Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby homes. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.

NOISE 2 – Mitigation Measure:

- 1) A traffic noise barrier shall be constructed at the location indicated on **Figure 2**. A noise barrier measuring 6-feet in height relative to backyard elevation would result in the satisfaction of City of Grass Valley's 65 dB Ldn conditionally acceptable exterior noise level standard.

Suitable materials for the traffic noise barrier include masonry and precast concrete panels. Glass can be an effective barrier material in areas where preservation of view is desired. Other materials may be acceptable but should be reviewed by an acoustical consultant prior to use.

- 2) Mechanical ventilation (air conditioning) should be provided for all residences in this development to allow occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria.