

## **TITLE 12: ZONING REGULATIONS**

### **CHAPTER 1: GENERAL PROVISIONS**

#### **Section:**

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**Section 12.01.020 Applicability**

**Section 12.01.030 Zoning District Maps**

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#### **Section 12.01.010 Authority and Purpose**

This Chapter shall be known as the “Nevada County Zoning Ordinance.” This ordinance is adopted pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with Title 7 of the Planning and Zoning Law of the California Government Code for the purpose of promoting the health, safety and general welfare.

The zoning ordinance is adopted in order to achieve the following objectives:

A. To serve as the primary tool to implement and ensure consistency with the goals, objectives, and policies of the Nevada County General Plan based upon the following central themes:

1. Fostering a rural quality of life.
2. Sustaining a quality environment.
3. Development of a strong diversified, sustainable local economy.
4. Planned land use patterns to determine the level of public services appropriate to the character, economy, and environment of each region.

B. To provide for the development of Nevada County as a balanced community with adequate amounts of land zoned in each district to achieve a balance among housing, employment, retail and commercial services, recreation, and public facilities.

C. To provide for adequate mechanisms and standards to regulate the surface and subsurface uses of land, structures to meet the needs of residents, commerce, industry, agriculture, forestry, and other purposes in appropriate places.

D. To provide for land use regulations that are clear, concise, enforceable, and effectively implement Nevada County General Plan provisions in a reasonable and balanced fashion.

E. To provide for conservation of natural amenities, such as open space, wetlands, native vegetation, and wildlife.

#### **Section 12.01.020 Applicability**

A. General Application. The Nevada County Zoning Ordinance applies to all land uses and development within the unincorporated areas of the County of Nevada. Ordinance

provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

It is unlawful for any person or public agency to establish, construct, reconstruct, alter, replace, or allow any use of land or structure, unless:

The use is allowed by Chapters governing Zoning Districts within the zoning district and any combining districts that apply to the subject site, consistent with the standards of the Nevada County Zoning Ordinance and

1. The use of land or structure satisfies all applicable requirements of this ordinance, including but not limited to, minimum parcel size, density, intensity of use, and all development standards, and any Development or Use Permit or other approval required by Chapters governing Zoning Districts is first obtained as provided by and Enforcement, and any applicable conditions of approval are first satisfied; or
2. The use or structure is determined to be legal and nonconforming, and any changes in such use or structure are consistent with Section governing Legal Nonconforming Uses and Structures.

B. Other Easements, Covenants, or Agreements. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this Chapter imposes a greater restriction upon the use of structures or premises or upon height of structures or requires larger space than is imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Chapter shall govern.

C. Inapplicable Uses. The provisions of this Chapter shall have no application to pipelines, regulators, meters and appurtenances, insofar as the State of California or the Public Utilities Commission has preempted the field or passed specific laws or binding regulations concerning the County, excluding structures, directly or indirectly for service to the public or any portion thereof by persons, firms or corporations.

In addition, specified uses as found in "Permit Exceptions" in this Code, are exempt from the provisions of this ordinance. Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a structure for which a building permit has heretofore been issued and upon which actual construction has begun.

Any structure, use, variance, plan, Use Permit, building permit, etc., granted under provisions of Ordinance Nos. 196. (09/10/1954), 207. (12/15/1955), 500. (11/10/1970), or 2529. (09/12/23) and amendments thereto, shall be valid in accordance with the provisions and conditions under which it was originally approved.

D. References to Other Sections and Chapters. All references to other Sections and/or Chapters are to those Sections and Chapters contained in this Chapter, unless otherwise

specified.

E. **Requests for Reasonable Accommodations.** To provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for persons with disabilities, applicants can file a request for reasonable accommodation to the Planning Department, subject to approval by the Planning Director, who shall apply the following decision-making criteria:

1. The request for reasonable accommodation will be used by an individual with a disability, as that term is defined under the California Fair Employment and Housing Act, and the federal Fair Housing Amendments Act of 1988 (collectively “Acts”).
2. The requested accommodation is necessary to make housing available to an individual with a qualifying disability under the Acts.
3. The requested accommodation would not impose an undue financial or administrative burden on the County.
4. The requested accommodation would not require a fundamental alteration in the nature of the County’s land-use and zoning program.

F. **Spheres of Influence.** All development within a City/Town Sphere of Influence may be required to show adequate provision of public services consistent with the adopted Sphere of Influence Plan, and conformance with compatible City/Town zoning designations prior to approval and/or annexation.

### **Section 12.01.030 Zoning District Maps**

A. **Adoption.** Each zoning district map of the County is adopted as part of this Chapter. All regulations governing the uses of land and structures, site development standards, and other provisions as set forth in this Chapter, are applicable to the districts shown on each of the zoning district maps of the County.

B. **Deemed Part of Chapter.** Each zoning district map showing the classification and boundaries of districts, after its final adoption in the manner required by law, shall be and become part of this Chapter and said map and all notations, references and other information shown thereon shall thereafter be as much a part of this Chapter as if all the matters and information set forth by said map were fully provided herein.

C. **Boundary Establishment.** The boundaries of the districts mentioned are those shown on any zoning district map adopted by this Chapter. The regulations of this Chapter governing the uses of land and structures, site development standards, and other provisions as set forth in this Chapter, are to be established and declared to be in effect on all land included within the boundaries of each district shown on each zoning district map.

D. **Boundary Establishment by Description.** Where zoning district maps are established and it is deemed impractical to re-publish the entire map, amendments (changing property from one zone to another) can be accomplished by the adoption of an amending ordinance which describes and illustrates the area to be rezoned. The Planning Department shall cause such amendments to be reflected on the zoning district maps, by the amending ordinance number, within thirty (30) days of the adoption of the ordinance.

E. **Map Maintenance.** The official zoning district maps shall be maintained by and kept on file in the Planning Department.

#### **Section 12.01.040 Rules of Interpretation**

The Planning Director has the responsibility and authority for interpreting the requirements of this Chapter.

A. **Definitions.** Words, phrases and terms shall have the meaning ascribed to them for purposes of this Chapter. Words, phrases and terms defined in individual Sections shall have the meaning ascribed to them for purposes of those Chapters. All other words shall be as defined in the latest edition of Webster's New International Dictionary of the English Language.

B. **Language.** When not inconsistent with the context, words in the singular include the plural, words in the plural include the singular. When used in this Chapter, the word "shall" is mandatory, and the words "should" or "may" are permissive or discretionary.

Whenever a number of days is specified in this Chapter, or in any permit, condition of approval or notice issued as provided in this Chapter, such number of days shall be construed as calendar days, except that such time limits shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

When interpreting and applying the regulations of this Chapter, any such interpretations shall not supersede the provisions of the code and shall be limited to clarifying and supplementing the code. All such interpretations shall be considered to be the minimum requirement, unless stated otherwise.

C. **Zoning District Boundary.** Where uncertainty exists as to the boundaries of any district shown on the Zoning districts maps, the following rules shall apply:

1. Where a boundary is shown as approximately following a parcel line, the parcel line shall be deemed to be the boundary.
2. Where a boundary is not shown to include an adjacent street, alley, or railroad, the boundary shall be deemed to extend to the centerline of the right-of-way. Where a

public street, alley, or railroad is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned area.

3. Where a boundary is shown as approximately following a physical feature such as a stream, drainage channel, topographic contour line, or power line, the boundary location shall be determined by the Planning Director, based upon the character of the particular feature used as a boundary.
4. Where a boundary crosses a parcel rather than following a property line, so that a single parcel is covered by two (2) zoning districts, the maximum number of parcels allowed shall equal the sum of the potential number of parcels for each district, rounded down to a whole number. For example, a forty-three (43) acre parcel is divided between “AG-10” (31 acres) and “AG-30” (12 acres). The potential number of parcels for each district is three and one-tenth (3.1) parcels for the “AG-10” area and four (4) parcels for the “AG-30” area. The sum of the potential number of parcels rounded down to a whole number is three (3) parcels.
5. Where the Planning Director determines through review of the public record of the Board of Supervisors hearing and action on a rezoning that a zoning boundary or other information on a zoning district map has been drafted in error, the Director shall have the authority to correct the error to make the map consistent with the action of the Board.
6. In all other cases where any uncertainty exists, the Planning Commission shall make recommendations on the location of boundaries to the Board of Supervisors.

D. **Zoning District Land Use Interpretation.** If a proposed use of land is not listed in Zoning Districts, the Planning Director may determine the use to be allowable if the Director finds the use will:

1. Be consistent with the goals, objectives, and policies of the Nevada County General Plan; and
2. Meet the purpose and intent of the zoning district that is applied to the site; and
3. Share characteristics common with those listed in the district and not be of greater intensity or density, generate greater impact on public facilities and services, or generate more environmental impact than the uses listed in the district; and
4. Be treated in the same manner as the listed use including determining where it is allowed, what permits are required, and what standards affect its establishment.

Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Planning Department and will be incorporated into the ordinance when amendments to the ordinance are next considered.

The Planning Director may forward questions concerning equivalent uses directly to the Planning Commission for determination at a public hearing.

E. **Appeal.** Any determination or interpretation by the Planning Director may

be appealed to the Board of Supervisors consistent with provisions of this Chapter.

**Section 12.01.050 Conflicting Provisions**

If conflicts occur between different requirements of this Chapter, including but not limited to conflicts between text and tabular provisions, or between provisions of this Chapter and requirements imposed by other provisions of the Nevada County Codes or other laws, rules, and regulations, the more stringent development requirement or greater restriction on the use of land or structures shall apply.

## CHAPTER 2: ZONING DISTRICTS

### Sections:

<b>Section 12.02.010</b>	<b>Establishment of Zoning Districts</b>
<b>Section 12.02.020</b>	<b>Residential Districts</b>
<b>Section 12.02.021</b>	<b>Single-Family</b>
<b>Section 12.02.022</b>	<b>Multi-Family</b>
<b>Section 12.02.030</b>	<b>Rural Districts</b>
<b>Section 12.02.040</b>	<b>Commercial Districts</b>
<b>Section 12.02.050</b>	<b>Industrial Districts</b>
<b>Section 12.02.060</b>	<b>Special Purpose Districts</b>
<b>Section 12.02.070</b>	<b>Combining Districts</b>
<b>Section 12.02.071</b>	<b>Airport Influence Combining District (AI)</b>
<b>Section 12.02.072</b>	<b>Historic Preservation Combining District (HP)</b>
<b>Section 12.02.073</b>	<b>Mineral Extraction Combining District (ME)</b>
<b>Section 12.02.074</b>	<b>Mobile home Parks Combining District (MH)</b>
<b>Section 12.02.075</b>	<b>Planned Development Combining District (PD)</b>
<b>Section 12.02.076</b>	<b>Potential Snow Avalanche Area Combining District (PSAA)</b>
<b>Section 12.02.077</b>	<b>Scenic Corridor Combining District (SC)</b>
<b>Section 12.02.078</b>	<b>Site Performance Combining District (SP)</b>
<b>Section 12.02.079</b>	<b>Subdivision Limitation Combining District (X)</b>
<b>Section 12.02.710</b>	<b>Rural Center Combining District (RC)</b>
<b>Section 12.02.711</b>	<b>Regional Housing Need Combining District (RH)</b>
<b>Section 12.02.712</b>	<b>Continuing Care Retirement Community Combining District (CCRC)</b>

### Section 12.02.010 Establishment of Zoning Districts

A. Zoning Districts. In order to classify, restrict and regulate the uses of land and structures and to regulate and restrict the height and bulk of structures and to regulate the area of yards, courts and other open spaces about structures, the unincorporated limits of the County of Nevada are hereby divided into districts. The following lists all base and combining districts, grouped by land use category. Each district's name and zoning district map symbol are included:

<b>Symbol</b>	<b>Base Districts</b>	<b>Section</b>
<b>Residential Districts</b>		
RA	Residential Agricultural	Zoning 12.02.020

R1	Single-Family	Zoning 12.02.020
R2	Medium Density	Zoning 12.02.020
R3	High Density	Zoning 12.02.020
<b>Rural Districts</b>		
AG	General Agricultural	Zoning 12.02.030
AE	Exclusive Agricultural	Zoning 12.02.030
FR	Forest	Zoning 12.02.030
TPZ	Timberland Preserve	Zoning 12.02.030
<b>Commercial Districts</b>		
C1	Neighborhood	Zoning 12.02.040
C2	Community	Zoning 12.02.040
C3	Service	Zoning 12.02.040
CH	Highway	Zoning 12.02.040
OP	Office Professional	Zoning 12.02.040
<b>Industrial Districts</b>		
M1	Light Industrial	Zoning 12.02.050
M2	Heavy Industrial	Zoning 12.02.050
BP	Business Park	Zoning 12.02.050
<b>Special Purpose Districts</b>		
IDR	Interim Development Reserve	Zoning 12.02.060
OS	Open Space	Zoning 12.02.060
PD	Planned Development	Zoning 12.02.060
P	Public	Zoning 12.02.060
REC	Recreation	Zoning 12.02.060
<b>Combining Districts</b>		
AI	Airport Influence	Zoning 12.02.071
HP	Historic Preservation	Zoning 12.02.072
ME	Mineral Extraction	Zoning 12.02.073
MH	Mobilehome Park	Zoning 12.02.074
PD	Planned Development	Zoning 12.02.075
PSAA	Potential Snow Avalanche Area	Zoning 12.02.076
SC	Scenic Corridor	Zoning 12.02.077
SP	Site Performance	Zoning 12.02.078
X	Subdivision Limitation	Zoning 12.02.079

B. District Provisions. All base districts are grouped by like category, including residential, rural, commercial, industrial, and special purpose, and are presented in tabular format. The individual base district Allowable Use Tables provide allowable uses and permit requirements for all base districts. The individual base districts grouped by category provide for the following:



1. Allowed land uses listed by general type of use.
2. Permit requirements for each land use, requiring either zoning compliance review, Development Permit, or Use Permit, as provided for in Administration and Enforcement.
3. Specific land use standards for selected uses as provided for in Specific Land Use Standards.
4. Site development standards as provided for in Site Development Standards.

Combining districts may combine with a base district and provide specialized requirements depending upon the combining district's intent. All proposed land uses must be consistent with the purpose and comply with all provisions and standards of both the base and combining districts.

Numerical symbols may combine with a base district to show the minimum parcel size (e.g. RA-1.5), the maximum density (e.g. AG-6 upa or units per acre), or the number of dwelling units allowed (e.g. R2-36 du or dwelling units).

C. Permit Requirements. The Allowable Uses and Permit Requirements Tables provide direction on the type of review and/or permit required, as follows:

1. Zoning Compliance (shown in the Tables as A): Uses associated with zoning compliance are those determined to be most clearly consistent with the purpose of the applicable district. They provide for the most basic review process and normally involve no or minimal development. Examples include farming, single-family dwellings, and accessory uses. Zoning Compliance Section provides more detailed procedures and standards.
2. Development Permits (shown in the Tables as DP): Uses associated with a Development Permit are those that are generally consistent with the purposes of the zoning district but require careful review to ensure compliance with site development standards. An Administrative Development Permit is needed for smaller projects and a Zoning Administrator Development Permit is needed for larger projects. Zoning Administrator Development Permits require a public hearing. Development Permits section provides more detailed procedures and standards.
3. Use Permit (shown in the Tables as UP): Uses associated with a Use Permit are those that may be compatible in a particular zoning district depending on the specific use, its design, and the characteristics of the proposed site and surrounding area. Such uses may raise important policy issues or create land use conflicts if not carefully designed and located. Use permits for smaller projects require a public hearing before the

Zoning Administrator. Use permits for larger projects require a public hearing before the Planning Commission. Use Permits section provides more detailed procedures and standards.

The Tables also make reference to Not Permitted (NP) uses (not allowed within the zoning district), Mixed Uses (M) (allowed as part of a mixed use project), Not Applicable (NA) uses (do not apply to a specific zoning district), and uses that Vary in applicability (Varies) (refer to Zoning Regulations Section for allowable uses and permit requirements).

D. Permit Exemptions. The land use permit requirements of this Chapter may not apply to the following:

1. Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement, or expansion of the structure.
2. Activities of the Federal Government on leased or Federally-owned land, when used exclusively for a governmental purpose, unless otherwise designated by the Federal Government.
3. Activities of the County of Nevada or any District that the Board of Supervisors governs.
4. Activities of the State of California or an agency of the State acting in its sovereign capacity on leased or State-owned land when used exclusively for a governmental purpose, unless otherwise designated by the State.
5. Certain school, water, wastewater, and electrical power facilities of local agencies as provided by Cal. Gov't Code §§ 53091 – 53097.5.

While such requirements do not apply to the County of Nevada activities, the County shall strive to comply with such requirements to the maximum extent possible. The County shall also encourage other governmental agencies as listed above to comply with such requirements to the maximum extent possible. Even if such agencies are otherwise excluded from compliance, they should still consider the regulations and standards in the implementation of their project.

E. Temporary Uses. Temporary use requirements are in the Specific Land Use.

F. Other Permits. An allowed land use that has obtained a required land use permit may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this Section shall eliminate the need to obtain subdivision approval or any building, grading, or other permit as may be required by other County Departments or Federal or State agencies.

The individual base district tables grouped by category provide a summary of allowable uses and permit requirements for all base districts, as well as specific land use standards for selected uses as provided for in Specific Land Use Standards and site development standards as provided for in Site Development Standards. Following the provisions for base districts are provisions for combining districts. (Ord. 2229. (01/09/2007); Ord. 2206. (05/23/2006); Ord. No. 2146. (05/27/2004); Ord. 2127. (09/25/2003); Ord. 2123. (07/31/2003); Ord. 2090. (07/09/2002); Ord. 2037. (10/03/2000); Ord. 2533. (12/05/2023))

## **Section 12.02.020 Residential Districts**

### **A. Purpose of Section**

1. To reserve neighborhood areas for residential living with a broad range of dwelling unit densities and types. Development within any district shall ensure consistency with General Plan densities and policies.
2. To provide lands to accommodate an adequate supply of housing to meet the diverse needs of the residents.
3. To protect residential neighborhoods from incompatible land uses and excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences; retain the scale and character of existing residential neighborhoods.
4. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in housing.

## **Section 12.02.021 Single-Family**

### **A. Purpose of Single-Family.**

1. RA (Residential Agricultural). The RA District establishes provisions for low density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to one and one-half (1.5) acre minimum parcel size, or three (3) acre minimum parcel size where neither a public water nor public sewer system is available. Within the Residential and Estate General Plan designations, the single-family dwelling is of primary importance and agricultural uses are secondary. Within Rural General Plan designations, agricultural operations and natural resource related uses and residential uses are of equal importance.
2. R1 (Single-Family). The R1 District implements the General Plan's Urban Single-Family designation. It is intended to provide for single-family dwellings, duplexes, duets, four-plexes, as well as other dwelling unit types, at densities of up to four

(4) dwelling units per acre.

Table 12.02.210.B Single-Family Districts Allowable Uses and Permit Requirements

**Key to Land Use Permit Requirements:**

**A** Allowed subject to zoning compliance and building permit issuance

**DP** Development Permit required per Section 12.05.050

**UP** Use Permit required per Section 12.05.060

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed Title 12 Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>RA</b>	<b>R1</b>	<b>Zoning Sections</b>
<b>Residential Uses</b>			
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	
Daycare Home, small family (6 or fewer children)	A	A	12.030.09
Daycare Home, large family (7 to 14 children)	A	A	12.030.09
Daycare Center (more than 14 children)	UP	UP	
Dwelling, Single-Family <sup>(2)</sup>	A	A	
Dwellings, Multiple-Family	UP	UP	12.03.170
Dwelling, Accessory and/or Junior Accessory Unit	A	A	12.03.191
Dwellings, Second Units consistent with allowed density	DP	DP	12.03.192
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	12.03.100
Dwellings, Duplexes, Duets and Four-plexes <sup>(1)(2)</sup>	A	A	
Dwellings, Transitional and Supportive	A	A	12.03.200
Mobilehome Parks (must include MH District)	UP	UP	12.02.074
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Residential Guest Quarters	A	A	12.03.180

Temporary Model Homes	A	A	12.03.120
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	12.03.150
<b>Commercial Uses</b>			
Bed & Breakfast Inns	UP	UP	12.3.5
<b>Commercial Uses (cont'd)</b>			
<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>RA</b>	<b>R1</b>	<b>Zoning Sections</b>
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	12.03.070
Home Businesses	A	A	12.03.110
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	12.02.071
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	12.03.300

<b>Industrial Uses</b>			
None Listed			
<b>Agricultural, Resource, and Open Space Uses</b>			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	NP	12.03.030
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	12.03.030
Animal keeping and raising	Varies	Varies	12.03.040
Certified Farmers' Markets	DP	NP	12.03.030
Crop and tree farming	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	12.03.220 .D.2
Mining, subsurface	UP	UP	12.03.210
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	12.03.220
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	12.03.240
Wildlife Rehabilitation Facilities	DP	NP	12.03.260
Woodyard	UP	NP	
<b>Institutional and Public Uses</b>			
Antennae, minor and certain non-commercial	A	A	12.03.080
Churches	UP	UP	12.03.070
Communication Towers	UP	NP	12.03.080
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	12.03.140
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
<b>Recreational Uses</b>			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	12.04.080

Footnote:

(1) Duplexes, duets, and four-plexes may be allowed in Community Regions, or on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

(2) A proposed housing development containing no more than two residential units within a single-family residential zone consistent with Cal. Gov't Code § 65852.21 shall be considered ministerially on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. (Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

Table 12.02.210.C - Single-Family Districts Site Development Standards

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in this Chapter)

**C/L** Centerline

**ZONING CHAPTER SECTION** Refer to Listed Zoning Chapter Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>RA</b>	<b>R1</b>	<b>Zoning Sections</b>
<b>Setback Standards (5)</b>			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	12.04.140
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	12.04.140
Exterior yard (ROW at least 50' in width)	15' from ROW	10' from ROW	12.04.140
Exterior yard (ROW less than 50' in width)	40' from ROW C/L	35' from ROW C/L	12.04.140
Interior yard (Parcel at least 3 acres)	30'	30'	12.04.140
Interior yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
Rear yard (Parcel at least 3 acres)	30'	30'	12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
<b>Other Standards (See Sections 12.04.090 Design Standards &amp; 12.04.220 Resource Standards)</b>			
Building Height Limit	35' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	1240.150
Maximum Impervious Surface (2) (6)	30%	40%	12.04.190
On-Site Parking (Dwelling, Single-Family)	2 spaces per unit	2 spaces per unit	12.04.180

Signs	Sign Standards see Section 4.2.12.K		12.04.210
Maximum Density (dwelling units per acre)	Equivalent to min. parcel size	4	12.04.030
Minimum Road Frontage (3) (4)	120'	60'	
<b>Minimum Parcel Size:</b>			
Parcel w/public water & sewer (3)	(3)	10,000 s.f.	12.04.030
Parcel w/public water or sewer (3)	(3)	1.5 acres	12.04.130
Parcel w/private water & sewer (3)	(3)	3 acres	1240.130

Footnotes:

(1) Setbacks may be reduced on parcels less than three (3) acres subject to Section governing Exceptions to Building Setbacks.

(2) Check General Plan Policy 1.23 for more restrictive standards.

(3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030 clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section governing Clustering.)

(4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.

(5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks' 12.04.140)

(6) Maximum impervious surfacing may be increased to sixty (60%) percent for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.

\* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2447. (03/13/2018); Ord. 2441. (Adopted 09/12/17, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013; Ord. 2339. (07/12/2011); Ord. 2529. (09/12/2023);



Ord. 2533. (12/05/2023))

## **Section 12.02.022 Multi-Family**

### **A. Purpose of Multi-Family.**

1. R2 (Medium Density). The R2 District implements the General Plan's Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to eight (8) dwelling units per acre within incorporated area's spheres of influence, and six (6) dwelling units per acre elsewhere are permitted. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

2. R3 (High Density). The R3 District implements the General Plan's Urban High Density Designation and provides for high density multiple-family housing, as well as other dwelling unit types. Densities of up to twenty (20) dwelling units per acre within incorporated area's spheres of influence and fifteen (15) units per acre elsewhere are permitted unless otherwise designated on the official zoning map.

This District is designed to facilitate development in urbanized areas. Coupled with planned development combining district regulations, it can be utilized to take advantage of the condominium development technique to provide and preserve open space.

To promote the construction of affordable housing, the County will strongly encourage development of single-family and multi-family residential projects at the maximum practical densities provided by the district, subject to limitations which may be imposed by environmental and public service constraints, as well as County development standards. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

Table 12.02.022.B

### **Multi-Family Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:**

<b>A</b>	Allowed subject to zoning compliance and building permit issuance
<b>DP</b>	Development Permit required per Section 12.05.050
<b>UP</b>	Use Permit required per Section 12.05.060
<b>NP</b>	Not Permitted
<b>NA</b>	Not Applicable

**Varies** Refer to listed Zoning Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)</b>	<b>R2</b>	<b>R3</b>	<b>Zoning Section</b>
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			<b>s</b>
<b>Residential Uses</b>			
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	
Daycare Home, small family (6 or fewer children)	A	A	12.03.090
Daycare Home, large family (7 to 14 children)	A	A	12.03.099
Daycare Center (more than 14 children)	UP	UP	
Dwelling, Single-Family	A	NP	
Dwellings, Multiple-Family	DP	DP	12.03.1170
Dwelling, Accessory and/or Junior Accessory Unit	A	A	12.30.190.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	12.30.190.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	12.30.200
Emergency shelter housing for 6 or fewer people	A	A	
<b>Residential Uses (cont'd)</b>			
Emergency shelter housing for more than 6 people	UP	UP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	
Mobilehome Parks (must include MH District)	UP	UP	12.20.074
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	12.03.160; 12.03.200
Temporary Model Homes	A	A	12.03.1

			20
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	12.03.150
<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>R2</b>	<b>R3</b>	<b>Zoning Sections</b>
<b>Commercial Uses</b>			
Bed & Breakfast Inns	UP	UP	12.03.050
Community meeting and social event facilities	UP	UP	12.03.070
Home Businesses	A	A	12.03.110
Hospitals and convalescent homes	UP	UP	
Medical clinics and medical support services, non-profit	UP	UP	
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	12.03.300
<b>Industrial Uses</b>			
None Listed			
<b>Agricultural, Resource, and Open Space Uses</b>			
Animal keeping and raising	Varies	Varies	12.03.040
Certified Farmers' Markets	NP	NP	12.03.030
Field Retail Stand and Farm Stands	NP	NP	12.03.030
Crop and tree farming	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	12.03.220..D.2
Mining, subsurface	UP	UP	12.03.210
Mining, surface vent and escape shafts for subsurface mining	UP	UP	12.03.220
<b>Institutional and Public Uses</b>			
Antennae, minor and certain non-commercial	A	A	12.03080
Churches	UP	UP	12.03.070
Emergency services (including fire and ambulance stations)	UP	UP	

Public utility uses and structures	Varies	Varies	12.03.1 40
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
<b>Recreational Uses</b>			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	12.04.0 80

\* \* \* \*

Footnote:

(1) Not permitted, unless it can be proven that single-family development will otherwise produce and guarantee low and moderate income housing.

(Ord. 2467. (05/14/2019); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

**Table 12.02.220.C**  
**Multi-Family Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in this Chapter)

**C/L** Centerline

**12 SECTION** Refer to listed Zoning Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>R2</b>	<b>R3</b>	<b>Zoning Section</b>
<b>Setback Standards (5)</b>			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	12.04.140
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	12.04.140
Exterior yard (ROW at least 50' in width)	10' from ROW	10' from ROW	12.04.140
Exterior yard (ROW less than 50' in width)	35' from ROW C/L	35' from ROW C/L	12.04.140
Interior yard (Parcel at least 3 acres)	30'	30'	12.04.140
Interior yard (Parcel less than 3	30'	30'	12.04.140

acres) (1)			4
Rear yard (Parcel at least 3 acres)	30'	30'	12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
<b>Other Standards (See Sections 12.04.090 Design Standards &amp; 12.04.220 Resource Standards)</b>			
Building Height Limit	35' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	12.04.150
Maximum Impervious Surface (2) (6)	50%	60%	12.04.190
On-Site Parking	See Table 4.2.9.F.12.b		12.04.180
Signs	Sign Standards see Section 4.2.12.K		12.04.210
Maximum Density (dwelling units per acre)	6/8(8)	15 / 20 (7)	12.04.030
Minimum Road Frontage (3) (4)	60'	60'	
<b>Minimum Parcel Size:</b>			
Parcel w/ public water & sewer (3)	10,000 s.f.	10,000 s.f.	12.04.030. E.4.c
Parcel w/ public water or sewer (3)	1.5 acres	1.5 acres	12.04.030. E.4.c
Parcel w/ private water & sewer (3)	3 acres	3 acres	12.04.030. E.4.c

Footnotes:

(1) Setbacks may be reduced on parcels less than three (3) acres subject to Section Building Setbacks Codes.

(2) Check General Plan Policy 1.23 for more restrictive standards.

(3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Clustering)

(4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel. (5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building

Setback.)

(6) Maximum impervious surfacing may be increased to sixty (60%) percent for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.

(7) Twenty dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, fifteen (15) dwelling units per acre.

(8) Eight dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, six (6) dwelling units per acre.

\* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2441. (Adopt. (09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013); Ord. 2339. (07/12/2011); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

### **Section 12.02.030 Rural Districts**

#### **A. Purpose of Section.**

1. Preserve the existing open, pastoral character of rural areas, allowing for the development of compatible uses within a rural setting, including lower-density residential uses, agricultural operations and support uses, natural resource production and management, and low-intensity recreation.
2. Ensure the long-term quality of natural resource values while at the same time ensuring the sustainability of agricultural and logging activities.

#### **B. Purposes of Individual Districts.**

1. AG (General Agricultural). The AG District provides areas for farming, ranching, agricultural support facilities and services, low intensity uses, and open space. It is consistent with all agricultural-oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses are secondary.
2. AE (Agricultural Exclusive). The AE District provides for the preservation and protection of important agricultural lands that are being used for commercial agricultural production. It is consistent with all agricultural- oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses determined to be incompatible with agriculture shall not be permitted.
3. FR (Forest). The FR District provides areas for the protection, production and management of timber, timber support uses, including but not limited to equipment storage and temporary offices low intensity recreational uses, and open space.
4. TPZ (Timberland Production Zone). The TPZ District provides for prudent and responsible forest resource management and the continued use of timberlands for the production of timber products and compatible uses. It is established in conformance with the Forest Taxation Reform Act of 1976 and all requirements and restrictions therein shall apply. It is intended to be a district where the land is devoted

to the growing and harvesting of timber and for such compatible uses that do not significantly detract from the use of the land for the growing and harvesting of timber.

Land use under this District will be restricted for a perpetual minimum of ten (10) years to growing and harvesting timber and supporting and compatible uses. Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber only.

## C. TPZ Standards.

### 1. General Provisions.

For the purposes of this Section, a TPZ District shall mean an area of land zoned TPZ or proposed to be so zoned, composed of a parcel or contiguous parcels, at least forty (40) acres in aggregate area, with no individual parcel less than 10 acres in size.

- a. Property to be zoned TPZ under Cal. Gov't Code § 51112 (Lists "A" and "B") shall not be subject to the requirements of subsections D.1, D.2, D.3 and D.4. of this Section except where provided in the Forest Taxation Reform Act.
- b. Within ten (10) days of final action to include a parcel within, or delete from, TPZ, the Clerk of the Board of Supervisors shall cause to be recorded an instrument which will serve as constructive notice to prospective buyers of such zoning action.
- c. The owner shall continuously comply with all standards included herein in order to continue to be eligible for the TPZ zoning.

### 2. Requirements for Inclusion into TPZ District and Site Development Standards.

- a. A single petition for rezoning and a Joint Timber Management plan may be submitted for any number of contiguous parcels, but the requirements of this Section must be satisfied as to each parcel to be included in the petition.
- b. Each petition shall be accompanied by payment of the processing fee as established by resolution of the Board of Supervisors. A single fee may be collected for each petition regardless of the number of parcels included in the petition.



- c. Submit a map showing the legal description and Assessor's Parcel Number (APN) or numbers of the property proposed to be included in the district; and
- d. Submit a plan for timber management prepared, or approved as to content, for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time as determined by the preparer of the plan, including the following:
  - 1) Possess a timber inventory on the parcel prepared by a licensed forester; and
  - 2) Conduct regular commercial harvesting operations; and
  - 3) Provide legal and physical access to the property so commercial operations can be carried out; and
  - 4) Disease or insect control has been conducted regularly on the parcel; and
  - 5) Thinning, slash disposal, pruning or other appropriate silviculture work will be conducted regularly on the parcel; and
  - 6) A fire protection system has been developed or there is a functioning fire protection plan; and
  - 7) Erosion control will be conducted on all disturbed soils including, but not limited to, roads, skid trails and landing areas; and
  - 8) Lands to be zoned TPZ, pursuant to Cal. Gov't Code § 51113, shall also meet the following requirements:
    - a. The parcel or parcels shall currently meet the timber stocking standards as set forth in Cal. Pub. Res. Code § 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel or parcels is located, or the owner must sign an agreement with the Board of Supervisors whereby they agree to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently included in the TPZ District, and the landowner fails to meet such stocking standards and forest practice rules within this time period, the said Board of Supervisors has grounds for rezoning of the parcel pursuant to

the provisions of Cal. Gov't Code § 51121; and

b. The parcel shall meet at least a Site IV or higher quality class.

3. Minimum Parcel Size Standards. Lands other than Christmas tree farms to be zoned TPZ pursuant to Cal. Gov't Code § 51113 shall meet the following minimum parcel size standards:

- a. The parcel or parcels included in the petition for TPZ zoning must, together with any adjacent property already zoned TPZ, meet the requirements to form a TPZ District; or
- b. The parcel or parcels each contain at least ten (10) acres and the owners have provided satisfactory evidence that they are unable to include sufficient contiguous property to form a TPZ District, either because the owners of contiguous property do not wish to join in TPZ zoning, are not eligible for inclusion, or cannot be reached.

4. Christmas Tree Farms. Parcels being considered for timber preserve zoning as Christmas tree plantations shall meet all of the qualifications of this Section except the minimum acreage requirements set out in subsections 1.a and 3.b above. Such parcels shall also meet the following requirements:

- a. Each parcel shall contain a minimum of three (3) acres.
- b. At the time of consideration for inclusion in the TPZ, a minimum of 4,000 trees shall have been planted on the parcel, of which 1,000 or more were planted at least three (3) years prior to the date of consideration;
- c. The timber management plan shall provide for:
  - 1) Minimum stocking and restocking of at least 1,200 trees per acre of plantable land on a rotating basis;
  - 2) Planting of at least ninety (90%) percent of the land on the parcel which in the opinion of the professional forester is suitable for Christmas tree growing within a reasonable period of time from the date of inclusion in TPZ;
  - 3) Annual commercial harvesting beginning not later than ten (10) Christmas harvest seasons after the date of inclusion in the TPZ;
  - 4) Minimum Parcel Sizes for Subsequent Divisions of Property Zoned Timberland Preserve.

- d. Parcels zoned as timberland preserve under this Section may not be divided into new parcels containing less than 160 acres unless the original owner prepares a joint timber management plan which meets the standards of subsection C-2 of this Section prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the County Recorder as a deed restriction on all newly created parcels. Such deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than ten (10) years from the date the division is approved by the Board of Supervisors. Such division shall be approved only by a four-fifths (4/5ths) vote of the full Board of Supervisors, and only after recording the deed restrictions.
- e. In no case shall the Board of Supervisors approve a division of land zoned TPZ that creates a parcel or parcels which individually contain less than forty (40) acres.

5. Rezoning from TPZ to Other Zone(s).

- a. Rezoning from a TPZ to a different classification may be initiated by the County Board of Supervisors after a public hearing or may be requested by the property owner at least ninety (90) days prior to the anniversary date of the initial zoning to TPZ. Applications by property owners shall be filed consistent with provisions governing Applications for Amendment to the County of Nevada General Plan or Zoning Ordinance.

Noticing and hearings shall be pursuant to this Code. Upon completion of public hearings before the Planning Commission and Board of Supervisors, and within 120 days from the filing of the notice to rezone, the Board of Supervisors, by majority vote, may remove the parcel from the TPZ and specify the new zoning classification for the parcel. The new zone approved shall become effective ten (10) years after the date of approval by the Board of Supervisors and shall be so noted on the zoning district map.

- b. An immediate rezoning from TPZ to a new zone, on all or part of a parcel, may be requested by a landowner. Such application shall be filed in the same manner as subsection a. above. A public hearing before the Board of Supervisors shall be scheduled with notice being given to all owners of lands situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.

1) The Board must make written findings by a four-fifths (4/5ths) vote that:

- a) The immediate rezoning is in the public interest; and

- b) The rezoning would not have a substantial and unmitigated adverse effect upon timber-growing use of adjacent lands within one (1) mile of the exterior boundaries of the land to be rezoned; and
  - c) The soils, slopes and watershed conditions would be suitable for the uses proposed if the conversion were approved; and
  - d) There is no nearby land suitable for an alternative use not allowed within the TPZ District; and
  - e) The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber growing use to which the land may be put.
- 2) The Board of Supervisors may tentatively approve the immediate rezoning after notice and hearing and upon a four-fifths (4/5ths) vote of the full body as provided in 1. above, and shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearings and any other information required by the Board of Forestry.

Upon notification by the Board of Forestry that it has given final approval to the conversion, the Board of Supervisors shall remove the parcel from the timberland preserve zone and shall specify a new zone for such parcel.

- 3) A tax recoupment fee in accordance with Cal. Gov't Code § 51142 shall be imposed on the owner of any land qualifying for immediate rezoning.

Table 12.02.030

**Rural Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:**

<b>A</b>	Allowed subject to zoning compliance and building permit issuance
<b>DP</b>	Development Permit required per Section 12.05.050
<b>UP</b>	Use Permit required per Section 12.05.060

**NP** Not Permitted  
**NA** Not Applicable

**Varies** Refer to listed Zoning Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>Zoning Sections</b>
<b>Residential Uses</b>					
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP	UP	NP	
Daycare Home, small family (6 or fewer children)	A	A	A	A	
Daycare Home, large family (7 to 14 children)	A	A	A	A	12.03.090
Daycare Center (more than 14 children)	UP	NP	UP	NP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	A	A	
<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>Zoning Sections</b>
Dwelling, Accessory and/or Junior Accessory Unit	A	A	A	A	12.03.191
Dwellings, Second Units consistent with allowed density	DP	DP	DP	DP	12.03.192
Dwellings, Multiple-Family	UP	UP	UP	UP	12.03.170
Dwelling Groups, consistent with allowed density	UP	UP	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	A	A	12.03.200
Employee Housing	A	A	A	A	12.03.100
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	12.02.074

Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	A	A	A	
Residential Guest Quarters	A	A	A	A	12.03.180
Temporary Model Homes	A	NP	NP	NP	12.03.120
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	12.03.150
<b>Commercial Uses</b>					
Bed & Breakfast Inns	UP	UP	UP	UP	12.03.050
Cemetery	UP	NP	UP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	12.03.070
Home Businesses	A	A	A	NP	12.03.110
Medical Clinics and medical support services, non-profit	UP	NP	UP	NP	
Nursery, Retail Plant	UP	UP	NP	NP	
Veterinary Hospitals and Clinics	UP	UP	UP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	

Commercial Cannabis Cultivation	Varies			NP	12.03.300
Industrial Uses					
None Listed					

<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>Zoning Sections</b>
<b>Agricultural, Resource, and Open Space Uses</b>					
Accessory structures incidental to an allowable use.	A	A	A	A	
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services	UP	UP	NP	NP	
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	A	A	A	12.03030
Agritourism Activities, Field Retail Stand and Farm Stand	A	A	A	NP	12.03.030
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				12.03.4-
Certified Farmers' Markets	DP	DP	DP	NP	12.03.030
Crop and Tree Farming	A	A	A	A	12.03.030
Development & processing natural resources (lumber mills)	UP	UP	UP	UP	
Kennels, commercial	UP	UP	UP	NP	
Mining, Mineral Exploration	Varies				12.03.22.D.2
Mining, Subsurface	UP	UP	UP	UP	12.03.210
<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>Zoning Sections</b>
Mining, Surface access to subsurface mining.	UP	UP	UP	UP	12.03.220
Mining, Surface (must include ME District). In TPZ district,	Varies				12.03.22

boulder collection only allowed subject to use permit and reclamation plan.					0
Power plants, private, including biomass fuel production	UP	NP	UP	NP	
Stables, commercial	UP	UP	UP	UP	
Wineries	A	A	A	NP	12.03.240
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	12.03.260
Woodyard	UP	UP	UP	UP	
<b>Institutional and Public Uses</b>					
Antennae, minor and certain non-commercial	A	A	A	A	12.03.080
Airports	UP	NP	UP	NP	
Churches	UP	NP	UP	NP	12.03.070
Communication Towers	UP	UP	UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	UP	UP	UP	
Public Utility Uses and Structures	Varies				12.03.140
Schools	UP	NP	UP	NP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	
<b>Recreational Uses</b>					
Camp, Low Intensity	UP	UP	UP	UP	12.03.060



Campgrounds, Low Intensity	UP	UP	UP	UP	12.03.060
Parks and Playgrounds	UP	UP	UP	UP	
Ski Tow Facilities	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	A	A	A	A	12.04.080

(Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

Table 12.02.030.E

**Rural Districts Site Development Standards Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Section 12.06.010)

**C/L** Centerline

**ZONING SECTION** Refer to listed Zoning Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>AG</b>	<b>AE</b>	<b>F R</b>	<b>TPZ</b>	<b>L-II Sections:</b>
<b>Setback Standards (5)</b>					
Front yard (ROW at least 50' in width)	20' from ROW		100' ROW		12.04.140.E
Front yard (ROW less than 50' in width)	45' from ROW C/L		100' ROW		12.04.140.E
Exterior yard (ROW at least 50' in width)	15' from ROW		100' ROW		12.04.140
Exterior yard (ROW less than 50' in width)	40' from ROW C/L		100' ROW		12.04.140
Interior yard (Parcel at least 3 acres)	30'		100'		12.04.140
Interior yard (Parcel less than 3 acres) (1)	30'		100'		12.04.140
Rear yard (Parcel at least 3 acres)	30'		100'		12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'		100'		12.04.140

Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)			
Building Height Limit	45' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 12.04.150.D		12.04.150
Maximum Impervious Surface (2) (6)	10%	5%	12.04.190
On-Site	Table 12.04.180.F.12.b		12.04.180
Signs	Sign Standards see Section 12.04.210.K		12.04.210
Maximum Density (dwelling units per acre)	Equivalent to the minimum parcel size		12.04.030.E.4.c
Minimum Road Frontage (3) (4)	200'	300'	
Minimum Parcel Size (3)	(3)	12.02.030.C	12.04.030.E.4.c

Footnotes:

- (1) Setbacks may be reduced on parcels less than three (3) acres subject to Section Building Setbacks, 12.04.140.
  - (2) Check General Plan Policy 1.23 for more restrictive standards.
  - (3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section governing Clustering, 12.04.050)
  - (4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.
  - (5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks, 12.04.140)
  - (6) Consistent with the General Plan Policy 1.24, maximum impervious surface may be increased to sixty (60%) percent for support uses requiring a use permit, except that in within the FR and TPZ Districts, the maximum surfacing for support uses may be increased to twenty (20%) percent for parcels five (5) acres or less in size without a Use Permit. In such instances, retention/detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.
- \* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2447. (03/13/2018); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2339. (07/12/2011); Ord. 2253. (10/23/2007); Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

## **Section 12.02.040 Commercial Districts**

### **A. Purpose of Section.**

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses that meet the needs of community, and provide employment opportunities, consistent with General Plan policy,

2. To provide adequate space to meet the needs of commercial development, promote high standards of site planning and design, and ensure compatibility with surrounding land uses,
3. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in commercial land uses.

B. Purposes of Individual Districts.

1. C1 (Neighborhood Commercial). The C1 District is intended to provide for the retail and service needs of nearby neighborhoods, and to provide limited mixed-use employment opportunities. Development is intended to be grouped as a clustered and contiguous center to preclude strip development.
2. C2 (Community Commercial). The C2 District is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas.
3. C3 (Service Commercial). The C3 District provides for specialized intensive repair and related service uses, which may have extensive storage needs and require convenient, controlled access to arterial or major collector roads to serve large geographic area. Such uses include the repair and service of equipment, materials, and products, and are often considered inappropriate in primary retail areas due to size or operating characteristics.
4. CH (Highway Commercial). The CH District provides commercial locations for highway-related and tourist services along state highways. Development within this District should be grouped as a contiguous center to preclude strip development, with convenient, controlled access to Interstate, freeway, or primary arterial routes. Such facilities should be designed and located to provide a broad range of services to the traveler and not to impede traffic.
5. OP (Office & Professional). The OP District provides areas for the development of professional and administrative offices and related uses and structures that complement other commercial centers and are considered compatible with adjacent residential and related land uses.

C. Standards. Within the C1, C2 and C3 Districts the following limitations shall be applicable to light industrial uses:

Light industrial uses that do not exceed thirty-three and one-third (33.3%) percent of the total gross floor area on a single commercial site. Only light industrial uses which generate impacts similar to, or less than, those of listed allowable uses within the district, shall be permitted, and no such use may be established until the primary commercial use has been established on the site. For the purpose of this Section, light industrial use shall include research and development, light assembly and production processes that do not generate dust, fumes, odors, or other emissions detectable from outside the building. Light industrial activities shall be conducted completely within an enclosed building and shall not include warehousing that is not related to a primary commercial use on the site. The following site-specific impact analyses shall be included with the submittal of the Use Permit application:

1. An analysis of land use impacts associated with the proposed light industrial use.
2. An analysis of site-specific air quality impacts associated with the project's stationary source emissions. The impact analysis shall define any chemicals and materials used in the manufacturing process and how emissions will be contained or mitigated.
3. An analysis of traffic impacts associated with the proposed light industrial use. The project shall demonstrate how traffic circulation would not conflict with that of existing or future retail commercial uses on the site.
4. An analysis of parking lot impacts, demonstrating that industrial use parking needs will not conflict with, nor consume area needed for, that of existing or future retail commercial uses on the site.
5. A list of chemicals to be used for manufacturing/industrial processes, and identification of potential impacts associated with the use of the chemicals. All industrial uses shall comply with the Nevada County Codes governing Land Use and Development for the handling and storage of hazardous materials. A copy of the list of chemicals and/or hazardous materials to be used or stored on site shall be provided to the Fire Agency with jurisdiction for the subject property.

6. An analysis of exterior noise levels associated with the project operations. No industrial use shall generate noise levels that are detectable outside the building that exceed the noise standards for the Commercial designation, as established by Nevada County General Plan.
7. An analysis of existing and potential public services for the proposed light industrial use.

In addition to the findings required by the conditional use permit, if approved, shall include the following findings:

- a. That the proposed use will not generate impacts greater than or different from, the listed allowable uses in the subject district; and
- b. That the proposed use will not affect the viability of the site to be developed for its primary commercial use.

Table 12.02.040.D

**Commercial Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:**

<b>A</b>	Allowed subject to zoning compliance and building permit issuance
<b>DP</b>	Development Permit required per Section 12.05.050
<b>UP</b>	Use Permit required per Section 12.05.060
<b>NP</b>	Not Permitted
<b>NA</b>	Not Applicable
<b>Varies</b>	Refer to listed Zoning Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES</b> <b>(See Section 12.01.040 for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>Zoning</b> <b>Sections</b>
<b>Residential Uses</b>						
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	

Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	
Community meeting facilities	UP	UP	UP	NP	UP	12.03.070
Daycare Center (more than 14 children)	DP	DP	NP	NP	NP	
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non- residential use, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere. Integral shall mean that all uses are designed and located so as to be visually and functionally related. <sup>(2)</sup>	UP	UP	UP	UP	UP	
Dwelling, Single Room Occupancy (SRO)	UP	UP	NP	NP	NP	12.03.171
Home Businesses, limited	Varies	NA	NA	NA	Varies	12.03.110
Emergency Shelter Housing	A	A	A	A	A	
Dwellings, Transitional/Supportive Housing <sup>(1)</sup>	UP	A	A	UP	UP	12.03.200

<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>Zoning Sections</b>
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	A	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	A	12.03.150
<b>Commercial Uses</b>						
Auditoriums	NP	UP	UP	NP	NP	
Auto and truck rental and leasing	NP	UP	DP	UP	NP	
Auto repair within an enclosed structure	UP	DP	DP	DP	NP	
Auto, truck, boat, motorcycle sales, including outdoor sales	NP	DP	DP	NP	NP	
Bars	UP	UP	NP	UP	NP	
Building Supply sales and storage	NP	DP	DP	NP	NP	
Car wash, automatic or self service	UP	DP	DP	DP	NP	
Cemetery	UP	DP	NP	NP	UP	
Commercial activities that normally require extensive storage areas including but not limited to, lumberyards, contractors' equipment yards, vehicle storage yards, and sales and storage of fuel.	NP	NP	UP	NP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	UP	12.03.070
Equipment rental and leasing	NP	UP	DP	NP	NP	

Fitness centers	UP	DP	DP	NP	UP	
Flea markets, permanent	UP	UP	UP	UP	NP	12.03.230
Funeral home, mortuary	UP	DP	DP	NP	UP	
Hospitals and Convalescent Homes	NP	UP	NP	NP	UP	
Hotel, motels	UP	DP	DP	DP	UP	
Kennels, commercial	NP	UP	UP	NP	NP	
Medical support services (i.e. ambulance services, laboratories)	DP	DP	NP	DP	DP	
Movie theaters	UP	DP	DP	NP	NP	
<b>Commercial Uses (cont'd)</b>						
Movie theaters, drive-in	NP	NP	NP	UP	NP	
Museum	NP	DP	NP	DP	UP	



Nursery, retail plant	DP	DP	DP	NP	NP	
Offices and services, including, but not limited to, financial institutions, insurance, and real estate office, business services such as duplicating, mailing, blueprinting, photocopying, and stenographic services, janitorial services, employment agencies	DP	DP	DP	NP	DP	
Parking facilities not attached to a specific use.	Varies	UP	UP	Varies	Varies	12.02.070
Personal mini-storage buildings for storage of household or personal goods (does not include the conduct of business from a storage building).	UP	UP	UP	NP	NP	
Personal services including, but not limited to, barber and beauty shops, laundromats, dry cleaners, photography studios, locksmiths, repair of consumer products, and taxidermies.	DP	DP	DP	DP	NP	
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	UP	DP	DP	DP	NP	
Restaurants, fast food	UP	DP	NP	DP	NP	
Restaurants, not including fast food	DP	DP	NP	DP	NP	
Retail sales conducted indoors.	DP	DP	DP	DP	NP	
Retail sales including outdoor sales or storage.	UP	DP	DP	DP	NP	
Service stations	DP	DP	DP	DP	NP	
Shooting ranges, indoor	NP	UP	UP	NP	NP	
Temporary Commercial Uses	A	A	A	A	NP	12.03.230
Veterinary hospitals and clinics	UP	UP	UP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	

<b>ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>Zoning Sections</b>
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	12.03.300
<b>Industrial Uses</b>						
Auto painting and bodywork within an enclosed structure.	NP	UP	UP	NP	NP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	A	A	
Recycling collection facilities	DP	DP	DP	DP	NP	
Limited light industrial uses	UP	UP	UP	NP	NP	
<b>Agricultural, Resource, and Open Space Uses</b>						
Field Retail Stand	NP	NP	NP	NP	NP	12.03.030
Farm Stand	DP	DP	DP	DP	DP	12.03.030

Certified Farmers' Market	DP	DP	DP	DP	DP	12.03.030
Crop and Tree Farming	A	A	A	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	Varies	Varies	Varies	12.03.220. D.2
Mining, Subsurface	UP	UP	UP	UP	UP	12.03.210
Mining, Surface vent and escape shafts (subsurface mining)	UP	UP	UP	UP	UP	12.03.220
Pre-Grading not associated with a specific development project	DP	DP	DP	NP	NP	12.03.280
<b>Institutional and Public Uses</b>						
Antennae, minor and certain non-commercial	A	A	A	A	A	12.03.080
Churches	UP	UP	UP	NP	UP	12.03.070
Communication Towers	UP	UP	UP	UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	DP	DP	DP	UP	

Public Utility Uses and Structures	Varies	Varies	Varies	Varies	Varies	12.03.140
Schools and Schools, trade	UP	UP	UP	NP	UP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
<b>Recreational Uses</b>						
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	DP	DP	DP	DP	DP	12.04.080

Footnote:

(1) Subject to Cal. Gov't Code §§ 65582, 65583 and 65589.5, as may be amended.

(2) Multi-Family Residential Uses shall be deemed an allowable use if the housing development project complies with the standards defined in Cal. Gov't Code §65852.24 - 65863.13 (the California Middle Class Housing Act of 2022). (Ord. 2467. (05/14/2919); Ord. 2533. (12/05/2023))

\* \* \* \*

### **Table 12.02.040.E**

#### **Commercial Districts Site Development Standards Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see Definitions in Zoning)

**C/L** Centerline

**ZONING SECTION** Refer to listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	C1	C2	C3	CH	OP	Zoning Sections
Setback Standards (1) (3)						
Front yard (ROW at least 50' in width) (4)	10' from ROW (with mean average 20')					12.04.140.E
Front yard (ROW less than 50' in width) (4)	35' from ROW C/L (with mean average 45')					12.04.140.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')					12.04.140
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')					12.04.140
Interior yard	0'					12.04.140
Rear yard	0' (Through Parcels: Rear = Front setback)					12.04.140
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)						
Building Height Limit	C2 & CH Districts = 45'					12.04.130

Building Height Limit	C1, C3, & OP Districts = 45' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D		12.04.130
Maximum Impervious Surface	85%	60%	12.04.130
On-Site Parking	Table 12.04.180.F.12.b		12.04.130
Signs	Sign Standards see Section 12.04.210.K		12.04.130
Minimum Road Frontage <b>(2)</b>	150'	70'	
Minimum Parcel Size <b>(2)</b>	15,000 s.f.	7,000 s.f.	12.04.030.E.4.C

Footnotes:

**(1)** Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 12.04.140G.

**(2)** The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.04.050)

**(3)** For arterial and collector roads, the front yard and exterior side yard setbacks shall be ten (10') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of twenty (20') feet. (See Section 12.04.140.F.)

**(4)** Significant landscaping shall be incorporated into this setback.

(Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017)); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013); Ord. 2339. (07/12/2011); Ord. 2253. (10/23/2007); Ord. 2090. (07/09/2002); Ord. 2037. (10/03/2000); Ord. 2533. (12/05/2023))

## Section 12.02.050 Industrial Districts

### A. Purpose of Section.

1. To provide appropriate industrial areas for the production, repairing, distribution, and warehousing of goods and equipment, research and development, and supporting commercial businesses and services, that meet

the needs of community and provide employment opportunities, consistent with General Plan policy,

2. To provide adequate space to meet the needs of industrial development, promote high standards of site planning and design, and ensure compatibility with surrounding land uses,
3. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in industrial land uses.

B. Purposes of Individual Districts.

1. BP (Business Park). The BP District provides areas for a variety of related uses, including manufacturing, distribution, processing, service, and research and development uses normally associated with light industries. The intent of this District is to encourage innovative and creative design in the provision of a variety of employment-oriented uses.

Development should be characterized by spacious and extensively landscaped settings that are attractive and environmentally sensitive. All uses shall be contained within a planned setting reflecting a “campus” character providing a high level of on-site amenities.

2. M1 (Light Industrial). The M1 District provides areas for the production, repairing, distribution, and warehousing of goods and equipment, along with supporting businesses and services. Uses should provide for buffering from adjacent land uses to minimize incompatibility and should have convenient, controlled access to arterial or major collector roads without passing through residential areas.
3. M2 (Heavy Industrial). The purpose of the M2 District is similar to that of the M1 District, except that allowed uses are potentially more intensive and may generate greater impacts on adjacent land uses, public facilities and services, and the environment.

C. BP Base District Standards.

1. Prior to any site development located outside of an adopted Area Plan, the Planning Commission shall approve a Comprehensive Master Plan for the entire site. See Comprehensive Master Plans and Specific Plans.
2. Accessory Uses. Limited uses that are customarily incidental and directly

related to the primary light industrial use may be permitted as part of a mixed use project. Such uses may provide supporting business and service activities for the primary light industrial use and accessory uses for on-site employees. Such uses may be permitted at the same time as or following the establishment of the primary light industrial use, but not before such establishment. It is not the intent of this District to accommodate single-use development which can be located in other districts.

3. **Interim Uses.** Prior to submittal of a Comprehensive Master Plan, interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, may be allowed, subject to the permitting requirements of tables below. An interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit authorizing the interim use shall establish time limits for the interim use.
4. **Minor Improvements.** Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 12.02.050.D. Minor improvements shall be limited to remodels that do not result in a more intense land use, and building additions that do not exceed ten (10%) percent of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

**Table 12.02.050.D**  
**Industrial Districts Allowable Uses and Permit Requirements Key to Land Use**  
**Permit Requirements**

<b>A</b>	Allowed subject to zoning compliance and building permit issuance
<b>DP</b>	Development Permit required per Section 12.05.050
<b>UP</b>	Use Permit required per Section 12.05.060
<b>NP</b>	Not Permitted
<b>NA</b>	Not Applicable
<b>Varies</b>	Refer to listed Zoning Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>Zoning Sections</b>
<b>Residential Uses</b>				

Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non-residential use, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	UP	UP	UP	
Dwellings, Multi-Family <sup>1</sup>	UP	NP	NP	12.03.170
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	12.03.150
<b>Commercial Uses</b>				
Accessory uses for employees, including fitness centers, and restaurants, when in combination with support uses does not exceed 10% of the gross floor area of the structures on site.	UP	DP	DP	
Auto repair within an enclosed structure.	NP	DP	DP	
Auto painting and body work within an enclosed structure.	NP	DP	DP	
Commercial activities that normally require extensive storage areas including, but not limited to, contractors equipment yard, vehicle storage yard, sales and storage of fuel, building/farm supply, equipment rental, kennels.	NP	DP	DP	
Daycare Facilities as an accessory, employee use when in combination with accessory uses, does not exceed 10% of the gross floor area of the business park.	UP	NP	NP	
Fitness Centers.	UP	UP	UP	
Flea Market, permanent.	NP	UP	UP	
Lumberyards.	NP	DP	DP	
<b>ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>Zoning Sections</b>
Parks if developed as employee accessory uses.	UP	UP	UP	
Parking facilities not attached to a specific use.	UP	UP	UP	
Personal mini storage buildings.	UP	UP	UP	
Shooting ranges, indoor.	NP	UP	UP	
Support uses for the primary light industrial use, including offices, services and retail sales associated with the marketing of products produced on-site, when in combination with accessory uses does not exceed area of the structures on site.	DP	DP	DP	
Temporary Commercial Uses.	A	A	A	12.03.230
Medical Marijuana Dispensary.	NP	NP	NP	

Commercial Cannabis Cultivation	NP	NP	NP	12.03.300
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<b>ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>Zoning Sections</b>
<b>Commercial Uses (cont'd)</b>				
Adult Businesses, Existing Structure.	NP	A	NP	12.03.290; 06.08.030
Adult Businesses, New Construction.	NP	DP	NP	12.03.290; 06.08.290
<b>Industrial Uses</b>				
Light industrial including research and development, the manufacturing, production, repairing, distribution, fabrication, processing, wholesaling, and warehousing of a wide variety of goods.	DP	DP	DP	
Any other intensive industrial use not allowed in the BP or M1 Districts.	NP	NP	UP	
Auto painting and body work.	NP	DP	DP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	
Hazardous waste management facilities for waste produced off-site.	NP	UP	UP	
Parking facilities not attached to a specific use.	Varies	NA	NA	12.02.070
Power plants, private, including biomass fuel production.	NP	UP	UP	
Ready mix, asphalt, or concrete plants.	NP	UP	UP	
Recycling centers.	NP	UP	DP	
Recycling collection facilities.	DP	DP	DP	
Research and development activities.	DP	DP	DP	
Salvage enterprises; auto, trucks, and equipment dismantling yards.	NP	NP	UP	
Storage of explosives.	NP	UP	UP	
Storage and distribution of bulk petroleum products.	NP	UP	UP	
<b>Agricultural, Resource, and Open Space Uses</b>				
Field Retail Stand	NP	NP	NP	12.03.030
Farm Stand	DP	DP	DP	12.03.030
Certified Farmers' Market	DP	DP	DP	12.03.030
Crop and Tree Farming	A	A	A	12.03.03



				0
Pre-Grading not associated with a specific development project	NP	DP	DP	12.03.280
<b>Institutional and Public Uses</b>				
Schools. Communication Towers	UP UP	NP UP	NP UP	12.03.080

Footnote:

(1) Multi-Family Residential shall be deemed an allowable use if the housing development project complies with the standards defined in Cal. Gov't Code §§ 65852.24 – 65863.13 (the California Middle Class Housing Act of 2022).

\*.\*.\*.(Ord. 2467. (05/14/19); Ord. 2533. (12/05/2023))

**Table 12.02.050.E**

**Industrial Districts Site Development Standards Key to Site Development Standards**

**ROW** Right-of-way, Ultimate (see Definition in this Chapter)

**C/L** Centerline

**ZONING SECTION** Refer to Listed Zoning (Title 12) for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>Zoning Sections</b>
<b>Setback Standards (1)</b>				
Front yard (ROW at least 50' in width) (3)	10' from ROW (with mean average 20')			12.04.140.E
Front yard (ROW less than 50' in width) (3)	35' from ROW C/L (with mean average 45')			12.04.140.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')			12.04.140
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')			12.04.140
Interior yard	30'	0'		12.04.140
Rear yard	30'	0' (Through parcels: Rear = Front setback)		12.04.140

<b>SITE DEVELOPMENT STANDARDS</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>Zoning Sections</b>
<b>Other Standards (See Sections 12.04.090 Design Standards &amp; 12.04.220 Resource Standards)</b>				
Building Height Limit	45'			12.04.13

			0
Fencing & Hedges	Table 12.04.150.D		12.04.150
Maximum Impervious Surface	60%	85%	12.04.190
On-Site Parking	Table 12.04.180.F.12.b		12.04.180
Signs	Sign Standards see Section 12.04.210.K		12.04.210
Minimum Road Frontage (2)	150'		
Minimum Parcel Size (2)	1.5 acres	15,000 s.f.	12.04.220.E.4.C

Footnotes:

(1) Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 4.2.5.G.

(2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.4.050.)

(3) Significant landscaping shall be incorporated into this setback.

\*.\*.\*.\*

(Ord. 2427. (01/24/2017); Ord. 2408. (01/26/2016); Ord. 2533. (12/05/2023))

## Section 12.02.060 Special Purpose Districts

A. Purpose of Section. The purpose of this Section is to provide for a variety of zoning districts that further the intent of the General Plan and implement specific Plan land use map designations.

B. Purposes of Individual Districts.

1. IDR (Interim Development Reserve). The IDR District is intended to be used as an interim zoning district to reflect and reserve the development potential of property designated as Planned Development and Special Development Area in the General Plan. It functions as a temporary holding zone and reserves the development potential of the property until a Zoning Map and a Comprehensive Master Plan and/or Specific Plan for the property has been

adopted consistent with Nevada County General Plan., and the property is rezoned to permanent specific zoning districts consistent with the above Plan(s). The District shall be combined with one or more zoning districts that shall include acreages consistent with the General Plan land use maps.

2. OS (Open Space). The OS District provides for areas of open space protected from development. This includes, but is not limited to, areas dedicated to recreation, resource and habitat preservation, and protection of environmental resources. Such areas may be in public ownership or private ownership where such areas are permanently devoted to open space through clustering or other open space requirements. This District shall allow only very low-intensity land uses that ensure consistency with the purpose of the District.
3. PD (Planned Development Base District). The PD Base District implements General Plan Policy to provide for development where mixed uses are desirable. This District provides for the comprehensive planning of a site in advance of any development, taking into consideration clustering of intensive land uses and maximizing conservation of open space in a manner sensitive to site capabilities and constraints. The intent of this District is to encourage innovative and creative design in the provision of a variety of mixed uses. This District is consistent with all General Plan designations provided the proposed land uses are consistent with those designations within which the project is located.
4. P (Public). The P District provides for areas occupied by Federal, State and local government agencies, or by a private entity under contract, agreement or franchise with a governmental agency if the use is a service or function normally provided by the agency entering into a contract or agreement or issuing a franchise.
5. REC (Recreation). The REC District provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the planning agency. See Comprehensive Master Plans and Specific Plans. All projects shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.

C. Planned Development Base District Standards. The PD District can be used to implement only one Plan designation or multiple designations as part of a mixed-use development. Planned developments provide for a mix of building types and land uses. They

should be comprehensively planned and under unified control. Planned developments often provide common areas and other amenities not found in standard types of development. Planned developments shall ensure that uses relate well to each other, both internally and to neighboring uses. The Board of Supervisors shall approve a Comprehensive Master Plan for the entire site at the time of the zoning amendment and prior to any site development. See Comprehensive Master Plans, Zoning Maps and Specific Plans.

1. **Allowed Uses.** Allowed uses include any use or combination of uses that are arranged and designed in such a manner as to result in a development that is internally compatible, compatible with surrounding uses, and consistent with the General Plan. Where this District implements the Planned Development or Special Development Area General Plan designations, or two (2) or more General Plan designations for a parcel or group of contiguous parcels, the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan. However, the area of a use (other than open space) may vary from that otherwise allowed by the Plan to accommodate site-specific conditions identified in the adopted Comprehensive Master Plan, provided the cumulative change does not exceed 5% of the total parcel(s) acreage. In no instance may the residential density allowed by the Plan be exceeded.
2. **Site Development Standards.** Except as noted below, all development standards applied to a project shall meet or exceed the standards contained in the base district that would typically be applicable to the use, as well as all standards as found in this Chapter.

However, when the Comprehensive Master Plan provides for not less than a 100-foot non-disturbance buffer around the entire edge of the parcel (excluding site access), standards less than provided for in this Chapter are permissible for the following: front yard, side yard, and rear yard building setbacks (fire safety provisions must be ensured through alternative means), fencing, walls, and hedges, outdoor trash enclosures, and minimum parcel size (cannot exceed that needed to meet public water and sewage disposal requirements).

3. **Processing.** A PD Base District application shall be processed as an amendment to the Zoning Ordinance and shall include the Comprehensive Master Plan. The application shall include all associated land use permit applications, including zoning compliance, Development Permits, Use Permits, and/or other permits to be processed concurrently with the zoning amendment. Phased developments shall include a list of future land use permits needed by type and time frame.
4. **Common Ownership Areas.** In planned developments with areas of common

ownership, the tentative map, dedications, covenants, and other legal agreements shall provide for the following:

- a. Give automatic membership with a non-profit property owners association or similar instrument.
- b. Place title to common property with the association, a non-profit land trust, or public agency.
- c. Appropriately and permanently limit the use of the common property, including but not limited to prohibiting further subdivision.
- d. Give each parcel owner the non-exclusive right to the use of the common property, subject to any applicable limitations established by the County.
- e. Assign the operation and maintenance of the common property to the homeowner's association or other entity approved by the County.
- f. Place 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.
- g. Restrict the use of the common property to the uses allowed by the applicable zoning and/or Conditional Use Permit.
- h. Establish a fire safety management plan providing for long-term vegetation management to minimize the fire hazard for such areas.

D. IDR Interim Development Reserve Standards.

1. General. No development may occur within the IDR District other than that provided for in Tables included in this Section without the adoption of a Zoning Master Plan and a Comprehensive Master Plan or Specific Plan, except for interim uses and minor additions as provided for in this Section. See Comprehensive Master Plan, Zoning Map, and Specific Plan criteria.
2. Interim Uses. Prior to submittal of a Zoning Map, Comprehensive Master Plan or Specific Plan, interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 12.02.060.F Except for single-family residential dwellings, an interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure

improvements. The land use permit approving the interim use shall establish time limits for the interim use.

3. Minor Additions. Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements. Minor improvements shall be limited to remodels that do not result in a more intense land use and building additions that do not exceed ten (10%) percent of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

E. REC Recreation District Standards.

1. General. The REC District provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the Planning Commission, except for interim uses and minor additions as provided in this Section. See Comprehensive Master Plan and Specific Plan criteria. All projects approved subject to a Comprehensive Master Plan shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.
2. Interim Uses. Prior to submittal of a Comprehensive Master Plan interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table in this Section. An interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit authorizing the interim use shall establish time limits for the interim use.
3. Minor Additions. Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements. Minor improvements shall be limited to remodels that do not result in a more intense land use and building additions that do not exceed ten (10%) of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

**Table Section 12.02.060.F**  
**Special Purpose Districts Allowable Uses and Permit Requirements Key to Land**  
**Use Permit Requirements:**

<b>A</b>	Allowed subject to zoning compliance and building permit issuance
<b>DP</b>	Development Permit required per Section 12.05.050
<b>UP</b>	Use Permit required per Section 12.05.060
<b>NP</b>	Not Permitted
<b>NA</b>	Not Applicable
<b>Varies</b>	Refer to listed Zoning Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES</b> <b>(See Section 12.01.040 D for Similar Uses)</b>	<b>IDR</b> <b>(1)</b>	<b>OS</b>	<b>PD</b> <b>(2)</b>	<b>P (3)</b>	<b>REC</b> <b>(4)</b>	<b>Zoning</b> <b>Sections</b>
<b>Residential Uses</b>						
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	NP		A	NP	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP		UP	NP	
<b>ALLOWABLE LAND USES</b> <b>(See Section 12.01.040.D for Similar Uses)</b>	<b>IDR</b> <b>(1)</b>	<b>OS</b>	<b>PD</b> <b>(2)</b>	<b>P (3)</b>	<b>REC</b> <b>(4)</b>	<b>Zoning</b> <b>Sections</b>
Daycare Home, small family (6 or fewer children)	A	NP		A	NP	
Daycare Home, large family (7 to 14 children)	A	NP		A	NP	12.03.090
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
Dwelling, Accessory and/or Junior Accessory Unit	A	NP		A	A	12.03.191
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	NP	NP		UP	UP	
Emergency Shelter Housing (6 or fewer people)	A	NP		A	NP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP		A	A	
Security Housing, Temporary	NP	NP		UP	NA	12.03.150

Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	NP		A	NP	
Temporary use of a mobile home or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	12.03.150
<b>Commercial Uses</b>						
Bed and Breakfast Inns	NP	NP		NP	UP	12.03.050
Community meeting and social event facilities	NP	NP		UP	UP	12.03.070
Fitness Centers	NP	NP		NP	UP	12.03.110
Parking facilities not attached to a specific use	NA	NA		Varies	NA	12.02.070 .10
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	NP	NP		NP	UP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	12.03.300
<b>Industrial Uses</b>						
None Listed						
<b>Agricultural, Resource, and Open Space Uses</b>						
Animal Keeping and Raising	Varies					12.03.040
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	DP	DP	12.03.030
Farm Stand	DP	NP	DP	DP	DP	1230.030
Certified Farmers' Markets	DP	NP	DP	DP	DP	12.03.030
Crop and Tree Farming	A	UP	A	A	A	12.03.030
<b>Agricultural, Resource, and Open Space Uses (cont'd)</b>						
Mining, Mineral Exploration	Varies					12.03.220 .D.2
Mining, Subsurface	UP	UP		UP	UP	12.03.210
Mining, surface (must include ME District)	NP	NP		UP	NP	12.03.220
Mining, surface access to subsurface mining	UP	NP		UP	UP	12.03.220



Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	12.03.220
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	12.03.260
Stables, commercial	NP	NP		NP	UP	
<b>Institutional and Public Uses</b>						
Antennae, minor and certain non-commercial	NP	NP		A	A	12.03.080
Airports or airstrips	NP	NP		UP	NP	
<b>ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)</b>	<b>IDR (1)</b>	<b>OS</b>	<b>PD (2)</b>	<b>P (3)</b>	<b>REC (4)</b>	<b>Zoning Sections</b>
Churches	NP	NP		NP	UP	12.03.070
Communication Towers	NP	NP		UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	NP		DP	UP	
Heliports	NP	NP	NP	UP	NP	
Hospitals	NP	NP		UP	NP	
Public Facilities and Uses	UP	NP		UP	UP	
Public Utility Uses and Structures	Varies					12.03.140
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
<b>Recreational Uses</b>						
Accessory and support uses related directly to a primary recreational use, including, but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre.	NP	NP		UP	UP	
Parks and Playgrounds	NP	UP		UP	UP	
Recreational activities, including, but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities.	NP	NP		UP	UP	
Trails, Pedestrian and Equestrian	A	UP		A	A	12.04.080
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	

Other Uses						
Continuation of any use which was lawfully established on the property before any such property was zoned IDR or PD.	A	NA	A	NA	NA	

Footnotes:

f

\* Uses that satisfy the permitting criteria for Administrative Development Permits, consistent with Table 12.05.050 of this Chapter, shall be processed with a Development Permit.

(1) All permitted uses must be consistent with Section 12.02.060.B.1, governing Interim Development Reserve.

(2) See Section 12.02.060.C, governing Planned Development Base District Standards for PD allowable uses and standards.

(3) All uses must be consistent with Section governing Public Districts, 12.02.060 B.4..

(4) See section for 12.02.060, REC standards.

\* \* \* \*

(Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

### Table Section 12.02.060.G

#### Special Purpose Districts Site Development Standards Key to Site Development Standards:

**ROW** Right-of-way, Ultimate (see Definition in this Chapter)

**C/L** Centerline

**ZONING SECTION** Refer to Listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	IDR	OS	P	P D	REC	Zoning Sections
<b>Setback Standards (1) (3) (4)</b>						
<b>Front</b> yard (ROW at least 50' in width)	20' from ROW				20' from ROW (with mean average 30')	12.04.140 .E

<b>Front</b> yard (ROW less than 50' in width)	45' from ROW C/L				(5)	45' from ROW C/L (with mean average 55')	12.04.140 .E
<b>Exterior</b> yard (ROW at least 50' in width)	15' from ROW					10' from ROW (with mean average 20')	12.04.140
<b>Exterior</b> yard (ROW less than 50' in width)	40' from ROW C/L					35' from ROW C/L (with mean average 45')	12.04.140
<b>Interior</b> yard (Parcel at least 3 acres)						30' (15' for parcels less than 1 acre)	12.04.140
<b>Interior</b> yard (Parcel less than 3 acres) (1)	30'						12.04.140 .G
<b>Rear</b> yard (Parcel at least 3 acres)							12.04.140
<b>Rear</b> yard (Parcel less than 3 acres) (1)							12.04.140 .G
<b>Other Standards (See Sections 12.04.090 Design Standards &amp; 12.04.220 Resource Standards)</b>							
Building Height Limit	45' or 3 stories, whichever is less				(5)	45'	12.04.130
Fencing & Hedges	Table 12.04.150.D						12.04.150
Maximum Impervious Surface	10%	5%	85%	(5)	10% (20% if < 5 acres)		12.04.190
On-Site Parking	Table 12.04.180.F.12.b						12.04.180
Signs	Sign Standards see Section 12.04.210.K						12.04.210
Minimum Road Frontage (2)	200'		None	(5)	100'		
<b>Minimum Parcel Size:</b>							
Parcel w/ public water & sewer (2)	5 acres	5 acres	None	(5)	0.5 acres		12.04.030.E .4.c
Parcel w/ public water or sewer (2)					1.5 acres		12.04.030.E .4.c
Parcel w/ private water & sewer (2)					3 acres		12.04.030.E .4.c

Footnotes:

- (1) Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 12.04.140.G.
- (2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.04.050)
- (3) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section 12.04.140.F)
- (4) For arterial and collector roads, the front yard setback shall be twenty (20') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of thirty (30') feet, and the exterior side yard setback shall be ten (10') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of twenty (20') feet. (See Section 12.04.140.F)
- (5) See Section 12.02.050.C for PD Standards.

(Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2533. (12/05/2023))

### **Section 12.02.070 Combining Districts**

Combining Districts are established to provide specialized consideration of unique or sensitive areas. When added to a base zoning district, the standards established in the combining district may require more or less restrictive regulations than those contained elsewhere in this Chapter. Except as noted, allowed uses within the base district are also allowed within each applicable combining district subject to approval of the same land use permit and level of review.

### **Section 12.02.071 Airport Influence Combining District (AI)**

A. Purpose. To establish extraordinary land use regulations beyond those in a base zoning district for certain properties surrounding the Nevada County Airpark and Truckee-Tahoe Airport to protect persons and structures on the ground from airport-related incidents and noise, and to prevent structural penetration of navigable airspace. This combining district is intended to implement the provisions of the Comprehensive Land Use Plans (CLUPs) for the Nevada County Airpark and Truckee-Tahoe Airport adopted by the Airport Land Use Commission (ALUC).

B. Uses Permitted. Allowed uses within the base district are also allowed within

this district subject to approval of the same land use permit and level of review. No use shall be permitted, and no use shall be operated or maintained in any manner that conflicts with the policies, standards or regulations contained within the CLUP. All uses permitted by the base district shall conform to the compatibility standards established in the CLUP for the appropriate Airport.

Existing land uses that are inconsistent may be continued. However, inconsistent land uses and structures may not be expanded or changed to another inconsistent use. Notwithstanding other provisions of this Code, when an existing inconsistent land use sustains damage or destruction of fifty (50%) percent of the value of the structure, subsequent use of the land must comply with the policies set forth in the CLUP.

C. Procedures. Prior to local review of any land use change, including General Plan or specific plan adoptions or amendments, rezoning, Development Permits, Use Permits or variances involving any property within the AI Combining District, the project shall first be reviewed by the ALUC which in turn will forward its finding of land use compatibility to the Planning Agency. The Planning Agency shall comply with ALUC's findings unless it is able to recommend to the Board of Supervisors that it overrules the ALUC's decision and finds that a hardship clearly outweighs the public health, safety and welfare objectives of the CLUP.

#### **Section 12.02.072 Historic Preservation Combining District (HP)**

A. Purpose. To identify and highlight areas of the County having natural or man-made features which are of cultural, archaeological or educational value. The HP District recognizes areas which are important to local, state and national history and provides for the identification, preservation and enhancement of the elements which reflect an area's or individual site's history. This District is intended to protect such historic structures and sites by requiring all new uses and alterations to existing uses to be designed with consideration for preserving and protecting the historic resource and to recommend complimentary, contemporary design and construction through the use of comprehensive Design Guidelines.

B. Establishment of HP Zoning.

1. The following standards shall be used in establishing HP District zoning, and shall be based on an analysis prepared by a qualified professional meeting the standards set by the Register of Professional Archaeologists:
  - a. Areas which exemplify or reflect special elements of the County's cultural, social, economic, political, aesthetic, engineering, mining or architectural history; or
  - b. Areas which embody unusual or remarkable characteristics of a style,

type of use, period of history, method of construction, or exhibit ingenuity in the use of indigenous materials or craftsmanship.

2. Applications to add the HP District shall include all of the following:

- a. An analysis prepared by a qualified professional meeting the standards set by the Register of Professional Archaeologists which meets the standards above.
- b. A written statement of the proposed district's historical importance or uniqueness.
- c. A map of the proposed District.
- d. An inventory of historic resources which describes both the quantity and quality of the District's resources.
- e. Sketches, drawings, photographs and/or other descriptive materials.
- f. Any other information requested by the Board of Supervisors.

3. The following findings shall be made a part of such enactment:

- a. That the special historic interest of the area, site, structure, or use has been identified;
- b. That the public health, safety and general welfare of the citizens of the County of Nevada are promoted through the safeguarding of the County's heritage.

C. Uses Permitted. Uses allowed within the base district are allowed within this District subject to this Section.

D. Standards. In any district with which the HP Combining District is combined, the site development standards may be reduced by the Planning Agency where, as a result of project and/or design review, it is determined that the reductions will result in a project that is consistent with existing, surrounding development, and the historic character of the district:

1. Setbacks.
2. Landscaping.
3. Parking space and parking lot design and construction standards.

E. Historic Preservation Advisory Council Establishment and Authority. The Board

of Supervisors, upon creation of an HP District, shall establish a Historic Preservation Advisory Council (HPAC) whose purpose and authority shall be to develop and recommend area-specific, exterior architectural standards for all projects, taking the following items under consideration:

1. The height, bulk, and area of structures.
2. Setbacks from property lines.
3. The color, textures and material of exterior walls.
4. The type, pitch and material of roofs.
5. The type, size and location of signs.
6. Landscaping and parking lot layout.
7. The relationship to other structures and/or uses in the area.
8. The architectural treatment of historic structures within the District. The HPAC may also provide assistance to the Planning Agency by:
  - a. Reviewing and commenting on district-related impacts of programs and planning initiated by the County, State or Federal Government; and
  - b. Promoting public information, educational and interpretive programs pertaining to historic, cultural and natural resources.

F. Historic Preservation Advisory Council Membership. Membership for HPAC shall consist of five (5) voting members as follows:

1. One (1) property owner in the HP District.
2. One (1) businessperson from the HP District. In the event that no commercial properties are located within the HP District, one additional property owner shall be appointed.
3. One (1) member-at-large.
4. One (1) member of a local merchant's association within the HP District, if such an association exists, and if not, then one additional member-at-large.
5. One (1) official member of a local recognized historical society, if such an

organization exists. If not, then one additional member-at-large.

The Board of Supervisors shall appoint all of the members. Terms of the appointed office holders of the HPAC shall be for a period of four (4) years. Two (2) members of the first appointed HPAC shall be for two (2) years and shall be determined by lot.

G. Procedure. When exteriors of properties within an HP District are to be developed, modified, altered, improved or demolished, the development shall first be reviewed by the HPAC. An application shall be filed with the Planning Department and shall be accompanied by such data and/or materials necessary for proper review of the proposed project and a filing fee adopted by the Board of Supervisors. Upon receipt of a complete application, a public meeting shall be scheduled for HPAC review within thirty (30) days.

If the HPAC reviews and finds the proposed structure, modification, alteration, improvement, or demolition incompatible with the purpose, intent and findings of this Section, the Planning Agency shall endeavor to have such plans changed to conform to said purpose, intent and findings of the District.

Any interested and aggrieved party may appeal any action of the Planning Agency in accordance with provisions governing Appeals in this Chapter.

H. Building Permit Issuance. In no event shall building permits be issued within the HP District until such plans have been reviewed by the HPAC.

I. Destruction or Alteration of Historic Structures Requires a Use Permit. No historic structures in any HP District shall be relocated, moved, torn down, demolished, destroyed, altered, improved, or otherwise changed in exterior appearance except as herein provided. Historic significance shall be determined by the age of the structure, important architectural features and/or the historical use of the structure and site, and shall be based on an analysis as prepared by a qualified professional meeting the standards as set by the Register of Professional Archaeologists. Any historic inventory, prepared and adopted by the County of Nevada, shall be used as a source of identifying such importance.

1. Any owner making any alteration on the exterior of a historic structure or intending to relocate such structure shall submit plans for HPAC review.
2. If any historic structure is damaged by natural disaster, including but not limited to earthquake, flood, or fire, the owner thereof may repair such structure if an HPAC recommendation for such repair is obtained.
3. If the structure is determined to be of historic significance, the HPAC shall review the proposed relocation/demolition for compliance with established guidelines.



4. If a historic structure is determined to be a public safety hazard by a licensed engineer, the demolition of such a structure shall be permitted.

### **Section 12.02.073 Mineral Extraction Combining District (ME)**

A. Purpose. The purpose of this District is to allow for surface mining and to provide for public awareness of the potential for surface mining to occur where adequate information indicates that significant mineral deposits are likely present. This District shall be used only on those lands that are within any of the compatible Nevada County General Plan designations and which are not in a residential zone.

B. Use Permitted. Allowed uses within the base district are also allowed within this District subject to approval of the same land use permit and level of review.

C. Uses Subject to a Use Permit. In the AG, AE, FR, M1, M2, P, and PD Base Districts, where the district symbol is followed by, as part of such symbol, the letters ME, the extraction of minerals by open-pit mining, quarrying, dredging, and related operations on the surface, including comminution, concentration, processing, waste disposal, tailings disposal, and the reclamation thereof shall be conditionally allowed subject to the regulations in section 12.03.220, governing Surface Mining Permits and Reclamation Plans.

D. Procedures. The primary purpose of this District is to inform the public of the existence of minerals and the potential for mineral extraction. However, inclusion within this district shall not alter the necessity for adequate environmental review, formal approval by the County, and compliance with the Surface Mining and Reclamation Act of 1975 for all mining operations. Inclusion within this district shall not alter the ability of the County to deny any mining operation where the County determines that such operation will have unacceptable impacts on the environment and surrounding land uses.

E. Standards for Creation of a ME District. In establishing the ME District, one (1) or more of the following standards must be met:

1. Said lands have been designated as Mineral Resource Zone-2 (MRZ-2) based on State of California Classification Reports.
2. It has been clearly demonstrated that significant mineral deposits are likely present on said lands based on data similar in nature to the State Classification Reports.

## **Section 12.02.074 Mobile home Parks Combining District (MH)**

A. Purpose. To provide special regulations for the establishing of Mobile home Parks in those zoning districts that permit residential uses, subject to the issuance of a Use Permit by the Planning Commission.

B. Standards. The MH District shall be attached to each park, establishing the following minimum standards:

1. The density of the Mobile home Park shall be limited to that allowed by the Zone District and General Plan designation of the property.
2. A mobile home parcel shall be a minimum of 3,500 square feet in area and not less than thirty-five (35') feet in width, except that parcels that have frontage on a cul-de-sac shall measure that width twenty (20') feet from the street frontage.
3. Each mobile home site or parcel shall have direct access to a private or public roadway.
4. Minimum yard setbacks from adjoining streets and properties shall be as set forth in the regulations of the zone district in which the mobile park is located.
5. Landscaping and solid fencing shall be provided that shall screen the Mobile home Park from the street and adjacent properties.
6. Not less than ten (10%) percent of the total area of the Mobile home Park shall be developed for recreational purposes prior to occupancy.
7. In no case shall more than one (1) occupied mobile home be located on any one (1) mobile home site or parcel.
8. In conjunction with a Mobile home Park development, an area composed of not more than twenty (20%) percent of the total area of improved spaces may be developed for recreational vehicles, subject to the following:
  - a. Length of stay permitted in the facility shall be reviewed as part the Use Permit.
  - b. Spaces shall not be subject to all provisions of this Section but shall be adequately delineated on the site plan.
9. Parking shall be required at a ratio of two (2) off-street parking spaces for each mobile home site plus one additional space for every three (3) mobile

home or recreational vehicles sites within the Park. Parking may be grouped off the individual site when it is determined that such grouping will be accessible to the mobile home sites. All parking shall be developed in accordance with this Chapter and tandem parking on each mobile home site or parcel is permitted.

10. Accessory Uses Permitted.

- a. One garage/carport and one storage building may be permitted for each mobile home site.
- b. Private parks, outdoor recreational areas, recreation structures, social halls, swimming pools and maintenance structures in conjunction with an approved Use Permit for a mobile home park.
- c. Commercial uses which are primarily for the convenience of the mobile home park residents, such as laundry and vending machines, provided that such uses are located in the interior of the development and that they shall not occupy more than 500 square feet per each fifty (50) mobile homes.

11. Street Design Standards.

- a. The streets within a Mobile home Park shall provide adequate vehicular circulation for the development and for the area in which it is located, including adequate width, radii and access for emergency vehicles. In no case shall any street designed for two-way traffic be less than thirty-six (36') feet in width. This standard may be reduced to twenty-four (24') feet where specific site and/or street design standards are provided to ensure preclusion of on-street parking and adequate maintenance of ingress and egress for emergency vehicles.
- b. All Department of Public Works requirements shall be complied with, including but not limited to base and paving improvements. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))

**Section 12.02.075 Planned Development Combining District (PD)**

A. Purpose. The purpose of this District is to allow residential development that allows support uses in a planned community and to allow for flexible standards in both residential and commercial/industrial development. This District is intended to ensure the following in development:

1. Comprehensive, innovative and creative design, including flexible site development standards.
2. Clustering intensive land uses to the maximum extent reasonably possible.
3. Maximum conservation and efficient use of open space, protection of sensitive environmental resources, and sensitivity to environmental constraints.
4. Facilitated use of the most advantageous construction techniques.
5. Provisions for a broad range of housing types and opportunities within the mix of land uses allowed.
6. Areas of common ownership, where applicable.
7. Provisions for ongoing ownership and maintenance of restricted areas to assure maintenance of the open space and environmental resources in perpetuity.

B. Allowed Uses. Use of the PD Combining District shall be limited to residential, rural, commercial, and industrial base districts. Allowed uses within the base district are also allowed within this district subject to approval of the same land use permit and level of review. Subject to the issuance of a Use Permit or concurrent with a tentative map, planned developments consistent with the purposes and standards of this subsection shall be allowed in addition to the uses allowed in the base district. In addition, within the General Plan Planned Residential Community designation, the following uses may be permitted in connection with said developments: private parks and recreation areas, recreation structures, clubs and social halls (including restaurants), playfields, playgrounds, maintenance facilities, and similar facilities. These uses shall be an integral part of the Comprehensive Master Plan and shall primarily serve the needs of the residents of the development.

C. Standards. All planned developments shall meet the following standards:

1. Be consistent with the General Plan and applicable area or specific plans.
2. Be consistent with the purpose of the base district and the PD Combining District.
3. Not exceed the residential density allowed by the applicable General Plan designation and base zoning district.

4. Meet all site development standards of the applicable base district and standards as found in Comprehensive Site Development Standards of this Chapter.
5. Ensure compatibility in terms of use and design with the surrounding land uses.

Except as noted below, all site development standards applied to a project shall meet or exceed the standards contained in the base district, as well as all standards as found in Comprehensive Site Development Standards of this Chapter. However, when the Comprehensive Master Plan provides for not less than a 100-foot non-disturbance buffer around the entire edge of the parcel (excluding site access), standards less than provided for in this Chapter are permissible for the following: front yard, side yard, and rear yard building setbacks (fire safety provisions must be ensured through alternative means), fencing, walls, and hedges, outdoor trash enclosures, and minimum parcel size (cannot be less than that needed to meet public water and sewage disposal requirements).

D. Comprehensive Master Plan. The application for a proposed planned development shall include a Comprehensive Master Plan.

E. Common Ownership Areas. In planned developments with areas of common ownership, the tentative map, dedications, covenants, and other legal agreements shall provide for the following:

1. Automatic membership with a non-profit property owners association or similar instrument.
2. Title to common property with the association, a non-profit land trust, or public agency.
3. Appropriate and permanent limit to the use of the common property, including but not limited to prohibiting further subdivision.
4. Right to the use of common property to each parcel owner, subject to any applicable limitations established by the County.
5. Operation and maintenance of the common property to the homeowner's association or other entity approved by the County.
6. 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.
7. Restricted use of the common property to the uses allowed by the applicable zoning and/or Conditional Use Permit.

8. A fire safety management plan providing for long-term vegetation management to minimize the fire hazard for such areas.

#### **Section 12.02.076 Potential Snow Avalanche Area Combining District (PSAA)**

A. Purpose. The purpose of this District is to identify those areas where, after investigation and study, the County finds that an avalanche potential exists because of steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall, and other interacting factors. Such PSAA District is established:

1. To identify those areas with a high, medium or low avalanche potential;
2. To give notice to the public of such areas;
3. To minimize health and safety hazards, disruption of commerce, and extraordinary public expenditures; and
4. To promote the general public health, safety and welfare.

B. PSAA District Boundaries Identified. The PSAA District boundaries shall be those specifically identified areas within the County subject to potential avalanche danger.

The study and report of Norman Wilson presented to the Board of Supervisors on December 20, 1982, are adopted identifying the standards for classification as the PSAA District, and identifying the locations of such areas, Red (high hazard) Zones, Blue (moderate hazard) Zones, and Yellow (low hazard) Zones, and which are available for public inspection in the Nevada County Planning Department.

Where only a portion of a parcel is affected by the district boundaries of the PSAA District, the provisions of this Section shall be applicable only if the district boundaries bisect any portion of any structure.

C. Use Restrictions. The following restrictions are hereby imposed upon construction, development, and use of all real property located within the PSAA District:

1. Utilities. All new utilities and new individual service connections installed after the effective date of these provisions shall be installed underground in order to minimize possible avalanche damage to said utilities and injury to persons or property.

2. Dangerous Deflection. Avalanche protective, deflective, and preventive structures, devices, or earthwork which threaten to deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property are prohibited.
3. New Subdivision or Parcel Maps. It shall be unlawful to create any new parcel within a Red or Blue PSAA unless said parcel is held in common with units in a planned development or zoned Open Space. The density allocated to the land use area within the PSAA District may be transferred to the remaining property that falls outside of the PSAA District.
4. Red Zone Standards. In addition to the restrictions listed in subsections 1- 3 above the following restrictions shall be applicable in the Red Zone:
  - a. New Construction. Applications for new construction designed for human occupancy, or repairs or remodels, repairs or additions exceeding fifty (50%) percent of the current value of the structure as shown on the most current County Rolls, shall be accompanied by plans signed by a licensed structural engineer certifying:
    - 1) That anticipated snow avalanche hazards have been determined by a recognized avalanche expert, and
    - 2) That the proposed structure will be safe under the anticipated hazards and that the structure complies with anticipated loads and conditions, and
    - 3) That such structure, device, or earthwork will not be a threat to or deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property.
  - b. Acknowledgment of Danger by Land Owner. Such application for new construction and/or repairs shall be accompanied by a written document signed by the property owner stating that such property owner understands and agrees that the avalanche forces set forth in the prepared study are to be considered minimum standards only, and that the County of Nevada does not represent, guarantee or warranty the ultimate safety of any construction, use or occupancy of structure constructed to those standards; and that such person understands and agrees that avalanches may occur with forces greater than those set forth in the proposed study.

D. Noticing Requirements.

1. Upon County-initiated rezoning of a property into a PSAA District, the Planning Department shall send, by certified mail, a copy of this Section together with a notification to each affected property owner of record that such property is within a PSAA District.
2. The Nevada County Department of Public Works shall post signs at suitable locations on the County roads that identify the boundaries of the “Red Zone” of the PSAA District. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))
3. All persons who rent, lease, or sublet any structure within a PSAA District, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner, shall:
  - a. At the time of such renting, leasing or subletting, provide to such person written notification that such property is located within the PSAA District.
  - b. Post written notice during the time period between November 1 and May 1, visible from the main winter entrance, that such property is located within the PSAA District and that additional information pertaining to such property may be obtained from the Nevada County Planning Department.
4. All persons who sell any structure within a PSAA District, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner shall, prior to the sale, provide to the buyer written notification that such property is located within the PSAA District.

E. Rezoning Out of the PSAA Zoning District. Any property owner within a PSAA District may request a rezoning out of this Combining District. A rezoning application must be accompanied by a report prepared by a recognized and qualified avalanche hazard expert that demonstrates that the avalanche hazard areas currently mapped and zoned on the property either do not exist or should be adjusted.

F. Violations. Violations of the provisions of this Chapter shall be punishable by any, or all, or any combination of the following:

1. By a fine, to be set from time to time by the Board of Supervisors.



2. By injunctive action requiring the erection or removal of protective, deflective, or preventive structures, devices or earthwork.
3. By injunctive action prohibiting the use or occupancy of any non-complying structure.
4. By making null, void and unenforceable any agreement by an owner to sell, rent, lease or sublet any structure within a PSAA District.
5. By liability for damages in the manner provided by law.

### **Section 12.02.077 Scenic Corridor Combining District (SC)**

A. Purpose. To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors.

B. District Regulations. In any district with which the SC District is applied, the land use regulations of the base district shall apply unless otherwise made more restrictive in this Section. The boundaries of the SC District shall be defined by the zoning district map based on an adopted scenic corridor study.

C. Applicability. The provisions of this Section shall apply to all Development Permits, Use Permits, and subdivisions. Where an adopted Area Plan or Specific Plan includes specific scenic corridor standards for the subject property, the adopted Plan standards shall take precedence.

D. The following standards shall apply to all applicable projects within the Scenic Corridor:

1. A Scenic Corridor Analysis shall be required for all applicable development. The analysis shall be submitted on forms provided by the Planning Department and shall describe the scenic and/or historic resources of the project setting, how the development will ensure compatibility with the scenic nature of the surrounding area, and how it will minimize impacts to identified scenic resources. If a Scenic Corridor Study has been adopted for the subject corridor, the analysis must be consistent with the adopted study.
2. Solid fencing within the front yard setback is prohibited. Fencing within the scenic corridor shall be landscaped to buffer its view from the roadway or adjacent properties. The scale, color, and materials used should be compatible with the site and surrounding viewsheds.

3. All structures and improvements shall comply with Community Design Standards.
4. Signs shall be designed to ensure compatibility with the scenic and natural character of the area. Monument signs shall be constructed with natural materials in colors compatible with the natural surroundings. No internally lit or neon-type signs shall be allowed.
5. Required parking shall not be allowed within the front yard setback.
6. Required landscaping may be increased up to fifty (50%) percent if needed to ensure the aesthetic quality of the proposed development.
7. All development shall be clustered in such a manner to ensure that impacts to the scenic corridor are minimized. Proposed parcels within a subdivision shall be clustered away from the corridor.
8. The front yard setbacks established for the base district shall be considered a minimum and shall be reviewed for conformity with the form and aesthetics of the corridor.

E. Approval. The action taken by the Planning Agency shall be final unless appealed to the Board of Supervisors.

#### **Section 12.02.078 Site Performance Combining District (SP)**

A. Purpose. To provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements shall ensure consistency with, and further the intent of, all General Plan policies.

B. Establishment of SP District Regulations.

1. The SP District shall restrict the use of land and/or structures and establish all other conditions in accordance with the specific ordinance establishing the zone district for the affected property or land area. The ordinance shall have the ability to establish the permitted and prohibited uses of the land, site development standards, public service and utility requirements, and the size, height and use of structures provided that the land usage provisions of the SP District are not less restrictive than the base zone district.
2. Refinements or limitations to uses or standards established by the ordinance enacting the SP District shall be reflected by either stating the more restrictive types of use(s), site development standards, public sewer and utility requirements, etc., as part of the adopting ordinance or, by appending to the ordinance a copy of the specific site development plan reflecting the

applicable refinements or limitations.

The SP District shall be designated on the Zoning District Map following the underlying base zoning district by the symbol SP, and the adopting ordinance number in parenthesis.

Example: A rezoning from the AG District to include the SP District would be AG-SP (#99-99).

C. Amendments. The use of any land covered by the ordinance which establishes the SP District shall run with the land until changed or eliminated by the adoption of a new zoning ordinance for said land.

1. Any amendment to the provisions of the ordinance covered by land zoned with the SP District will require a rezoning petition.
2. If a Development Permit or Use Permit is filed with the request to rezone the property into the SP District, the effective time limits for the establishment of the use shall be as provided for in this code.
3. Notwithstanding any provision contained herein, a Development Permit filed or Use Permit may be changed consistent with the provisions of this Code.

#### **Section 12.02.079 Subdivision Limitation Combining District (X)**

A. Purpose. The purpose of the X District is to prohibit further subdivision of the property in order to mitigate the cumulative adverse environmental impact of successive divisions of land and to preserve the rural character of the property.

B. Standards.

1. When property is zoned with the X Combining District, there shall be no changes to the parcels shown on the final or parcel map which would increase overall density or create additional building sites. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))
2. Rezoning from the X Combining District shall only be approved where the following findings are made:
  - a. The rezoning is not inconsistent with the purpose of this Section; and
  - b. The rezoning does not conflict with any specific findings that were the basis for adopting an environmental document applicable to the X zoning of the subject property; and
  - c. The rezoning does not conflict with any specific findings that were the basis for approving the subdivision associated with the X

zoning of the subject property; and

- d. The rezoning is in the public interest.

Financial hardship on the applicant shall not be a basis for approval of such a rezoning.

### **Section 12.02.710 Rural Center Combining District (RC)**

A. Purpose. To recognize and preserve the character of existing, multi-purpose Rural Centers identified by the General Plan, by eliminating large areas of nonconformities that were created by subsequent zoning and current site development standards. It is the intent of the RC Combining District to promote development within Rural Centers by allowing for flexible site development standards.

B. Uses Permitted. Uses allowed within the base district are allowed within the RC Combining District, subject to the level of review and approval established for the base district or as modified herein or by an RC District established for an individual Rural Center.

C. Establishing RC Zoning. The following standards shall be used to establish an RC Combining District zoning for an individual Rural Center:

1. The Rural Center shall be a viable, multi-purpose center that provides for a variety of uses and services to the surrounding rural region.
2. The Rural Center shall include unique features that exemplify or reflect the County of Nevada's scenic, historic or natural qualities.
3. The Rural Center shall be constrained by current development standards that preclude or severely restrict development of existing sites for their intended use.

D. Standards. Within any District in which an RC District is combined, the following site development standards may be reduced or modified for development, if allowed for by the ordinance adopting the RC District for a specific rural center, subject to the following:

1. Required building setbacks may be reduced to ensure consistency with established structures or for substandard sized lots, as specified by the RC District established for each Rural Center.
2. Required landscaping may be reduced as specified by the RC District established for each Rural Center.

3. Permanent open space required by this Chapter may be reduced or modified for sites less than one (1) acre in size as specified by the RC District established for each Rural Center.
4. Required Parking.
  - a. The number of required on-site parking stalls may be reduced provided that parking is available offsite as provided herein, or, where the applicant can demonstrate to the satisfaction of the Planning Agency that existing conditions justify a reduction and will not result in a parking deficiency.
  - b. Off-site or shared parking may be allowed if approved by the Planning Agency as part of a land use permit or as determined by Zoning Compliance, subject to the following conditions:
    - 1) On-street parking is authorized and approved by the public agency responsible for street maintenance and safety; or
    - 2) The off-site parking is available to serve the general public and is not restricted to serving an existing use;
    - 3) The off-site parking is constructed in compliance with all applicable on-site parking standards; and
    - 4) To ensure the perpetuation of public off-site parking when such parking is placed on a parcel not containing the use the parking is intended to serve, an irrevocable grant to the public of a right by the owner or developer for parking as public parking shall be recorded in the Office of the County Recorder. Said grant of right shall be on forms provided by the Planning Department and shall be approved as to form and content by the Nevada County Counsel. This dedication of public off-site parking may be terminated by an appropriate conveyance approved by the County at such time as the underlying use(s) of the property requiring such grant is/are expired.
  - c. For the purpose of this Section, shared parking shall refer to parking facilities on a single site that serves two (2) or more nonresidential uses with different peak hour demands.

E. Mixed-Use Development. Where identified as a goal for the RC District established for an individual Rural Center, mixed-use development shall be allowed as a permitted use,

concurrent with commercial or industrial development.

F. Public Areas. Where specifically identified as a goal for the RC District established for an individual Rural Center, pedestrian improvements on improved or unimproved lands are allowed within any zoning district for the purpose of creating a community or town square or plaza.

G. BP Zoning District. Development of Business Park sites within the RC district shall be designed with an emphasis on small-scale processing, service, and research and development uses, in conjunction with a residence for the owner or operator on the site. The Comprehensive Master Plan requirements of Zoning Regulations may be modified to fit each Rural Center as identified in the RC district established for an individual Rural Center.

H. Nonconforming Structures. Legally established nonconforming structures may be repaired, altered or reconstructed, without limitation, if the structure has been approved by the Nevada County Historical Landmark Commission and registered by the Nevada County Board of Supervisors, as a historical landmark.

I. Limited Home Businesses. Where specifically identified and as an allowed use by the RC district established for a Rural Center, may be operated within commercial districts.

J. Design Review. Design review for development projects within an RC District shall be required, consistent with this Chapter and with any adopted Rural Center Design Guidelines adopted for an individual Rural Center.

K. Findings. Reductions to any of the above standards shall require findings by the Planning Agency with permitting authority, that, as a result of project review and/or design review, the following findings can be made and supporting reasons cited, for each reduced standard:

1. That the reduction of the standard is necessary for reasonable development of the site, as demonstrated by an analysis of the site constraints identified for the specific site, or as identified by an Area Plan, Community Plan, or Specific Plan adopted for the Rural Center;
2. That the reduction of the standard will not jeopardize the health, safety or welfare of the project site, or the character of the Rural Center, as demonstrated by an analysis of the site; and
3. That as a result of the reduced standard(s), the project will be consistent with all applicable design standards and/or goals established for the Rural Center by an adopted Area Plan, Community Plan, or Specific Plan.

L. Amendments. Any amendment to the provisions of the ordinance established for a Rural Center zoned with an “RC” Combining District shall require a rezone petition.

### **Section 12.02.711 Regional Housing Need Combining District (RH)**

A. Purpose. The purpose of the Regional Housing Need (RH) Combining District is to increase the supply of affordable and multi-family housing for persons and families within the extremely-low, very-low and low income categories by designating sites for development at sixteen (16) to twenty (20) units minimum per acre in order to meet the requirements of the Regional Housing Need Allocation (RHNA) as required by Cal. Gov’t Code § 65584.

B. Standards. The RH Combining District allows for the following:

1. Designation of the Regional Housing Need (RH) Combining District. The Regional Housing Need (RH) Combining District shall only be applied to those parcels designated by the Board of Supervisors in advance of the County Housing Element adoption; as a part of the Housing Element update process; as a part of the implementation of the Housing Element goals, policies and programs; or where it can be reasonably demonstrated that the rezoning of the site is necessary to meet the goals of the RHNA.
2. Site Selection Criteria. For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:
  - a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in this Code. A private landowner, however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
  - b. The site is currently undeveloped, or it can be demonstrated that the site is underdeveloped.
  - c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standards in this Code.
  - d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to this Section below.

- e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.
  - f. The site is located on or is within reasonable walking distance to a public transit route.
  - g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
  - h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.
3. Density. The density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated sixteen (16) units minimum per acre but will allow for a maximum of twenty (20) units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Resource Standards sections of this Code and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. The number of potential units will be determined by multiplying the developable acreage by 16. Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.
4. Lesser Densities and Interim Uses. Lesser densities and interim uses within the Regional Housing Need (RH) Combining District shall be allowed when consistent with the allowed uses shown within the Allowed Use Tables for an individual Base Zoning District subject to the standards applicable to development within that Base Zoning District. Should a site be developed with a lesser density or interim use, the site must include a plan that provides basic details on how the interim use or lesser density will not impact the sites ability to be otherwise developed at the density shown in this Section.
5. Master Planning. Where contiguous or adjacent parcels are designated under the Regional Housing Need (RH) Combining District, any development



proposal for one parcel may be required to include a Comprehensive Site Plan for development of all contiguous or adjacent parcels which are also designated under the Regional Housing Need (RH) Combining District. The purpose of the Comprehensive Site Plan is to define interior circulation patterns, exterior site access, fire access to all parcels, infrastructure improvements, and common area locations and amenities.

6. Density Bonus. Projects designed in accordance with the County's Density Bonus provisions set forth in this Section shall be eligible for the applicable concessions and incentives outlined within those Sections.
7. Energy and Environmental Efficiency. Multi-family housing developed within the Regional Housing Need (RH) Combining District is encouraged to utilize energy efficient design techniques and environmentally sensitive design and building materials.
8. Management Plan. With all development, there is the potential for the encroachment into Sensitive Environmental Resources, defined in "Resource Standards", to ensure a development will fit onto a site. This may be allowed if a Management Plan prepared consistent with this Code and is approved by the County prior to Building Permit Issuance.

C. By-Right Development. When required by State law, notwithstanding the requirements of the residential uses shown with the Base Zoning Districts Allowable Use Tables, sites within a Regional Housing Need (RH) Combining District shall be developed by-right in that the use and density shall not require a Use Permit, Planned Unit Development Plan or other discretionary action for the use or density of that site. For these sites, the following standards and alternative process shall apply:

1. The developable acreage of the site and the required number of units will be determined as shown in Section 12.02.711 b of this Chapter.
2. Environmental review, as required by the California Environmental Quality Act (CEQA), will be completed as part of the process for the rezoning of such sites into the Regional Housing Need (RH) Combining District to address the uses and minimum densities allowed by the Regional Housing Need (RH) Combining District. Subsequent environmental review may be required if, and to the extent, necessary to comply with CEQA.
3. In addition to assigning density, the Regional Housing Need (RH) Combining District shall outline site specific development standards and

any CEQA mitigation measures adopted for each site at the time the site is rezoned. All identified site specific development standards and CEQA mitigation measures shall be included within the Regional Housing Need Implementation Plan and all development of multi-family housing on a Regional Housing Need (RH) site shall be done in compliance with said Plan.

4. All development proposals within the Regional Housing Need (RH) Combining District, which meet the by-right provision, are subject to Zoning Compliance and Building Permit issuance and the payment of all applicable building permit and mitigation fees which are otherwise applicable to the development proposal.
5. Development proposals shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site.
  - a. Residential development projects in which at least twenty (20%) percent of the units are affordable to lower income households shall not be subject to design review if proposed on parcels that have been identified in two or more consecutive Housing Element planning periods to accommodate the Low or Very-Low income category of the Regional Housing Need Allocation (RHNA).
6. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable public utility, water and sewer service provider demonstrating that adequate public utilities, water and sewage disposal is available to accommodate the use and minimum densities required for a site. If the property does not have direct access to adequate public utilities to serve the anticipated development of the site, it shall be the responsibility of the property owner or developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.
7. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable fire protection district and/or agency demonstrating that the site has adequate fire flow, emergency escape routes, fire equipment access and is designed to meet all applicable requirements of the California Fire Code (Cal. Code Regs. Tit. 24 § 9).
8. If a property does not have direct access to a County maintained roadway,

it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the County maintained road system, if required by the Department of Public Works. If roads are determined to be inadequate, in width, size, surfacing, capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Department of Public Works prior to issuance of a certificate of final occupancy.

9. Subdivision. Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Title 13, Subdivisions of this Code. Where a tentative map is proposed, the public hearing may be expanded to address findings under the Subdivision Map Act. Wherever possible the environmental review performed at the time the site was designated under the Regional Housing Need (RH) Combining District will be utilized in the processing of the subdivision.

D. Mixed-Use Development. In the event that a site has a Commercial, Industrial, Office Professional or Business Park Base Zoning District and is combined with an RH overlay, the site shall be developed with a use consistent with the Base Zoning District, subject to the development standards shown within said district, prior to or in conjunction with mixed-use residential that can be either vertically or horizontally mixed. The use and minimum density of the residential portion of the site shall be exempt from discretionary review if developed at a density consistent with Regional Housing Need Combining District but shall be subject to the above standards and Zoning Compliance and Building Permit issuance.

#### **Section 12.02.712 Continuing Care Retirement Community Combining District (CCRC)**

A. Purpose. The Continuing Care Retirement Community Combining District (CCRC) is intended to provide for housing and care services in an age-restricted setting that includes independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing. The concept of CCRCs is to support “aging in place” communities that promote and encourage a wide range of living arrangements for senior citizens that includes physical and programmed social connectivity, and supportive health-related and similar services. CCRCs shall be combined with a PD (Planned Development) District. The location and site planning characteristics of CCRCs shall be carefully considered pursuant to policy provisions contained within the General Plan and will

emphasize clustering of development, preservation of open space, and minimizing adverse impacts to the character and lifestyles associated with neighborhoods near the project site.

B. Uses Permitted. Uses allowed within the base district are allowed within the CCRC Combining District, subject to the level of review and approval established for the base district or as modified herein.

The CCRC Combining District shall also permit, subject to approval of a Use Permit, the following uses:

- Independent Living Units
- Assisted Living Units
- Nursing Care
- Physical Rehabilitation
- Memory Impairment Housing
  
- Ancillary uses supporting the primary CCRC use and providing service to CCRC residents, employees and guests, including: dining facilities, convenience retail, gift shops, service commercial, laundry facilities, arts and crafts buildings, gardens, indoor and outdoor recreational facilities, and maintenance facilities.

C. Establishing CCRC Zoning. The following general objectives and requirements shall be used to establish CCRC Combining District zoning for an individual CCRC use:

1. The Continuing Care Retirement Community shall provide senior housing and care services in an age-restricted setting that includes a mix of housing options that may include independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing.
2. The Continuing Care Retirement Community shall emphasize clustering of development, preservation of open space, and minimizing adverse impacts to the character and lifestyles associated with neighborhoods near the project site.
3. The Continuing Care Retirement Community shall require approval of a Use Permit (with corresponding Master Plan) from the Planning Commission.

D. The Continuing Care Retirement Community shall be subject to compliance with the provisions of the California Environmental Quality Act. Standards. The following standards shall apply to new CCRC development applications:

1. The CCRC development is age restricted to adults fifty-five (55) years of age

and older.

2. Minimum collective CCRC project size shall be fifty (50) acres in Rural Regions and twenty (20) acres in Community Regions.
3. Maximum CCRC density shall not exceed two (2) units per acre in Rural Regions and six (6) units per acre in Community Regions. CCRCs shall have a maximum of 400 living units. Nursing Care and/or Memory Care beds shall be included in the overall project density calculations at a ratio of four (4) beds and one (1) kitchen per living unit. Maximum number of persons per acre to be determined in conjunction with processing of Use Permit.
4. For CCRCs located in Rural Regions, development shall be clustered on the project site; with at least fifty (50%) percent of the total project site (parcel) area shall be open space. Open space shall be generally contiguous, accessible to residents where topographic and other natural site and environmental features allow, and projective of sensitive habitat areas and significant natural features.
5. Setbacks: The minimum building setback from adjacent property lines shall be thirty (30') feet for residential structures and fifty (50') feet for administrative, dining hall and related ancillary uses. Setbacks for active outdoor use areas shall not be less than thirty (30') feet.
6. Building Heights: The maximum height of each structure shall not exceed three (3) stories and forty-five (45') feet.
7. Housing types may vary, including a mix of attached and detached residences for independent and assisted living.
8. Adequate recreational facilities shall be constructed with each CCRC project, providing for both indoor and outdoor recreational activities, with at least two acres devoted to outdoor recreational areas (which may include trails, play courts, and active open space areas).
9. Support retail uses shall not exceed 1,500 square feet of building space per use.
10. CCRCs must have reasonable proximity to emergency health care services.
11. CCRCs must include the following minimum range of services:
  - a. Provide and operate ADA equipped transportation services for use by facility residents.

- b. Provide on-site community dining facilities and services, offering a minimum of two (2) meals/day.
  - c. Offer a range of on-site personal services for facility residents to help support a self-contained, “village” environment. These services can include: community-serving general store, beauty shop/barber shop, post office/mailbox room, personal business services, entertainment center, recreation facilities, and similar uses which are of an accessory and supportive nature to the primary CCRC use.
  - d. Central laundry service.
  - e. On-site Nursing Care, CMT personnel and/or contract medical care for weekly or bi-weekly visits from professional medical staff for facility residents.
  - f. On-site, outdoor recreational facilities. This can include swimming pools, trails, play courts and similar improvements and features.
12. Parking: On-site parking shall be provided as noted below. The number of required onsite parking stalls may be reduced provided the applicant can demonstrate to the satisfaction of the Planning Agency that existing conditions justify a reduction and will not result in a parking deficiency.
- a. Independent Living Units: One (1) stall per unit.
  - b. Special Care Units: One (1) stall per four (4) beds.
  - c. Administration: One (1) stall per 300 square feet of gross floor area.
  - d. Employees: One (1) stall per each non-administration employee on shift.
  - e. Guest Parking: One (1) stall per each three (3) units.
  - f. Truck Loading Zone: One (1) space in proximity to the main dining or administrative building.
  - g. Parking stall dimensions and locations shall be consistent with Section 12.04.180 of the County Zoning Regulations.
13. Landscaping: Shall be pursuant to an approved Master Plan for the project

site.

14. Lighting: Shall be pursuant to an approved Master Plan for the project site.

15. Signage: Shall be pursuant to an approved Master Plan for the project site.

E. Development Agreements. CCRC project applicants may be required to enter into a Development Agreement with the County to address key development responsibilities of each party, posting of necessary sureties related to project phasing, provision of necessary infrastructure, and other issues. The determination of whether a Development Agreement is required will be made by the County following review of project application materials.

F. Other Agency Approvals. The project shall obtain all necessary local and State agency and permit approvals, including, as necessary, a certificate of authority and a residential care facility for the elderly (RCFE) license from the California Department of Social Services. Operations of CCRC shall comply with all applicable Community Care licensing laws and regulations.

G. Non-Conforming Structures. Legally established non-conforming structures may be repaired, altered or reconstructed, without limitation, if the structure has been approved by the Nevada County Historical Landmark Commission and registered by the Nevada County Board of Supervisors, as a historical landmark.

H. Design Review. Each CCRC Master Plan shall include detailed architectural renderings and plans to allow the Planning Agency to undertake project design review with each Master Plan application, and shall respond to the following provisions:

1. Architectural planning and design shall incorporate energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, etc.
2. Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights and design to minimize any intrusion on neighbors.
3. Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
4. Structures shall be clustered to reduce site disturbance and protect open spaces, natural and environmentally sensitive areas.

5. Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design features.
6. Building design, colors and materials shall generally correspond to the natural setting of the project site, and to any prevalent design styles that may occur in neighborhoods within the general project area.

I. Findings. A CCRC application may be approved, subject to compliance with the following findings:

1. CCRCs shall be served by public water and public sewer facilities (community sewer systems referenced by General Plan policy 3.1 are not allowed). Extension of services for CCRCs shall be carefully considered by the County, including evaluation pursuant to the following criteria:
  - a. Public water and sewer service line extensions shall be generally limited in distance into Rural Regions unless findings can be made demonstrating special circumstances for longer service line extensions.
  - b. Public water and sewer service line extensions to serve a CCRC facility shall not pass through lands designated as Open Space, Recreation or Forest in the General Plan.
  - c. Extension of public water and sewer service lines shall not create significant potential for development in areas not otherwise planned for development under the General Plan.
  - d. Extension of public sewer and water services must comply with applicable provisions of the particular service provider and County policy as a condition of extension of water and/or sewer services to the project site, including annexation into service area boundaries where required.
2. Any Rezone application for a CCRC Combining District shall carefully consider any issues of compatibility of the proposed project with surrounding lands and neighborhoods. This shall include an evaluation of:
  - a. The type, intensity and location of land uses in the project area.
  - b. Potential for creation of any significant



transportation/circulation, aesthetic, noise, visual and other environmental considerations.

- c. Evaluation of the proposed CCRC site plan, including proposed structural and use area setbacks from property lines.
  - d. Protection of the project area's general character of surrounding land uses and neighborhoods.
3. Reductions to any of the above standards shall require findings by the Planning Agency with permitting authority, that, as a result of project review and/or design review, the following findings can be made and supporting reasons cited, for each reduced standard:
- a. That the reduction of the standard is necessary for reasonable development of the site, as demonstrated by an analysis of the site constraints identified for the specific site, as identified within the project Master Plan;
  - b. That the reduction of the standard will not jeopardize the health, safety or welfare of the project site, or the character of the CCRC, as demonstrated by an analysis of the site; and
  - c. That as a result of the reduced standard(s), the project will be consistent with all applicable design standards and/or goals established for the CCRC through the project Master Plan.
4. That such reductions in development standards do not result in project inconsistency with the General Plan.

J. Amendments. Any amendment to the provisions of the ordinance established for a Continuing Care Retirement Community zoned with a "CCRC" Combining District shall require a rezone petition. (Ord. 2363. (04/09/2013); Ord. 2533. (12/05/2023))

## **CHAPTER 3: SPECIFIC LAND USES**

### **Sections:**

<b>Section 12.03.010</b>	<b>Purpose</b>
<b>Section 12.03.020</b>	<b>Applicability</b>
<b>Section 12.03.030</b>	<b>Agricultural Uses</b>
<b>Section 12.03.040</b>	<b>Animal Keeping and Raising</b>
<b>Section 12.03.041</b>	<b>Backyard Chicken Keeping</b>
<b>Section 12.03.050</b>	<b>Bed &amp; Breakfast Inns</b>
<b>Section 12.03.060</b>	<b>Campgrounds and Camps, Low-Intensity</b>
<b>Section 12.03.070</b>	<b>Churches, Community Meeting and Social Event Facilities</b>
<b>Section 12.03.080</b>	<b>Communication Towers and Facilities</b>
<b>Section 12.03.090</b>	<b>Daycare Home, Large Family and Small Family</b>
<b>Section 12.03.100</b>	<b>Employee Housing</b>
<b>Section 12.03.110</b>	<b>Home Businesses</b>
<b>Section 12.03.120</b>	<b>Model Homes, Temporary</b>
<b>Section 12.03.130</b>	<b>Natural Resources – On-Site Uses</b>
<b>Section 12.03.140</b>	<b>Public Utility Uses and Structures</b>
<b>Section 12.03.150</b>	<b>Recreational Vehicle Use and Temporary Occupancies</b>
<b>Section 12.03.160</b>	<b>Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing</b>
<b>Section 12.03.170</b>	<b>Residential Dwellings, Multiple-Family</b>
<b>Section 12.03.171</b>	<b>Single Room Occupancy Units</b>
<b>Section 12.03.180</b>	<b>Residential Guest Quarters</b>
<b>Section 12.03.190</b>	<b>Accessory and Second Dwelling Units</b>
<b>Section 12.03.191</b>	<b>Accessory and Junior Accessory Dwelling Units</b>
<b>Section 12.03.192</b>	<b>Second Dwelling Units-Consistent with Allowed Density</b>
<b>Section 12.03.193</b>	<b>Second Dwelling Units-Consistent with Government Code Section 65852.21</b>
<b>Section 12.03.200</b>	<b>Transitional and Supportive Housing</b>
<b>Section 12.03.210</b>	<b>Subsurface Mining</b>
<b>Section 12.03.220</b>	<b>Surface Mining Permits and Reclamation Plans</b>
<b>Section 12.03.230</b>	<b>Temporary Commercial Uses</b>
<b>Section 12.03.240</b>	<b>Wineries</b>
<b>Section 12.03.250</b>	<b>Tree Removal Near Nevada City</b>
<b>Section 12.03.260</b>	<b>Wildlife Rehabilitation Facilities</b>
<b>Section 12.03.270</b>	<b>Dog Obedience Training</b>
<b>Section 12.03.280</b>	<b>Commercial/Industrial Pre-Grading</b>
<b>Section 12.03.290</b>	<b>Adult Businesses</b>
<b>Section 12.03.300</b>	<b>Cannabis Cultivation</b>

### **Section 12.03.010 Purpose**

The purpose of this Chapter is to provide for special standards for specific land uses that may affect adjacent properties, the neighborhood, or the environment, even if other standards of this Chapter are met. This Chapter establishes standards for the design, location, and operation of specific land uses to avoid their creating problems and hazards and to ensure their consistency with the General Plan.

### **Section 12.03.020 Applicability**

The specific land uses listed in the Chapter shall meet the minimum standards of this Section and all other standards of this Chapter. If the standards of this Chapter conflict with another standard of this Chapter, Specific Land Use provisions shall control. If a specific land use is subject to more than one Section of this Chapter, the most restrictive standard shall apply.

### **Section 12.03.030 Agricultural Uses**

A. Purpose. To encourage agriculture and to promote a strong and sustainable local agricultural economy.

B. Definitions.

1. Agricultural Products - For the purpose of this Section, includes fresh fruits, vegetables, nuts, herbs, flowers, honey, poultry, fish, animal & animal products, hay and Christmas trees, but does not include plant nursery stock, live animals, cannabis or cannabis products, wine or wine products.
2. Agritourism - The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings, camping or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.

3. Certified Farmers' Market (CFM) (Cal. Code Regs. Tit. 3 § 1392.2) - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
4. Community Supported Agriculture (CSA) - Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may include either the host farm or an off-site location when permission is previously granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.
5. Field Retail Stand (Cal. Food & Agric. Code § 47030) - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
6. Farm Stand (Cal. Food & Agric. Code § 47050) - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy. (Cal. Food & Agric. Code § 47000(d))
7. Industrial Hemp (Cal. Food & Agric. Code § 81000(a)(6)) - "Industrial Hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than three-tenths (0.3%) of a percent on a dry weight basis.

C. Standards.

1. Crop and tree farming. In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use. Crop and tree farming does not include the cultivation of Industrial Hemp.
2. Community Supported Agriculture. Is an allowed use in any district where crop and tree farming are allowed. Pick-up locations shall be consistent with those outlined in the definitions above.
3. Agritourism, Field Retail Stands and Farm Stands. Agritourism activities and the sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:
  - a. Agritourism activities within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of three (3) acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.
  - b. Agritourism activities within the RA zoning district not within the RUR General Plan Land Use Designation shall be limited to parcels of five (5) acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.
  - c. Field retail stands and farm stands, as well as the sale of agricultural products at agritourism events are subject to authorization by the County Agricultural Commissioner and may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold and/or sampling will occur.
  - d. The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products including but not limited to Health and Safety Standards of the California Retail Food Code.
  - e. A producer may sell products they grow out-of-county as long as it is no more than one-third (1/3rd) of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
  - f. Field retail stands and farm stands shall be limited to a total of 1,000

square feet on any one site and shall be limited to ten (10) producers.

- g. Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
- h. Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
- i. Any structure used for a field retail stand, farm stand or agritourism activities shall meet the requirements of the California Fire Code regarding general fire safety.
- j. Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the Nevada County Code, the California Health and Safety Code and the California Retail Food Code.
- k. A field retail stand, farm stand or property used for agritourism shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Cal. Civ. Code § 845 is required.
- l. All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
- m. Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- n. Field retail stand and farm stand hours of operation are limited to daylight hours. Agritourism activities shall cease at ten (10) p.m.
- o. Noise generated shall not exceed allowable noise limits established by County of Nevada Noise Ordinances, 12.04.070.

- p. Signage shall be consistent with “Signs in Agricultural Districts” as shown in Community Design Standards, 12.04.210, governing signs in this Code.
- 4. Farm Stands. The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in this Code and the following:
  - a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
  - b. Farm stands may be permitted for up to three (3) years.
  - c. The Administrative Development Permit application for a farm stand shall include the following:
    - 1) A site plan of the proposed location, drawn to a recognized engineer’s scale, delineating the following information:
      - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way.
      - b) The proposed location for the market and parking area for the market.
      - c) Location of sanitation facilities that will be used during operating hours.
      - d) Location of animal enclosures, if applicable.
- 5. Certified Farmers’ Markets. Certified farmers’ markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:
  - a. Certified farmers’ markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.
  - b. This Section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing

certified farmers' markets.

- c. The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
- d. Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" 12.04.210, as shown in the Section governing Community Design Standards, shall be temporary and removed at the close of the market each day.



- e. The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.
- f. Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.
- g. The market site must have direct access to a County maintained road and may not be located in any public right-of-way or roadway.
- h. Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i. The certified farmers' market site must provide an adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j. Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.
- k. Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to three (3) years.
- l. The Administrative Development Permit application for certified farmers' markets shall include the following:
  - 1) Written authorization from the property owner(s) on whose land the use is proposed.
  - 2) A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
  - 3) Certified farmers' markets proposing to utilize an improved parcel

shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.

- 4) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
  - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way.
  - b) The proposed location for the market and parking area for the market.
  - c) Location of sanitation facilities that will be used during operating hours.
  - d) Location of animal enclosures, if applicable.
  - e) Certified and non-certified sections of the market.

6. Industrial Hemp. The cultivation of industrial hemp or hemp is prohibited in all zoning districts. (Ord. 2489. (01/12/2021); Ord. 2447. (03/13/2018); Ord. 2427. (01/24/2017); Ord. 2235. (04/10/2007); Ord. 2533. (12/05/2023))

### **Section 12.03.040 Animal Keeping and Raising**

A. Purpose. The purpose of this Section is to provide standards for the keeping and raising of animals. It is the intent of this Section to encourage the use and protection of agricultural lands, maintain and enhance the County's pastoral character and rural lifestyle, and minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the keeping and raising of animals.

B. Definitions.

1. Animals, Large - Horses, mules, donkeys, cattle, goats, sheep, swine, llamas, alpacas, and/or similar livestock.
2. Animals, Small - Common household domestic pets readily classifiable as being customarily incidental and accessory to a permitted residential use when no commercial activity is involved, including, but not limited to, rabbits, guinea pigs, hamsters, fish, snakes, lizards, and small amphibians and reptiles.
3. Poultry - Domesticated birds kept for eggs or meat.

C. Standards. The keeping and raising of animals shall meet the standards as provided in Table 12.03.040.C. All animals shall be cared for in a manner that does not create a public health problem or a public nuisance or interfere with the public welfare of surrounding properties. All animal enclosures, pens, and cages shall be maintained so as to discourage the proliferation of flies, other disease vectors, and offensive odors. (Ord. 2479. (06/09/2020; Ord. 2223. (11/14/2006); Ord. 2533. (12/05/2023))

**Table 12.03.040.C**  
**Animal Keeping and Raising Standards**

Animal Type	AG, AE, FR, REC, IDR, PD, TPZ, P & OS	RA	R1, R2, R3	Commercial (1) & Industrial Districts
Large animals	No Limit	(2)	Not Allowed	
Small animals	No Limit			
Dogs and/or cats (3)	No Limit		Not more than 3	
Game fowl, poultry, and rabbits	No Limit	(4)	Not Allowed	
Backyard chickens	No Limit	Allowed on parcels less than 0.5-acre per Section 12.03.041	Allowed in R1 per Section 12.03.041	Not Allowed
		Parcels larger than 0.5-acre see footnote (4)	Not Allowed	
			In R2 and R3	
Aviaries	No Limit (5)			
Apiaries (6)	No Limit	Not more than 20 colonies per acre		Not Allowed
Chinchillas, minks, & animals of a similar size	No Limit	(7)	Not Allowed	

Wild, exotic, or non-domestic animals (8)	Use Permit	Not Allowed
Wildlife rehabilitation facilities	Administrative Permit (9)	Not Allowed

**Footnotes:**

(1) Applies to residential uses associated with a mixed-use project within commercial and industrial districts. Does not apply to commercial and industrial uses within these districts.

(2) The keeping of large animals is not allowed on parcels of less than one-half (0.5) acres in size. On parcels of one-half (0.5) acres to three (3) acres, not more than one (1) mature large animal shall be kept for each one-half (0.5) acre of land. This standard may be exceeded subject to approval of a Use Permit. On parcels of more than three (3) acres, there is no limit on the number of large animals. There is no limit for occasional mob or rotation grazing where a large number of livestock are confined to a small area for a short period time and moved regularly to keep weeds out and grass down. This table does not apply to commercial stables which require a use permit in rural districts, as allowed by the land use tables.

(3) Where a maximum number of dogs and cats is listed, any combination of these animals is permitted but may not exceed the total as shown in the Table. On parcels of one-half (0.5) acres or less in size, the maximum is not more than six (6) animals, not to exceed three (3) dogs, regardless of zoning. Maximums apply to dogs and cats over six (6) months of age. This table does not apply to commercial kennels which require a use permit as allowed in rural, commercial, and industrial districts, as required by the land use tables. In addition to the provisions of this Chapter, commercial and private kennels as defined in Title 8 of the Nevada County Code, require a kennel license from the Nevada County Department of Animal Control.

(4) The keeping of game fowl, poultry and rabbits is not allowed on parcels of less than one-half (0.5) acres in size. These animals shall be limited to fifty (50) mature animals (over the age of 6 months) per one-half (0.5) acre, except that 1,500 square feet per mature animal (over the age of twelve (12) months) is required for emus, ostriches, peacocks, or other large fowl.

(5) Aviaries shall not create odor, noise, or any type of public nuisance noticeable to neighbors.

(6) No apiary shall be located within 100' of any other property boundary without the consent of the adjacent parcel's owner. Apiary locations are further defined in Title 20 of this Code governing Apiary Locations.

(7) The following standards shall apply within the RA District:

a. All chinchillas, minks and similar-sized animals shall be maintained in cages or pens and shall not be allowed to run free on-site.

(8) Wild, exotic, or non-domestic animals are subject to special authorization from the Department of Animal Control. See Title 8 for details. Such animals may also be subject to special authorization from the California Department of Fish and Game. Specific wild or non-domestic animals may be kept for rehabilitation purposes as shown in Note 9 and further defined in Section 12.03.260, governing Wildlife Rehabilitation Facilities.

(9) Wildlife rehabilitation facilities are allowed subject to an administrative permit if it meets the standards shown in the Section governing Wildlife Rehabilitation Facilities, 12.03.260.

### **Section 12.03.041 Backyard Chicken Keeping**

A. Purpose. To provide opportunities for the onsite raising of domestic chickens in single-family residential (R1) neighborhoods and residential agricultural (RA) zoned properties with lot size less than one-half (0.5) acres.

B. Definitions. For purposes of this section, “backyard chicken” shall mean a domestic chick or hen kept on a property and does not include roosters, guinea hens or loud exotic varieties.

C. Standards. The keeping of backyard chickens shall be allowed in the RA and R1 Zoning Districts based on compliance with the following requirements and standards:

1. The raising of backyard chickens shall be allowed only on properties containing a single-family dwelling with a fenced rear yard area. Backyard chickens and their eggs are for domestic purposes only with no commercial sales allowed at the property.
2. All backyard chicken coops shall maintain the following setbacks:
  - a. Property line: ten (10’) feet.
  - b. Adjacent Residence: thirty (30’) feet.
3. All chicken feed shall be kept within an enclosed container to prevent the attraction of vermin.
4. All chicken manure produced from backyard chickens shall be managed in a manner that prevents odors, flies and pests.
5. The following minimum lot size and corresponding maximum number of chickens shall apply:

**Table 12.03.041.A**  
**Property Size/Maximum Number of Chickens**

Base District	Zoning	Minimum Lot Size	Maximum Chickens	Number of
R1 & RA (1)		6,000 sq. ft	4	
		10,000 sq. ft	8	
		20,000 sq. ft	14	

(1) RA parcels of less than one-half (0.5) acres in size. (Ord. 2479. (06/09/2020); Ord. 2533. (12/05/2023))

### **Section 12.03.050 Bed & Breakfast Inns**

A. Purpose. To allow various types of bed and breakfast inns in residential and rural districts, and to provide development standards that will ensure compatibility of such facilities with the surrounding neighborhood.

B. Definitions.

1. Bed and Breakfast Inns, Small - Owner occupied single-family dwellings that provide up to three (3) guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed thirty (30) consecutive days.
2. Bed and Breakfast Inns, Medium - Owner occupied single-family dwellings that provide up to five (5) guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed thirty (30) consecutive days. They may also include conducting special events open to a limited number of people as specified in a Use Permit.

C. Standards. Bed and breakfast inns are allowed subject to approval of a Use Permit based on the following standards:

1. Small Bed and Breakfast Inns.
  - a. Shall be the principal residence of the Bed & Breakfast Inn owner.
  - b. Service shall be limited to the rental of rooms and the provision of breakfast and snacks for overnight guests only.
  - c. One sign shall be permitted, a maximum of four (4) square feet in

size. The Planning Director shall review the design of the sign for architectural compatibility with the structure.

- d. Shall be reviewed by the Departments of Building, Environmental Health, and Public Works for compliance with building, health, transportation, and sanitation requirements. (Ord. 2239. (05/29/07); Ord. 2533. (12/05/2023))
- e. Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the dwelling. No guest parking is permitted in the required front yard setback.
- f. Shall be considered as single-family residences for the purpose of building codes, unless additional standards are required by the Uniform Fire Code or the Uniform Building Code, as amended and adopted by the County of Nevada.
- g. Shall be registered with the County for Transient Occupancy Tax purposes.
- h. Shall be required to provide an appropriate level of liability insurance customarily available for like uses. Proof of said insurance shall be provided to the Nevada County Planning Department prior to issuance of the permit and subject to annual review and revision by the Planning Director to reflect current conditions.
- i. Shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).

## 2. Medium Bed & Breakfast Inns.

- a. Shall meet all of the requirements of a small inn, except as noted below.
- b. Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the single-family dwelling. No guest parking is permitted in the required front yard setback. Parking for approved special events will be required in addition to that required for the Bed & Breakfast Inn use, in accordance with the off-street parking standards of this Chapter.

- c. Medium Bed & Breakfast Inns, and roads providing access to them, shall comply with all applicable requirements of the State Fire Safety Regulations and Uniform Fire Code, as amended and adopted by the County of Nevada.
- d. Medium Bed & Breakfast Inns are subject to annual compliance inspections, at the owner's expense, by the chief of the local fire protection district or, if located outside any local fire protection district boundaries, by the County Fire Marshal.
- e. Special events, such as wedding receptions or social gatherings, may be allowed in a Medium Bed & Breakfast Inn only if specifically allowed in the Permit approved and shall be conducted in compliance with all conditions of approval including, without limitation, restricting the number of people attending so as not to exceed the maximum allowed.

(Ord. 2462. (03/26/2019; Ord. 2432. (05/23/2017; Ord. 2298. (08/18/2009); Ord. 2533. (12/05/2023))

### **Section 12.03.060 Campgrounds and Camps, Low-Intensity**

A. Purpose. To allow for recreational campgrounds and camps of a less intensive nature within rural and forested areas of the County. In general, such uses will provide for more open space, have less need for infrastructure, generate less traffic, and have less on-site development than uses allowed within the REC or CH Districts.

B. Definitions.

1. Campgrounds, Low-Intensity - Facilities to accommodate tent camping parties that do not exceed an overall density of four (4) tent sites per acre, and excluding recreational vehicles, for a period of less than thirty (30) days.
2. Camps, Low-Intensity - Facilities providing for a sustained experience through various social, recreational, educational, and/or religious opportunities in a group setting that do not exceed an overall density of four (4) campers per acre, for a period of less than thirty (30) consecutive days. They normally include trained leadership, organized programs, and the resources of the natural surroundings to provide for this experience. Individual facilities may include cabins, tent sites, sleeping platforms, group eating and meeting facilities, lodges, various indoor and outdoor recreational facilities, and similar facilities, but shall exclude recreational vehicles.



C. Standards. Such facilities are allowed subject to approval of a Use Permit based on the following standards:

1. Ensure consistency with the purpose of the base and combining districts in which they are located.
2. Ensure compatibility with the existing and future surrounding rural and forest uses.
3. Ensure compatibility between such facilities and surrounding property owners and the neighborhood by providing for not less than a 100-foot non-disturbance buffer around the entire parcel, excluding access and fuel modification to ensure wild land fire safety. Said buffer shall remain in its natural state or a low-intensity open space or recreation use (i.e., pasture, tree farm, hiking trails, etc.). This standard may be revised where the Planning Agency determines that the same practical effect is met through the use of vegetation, fences, walls, or other provisions to ensure minimizing impacts to surrounding property owners and the neighborhood.
4. Require the approval of a safe and rapid evacuation plan as a condition of approval of the Use Permit.
5. Ensure that the proposed density will not adversely affect the quality and quantity of the water supply for the neighboring properties.
6. Parking shall be provided for low-intensity campgrounds at a ratio of one (1) parking space per each four (4) people per camp
7. The project shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).

If the Planning Agency determines that use of a road maintenance district is not feasible, the applicant shall join, form, or demonstrate that they are part of a road maintenance agreement. If a Homeowner's Association maintains the private roads, participation in a road maintenance association must be included as part of the Use Permit application and a letter of acknowledgement from the association must accompany the application.

#### **Section 12.03.070 Churches, Community Meeting and Social Event Facilities**

A. Purpose. To provide locational criteria for churches, service organizations,

community and group meeting facilities, social events, and related accessory uses, while ensuring compatibility with adjacent land uses pursuant to Policy 1.24 of the Land Use Chapter of the General Plan.

B. Definitions.

1. Church - Religious organization facilities operated for worship or promotion of religious activities, including churches, synagogues, mosques, etc., and accessory facilities such as religious schools, living quarters for ministers and staff, and child Daycare facilities. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and recreational camps, are classified according to their respective activities.
2. Community Meeting and Social Event Facilities - Facilities that are used as a common meeting place or social hall for formal or informal organizations or clubs, or individuals, and that may be rented or leased for social and entertainment events.

C. Standards. These facilities are allowed subject to a use permit as provided in the Rural, Residential and Commercial land use tables and shall meet the standards of the base districts. Related accessory uses include but are not limited to educational and Daycare facilities, parks, and playgrounds. In addition, such facilities located in Residential and/or Rural districts shall also meet the following standards:

1. Ensure compatibility between such facilities and surrounding property owners and the neighborhood by providing that, where the zoning of adjacent properties provides for residential development as the primary use, a minimum a fifty (50') foot non-disturbance buffer around the entire parcel, excluding trails, access and fuel modification to ensure wild land fire safety. Said buffer shall remain in its natural state or a low-intensity open space or recreation use (i.e., pasture, tree farm, hiking trails, etc.). This standard may be modified where the Planning Agency determines that the same practical effect is met through the use of landscaping, fences, walls, or other provisions to ensure minimizing impacts to surrounding property owners and the neighborhood.
2. The project shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).
3. The minimum parcel size for new facilities shall be as follows:

- a. If served by public water and sewer - one (1) acre;
- b. If served by either public water or sewer – one and one-half (1.5) acres;
- c. If served by individual well and septic systems – three (3) acres.

4. All new facilities shall meet the following impervious surface standards:

Parcel Size	Maximum Impervious Surface
2 acres or less	60%
2.01-5 acres	50%
Over 5 acres	40% *

\* Does not apply to uses within Forest General Plan Designation.

### **Section 12.03.080 Communication Towers and Facilities**

A. Purpose. To establish standards for the siting and design of communication facilities that promote the availability of adequate public services while ensuring compatibility with adjacent land uses.

B. Definitions.

1. Antenna - Any system of exterior wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves.
2. Antenna, Minor - An antenna mounted or affixed to a structure, sign, light post or similar structure. (Ord. 2206. (05/23/2006); Ord. 2533. (12/05/2023))
3. Co-Location - Placement on a single tower or structure of one or more antennas or dishes, owned or used by more than one public or private entity.
4. Communication Facility - A facility that transmits and/or receives electromagnetic signals by way of towers, antennas and microwave dishes, and which includes equipment buildings or structures, parking areas or other accessory development. It may include facilities staffed with other than occasional maintenance and installation personnel, minor antennas, vehicle or outdoor storage yards, offices or broadcast studios.
5. Communication Tower - A support structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. It does not include

ground or structure mounted satellite dishes that are less than ten (10') feet in diameter, citizens band radio antennas whose total height is less than twenty (20') feet, nor antennas operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.

C. Permitting Requirements.

1. Except as provided in Subsection 3 below, an Administrative Development Permit is required for minor additions to existing facilities or structures if the addition does not conflict with any previous condition of approval for the facility or structure and is designed to blend with the existing structure. If no such findings can be made, the addition shall be subject to a Use Permit. Minor additions include:
  - a. Minor antennae that do not meet the criteria for permit exemption, as established in Subsection C.3, below.
  - b. Antennae designed to simulate natural features indigenous to the site, e.g. trees and rocks.
  - c. A minor expansion of an existing equipment building or structure that does not exceed 200 square feet or fifty (50%) percent of the square footage of the existing structure, whichever is greater. No more than one (1) such expansion shall be permitted.
2. All new communication towers and additions that increase tower height, shall be subject to a Use Permit pursuant to Section 12.05.060, governing Use Permits of this Code.
3. The following are exempt from the permitting requirements of this Chapter:
  - a. Radio or television antennae, or communication antennae for non-commercial entertainment and hobby use, accessory to a residence, if located on property within a residential rural zoning district within the exclusive use or control of the antenna user, and which comply with the maximum height requirements of the zoning district.
  - b. A ground or building-mounted, receive-only, citizens band or two-way radio antenna, including any mast that is operated on a non-commercial basis if located on property within a residential or rural zoning district.
  - c. A ground, building, or tower mounted antenna, operated on a non-

commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service if located on property within a residential or rural zoning district.

d. Minor antennae as defined by this Section, including, but not limited to:

- 1) Wireless internet transceivers that comply with Federal Communications Commission Regulations, Part 15, as may be amended for applicability to wireless internet service providers, provided that:
  - a) Each antenna has a face area of six (6 sq. ft.) square feet or less;
  - b) Any point of an antenna is within twenty-four (24") inches of the supporting structure;
  - c) No more than one antenna support structure may be placed on any one building elevation so as to be visible from a roadway; and
  - d) Where attached to a building, each antenna and support structure shall be finished in a muted color so as to blend with the building color.
- 2) Antennae added to existing towers which have a face area of six (6 sq. ft.) square feet or less, and where any point of the antenna is within twenty-four (24") inches of the supporting structure, are finished to match the tower and do not result in an increase in overall structure height.
- 3) Antennae which are affixed to, or located entirely within, a building, sign, light post, or a similar structure, if designed to be an integral part of, and compatible with the design of, the structure to which it is attached, such that the antenna is effectively unnoticeable. Such antennae may not be placed on a nonconforming structure nor exceed allowable height limits for the structure. (Ord. 2206. (05/23/2006); Ord. 2533. (12/05/2023))

D. Application Requirements. All land use applications for new communication towers shall include the following information:

1. Detailed information to justify the need for the proposed tower site, i.e.,

search ring, the desired service area, technical reasons for the proposed tower height and specific site selection standards.

2. Submit a list of existing towers within the desired service range, information regarding co-location opportunities and evidence of negotiation for co-location on existing towers where such opportunities exist.
3. If the proposed tower is part of a system requiring multiple facilities, provide a plan showing the location of all proposed towers.
4. A visual study from surrounding areas that includes a computerized photo simulation of the tower on the site.
5. Structural elevations of the tower shall include any trees or other structures within twenty (20') feet, and their height.
6. Towers that are located a distance that is less than 100% of their height from a property line, a habitable structure or other tower, shall include a report by a structural engineer licensed by the State of California, certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging. The report shall describe the tower structure, specifying the number of and type of antennas it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed.
7. Applicants shall submit their detailed procedures for reviewing and approving co-location requests from other carriers.

E. Locational Standards for New Towers.

1. Communication towers shall be located to minimize their visibility and the number of distinct facilities present, as follows:
  - a. No new tower shall be placed on an exposed ridgeline or to silhouette against the sky unless the site is developed with existing communication facilities.
  - b. No new tower shall be installed in a location that is not developed with communication facilities or other public or quasi-public uses unless it blends with the surrounding, existing, natural and man-made environment so as to be effectively unnoticeable.

- c. No tower shall be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area unless it blends with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.
  - d. No tower shall be installed closer than two (2) miles from another readily visible, uncamouflaged or unscreened facility unless it is a co-located facility, is on a multiple-user site, or is designed to blend with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.
- 2. Communication towers shall be set back from property lines as follows:
  - a. Where adjacent property is zoned within residential districts, a tower shall be setback from the property line no less than 100% of its height.
  - b. Towers shall be located so as to minimize visual impacts from any public trail, park or developed outdoor recreation area. A minimum fifty (50') foot setback from any such active area shall be required.
- 3. Co-location of new antennas on existing towers is strongly encouraged. Where appropriate to minimize visual impacts, new towers will not be approved where co-location on existing towers is technically feasible, will provide the desired service coverage, and do not result in alterations that create a greater visual impact.
- 4. The use of alternative support structures that conceal or camouflage the presence of antennas are strongly encouraged, including man-made trees, light poles, signs, clock towers, bell steeples or other similar structures.

F. Design Standards.

- 1. Wall mounted antennas shall not extend more than four feet from the face of the wall nor consume more than fifty (50 sq. ft.) square feet per building face, excluding mountings.
- 2. Communication towers are not subject to the maximum building height established within each zoning district. No tower shall exceed 150 feet in a residential district.
- 3. Communication towers and supporting equipment shall be finished and maintained in non-glare colors that minimize their visibility to the greatest

extent possible. Equipment attached to the tower shall match the color of the tower. Colors that blend with background landscapes or structures will be required.

4. The visible exterior surface of communication support facilities, i.e. vaults, equipment rooms and equipment enclosures, shall be designed to be visually compatible with structures typically found in the vicinity of the project site.
5. Fencing and screening of towers.
  - a. All areas disturbed during project construction shall be replanted with vegetation compatible with vegetation in the surrounding area unless the County Fire Marshal requires fuel modification. Native trees are the preferred vegetation.
  - b. Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements, shall be protected from damage during construction.
6. Lighting for communication facilities shall be limited as follows:
  - a. All approved lighting shall be shielded or directed on site to minimize off-site light spill except for lighting required by the Federal Aviation Administration.
  - b. In residential zones, lighting shall be limited to Security lighting that is manually operated or motion-detector controlled.
7. Signage shall be limited to required address and facility identification signs, emergency and safety hazard signage.
8. All co-located and multiple-user facilities shall be designed to promote facility and site sharing where feasible, including parking areas, access roads, utilities and equipment.
9. Towers designed as an integral part of the structure are strongly encouraged within all commercial and industrial districts.

G. Permit Requirements.

1. Owners of all approved towers shall be required to agree to allow future co-location by other carriers, and to provide an efficient process for handling co-location requests.



2. Prior to the issuance of any entitlement permit, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to:
  - a. Maintain the facility as approved; and
  - b. Notify the County of intent to vacate the site, agreeing that the applicant will remove all facilities within twelve (12) months unless the site is occupied by a successor; or
  - c. Provide a cash bond equal in cost to removing the tower and associated facilities.
3. A permanent, weatherproof, facility identification sign, no more than twelve (12”) inches by twenty-four (24”) inches in size, identifying the facility operator and a twenty-four (24) hour phone number, shall be placed on the fence, the equipment building or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.

#### **Section 12.03.090 Daycare Home, Large Family and Small Family**

A. Purpose. The purpose of this Section is to identify the permitting requirements and standards for large family Daycare homes in a manner that recognizes the needs of Daycare operators, provides children the same home environment as provided in a traditional home setting and at the same time minimizes impacts to surrounding residents.

B. Definitions.

1. Small Family Daycare Home - A facility where resident child Daycare services are provided in the home for eight or fewer children at any one time, including the resident children under the age of ten (10) years, or as provided for in Cal. Health & Safety Code §§ 1596.78 – 1596.792.
2. Large Family Daycare Home – A facility where resident child Daycare services are provided in the home for seven (7) to fourteen (14) children at any one time, including the resident children under the age of ten (10) years, or as provided for in Cal. State Health & Safety Code § 1596.78.

C. Standards. Such facilities shall be considered a residential use on all parcels within all zoning districts where residential uses are allowed, subject to zoning compliance and building permit issuance and the following standards:

1. The facility shall be the principal residence of the Daycare provider and the use shall be clearly incidental and secondary to the use of the property as a single-family residence.
2. The facility shall be considered as a single-family residence for the purpose of building codes, unless additional standards are required by the State Fire Marshal.
3. The facility shall comply with all sanitation and health requirements administered by the County Department of Environmental Health and all health and safety requirements of the State Fire Marshal's Office.
4. The applicant shall provide one on-site parking stall for every eight (8) children or fraction thereof in accordance with the standards of Section 12.04180, governing Parking in Community Design Standards as part of this Code.
5. The applicant shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e. permanent road division, county service area, community service district).
6. All facilities shall be state licensed and shall be operated according to all applicable state and local statutes and regulations.

For Daycare Centers see 12.02. Land Use Tables.

### **Section 12.03.100 Employee Housing**

- A. Purpose. To identify applicable standards for employee housing regulated by the California Employee Housing Act, and to facilitate additional housing opportunities for agricultural and resource-based workers.
- B. Definitions.
  1. State-Regulated Employee Housing. Employer-provided housing accommodations regulated and permitted by the State of California Department of Housing and Community Development (HCD) in compliance with the California Employee Housing Act, Cal. Health & Safety Code §§ 17000—17062, and the Employee Housing Regulations codified as Title 25, Division 1, Chapter 1, Subchapter 3 of the California Code of Regulations, as may be amended.

2. Resource-Based Employee Housing. Employer-provided housing for employees engaged in the production, processing, sales or management of resources, including agricultural operations, mineral extraction and timber harvesting.

C. Standards. The following standards and permitting requirements shall apply to employee housing:

1. State-Regulated Employee Housing. Employee housing for five (5) or more employees is allowed subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the State Department of Housing and Community Development and compliance with County regulations related to building construction, sewage disposal, water supply, and the following zoning regulations:
  - a. Employee housing for six (6) or fewer employees within a single structure shall be allowed subject to the same development standards, permits and fees applicable to a single-family residence.
  - b. Employee housing for agricultural workers, consisting of up to twelve (12) units or thirty-six (36) beds in a single structure, shall be allowed subject to the same site development standards, permits and fees applicable to an agricultural use. Such housing shall be compliant the State Housing Law and the Employee Housing Regulations, including but not limited to the duration of use and type of housing.
  - c. The property owner shall complete an Employee Housing Information form to identify the type of proposed housing accommodations and to acknowledge the occupancy limitations of State- mandated employee housing.
2. Resource-Based Employee Housing. Employee housing for four (4) employees or fewer consisting of four (4) or fewer attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, unless otherwise specified within this Section, regardless of General Plan or zoning density, if all of the following standards are satisfied:
  - a. Employee housing may be established provided that no other

dwelling unit, other than a primary, single-family dwelling, and a secondary dwelling unit consistent with density, is established on the parcel;

- b. Employee housing shall be located on the same parcel as the resource use, or adjacent parcels, under the same business ownership.
- c. Employee housing shall be clearly subordinate to and incidental to resource production or management on the site. Concurrent with any application to establish employee housing, the property owner shall submit an Employee Housing Information form to verify the resource-based use.
- d. Employee housing shall not be subdivided from the primary parcel.
- e. Employee housing shall not exceed the following size limitations:
  - 1) Employee housing units that are not consistent with density shall not exceed 1,200 square feet, allowing no more than one (1) 480 square foot attached non-habitable accessory structure.
  - 2) Subject to approval of a Use Permit by the County Zoning Administrator, an employee dwelling may be increased in size.
- f. Seasonal Temporary Recreational Vehicle (RV) Use. Employee housing in a Recreational Vehicle as defined by Cal. Health & Safety Code §18010 may be allowed subject to all standards within this Section and those provided below.
  - 1) Seasonal Temporary RV use for the cultivation of Agricultural Products as defined by 12.03.030.B.1 Agricultural Products of this Code shall require approval of an Administrative Development Permit to be renewed annually.
  - 2) Seasonal Temporary RV use for employee housing may be allowed for a period not exceeding one (1) contiguous six (6)-month period in any calendar year.

- 3) Seasonal Temporary RVs shall be disconnected from utilities and placed in a location that provides screening from neighboring residences and public roadways to the greatest extent possible and/or removed from the site when not being used as employee housing.
  - 4) The placement of a Seasonal Temporary RV shall adhere to the standards outlined in Recreational Vehicle Use, 12.03 150.C.13 and Temporary Occupancies as part of this Code except those standards that restrict density and prohibit the collection of rent or fees for occupants of employee housing.
- g. Occupancy of employee housing shall be limited to the resource operator and employees of the operator and their immediate families.
  - h. Employee housing shall comply with all codes, standards and fees applicable to the type of housing being proposed.
  - i. A deed restriction shall be recorded limiting occupancy to employee housing, prior to authorizing occupancy.
  - j. High and very high fire hazard areas. Employee housing sites that are mapped within a high or very high fire hazard zone on the CAL FIRE-adopted Fire Severity Map, shall be subject to the following additional standards:
    - 1) Sites that are served by a road located beyond the dead-end road limits established by Fire Safety Regulations of the County Code, Title 4, shall provide one turnout along the property road frontage for every 800-feet of property frontage. The turnout(s) shall be visible from both directions and shall be constructed to a thirty (30)-foot long, ten (10)-foot wide standard with a twenty-five (25)-foot taper on each end.
    - 2) Where two or more employee housing units exceed allowable density, the housing units shall be clustered in close proximity to each other, utilizing a common driveway with direct access to a road that is maintained by a public entity, a road-maintenance district, or where it is demonstrated that the housing site adequately participates in a property owner's road association, and which road is

improved to a minimum Fire Safe Road Standard pursuant to Fire Safety Regulations of the Nevada County Code.

### **Section 12.03.110 Home Businesses**

A. Purpose. To provide for limited commercial activity in the residential and rural districts on properties developed with a residence as the primary use, provided that the home business activity does not impact surrounding residential properties.

B. Standards. All Home Businesses are subject to approval of an Administrative Development Permit, but not subject to design review, unless specifically exempted by this Section, subject to the following standards:

1. The following businesses are exempt from the Administrative Development Permit requirement of this Section, 12.05.051, provided they meet the criteria listed in paragraph 2 below:
  - a. Office uses conducted completely within a residence;
  - b. Arts and crafts fabrication if conducted completely within the primary residence.
2. Home businesses which are exempt from the permit requirements of this Section shall be subject to the standards listed herein except that they may not have signage nor generate customer traffic.
3. The business shall be owned and operated by a resident of the property.
4. The use of the property for any home business shall be clearly incidental and subordinate to its use as a single-family residence and shall be contained entirely within any one building located on the property, and further provided that not more than twenty-five (25%) percent of the floor area of the dwelling unit nor more than 400 square feet of the floor area, whichever is greater, shall be used in conducting any such home business, nor shall any home business be conducted in more than one (1) accessory building, the use thereof which shall not exceed 1,000 square feet.
5. The business shall not alter the appearance of the premises, including but not limited to lighting, signage and outdoor activity.
6. No article shall be sold or delivered, or offered for sale and delivery, on-site except articles produced on site.

7. No more than six (6) business-related vehicle trips (round trips) per day are permitted. Business related traffic trips shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. The following exceptions to this standard are allowed for educational tutoring:
  - a. Business related vehicle trips for educational tutoring may be averaged to allow a maximum thirty-six (36) trips during the allowed six (6)-day period (Monday through Saturday);
  - b. The hours of operation for educational tutoring may be extended to 9:00 p.m. where the number of business-related vehicles are parked on- site is limited to no more than one at any time after 5:00 p.m.
8. All parking for the business shall be provided on site.
9. One on-site, freestanding or wall sign for businesses requiring a permit, shall be limited to a maximum four (4 sq. ft.) square feet and may not be illuminated.
10. No equipment or process shall be used in any such home business which generates noise in excess of the Noise Standards, 12.04.00, contained in this Chapter.
11. No equipment or process shall be used in any home business which generates off-site, detectable vibration, glare, fumes, odors or electrical interference.
12. All home businesses shall be subject to the regulations of local and State agencies applicable to the conduct of such business, including compliance with the Uniform Building Code, Uniform Fire Code and Health and Safety standards, including the storage of hazardous materials.
13. Filing fees for Administrative Development Permits shall be as established by the most current Resolution of the Board of Supervisors.

#### **Section 12.03.120 Model Homes, Temporary**

- A. Purpose. To provide for the sale of dwelling units and parcels within a subdivision.
- B. Definitions.
  1. Model Home, Temporary - A dwelling used on a temporary basis for the public

display and sale of dwellings and parcels within a subdivision.

C. Standards. Model homes are allowed subject to zoning compliance and building permit issuance, if required, based on the following standards:

1. Such model homes shall be designed and used for public display for a period not to exceed three (3) years from date of final inspection, not including real estate offices;
2. The model home shall be a permitted residential structure within the base zoning district and will serve as a primary residence at the expiration of the three (3)-year period;
3. Only one (1) model home shall be allowed per parcel;
4. All site development standards applicable to the base district shall be applicable to the model home;
5. All lighting shall comply with the standards of Section governing Lighting in Community Design Standards, 12.04.170;
6. Direct access shall be provided from a two (2) lane, paved County maintained road;
7. The hours of operation shall be limited to the hours of 8:00 a.m. to 8:00 p.m;
8. No more than two (2) employee/employer personnel may be assigned to the site. Employees associated with off-site construction shall not be accommodated or dispatched from the property nor shall construction material or equipment be stored on the property;
9. A landscaping plan shall be submitted consistent with the design standards of Section 12.04.160, governing Landscaping in Community Design Standards. High priority shall be given to protect existing natural landscaping, providing adequate buffering from adjacent land uses and installing supplemental landscaping in order to enhance the appearance of the site;
10. Signs shall be non-illuminated and not exceed four (4 sq. ft.) square feet in area, limited to one sign per street frontage. One freestanding sign, not exceeding six (6') feet in height, is permitted. No balloons, flags, banners or similar contrivances are permitted. Upon expiration of the use, said signs shall be removed;



11. All fees applicable to the establishment of a single-family dwelling shall be applicable to the model home.

### **Section 12.03.130 Natural Resources - On-Site Uses**

When approved as part of a Use Permit, natural resource materials existing on-site may be processed for utilization as construction materials necessary to complete the approved project.

Natural resources include, but are not limited to, extracted and processed sand and gravel, mine tailings and timber products.

Nothing contained herein shall be construed to permit the installation of permanent processing facilities, the importation of materials to be processed, or the commercial extraction of natural resources to be sold or utilized off-site, contrary to the provisions of the zoning district in which the premises are located.

### **Section 12.03.140 Public Utility Uses and Structures**

- A. Purpose. To allow for public utility uses and structures within all zoning districts and provide development standards for such uses and structures.
- B. Definitions.
  1. Public Utility - Any company under the jurisdiction of the California Public Utility Commission or County District under the jurisdiction of a Board of Trustees.
  2. Public Utility Uses and Structures - Any use of land or structures by a public utility. See Section governing Communication Towers for tower definition and standards.
- C. Non-Regulated Activities. The provisions of this Chapter shall have no application to:
  1. Underground or above-ground pipelines, meters, regulators, poles or wires installed by a public utility for local collection or distribution, excepting electrical transmission lines carrying over 120,000 volts and electrical substations.
  2. Communication dishes and antennas for non-commercial entertainment and hobby accessory to a residence, and for entertainment and communication uses required by a business for its own use as part of an Administrative Development or Use Permit.

D. Uses Requiring an Administrative Development Permit in accordance with 12.05.051 requirements of this Code. An Administrative Development Permit shall be required for a single public utility structure where the following standards are met:

1. Less than 600 square feet of floor area;
2. Less than thirty-five (35') feet in height;
3. Not more than one public utility dish not more than twenty (20') feet in height;
4. Unmanned except for periodic maintenance;
5. No outside storage or facilities;
6. Existing and proposed vegetation will effectively attenuate any potential adverse aesthetic impacts associated with the project.

E. Uses Requiring a Use Permit in accordance with 12.05.060 requirements of this Code. All other public utility uses shall require a Use Permit. Public utility communication towers shall meet the standards of Communication Towers and Facilities Section.

F. Electrical Lines and Electrical Substations Standards.

1. Non-Regulated Activities. Electrical transmission and distribution lines carrying up to 120,000 volts.
2. Land Use Permit Regulations. Permitted in all base districts except the R1, R2 and TPZ Districts, these uses are subject to a Use Permit:
  - a. New or upgraded electrical transmission lines carrying over 120,000 volts, to be reviewed by the Board of Supervisors, unless preempted by State law;
  - b. Electrical substations subject to the design standards of Section governing Public Utility Uses and Structures, 12.03.140.F.5, to be reviewed by the Planning Agency, unless exempted by State law.
3. Use Permit Application. In addition to the required project description and environmental documentation for the project, any Use Permit application for electrical transmission lines carrying over 120,000 volts or electrical substations shall include the following:

- a. A documented statement of need for the project and a documented analysis of the benefits of the project to the residents and property owners of the County of Nevada;
  - b. An outline of alternatives to the project as proposed, including alternative routes, sites and structure types;
  - c. An outline of construction and future maintenance procedures which demonstrate protection of the health, safety and welfare of humans and wildlife.
4. Standards for location of electrical transmission lines carrying over 120,000 volts. If unable to comply with any standards established below, the applicant shall demonstrate why compliance is infeasible:
- a. Rights-of-way shall be selected to preserve the natural landscape and minimize conflicts with present and planned uses of the land on which they are to be located;
  - b. Where possible, retirement or upgrading of existing lower voltage transmission circuits shall be required to allow construction of higher voltage, higher capacity circuits on the existing right-of-way;
  - c. Properly sited established rights-of-way shall be used where warranted for the location of additions to existing transmission facilities;
  - d. The joint use of electrical transmission facilities by two (2) or more utilities is required, when feasible, to reduce the total number of transmission lines constructed. Where technically feasible, other types of transmission facilities shall also share existing rights-of-way (i.e. communication facilities, pipelines, etc.);
  - e. The relative advantages and disadvantages of locating a new line either adjacent to or widely separated from existing transmission lines will be considered so boundaries are avoided which will create unusable hiatus areas;
  - f. Rights-of-way shall avoid heavily timbered areas, steep slopes, and proximity to main highways and scenic areas. Where possible, transmission line crossings of major roads in the vicinity of intersections or interchanges shall be avoided;
  - g. Long views of transmission lines parallel to existing or proposed highways

shall be avoided and alternative routes away shall be considered. Where ridges of timber areas are adjacent to highways or other areas of public view, overhead lines shall be placed beyond the ridges or timber areas;

- h. Transmission lines shall be located to avoid crossing at high points in the road so that the towers cannot be seen from a great distance. Instead, where possible, highway crossings shall be made between two (2) high points, at a dip, or on a curve in the road;
- i. Facilities shall avoid expanses of water and marsh land and particularly those utilized as flight lanes by migratory waterfowl and as heavily used corridors by other birds. Areas of wildlife concentrations, such as nesting and rearing areas, shall be absolutely avoided;
- j. In forest and timber areas, long spans shall be used at highway crossings in order to retain the natural growth, to screen the tower structure, or a planted screen shall be provided between the highway and the towers;
- k. Long views of transmission lines perpendicular to highways, down canyons and valleys or up ridges and hills shall be avoided. Lines shall approach these areas diagonally and shall cross them at a slight diagonal. Lines shall cross canyons up slope from roads that traverse the length of the canyon;
- l. Transmission facilities shall be located part way up slopes to provide a background of topography and/or natural cover where possible. The facilities shall be screened from highways and other areas of public view to the extent possible with natural vegetation and terrain;
- m. Rights-of-Way shall not cross hills and other high points at the crests. To avoid placement of a transmission tower at the crest of a ridge or hill, space towers below the crest or in a saddle to carry the line over the ridge or hill. The profile of facilities shall not be silhouetted against the sky;
- n. Rights-of-Way shall avoid scenic highways, parks, monuments, scenic recreation or historic areas. If a line must be located in or near those areas, the feasibility of placing the line underground shall be clearly determined. If the line must be placed overhead, it shall be located in a corridor least visible to public view. Other standards or conditions as necessary to minimize adverse impacts shall be imposed by the agency administering the lands involved;
- o. When crossing a canyon in a forest, high, low-span towers shall be used to keep the conductors above the trees and to minimize the need to clear all

vegetation from below the lines. Clearing in the canyon shall be limited to that which is necessary to string the conductors, and in those cases construction should be aided by helicopter. Rights-of-Way through scenic forests or timber areas shall be deflected to avoid Rights-of-Way appearing as tunnels cut through timber;

- p. Line construction and maintenance shall use existing roads to the maximum extent possible. Where possible, use of helicopters should occur rather than new road construction;
  - q. Towers and substations shall be strategically located to utilize existing topography, vegetation, etc., for screening and structures shall be colored to blend with surrounding landscape. When lines are adjacent to highways, guyed towers shall be avoided where possible;
  - r. The time and method of clearing rights-of-way and tower construction shall demonstrate protection of water quality, soil stability, wildlife habitat and natural vegetation. The use of “brush and blades” instead of dirt blades on bulldozers is required to preserve the cover crop of grass and low- growing vegetation. Where vegetative cover is destroyed, re-planting of native vegetation of the type destroyed shall be required;
  - s. Construction and maintenance procedures shall be defined in the project description and shall demonstrate protection of the health of humans and wildlife.
5. Design Standards for Location of Electrical Substations. The objective of this subsection is to effectively design electrical substations to be compatible with their surroundings. The decision-making body or other committee having design review responsibilities appointed by the Board of Supervisors shall review the following design standards:
- a. All electrical substations shall be a “low profile design” and be completely enclosed with a six (6) foot minimum height (up to a maximum of eight (8’) feet if approved as part of the Use Permit) fence, wall, or a chain-link fence with slats and landscaping;
  - b. Where a fence or wall is used, such fence or wall shall include any one of the following combinations of materials:
    - 1) Masonry.
    - 2) Concrete panels with textured or other architectural treatment on the exterior.

- 3) Framed wooden wall construction with or without false roof.
    - 4) Combination of wood and masonry or concrete.
  - c. Impervious Surface Standards. The maximum impervious surface standards of the base zoning district and/or the open space standards provided in Section governing Permanent Open Space/ Maximum Impervious Surface in Community Design Standards, 12.04.190, whichever is greater, shall be met for that portion of the use contained within the screened area;
  - d. Setbacks. Shall be as specified in Section 12.04.140, governing Building Setbacks in Community Design Standards and the base district;
  - e. Color. When natural materials are not used, earth tone colors shall be used. Such colors shall be subject to review and approved by the decision-making body.
  - f. Landscaping. A landscaping plan (including irrigation) shall provide for landscaping of all areas outside of the fenced or walled substation. The landscape plan shall incorporate and retain the existing natural landscaping when possible and be supplemented as necessary in order to enhance the appearance of the substation and provide transitional screening from adjacent properties and other view corridors;
  - g. Undergrounding. When possible and where necessary, source-in and circuit-out electrical lines shall be installed underground.
6. Findings and Conditions. Findings for approval, in addition to those findings required in the Use Permits Section, shall include:
- a. To the extent that it is feasible, the project complies with the standards of this Section;
  - b. The proposed facilities are consistent with all elements of the Nevada County General Plan and any applicable specific plan;
  - c. There are no superior and feasible alternatives to the project as proposed.

G. Power Plants.

1. Power plants regulated by this Chapter are only those that are constructed by

“other than local agency” as defined by Cal. Gov’t Code § 53090 and excluding other plants exempted from local zoning jurisdiction by either Federal or State laws. For purposes of determining whether the County of Nevada has jurisdiction over small hydroelectric power plants, all of the following standards must be used:

2. If any of the above items are applicable, jurisdiction shall remain with the Federal Energy Regulatory Commission (FERC).
3. When the energy derived from an individually operated small power plant is used totally on-site for a use not requiring a discretionary land use permit, the provisions of this Section will not apply. However, when such a facility is being constructed as part of a new land use or an addition to an existing land use requiring a discretionary land use permit, said power plant must also be reviewed. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))
4. Alternative energy sources which may be used for a conditionally permitted power plant include, but are not limited to, wind, hydroelectric, solar photovoltaics and bio-mass, but do not include nuclear fission, and specifically exempting therefrom, individually operated small power plants where the energy derived is used on-site except in the AG, and FR Districts where private, non-commercial, bio-mass, co-generation and hydroelectric power plants require a Use Permit.
5. Power plants subject to the authority of the County of Nevada shall require a Use Permit which will be considered by the Planning Agency.

### **Section 12.03.150 Recreational Vehicle Use and Temporary Occupancies**

A. Purpose. To provide for the temporary occupancy of recreational vehicles on property not located within a mobile home park or a campground, and which are not subject to the Employee Housing regulations established in Section 12.03.100 this Chapter.

B. Definitions.

1. Recreational Vehicle - Shall be as defined by Cal. Health & Safety Code § 18010.

C. Standards. A Recreational Vehicle may be used for temporary occupancy subject to zoning compliance and building permit issuance, if necessary, based on the following standards, which shall be met before any temporary occupancy of a recreational vehicle, occurs or is allowed to continue pursuant to this Subsection C:

1. Unless specifically exempted by this Section, a Temporary Residence Permit shall be obtained from the Building Department upon proof of compliance with applicable standards. A reasonable fee may be collected for issuance of the Permit, and renewals thereof. Said fee shall be as established pursuant to the latest adopted resolution of the Nevada County Board of Supervisors.
2. No more than one (1) Recreational Vehicle may be occupied per parcel for any and all permitted occupancies except for resource based seasonal agricultural employee housing as allowed by Section 12.03.100 of this Code.
3. All site development standards and separation requirements applicable to single-family dwellings shall apply to placement of the Recreational Vehicle to be occupied.
4. Sewage disposal and water for service supply shall be approved by the Department of Environmental Health.
5. A Recreational Vehicle used for temporary occupancy shall be structurally sound and protect its occupants against the elements.
6. The County Fire Marshal, or their designee, shall inspect the site to ensure that the placement of the Recreational Vehicle complies with the flammable vegetation clearance requirements of Cal. Pub. Res. Code § 4291.
7. Smoke and Carbon Monoxide Detectors: Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. If an internal combustion generator powers the Recreational Vehicle, and such generator is incorporated into or within ten (10') feet of the qualified Recreational Vehicle, a minimum of one carbon monoxide monitor/alarm shall be required. A carbon monoxide detector shall be required for any unit that contains a carbon-fueled appliance or heating device.
8. Heating Systems: Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid- or liquid-fuel burning appliances to be used in a Recreational Vehicle shall be installed, used and maintained in accordance with the listing for the appliance and the manufacturer's requirements, including provisions allowing their use in Recreational Vehicles.
9. LP-Gas System: LP-gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions



of California Building and Fire Codes as adopted in Title 14 governing Building in this Code.

10. Any water, sewage drain, electrical, fuel supply or other utility connection and installation shall conform to State and local regulations and require inspection by the Building Department and a permit.
11. A current DMV registration and operating permit shall be required and maintained on the Recreational Vehicle at all times.
12. The recreational vehicle shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures (except ramadas where necessary to meet the applicable snow load requirements) may be permitted with regard thereto for the temporary occupancies provided for herein.
13. No rent may be charged or collected for any of the temporary occupancies provided for herein.
14. Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

D. Security Housing. Security personnel may occupy a recreational vehicle on the site of a church or other community facility or public use land requiring on-site security, for a maximum three (3)-year period, subject to the issuance of a Use Permit. Pursuant to Permit Time Limits, security housing approved through a Use Permit is eligible for two (2) two-year (2) extension of times for the Use Permit, for length of occupancy.

E. Temporary Urgent Medical Care. A recreational vehicle may be used as a temporary residence, in addition to a legally established permanent dwelling existing on any parcel, when one is occupied by a person in serious medical need of twenty-four (24)-hour on-site care, and the other is occupied by a qualified person providing such care, subject to issuance of an Administrative Development permit from the Planning Department, if all the general criteria established in Subsection C of this Section are complied with, and so long as the following special criteria are also met:

1. There shall be no other available accommodations (i.e. second units, guest houses) on the property that could be utilized for the purpose of providing urgent medical care, and evidence of such shall be submitted to the satisfaction of the Planning Department;
2. Permits shall be valid for six (6) months, renewable every six (6) months, at

an at-cost hourly planning fee, so long as the serious urgent medical need continues, and require current confirmation of a licensed physician of the medical need for continual care. The Permit shall expire and the use discontinued when the need ceases. The Recreational Vehicle shall be unoccupied within ten (10) days of permit expiration;

3. Where the unit is to be placed on property subject to recorded deed restrictions or CC&R provisions, not required by the County, that may preclude such a unit, any approval shall not become effective until thirty (30) days after the applicant has given written notice thereof to the active Homeowners' Association or other entity entitled to enforce such restrictions or CC&Rs. If no such entity can reasonably be located, the applicant shall provide notice to all property owners subject to same restrictions or CC&Rs. The applicant shall provide the County with proof of notice to be included in the Building Department file.

F. Seasonal Use. Seasonal stays in a Recreational Vehicle are permitted for the owners of any parcel with no permanent dwelling thereon, not to exceed a total of ninety (90) days between April 15th and October 15th of any one calendar year. Seasonal use is not subject to a Temporary Residence Permit, provided that:

1. The Recreational Vehicle must be currently licensed;
2. Siting of the Recreational Vehicle must satisfy Cal. Pub. Res. Code § 4291 for vegetation clearance around the Recreational Vehicle.
3. The property owner is required to notify their Fire District, or the California Department of Forestry where there is no local Fire District, of the location of, and access to, the Recreational Vehicle, and to obtain Ca. Pub. Res. Code § 4291 regulations.
4. The property owner must have an operating 2A10BC fire extinguisher available within or on the Recreational Vehicle at all times.

G. Overnight Guest Stays. Overnight stays in a Recreational Vehicle are permitted for non-paying guests of the occupants of any legally established permanent dwelling on the parcel, not to exceed a total of ninety (90) days per parcel in any calendar year, without a Temporary Residence Permit, provided that standards of Section F.1 through Section F.4, above, are satisfied.

### **Section 12.03.160 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing**

A. Purpose. As required by Cal. Gov't Code § 65915, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to provide density bonuses and other incentives, concessions, or waivers for certain housing projects affordable to lower income, very low income, senior citizen housing, and moderate income housing projects.

This zoning ordinance includes additional density bonus and incentive provisions in Section governing Transitional and Supportive Housing.

B. Standards. In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed residential development project shall meet all the applicable eligibility requirements of this section:

1. Consist of five (5) or more rental units, or dwelling units offered for sale; and
2. Be designed and constructed so that at least:
  - a. Ten-percent (10%) of the total number of proposed units are for lower income households, as defined in the Cal. Health & Safety Code § 50079.5; or
  - b. Five-percent (5%) of the total number of proposed units are for very low income households, as defined in the Cal. Health & Safety Code § 50105; or
  - c. Fifty-percent (50%) of the total number of proposed units are for qualifying residents as determined by Cal. Civ. Code §§ 51.3 and 51.12 (senior of any income level), or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civ. Code §§ 798.76 or 799.5; or
  - d. Ten-percent (10%) of the total number of proposed units are for families of moderate income (80 to 120% of median income) as defined by Cal. Health & Safety Code § 50093; or
  - e. Fifty-percent (50%) of the total number of proposed units are for workforce housing (60% to 150% of median income); or
  - f. Ten-percent (10%) of the total number of proposed units are for transitional foster youth, as defined in Cal. Educ. Code 66025.9, disabled veterans, as defined in Cal. Gov't Code § 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall

be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low-income units; or

- g. Twenty-percent (20%) of the total number of proposed units are for lower income students in a student housing development for an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges; or
- h. 100% of the total number of proposed units including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Cal. Health & Safety Code § 50079.5, except that up to twenty (20%) percent) of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Cal. Health & Safety Code § 50053; and
- i. The units described herein shall be subject to the continued affordability requirements of all very low and low-income rental units that qualified the applicant for the award of the density bonus for fifty-five (55) years or a longer period of time, as described in State Density Bonus Law at Cal. Govt. Code § 65915, Subdivision I, Paragraph (1) - 65918. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Cal. Health & Safety Code § 50053.

3. Satisfy all other applicable provisions of this Chapter.

C. Type of Bonus and Incentives Allowed. The county will allow a residential development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this section.

- 1. A housing development that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives or concessions:
  - a. If an applicant elects to construct units for low-income households for at least five (5%) percent of the total dwelling units, the development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Low-Income Units	Percentage Density Bonus	Incentives or Concessions
10	20	1

11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	2
18	32	2
19	33.5	2
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
24	50	3

- b. If an applicant elects to construct units for very low-income households for at least ten (10%) percent of the total dwelling units, the residential development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Very/Low Income Units	Percentage Density Bonus	Incentives or Concessions
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2

12	38.75	2
13	42.5	2
14	46.25	2
15	50	3

- c. If an applicant elects to construct units for moderate income households for at least ten (10%) percent of the total dwelling units, the development shall be entitled to the following density bonus calculation:

Percentage Moderate- Income Units	Percentage Density Bonus	Incentives or Concessions
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2

27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3
41	38.75	3
42	42.5	3
43	46.25	3
44	50	3

- d. If an applicant elects to construct a senior citizen housing development with at least fifty (50%) percent of the total dwelling units for senior citizens, the density bonus shall be twenty (20%) percent of the total number of allowed housing units without the density bonus, or as described in Subsection (e) of this Section.
- e. If an applicant elects to construct a Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center development with 100% of the total dwelling units for senior citizens, the development shall be entitled to the following density bonus calculation:

<b>Allowable Density Bonus</b>	<b>If All Dwelling Units Are Within, or Have Available:</b>	<b>% Parking May be Reduced as Provided in Section 12.04.180<sup>(1)</sup></b>
10%	Within 750 ft. of transit stop or directly served by public transit	10%
25%	Minimum of 2 meals per day served in community dining hall	5%
-	Age 55 years or older (by State Requirements)	5%
20%	Within 1500 ft. of an existing regional or neighborhood shopping center	5%
10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
20%	Self-contained village, no outside public access (i.e., drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
5%	Community washers & dryers provided	5%
10%	Within 1 mile of health care facilities, emergency/acute care	5%
10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	-

(1) As part of the Use Permit consideration, the hearing body may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.

i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. Residents must be Fifty-five (55) years of age or older or disabled. In the case of married or cohabitant couples, at least one occupant must be fifty- five (55) years or older or disabled.
2. The project must be located on an existing transit line, have an all-weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.
3. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.
4. A minimum of five (5%) percent of the total indoor floor space must be devoted



to recreation/ social/educational facilities (i.e., recreation room, library, TV room, multi- purpose common room, etc.)

5. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.
6. The proposed project shall be served by a public water supply as defined in Section of this Code governing Water Supply and Resources and a publicly owned and operated sanitary sewer system as defined in Section governing Centralized Wastewater Collection, Treatment and Disposal System of this Code.

f. If an applicant elects to construct a housing development with at least fifty (50%) percent of the total units for workforce housing, the density bonus shall be twenty (20%) percent of the total number of allowed housing units without the density bonus.

i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. No less than fifty (50%) percent of the adult tenants must work full-time within the boundaries of the County of Nevada.
2. No less than twenty-five (25%) percent of the units shall target the sixty to eighty (60% - 80%) percent median family income range.

g. If an applicant elects to construct a housing development with at least ten (10%) percent percent of the total dwelling units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be thirty-five (35%) percent of the total number of allowed housing units without the density bonus and the applicant may request one (1) incentive or concession.

h. If an applicant elects to construct units for low income households with 100% of the total dwelling units, exclusive of manager's unit(s), except that up to twenty (20%) percent of the total units in the development may be for moderate-income households, the density bonus shall be eighty (80%) percent of the number of units for lower income households and the applicant may request four (4) incentives or concessions. If the housing development is located within one-half mile of a major transit stop, as defined in Cal. Pub. Res. Code § 21155, there shall be no maximum density, the applicant may request four (4) incentives or concessions, and the applicant shall also receive a height increase of up to three additional stories, or thirty-three (33') feet.

i. If an applicant elects to donate lands to the County in accordance with the State Density Bonus Law at Cal. Gov't Code § 65915, Subdivision (g)-65918, the development shall be entitled to the following density bonus:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

\* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (twenty (20) units per acres). By meeting all of the density bonus standards, the bonus is 125%.

$20 \text{ UPA} \times 1.25 = 25 \text{ UPA} + 20 \text{ UPA} = 45 \text{ UPA Total}$

3. An applicant may request the following incentives or concessions for affordable housing only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to this section. For the purposes of this section, an incentive means the following:
  - a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Cal. Health & Safety Code §§ 18901 – 18919 including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in subdivision I.
  - b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
  - c. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Cal. Health & Safety Code §50052.5, or for rents for the targeted units to be set as specified in subdivision I.
  - d. Reduction by fifty (50%) percent all County permit fees for projects that develop housing for very low income households, lower income households or housing for persons with disabilities as defined by the California Fair Employment and Housing Act and the federal Fair Housing Amendments Act of 1988.
4. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

D. Continued Availability. The land use permit application or tentative map application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all very low or lower income and senior citizen units as well as moderate income density bonus units as follows:

1. Projects with Density Bonus and Other Incentive. Projects receiving a direct financial contribution or other financial incentive from the County, or a density bonus and at least one other concession or incentive as provided by subsection (C) of this Section, shall maintain the availability of all very low or lower income units for a minimum period of fifty-five (55) years required by Cal. Gov't Code §§ 65915 and 65916 or longer if required by the Construction or Mortgage Financing Assistance Program, Mortgage insurance Program or Rental Subsidy Program, as applicable by these programs.
2. Projects with Density Bonus Only. Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915, shall maintain the availability of very low and lower income density bonus units for fifty-five (55) years where such units are rented or leased. Where such housing is owner-occupied, the applicant shall agree to ensure, and the county shall ensure that a for-sale unit that qualified the applicant for the award of the density bonus meets the conditions described in Cal. Gov't Code § 65915(2)(A). Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915(c), shall maintain the availability of senior citizen units as well as moderate density bonus units for ten (10) years where such units are rented or leased.
3. Deed Covenant Required. The deed to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests for same without the written approval of the Director of Nevada County Health and Human Services Agency confirming that the cost of the units will remain consistent with the limits established for the affected density bonus.
4. Other Incentive Only. Projects which include other incentives, not including public financing, or density bonuses, shall have the minimum period established by Use Permit consistent with the benefit received. In no event shall such minimum period be less than ten (10) years.

E. Land Donation. If an application submitted pursuant to this Section includes a

request for a density bonus based on an offer to donate land in accordance with the State Density Bonus Law, then a complete application, in addition to other requirements of this section, shall satisfy the requirements defined in Cal. Gov't Code § 65915(g).

F. Procedures. The county shall approve, modify or disapprove the application to donate land in accordance with the requirements of this Section and the State Density Bonus Law. A request for a density bonus and regulatory concessions and/or incentive shall require a Use Permit and be subject to the following provisions:

1. Supporting Information. The developer shall include information with the application, based upon building industry standard, to substantiate that any requested waiver or modification of zoning or subdivision standards is meets the following standards:
  - a. The concession or incentive does results in identifiable and actual cost reductions, consistent with Cal. Gov't Code § 65915(k), to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
  - b. The concession or incentive would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Cal. Gov't Code § 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
  - c. The concession or incentive would not be contrary to state or federal law.
2. Initial Review. Proposed bonus requests shall be included as part of the application for Use Permit for the residential project, which may be a subdivision and be accompanied by a tentative map and shall be reviewed by the Planning Director. Proposed bonus requests shall satisfy the following requirements:
  - a. Identify the section and/or subdivision of the State Density Bonus Law under which the application is made.
  - b. Quantify the total density bonus requested, along with the factual and legal basis for the request in accordance with the State Density Bonus

Law and this section.

- c. Identify any incentives or concessions requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.
  - d. Identify any waivers, reductions, or modifications of development standards requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.
  - e. Provide information satisfactory to the director to enable the county to determine whether the requirements of the State Density Bonus Law and this code have been met by the applicant, including, for example, the project cost per unit and whether any requested incentive or concession is necessary to make the housing units economically feasible (see Cal. Gov't Code § 65915, subdivision (d)). Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the director.
3. Findings for Approval. In addition to the findings required for approval of the application for the project, support of a density bonus by the Planning Director and the approval of the bonus by the applicable approval body shall also require the following special findings:
- a. Adequate evidence exists to indicate that the development of the property in compliance with the permit will result in the provision of affordable housing in a manner consistent with the purpose and intent of this Section.
  - b. If the County does not grant at least one (1) financial concession or incentive as defined in Cal. Gov't Code § 65915 in addition to the density bonus, that the additional concession or incentive is not necessary in order to provide for affordable housing costs as defined in Cal. Health & Safety Code § 50525 or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
  - c. There are sufficient provisions to guarantee that units will remain affordable in the future.

G. Residential Inclusionary Affordable Housing Component. In addition to the above incentives, all projects or subdivisions within the Town of Truckee's Sphere of Influence creating twenty (20) or more parcels or units within the Urban High Density,

Urban Medium Density, and Urban Single-Family Density General Plan land use map designations shall have an inclusionary affordable housing component of ten (10%) percent. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence. Details regarding this component are contained in Title 13 Subdivisions, Water Supply and Distribution Requirements.

H. Childcare Facilities. In addition to the above incentives, for all projects or subdivisions eligible for a density bonus and other incentives as provided by this Section that includes a childcare facility that will be located on the premises, the County shall grant additional density bonus or incentive or concession.

1. When an applicant proposes to construct a housing development and includes a childcare facility as defined in Cal. Gov't Code § 65915 (h)(4) that will be located on the premises of, as part of, or adjacent to, the project, the County shall grant either of the following:
  - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
  - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
2. The County shall require, as a condition of approving the housing development, that the following occur:
  - a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
  - b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.

#### **Section 12.03.170 Residential Dwellings, Multiple-Family**

- A. Multiple-Family dwellings, defined as structures containing two (2) or more kitchens, not including an ADU and/or JADU, designed or used for the occupancy of two (2) or more families living independently of each other, shall be allowed in the RA, R1, and rural districts subject to approval of a Use Permit, provided that:

1. The density does not exceed that allowed by the applicable zoning district,
  2. The structures are clustered on the site,
  3. Adequate buffering and screening is provided for adjacent uses in conformance with all site development standards of this Chapter.
- B. Multiple-Family dwellings shall be allowed in the R2 and R3 Districts subject to approval of a Development Permit.
- C. Multi-Family Residential Uses which are not an integral part of a mixed-use development shall be deemed an allowable use subject to the approval of a Use Permit if the housing development project is located within a zone where office, retail, or parking are a principally permitted use, and the housing development project complies with the standards defined in Cal. Gov't Code §§ 65852.24 – 65863.13, and as amended (the California Middle Class Housing Act of 2022).

#### **Section 12.03.171 Single Room Occupancy Units**

- A. Purpose. To provide for a variety of housing opportunities for all income segments of the County.
- B. Definition.
1. Single Room Occupancy - Housing (consisting of single room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants (HUD Definition).
- C. Standards. Single Room Occupancy (SRO) facilities shall be permitted in the R2, R3, C1 and C2 Zoning Districts subject to a Use Permit approved by the Planning Commission.
1. The density of an SRO facility shall not exceed that allowed by the applicable zoning district.
  2. Unit size: The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or



kitchen facilities.

3. Tenancy. Tenancy of an SRO shall be a minimum of thirty (30) days.
4. Occupancy. An SRO unit shall accommodate a maximum of two (2) persons.
5. Parking shall be provided for an SRO facility at a rate of one (1) parking space per unit.
6. The SRO facility shall be compliant with all site development standards of the County Code, and all permits and mitigation fees that would otherwise be applicable to Multiple-Family Residential Dwelling construction including but not limited to adherence to all applicable Building Codes and provisions for providing adequate water and sewage disposal.
7. An Operational Management Plan shall be submitted with the application for an SRO facility. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance. An onsite twenty-four (24)-hour manager is required in every SRO project. In addition a single manager's unit shall be provided which shall be designed as a complete residential unit. (Ord. 2366. (08/13/2013); Ord. 2533. (12/05/2023))

### **Section 12.03.180 Residential Guest Quarters**

A. Purpose. The purpose of this Section is to provide for the establishment of a residential guest quarters as an accessory use subject to specified standards.

B. Definitions.

1. Residential Guest Quarters - A residential structure intended for sleeping purposes for members of a family occupying the primary residence on the subject property and their non-paying guests.

C. Standards. Guest quarters are allowed subject to zoning compliance and building permit issuance, if required, provided that:

1. The maximum floor area of the guest quarters is 500 square feet unless the Zoning Administrator approves a Use Permit providing for a larger structure;
2. The guest quarters shall not contain a kitchen;
3. Allowable plumbing shall be limited to that required for a single bathroom and one

(1) wet bar (defined as a single sink and faucet);

4. All utilities serving the guest quarters shall be common to and dependent on the primary residence, including, but not limited to, electrical meters, natural gas and propane connections and water.

### **Section 12.03.190 Accessory and Second Dwelling Units**

Accessory and junior accessory dwelling units provide an important source of affordable housing. By promoting the development of accessory, junior accessory, and second dwelling units, the County may ease a rental-housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income. Accessory, junior accessory, and second dwelling units can increase the property tax base and contribute to the local affordable housing stock. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the property on which it is allowed consistent with State Accessory Unit Legislation.

### **Section 12.03.191 Accessory and Junior Accessory Dwelling Units**

- A. Purpose. To maintain the social fabric of families and to improve affordable housing opportunities for the County's workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below-market prices in existing neighborhoods in the County of Nevada.
- B. Definitions: "Accessory dwelling unit" and "junior accessory dwelling unit" have the same meanings as defined in the California Government Code.
- C. Standards. An accessory dwelling unit or junior accessory dwelling unit shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels where residential uses are permitted by-right or by conditional use, subject to zoning compliance and building permit issuance and the following standards:
  1. Accessory dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted area within a legally existing residential unit or accessory structure provided that building permits are obtained, and the following size limitations are satisfied:
    - a. The accessory dwelling unit shall not exceed the following size limitations, as measured from the interior walls:

- 1) Attached Units: maximum fifty (50%) of the existing residence gross floor area, but not to exceed 1,200 square feet.
  - 2) Detached Units: maximum size shall be 1,200 square feet.
  - 3) Detached accessory dwelling units may have an attached garage or carport.
  - 4) Enclosed decks or porches shall be constructed as non- habitable space.
2. Junior accessory dwelling units must be constructed within the walls of a proposed or existing single-family residence, must have a separate entrance, and must have a cooking facility with appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
  - a. For properties with a junior accessory dwelling unit, the single-family residence containing a junior accessory dwelling unit must be owner-occupied, either in the remaining portion of the structure or in the junior accessory dwelling unit, unless the owner is a governmental agency, land trust, or housing organization.
3. There shall be no more than one (1) accessory dwelling unit, and one junior accessory dwelling unit, as provided for in this Chapter, per parcel with a single-family primary dwelling. The accessory dwelling unit and/or junior accessory dwelling unit are not intended for sale separate from the primary residence and may be rented for long-term use only (thirty (30) consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
  - a. Short-term rentals (less than thirty (30) days) of ADUs are allowed on properties that contain a working farm, ranch, agricultural or horticultural operation, and contain an active agritourism use as defined by under Agricultural Uses in this Code and verified by the County Agricultural Commissioner;
  - b. Short-term rentals (less than thirty (30) days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;
  - c. Renting an ADU within the Truckee Sphere of Influence for either a short- or long-term basis are subject to the same rental standards as established in the Town of Truckee Zoning Ordinance;

4. No more than two (2) detached accessory dwelling units shall be allowed per lot with a multifamily dwelling.
5. At least one (1) accessory dwelling unit is allowed within an existing multifamily dwelling. The total number of accessory dwelling units allowed within a multifamily dwelling shall not exceed twenty-five (25%) percent of the number of existing multifamily dwelling units.
6. Prior to building permit issuance for an accessory dwelling unit or junior accessory dwelling unit, the owner shall record a deed restriction which addresses restrictions on such units set forth in Rental Standards in this Section. The declaration shall run with the land and be binding upon the applicant and successor property owners. A property owner may also voluntarily opt to deed-restrict an ADU. for affordability in order to receive incentives outlined in Standard 14 below.
7. Previously approved transitional and supportive housing units may be modified to increase the square footage, not to exceed 1,200 square feet or change the occupancy to rescind previously recorded restrictive covenants, subject to all applicable development fees and standards in effect at the time and consistent with this Chapter.
8. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.
  - a. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of this Chapter, is void and unenforceable.
9. If the accessory dwelling unit or junior accessory dwelling unit is proposed to be constructed within a City's Sphere of Influence, the accessory unit must also comply with any standards (including, but not limited to, the unit's size and permitting requirements) of the City that are more restrictive than those provided for in this Chapter.
10. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area

Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Accessory dwelling units and/or junior accessory dwelling units constructed with kitchens, which includes cooking equipment, may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the accessory dwelling units and/or junior accessory dwelling unit. In the event that the existing disposal field cannot handle the additional load or flow from the accessory dwelling units and/or junior accessory dwelling unit, a new, separate septic tank or system shall be installed to accommodate the accessory dwelling units and junior accessory dwelling unit.

11. Nevada County building code requirements apply to detached dwellings. However, accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Accessory dwelling units must meet building and fire safe standards.
12. Compliance is required with all local Fire Safety Regulations that are generally applicable to residential development, unless exempted by State law or herein, including Titles governing Zoning(12); Subdivisions (13); Buildings (14); Street Addressing and Naming (16); Fire Safety Regulations (4); and Road Standards (16) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
13. Prior to issuance of a building permit for an accessory dwelling unit or junior accessory dwelling unit, the applicant shall pay all applicable permit and mitigation fees, unless the accessory dwelling unit meets one of the criteria provided below. If the accessory dwelling unit or junior accessory dwelling unit meets one of the criteria below, the applicant shall qualify for a fee deferral and the payment of all permit and sewer mitigation fees shall be completed prior to issuance of the certificate of occupancy for the accessory dwelling unit. At the time of building permit submittal, the applicant shall submit a written request to the Building and Planning Department for the deferral of fees and shall submit an agreement to pay form specific to this request. The written request shall document which criteria the unit qualifies for to receive the deferral.
  - a. The property owner may deed-restrict the accessory dwelling unit and/or junior accessory dwelling unit to very low- or low-income qualified individuals or families for a minimum of ten (10) years. Prior to issuance of a building permit for second dwelling unit, the owner shall record the deed restriction. The declaration shall run with the land and be binding upon the applicant and successor property owner.

- b. Construction of an 800 square foot unit or less in size.
- 14. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Fire Safety Regulations, Driveways.
- 15. All accessory dwelling units and junior accessory dwelling units that are located beyond the dead-end road limit as established by Road Standards are subject to the following provisions:
  - a. The applicant shall provide a minimum of one turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to Fire Safety Regulations, Definitions. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.
  - b. The accessory dwelling unit or junior accessory dwelling unit shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.
  - c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the accessory dwelling unit or junior accessory dwelling unit is located beyond the dead-end road limit established by the Nevada County Road Standards.
- 16. All accessory dwelling units and junior accessory dwelling units within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all accessory and junior accessory dwelling units beyond the dead- end road limit regardless of their SRA Fire Severity Zone, are subject to the following provision:
  - a. As a part of the building permit application, the applicant shall submit a Fire Protection Plan, which shall be site specific and address the following issues:
    - 1) The proximity to emergency responders and estimated emergency response times;
    - 2) Describe the primary (and secondary if applicable) access road conditions;

- 3) Identify the project's emergency water supply or emergency water storage facilities consistent with Fire Safety Regulation;
  - 4) Identify if a fire sprinkler system is proposed or required;
  - 5) Provide a Fuels Management Plan that requires;
    - a) Defensible space design consistent with Cal. Pub. Res. Code §4291;
    - b) Identification of high fuel load areas;
    - c) How adequate defensible space will be ensured;
    - d) The mechanism for maintaining defensible space; and
    - e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project. (Ord. 2474. (01/14/2020); Ord. 2462. (03/26/2019); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2366. (08/13/2013); Ord. 2236. (05/21/2007); Ord. 2149. (05/25/2004); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))
17. Newly constructed, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar panels on the ADU or the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.
18. An application for a building permit shall be approved to create an ADU pursuant to Cal. Gov't Code § 65852.2(1)(B) or (D) within a residential or mixed- use zone, in compliance with all of the applicable provisions in Cal. Gov't Code § 65852.2; and all of the applicable provisions of this Chapter, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Cal. Gov't Code § 65852.2 ; and all of the following requirements:
- a. An ADU created pursuant to Cal. Gov't Code § 65852.2(1)(B) shall have a Floor Area of not more than 800 square feet and a height of no more

than sixteen (16') feet; and

- b. An ADU created pursuant to Cal. Gov't Code § 65852.2(1)(D) shall have a height of no more than sixteen (16') feet and four-foot (4') rear yard and side setbacks.

### **Section 12.03.192 Second Dwelling Units-Consistent with Allowed Density**

A. Purpose. To allow for second dwelling units on parcels with available density without limiting the size of the unit.

B. Standards. A second dwelling unit, not including Accessory Dwelling Units or Junior Accessory Dwelling Units, consistent with allowed density, shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the RA, the R1, the R2, the AE, the AG, the FR, and the TPZ zoning districts, where the property is at least twice the minimum lot size, subject to an Administrative Development Permit pursuant to Section governing Development Permits, but not subject to design review, provided the following standards are satisfied:

1. The second unit shall comply with zoning density established for the parcel on which the second unit is located.
2. No more than one (1) second dwelling unit may be allowed on any one (1) parcel pursuant to this section.
3. The unit must comply with all applicable standards of the Nevada County Codes, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.
4. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.
5. Compliance is required with all local Fire Safety Regulations, including Wildland Fire Hazards, and Fire Safety Regulations and Road Standards, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Cal. Pub. Res. Code § 4290.

### **Section 12.03.193 Second Dwelling Units-Consistent with Government Code Section 65852.21**

A. Within the R1 zoning districts a second primary dwelling unit consistent with Cal. Gov't Code § 65852.21 shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:



1. The parcel subject to the proposed housing development is located on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
2. The proposed development would not require:
  - a. Demolition or alteration of deed-restricted affordable or rent- controlled housing;
  - b. Demolition or alteration of housing that has been occupied by a tenant in the last three years; or
  - c. Demolition of more than twenty-five (25%) of existing exterior structural walls, unless allowed by local ordinance or unless the site has not been occupied by a tenant in the last three (3) years.
    - 1). The development is not located within a historic district or property included on the State Historic Resources Inventory.
    - 2). The development is not located on a site that is any of the following unless a Management Plan is approved pursuant to Resource Standards in this Code:
      - a). Prime farmland, farmland of statewide importance, or land designated for agricultural protection;
      - b). Wetlands;
      - c) High or very high fire hazard severity zone as defined on the State Responsibility Area (SRA) maps;
      - d) An uncleared hazardous waste site;
      - e) A delineated earthquake fault zone;
      - f) A specified special flood hazard area;
      - g) A regulatory floodway;
      - h) Lands identified for conservation in adopted natural resource protection plan;

- i) Habitat for protected species;
  - j) Lands under conservation easement; or
  - k) Within the setback to a watercourse per Resource Standards.
- 3. The development is not intended for separate unit sale and the units may be rented for long-term use only (thirty (30) consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
  - a. Short-term rentals (less than thirty (30) days) are allowed on properties that contain active agritourism uses as defined by this Code and verified by the County Agricultural Commissioner;
  - b. Short-term rentals (less than thirty (30) days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;
- 4. Prior to building permit issuance for the development, the owner shall record a deed restriction which addresses restrictions on such units set forth in Single-Family Districts Allowable Uses and Permit Requirements. The declaration shall run with the land and be binding upon the applicant and successor property owners.
- 5. If the development is proposed to be constructed within a City's Sphere of Influence, the development must also comply with any standards of the City that are more restrictive than those provided for in this Chapter.
- 6. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Developments proposed with kitchens, which includes cooking equipment, may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the development. In the event that the existing disposal field cannot handle the additional load or flow from the development, a new, separate septic system shall be installed to accommodate the development.
- 7. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development, unless

exempted by State law or herein, including Zoning Title 12), Subdivisions (Title 13), Buildings (Title 14), Street Addressing and Naming (Title 16), Fire Safety Regulations (Title 4), and Road Standards (Title 16) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.

8. Prior to issuance of a building permit for the housing development, the applicant shall pay all applicable permit and mitigation fees.
9. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Fire Safety Regulations governing Private Driveways.
10. All housing developments that are located beyond the dead-end road limit as established by Road Standards in this Code are subject to the following provisions:
  - a. The applicant shall provide a minimum of one (1) turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to General Requirements of Fire Safety Regulations. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.
  - b. The housing development shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.
  - c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the housing development is located beyond the dead-end road limit established by the Nevada County Code Road Standards (Title 16).
11. The proposed housing development shall not have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

### **Section 12.03.200 Transitional and Supportive Housing.**

- A. Purpose. To allow for adequate supportive housing to help alleviate the

severe shortage of housing opportunities for people experiencing homelessness in the County of Nevada.

B. Definitions.

1. Supportive housing shall have the same meaning as defined in Cal. Health & Safety Code § 50675.14.
2. Supportive services shall have the same meaning as defined in Cal. Health & Safety Code § 65582.
3. Target population shall have the same meaning as defined in Cal. Health & Safety Code § 50675.14.

C. Standards. Supportive Housing developments shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R2, R3, C2, and C3 zoning districts, subject to zoning compliance and building permit issuance and the following standards:

1. Units within the development are subject to a recorded affordability restriction for fifty-five years (55) years;
2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Cal. Health & Safety Code § 50079.5.
3. At least twenty-five (25%) of the units in the development or twelve (12) units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than twelve (12) units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
4. The developer provides the planning agency with the information required by Cal. Gov't Code § 65652.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
  - a. For a development with twenty (20) or fewer total units, at least ninety (90 sq. ft.) square feet shall be provided for onsite supportive services.

- b. For a development with more than twenty (20) units, at least three (3%) percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Cal. Gov't Code § 65915(c)(3).
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
8. Development proposals shall undergo an Administrative Design Review process limited to design issues only. No discretionary permit is necessary for the density or use of the site.

### **Section 12.03.210 Subsurface Mining**

Subsurface mining is allowed in all base districts subject to approval of a Use Permit. Surface access to subsurface mining, including vent and escape shafts, is allowed in the AG, FR, M1, M2, P, and PD base districts subject to approval of a Use Permit. Small vent and escape shafts disturbing not more than 100 cubic yards of overburden are allowed in all other base districts subject to approval of a Use Permit.

### **Section 12.03.220 Surface Mining Permits and Reclamation Plans**

- A. Purpose and Intent. The purpose and intent of this Section is to ensure:
  1. The recognition and protection of valuable mineral resources for current and future generations in a manner that does not create land use conflicts.
  2. The protection of valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing.
  3. That adverse effects on neighboring activities and the environment are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.
  4. That the production and conservation of minerals are encouraged, while protecting values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  5. That immediate and residual hazards to the public health and safety are

eliminated.

B. Definitions.

1. Area of Regional Significance - An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
2. Area of Statewide Significance - An area designated by the State Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
3. Borrow Pits - Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
4. Compatible Land Uses - Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
5. Exploration - The search for economic mineral or ore by (a) geological surveys, (b) geophysical or geochemical prospecting, (c) bore holes and trial pits, (d) surface or underground headings, drifts, or tunnels. Exploration aims at locating the presence of economic deposits and establishing their nature, shape, and grade.
6. Haul Road - A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.
7. Idle - Surface mining operations curtailed for a period of one (1) year or more, by more than ninety (90%) percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

8. Incompatible Land Uses - Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to residential uses, public facilities, geographically limited but impact intensive industrial, and commercial.
9. Mined Lands - The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
10. Minerals - Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
11. Mining, Recreational - The extraction of minerals for recreation on a seasonal basis and using such devices as pans, rockers, and dredges, in compliance with all applicable State and Federal Regulations.
12. Operator - Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.
13. Overburden - Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by mining operations.
14. Quarry - A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.
15. Quarrying - The digging out of stone or slate from an open excavation.
16. Reclamation - The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to

affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

17. Stream Bed Skimming - Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
18. Surface Boulder Collection - Collecting of exposed boulders without the need for excavation.
19. Surface Mining - All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, combination, concentration, processing, in-place distillation or retorting or leaching, the production and disposal of mining waste, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). Said process shall not include the processing and use of on-site aggregate for on-site construction (see Section governing Natural Resources – On-Site Uses).
20. Waste, Mining - The barren rock excavated from a mine. The waste dump is the area where waste is disposed of or piled.

C. Incorporation by Reference. The following are made a part of this Section by reference with the same force and effect as if the provisions therein were specifically and fully set out herein as those provisions and regulations may be amended from time to time, excepting that when the provisions of this Section are more restrictive than correlative State provisions, this Section shall prevail:

1. California's Surface Mining and Reclamation Act of 1975 (Cal. Pub. Res. Code §§ 2710 – 2796.5), hereinafter referred to as "SMARA".
2. California Public Resources Code (PRC) § 2207 (relating to annual reporting requirements).
3. State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations CCR Tit. 14, §§ 3500 - 3508).

D. Scope.



1. General. Except as provided in this Section, no person shall conduct surface mining operations unless the County of Nevada has first approved a Use Permit, Reclamation Plan, and financial assurances for reclamation. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other General Plan policies or regulations of the County, including but not limited to, the application of CEQA, the requirement for other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Section shall apply to all lands within the unincorporated County, public and private.
2. Exploration.
  - a. Mineral exploration is allowed in the AG, FR, M1, M2, P, and PD Districts subject to zoning compliance and building permit issuance, if required. A Use Permit shall be required if:
    - 1) Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed, or
    - 2) The operation in any one location exceeds one (1) acre in size, or
    - 3) De-watering will occur, or water will be discharged from the site as a result of the operation.
  - b. Smaller-scale exploration is allowed in all other Districts not listed in 2.a. above, subject to approval of a Use Permit, providing:
    - 1) Methods of geological survey, geophysical, or geochemical prospecting are used, or
    - 2) Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance per acre may be done.
    - 3) No explosives may be used other than geophysical; there may be no drifting or tunneling and de-watering or water discharge is not allowed.
  - c. All exploratory operations shall require a reclamation plan unless:
    - 1) Less than 1,000 cubic yards of overburden are disturbed, and
    - 2) The size of the operation in any one location is one (1) acre or less.

In those instances where a reclamation plan is not required, an erosion control plan, approved by the Nevada County Planning Department, and a grading permit shall be

required for those operations in which fifty (50) cubic yards or more of overburden are disturbed.

3. **Surface Mining.** Surface mining is allowed in the AG, FR, M1, M2, P, PD, and TPZ Districts and where the property is zoned ME, subject to approval of a Use Permit and Reclamation Plan. Within the TPZ Districts, surface boulder collection only is allowed, and is limited to exposed rocks within areas of historic, previously mined lands where no significant impacts to sensitive resources occur, and no additional roads are constructed, subject to a Use Permit and Reclamation Plan.
4. **Exemptions.** This Section shall not apply to the following activities:
  - a. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
  - b. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments.
  - c. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
  - d. Recreational mining as defined in Section “B” above. Certain Federal and State regulations and local building and sanitation regulations may apply. Recreational mining is not exempted from SMARA compliance if surface disturbance is greater than one acre or 1000 cubic yards.
  - e. Such other mining operations categorically identified in Cal. Pub. Res. Code §2714 as excepted activities.

E. **Vested Rights.** No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Section. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Section shall apply to vested mining operations.

F. Process.

1. Applications for a Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Cal. Pub. Res. Code §§ 2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation. For surface mining operations that are exempt from a Use Permit pursuant to this Section, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.
2. Within thirty (30) days of acceptance of an application for a Use Permit for surface mining operations and/or a Reclamation Plan, including financial assurances, as complete, the Planning Department shall request review and comment on the application and financial assurances by the State Department of Conservation and other selected public agencies. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.
3. Pursuant to Cal. Pub. Res. Code §2774(d), the State Department of Conservation shall be given thirty (30) days to review and comment on the Reclamation Plan and forty-five (45) days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation and other selected public agencies, and may incorporate said comments into conditions of approval, if applicable. Following a noticed public hearing(s), the Planning Commission shall then take action to approve, conditionally approve, or deny the Use Permit and/or Reclamation Plan, and the financial assurances pursuant to Cal. Pub. Res. Code §2770(d).
4. The Planning Department shall forward a copy of each approved Use Permit for mining operations and/or approved Reclamation Plan and a copy of the approved financial assurances to the State Department of Conservation. Staff shall also prepare a written response describing the disposition of the major issues raised by the State and forward said response to the State. In particular, if the Commission's action is at variance with the recommendations and objections raised in the State's

comments, the written response shall address why specific comments and suggestions were not accepted. Copies of any written comments received, and responses prepared by the staff shall be promptly forwarded to the operator/applicant.

5. By July 1st of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Use Permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

G. Standards for Surface Mining Use Permits.

All surface mining Use Permits shall:

1. Comply with the policies of the Nevada County General Plan Chapter 17: Mineral Management and standards in “Site Development Standards” in this Code.
2. Provide for periodic reviews of the Permit by the Planning Agency to ensure compliance with Permit conditions. Said reviews time periods shall not exceed five (5) years with the first review not to exceed five (5) years from approval of the Permit.
3. Include provisions for management of water quality and quantity based on the following standards:
  - a. Require the conservation of on-site water during mining operations.
  - b. Require that off-site water discharge comply with State water quality standards.
  - c. Require that any increase or decrease of off-site discharge is not detrimental to the downstream environment or downstream water uses.
  - d. When the Planning Agency determines, based on relevant expert testimony, or other available information, that existing surface or subsurface water quality or quantity may be threatened, require a comparable supply of water to nearby homes and businesses through accessible forms of Security or alternative sources of water. Where water quantity and quality problems occur, an immediate water supply shall be provided by the operator until the source of the problem is determined. The burden of proof shall be on the operator to show that the mining operation did not create the water problem. If it is determined that the operator is at fault, impacted owners shall be compensated by the operator.

H. Standards for Reclamation.

1. All Reclamation Plans shall comply with “Site Development Standards” and the provisions of SMARA (Cal. Pub. Res. Code § 2772 and §2773) and State regulations (CCR Tit. 14 §§3500-3505). Reclamation Plans approved after January 15, 1993, Plans for proposed new mining operations, and any substantial amendments to previously approved Plans, shall also comply with the requirements for reclamation performance standards (CCR Tit. 14 §§ 3700- 3713).
2. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) standards for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

I. Statement of Responsibility. The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Plan. The Planning Department shall keep said statement in the mining operation’s permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

J. Findings for Approval.

1. Use Permits. In addition to findings required by Section governing Use Permits, subsection “G”, Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
2. Reclamation Plans. For Reclamation Plans, the following findings shall be required:
  - a. That the Plan and potential use of reclaimed land pursuant to the Plan are consistent with the General Plan and the provisions of this Section.
  - b. That the Plan complies with SMARA, Cal. Pub. Res. Code §§ 2772 and 2773, applicable requirements of State regulations (CCR Tit. 14 §§ 3500-3505, and §3700-3713), and any other applicable provisions;
  - c. That the Plan has been reviewed pursuant to CEQA and the County’s environmental

review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

- d. That the Plan minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations.
- e. That the Plan restores the mined lands to a usable condition that is readily adaptable for alternative land uses.
- f. That the Plan restores the mined lands to a condition that creates no danger to public health or safety.
- g. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
- h. That the Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the General Plan.
- i. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

K. Financial Assurances.

- 1. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the County shall require as a condition of approval Security that will be released upon satisfactory performance. The applicant may pose Security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Plan. Financial assurances shall be made payable to the County of Nevada and the State Department of Conservation, and, where applicable, the United States Forest Service and Federal Bureau of Land Management.
- 2. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies

and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

3. Cost estimates for the financial assurance shall be submitted to the Planning Department with the Use Permit and/or Reclamation Plan application. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Planning Commission shall have the discretion to approve the financial assurance if it meets the requirements of this Section, SMARA, and State regulations.
4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. A California registered professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Planning Director shall prepare cost estimates. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten (10%) percent shall be added to the cost of financial assurances.
5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
7. The amount of financial assurances required of a surface mining operation for any

one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

L. Interim Management Plans.

1. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
2. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
3. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review at least thirty (30) days prior to approval.
4. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Section. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Commission shall approve or deny the revised IMP within sixty (60) days of receipt.
5. The IMP may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the IMP for another period not to exceed five (5) years, or require the surface mining operator to commence reclamation in



accordance with its approved Reclamation Plan.

M.           Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

N.           Inspections. The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the Annual Report required in subsection M, to determine whether the surface mining operation is in compliance with the approved Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

O.           Violations and Penalties. If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Section, the applicable Use Permit, any other required permit, and/or the Reclamation Plan, the County shall follow the provisions of Section governing Permit Revocation, as well as the procedures set forth in Cal. Pub. Res. Code §§ 2774.1 and 2774.2 concerning violations and penalties.

P.           Fees. The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Use Permit application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas as shown in the General Plan before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Section, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible consistent with the General Plan.

In accordance with Cal. Pub. Res. Code § 2762, the General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve (12) months of receipt from the State Mining and Geology Board of such information. Land use decisions will be guided by information provided on the location of identified mineral resources of regional significance.

See Section governing Mineral Areas, Significant, for standards in this Chapter intended to protect significant mineral areas from incompatible land uses and minimize land use conflicts between surface mineral extraction and processing and neighboring incompatible land uses.

R. Severability. If any Section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

S. Effective Date. This Chapter shall take effect thirty (30) days following its adoption. (Ord. 2220. (10/31/2006); Ord. 2533. (12/05/2023))

### **Section 12.03.230 Temporary Commercial Uses**

A. Purpose. To establish standards and permitting requirements for temporary commercial uses in those districts listed in the standards below. This section does not apply to the direct sale of agricultural products addressed in Agricultural Uses, 12.03.030, in this Chapter, nor does it apply to other on-site temporary uses permitted under the terms of an issued use permit or customarily considered to be an accessory and incidental to allowed uses on sites occupied by a residence or by a church, school, community center or similar institution.

B. Definitions.

1. Temporary Commercial Uses - Services limited to the installation and removal of tire chains, and transient businesses involving the selling of food or merchandise, in any doorway, recess, alley, vacant lot or other place facing a street or roadway that

may be hired, leased or occupied for the exhibition of such food or merchandise. This definition does not apply to the sale of agricultural products authorized pursuant to the “Agricultural Uses” Section of Zoning Regulations, 12.03.030, nor does it apply to other on-site temporary uses permitted under the terms of an issued use permit or customarily considered to be an accessory and incidental to allowed uses on sites occupied by a residence or by a church, school, community center or similar institution. (Ord. 2235. (04/10/2007); Ord. 2533. (12/05/2023))

2. Non-Profit Charitable Organization - Any organization incorporated pursuant to the California Non-Profit Corporation Law (Cal. Corp. Code §§ 5000 - 10841), that is exempted from federal taxation by the Internal Revenue Code pursuant to subsections (3) or (19) of 26 USCS §501 (c) and exempted from state taxation by the Cal. Rev. & Tax. Code §§23701d or 23701x.

C. Standards. Temporary commercial uses as herein defined are allowed in the C1, C2, CH, C3, M1 and M2 districts subject to approval of an Administrative Development Permit, but not subject to design review, and the following standards:

1. Temporary commercial uses shall not exceed a period of ninety (90) days in a calendar year, except that temporary flea markets shall be limited to no more than three (3) days in a ninety-day (90) period, not exceed three (3) such operations in a twelve-month (12) period.
2. Submit written permission from the property owner(s) on whose land the use is proposed.
3. Submit a site plan drawn to scale showing the location of the proposed temporary use, including parking for the proposed use, the existing uses including parking for the existing uses and road rights-of-way.
4. Temporary uses may not be located within a public right-of-way, except that the provisions of this Section shall not supersede the requirements for a permit for the installation of tire chains contained in the Nevada County Code.
5. Temporary uses may not be located in any wheelchair accessible parking stalls nor shall such use occupy more than ten (10%) of any on-site parking on a commercially-developed property.
6. No more than one permit for a temporary commercial use may be issued at any one time on a single parcel.
7. Permits for temporary commercial uses shall not be issued more than thirty (30) days in advance of the valid date of operation.

8. Permits may not be re-issued for the same type of business (i.e., vendors of fresh produce or fresh flowers) on a single parcel if total operating time will exceed the time limits established in this Section.
9. Parking shall be provided completely on the same site as the temporary use and may not be located in the County right-of-way. Parking may not be located so as to require backout into any County right-of-way. Unpaved parking areas for temporary commercial uses shall be surfaced with a minimum four (4") inches of crushed rock except that temporary flea market parking areas shall be treated as necessary to reduce dust and fire danger. Driveway encroachments into County roads shall be improved pursuant to County Encroachment Permit standards.
10. Signage is limited to one sign per business which shall be substantially attached to the stand or vehicle used for the temporary use and the maximum allowable aggregate area shall be twenty (20 sq. ft.) square feet.
11. All pedestrian traffic or display areas that are not paved or graveled shall be covered with a minimum two (2") inches of sawdust or wood shaving, except that temporary flea market parking areas shall be treated as necessary to reduce dust and fire danger.
12. Temporary use shall be limited to chain installation or outside sales, which may include sales from a vehicle or temporary structure that is removed from the site at the end of each business day. Any new temporary structure or new electrical service connection shall require a building permit unless specifically exempted by the Uniform Building Code.
13. Any use that provides for public access into a structure or vehicle shall require approval by the local Fire Protection District.
14. Where applicable, temporary uses shall satisfy the Department of Environmental Health for the storage and removal of solid waste and/or sewage.
15. Temporary commercial uses shall be subject to compliance with all applicable County and local Codes, including the issuance of the following permits, where applicable:
  - a. A Certificate of Operation from the Nevada County Environmental Health Department for those uses requiring such a permit, including the handling of foods.
  - b. A Hawkers and Peddlers Permit issued by the Nevada County Tax Collector.

16. Temporary commercial uses shall be subject to compliance with all applicable State and Federal laws and regulations, including a California Sales Tax Permit issued by the State of California.

D. Exemptions.

1. Non-profit charitable organization, as herein defined, shall be exempt from the permit provisions of this Section for temporary uses meeting the standards of this Section, but shall be required to file a letter of intent with the Planning Department in advance of commencing the use, stating the days of operation and location of the proposed use.
2. Mobile Food preparation Units, or Mobile Food Facilities, that are regulated by the Department of Environmental Health, pursuant to the California Uniform Retail Food Facilities Law of the Health and Safety Code, and which do not stay in any one location for more than one hour at a time.

E. Temporary Construction Trailers. A recreational vehicle, mobile home or commercial coach may be used as a construction office on property that is being developed for commercial or industrial use, provided that a building permit has been issued and is valid for construction of an approved development. (Ord. 2090. (07/07/2002); Ord. 2533. (12/05/2023))

### **Section 12.03.240 Wineries**

A. Purpose. To provide for the development of wineries as a viable agricultural industry by establishing standards for the growing of fruit, the production of wine, the sale of wine and winery-related goods, and the use of land for support uses, within the AG, AE, FR, and RA zoning districts.

B. Definitions.

1. Wineries - Facilities used for the fermenting and processing of juice into wine. Typical activities include crushing of fruit, aging, processing, and storage of wine in bulk, bottling and storage of bottled wine, shipping of bulk and bottled wine, offices, and laboratories.
2. Wine Tasting Room - An area for the promotion and sales of wines produced at the winery facility or other winery facilities contracted to produce wines made from wine growers' fruit, and the sale of wine related merchandise. May be either a Grower Tasting Room or a Winery Tasting Room.

C. Standards. Wineries, retail sales and wine tasting facilities are allowed in the

AE, AG, FR and RA districts subject to zoning compliance and building permit issuance, if required, and the following limitations.

1. Facilities within the RA district are limited in size to no more than 3,000 square feet in size. This size may be exceeded subject to a use permit.
2. Within the RA district such uses shall be limited to parcels of three (3) acres or more in size. This minimum parcel size may be waived subject to a use permit.
3. All parking is provided on site.
4. The winery shall have direct access to a publicly-maintained road. If the property does not have direct access to a publicly-maintained road, the developer shall form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If the use of a road maintenance district is not feasible, the property owner shall join, form, or demonstrate that they are part of a road maintenance agreement. If a homeowner's association maintains the private roads, participation in a road maintenance association is required.

#### **Section 12.03.250 Tree Removal Near Nevada City**

A. No person, firm or corporation shall remove or cause to be removed any tree located outside a Timberland Preserve Zone (TPZ) and within the Nevada City Sphere of Influence as adopted by the Local Agency Formation Commission without first obtaining a tree removal permit from the Planning Director, except those:

1. That have been identified for removal as part of a Use Permit, Development Permit or Subdivision;
2. That are on developed residentially-zoned property;
3. That have been identified by a licensed forester as being in a hazardous condition presenting an immediate danger to health and property;
4. Where the trunks measure less than ten (10") inches in diameter, measured four and one-half (4.5') feet above grade and where less than twenty percent (20%) of the trees over eight (8") inches in diameter are proposed to be removed every five (5) years;
5. Located on parcels aggregating three (3) acres or more in size, subject to pre-emptive State regulations identified for commercial tree removal pursuant to an approved Timber Harvest Plan;

6. Located within a public or public utility right-of-way when such trees are to be removed by a public agency or public utility.

B. Application Content. A tree removal application shall include, but is not limited to, the following:

1. An inventory of on-site trees, including the percentage of trees over ten (10”) inches in diameter to be removed, and the size, species and condition of each tree to be removed.
2. Statement of fact stating the purpose of the removal.
3. Size and species of any trees proposed to replace removed trees.

C. Tagging Required. Trees proposed for removal shall be identified by flagging, staking, painting or other suitable means not detrimental to the health of the tree that is readily visible for field inspection.

D. Removal Standards. A tree may be removed only when:

1. Dead or diseased beyond reclamation.
2. Crowded beyond good forestry practices.
3. Interfering with existing utilities or structures.
4. Obstructing existing or proposed improvement that cannot be designed to avoid tree removal.
5. Inhibiting sunlight necessary for solar access.

E. Safety. The Planning Director may require that tree removal be conducted by a licensed and insured tree faller, to ensure the safety of life and property.

Any other reason that may be identified by the Planning Director based on a consultation with the recognized expert in the field including, but not limited to, a licensed landscape architect, forester or horticulturist. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.03.260 Wildlife Rehabilitation Facilities**

A. Purpose. To provide opportunities for the rehabilitation of wild (non-exotic) animals within the rural and agricultural districts on properties developed with a residence as the primary use, provided that the wildlife rehabilitation activity does not impact

surrounding properties.

B. Definitions.

1. Wildlife Rehabilitation Facility - A site where activities are undertaken to restore to a condition of good health, for the purpose of release to the wild, animals occurring naturally and not normally domesticated in this state, but not including those defined by Title 8 governing definition of a Working Animal in the Nevada County Code.

C. Standards. All wildlife rehabilitation facilities are subject to the approval of an Administrative Development Permit, 12.05.051, subject to the following standards:

1. Wildlife rehabilitation facilities shall be allowed in the AG, AE, RA, FR, REC, IDR, PD, TPZ, P, and OS zoning districts subject to an Administrative Development Permit. Wildlife rehabilitation facilities shall not be allowed in the R-1, R-2, R-3, and all commercial and industrial zoning districts.
2. No person shall possess any animal, if such animal is a member of any class, family and species as set forth in Cal. Code Regs. tit. 14 § 679(c) and (f), with the county without first applying to and receiving from the Planning Department a permit to do so. Such permit shall not in any way act in lieu of the required state permit for possession of such animal, nor shall the state permit act in lieu of the permit required herein by the county. County permits shall not be issued for any animal for which a state permit may not be issued.
3. Applicants shall be required to apply and receive approval of a Memorandum of Understanding (MOU) from the State of California Department of Fish and Game and meet all provisions of the MOU. Nevada County shall not issue a release of a Wildlife Rehabilitation Facility Permit (Administrative) without the submittal of the MOU.
4. Annually, the applicant shall provide a letter to the Nevada County Planning Department from the Department of Fish and Game stating that they are in compliance with the most current DFG MOU for wildlife rehabilitation facilities.
5. The Planning Department shall notify the Animal Control Division of the Sheriff's Office about the issuance of an Administrative Development Permit for any approved wildlife rehabilitation facility.
6. Wildlife rehabilitation permits are specifically for native California wildlife including birds, mammals and reptiles. No animals larger than a bobcat or fawn are allowed.



7. Wildlife rehabilitators are prohibited by the DFG and provisions of this Code from rehabbing “big game” animals, which include adult deer, elk, pronghorn antelope, wild boar, bear, and mountain lions. Cal. Fish & Game Code § 679.c prohibits the possession of Big Game Mammals or Fully Protected, Threatened or Endangered Species except under Department permit. This Section of the Fish and Game Code states: “[n]o person or wildlife rehabilitation facility may possess any big game mammal listed in Section 350, Title 14, CCR, or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian without specific written authorization from the department.” The keeping of these animals upon written authorization from the DFG, shall be subject to a Use Permit and authorization of the Animal Control Division of the Nevada County Sheriff’s Office.
8. The applicant shall be responsible for obtaining all necessary permits from the Nevada County Building Department for any temporary or permanent structures used for the purposes of the wildlife rehabilitation facility.
9. Wildlife rehabilitation facility vehicular trips shall be limited to dropping off of injured animals, animal caregivers of the facility and veterinary visits for animal care. Public visitations are prohibited by Cal. Fish & Game Code § 679. This Section of the Fish and Game Code states: “[w]ildlife held for rehabilitation must be maintained separate from facilities housing domestic animals and shall not be displayed to the public. Such wildlife shall have minimal direct human contact. Every effort shall be made to prevent imprinting.”
10. All parking for the rehabilitation facility shall be provided on site.
11. No signage shall be allowed that advertises the wildlife rehabilitation facility.
12. Setback for animal enclosures shall mirror the building setbacks required by the base zoning district.
13. Filing fees for Administrative Development Permits shall be as established by the most current Resolution of the Board of Supervisors.

### **Section 12.03.270 Dog Obedience Training**

A. Purpose. To provide for opportunities for instructor led dog obedience training in rural or low-density residential districts, where the sessions are conducted in a manner consistent with the neighborhood and do not adversely impact surrounding properties and uses allowed thereon.

B. Definitions:

1. Dog Obedience Training - An instructor led training involving a domestic dog pet and its handler to assist in developing working relationships between owner and animal focused on creating a willingness of the animal to yield or to cooperate with the command of authority, including both group and individual training classes. It shall not include training for sport fighting or other potentially malicious purposes, which is strictly prohibited in all districts.

C. Standards. Dog obedience training is allowed subject to zoning compliance and building permit issuance, if required, pursuant to the following standards:

1. Individual or group dog obedience training is an allowed use at public parks or other appropriate public facilities, served by public water and sewer adequate to accommodate the use, between dawn and dusk with advance written approval from the appropriate park district or property owner, subject to the following standards:
  - a. The dog owner or handler and the obedience instructor or assistant shall be present at all times during training activities.
  - b. All parking shall be provided onsite.
  - c. Exterior property line noise levels generated by this use do not create a nuisance by exceeding those defined for the base-zoning district shown in the Nevada County Code.
  - d. All dogs shall be kept on leash except when actually participating in instructional dog obedience training classes with the dog's owner or handler personally present and able to effectively control the dog at all times.
  - e. The property owner, dog obedience instructor and dog owner/handler is responsible for cleanup of all animal waste from dogs participating in obedience training in a fashion consistent with the County Solid Waste Code. As such, all animal waste shall be picked-up each day and bagged and then placed in a secure, plastic lined, covered solid waste receptacle and removed from the property to an approved solid waste facility at least every seven days.
  - f. The dog obedience training activity shall be conducted in a manner that does not result in a private or public nuisance.

2. Individual private dog obedience training is an allowed use in all residential zoning districts so long as it involves only the property resident and/or handler, the instructor and/or assistant and a single dog lawfully kept as a pet on the premises where the training is being conducted. Individual private obedience training may also be performed at the residence of the dog obedience instructor or assistant. All individual dog obedience training is subject to the following standards:

- a. The proposed use shall be subject to standards (a-f) of subsection C.1 above.
  - b. Hours of operation for dog obedience training shall be limited to the hours of 7:00 a.m. to 9:00 p.m. for outdoor activity and 7:00 a.m. to 10:00 p.m. for indoor activity Monday through Saturday and 8:00 a.m. to 9:00 p.m. for outdoor activity and 8:00 a.m. to 10:00 p.m. for indoor activity on Sunday.
3. Group dog obedience training involving more than one resident or handler and/or more than one dog is allowed in the AG, AE and RA zoning districts, pursuant to the following standards:
- a. The proposed use shall be subject to standards (a-f) of subsection 1 and (a-b) of subsection C.2.
  - b. All outdoor use shall be conducted within a fenced area capable of containing a dog in the event that said dog is off-leash during training activities. Property perimeter fencing is sufficient to meet this requirement.
  - c. The applicant shall demonstrate, upon County request, that the proposed site is compliant with the County Fire Safety Regulations, unless otherwise modified by the agency responsible for fire protection.
  - d. The applicant shall demonstrate, upon County request, that access to the proposed site meets, at the least, the minimum fire standard access road specifications compliant with the Road Standards.
  - e. The applicant shall demonstrate, upon County request, that the proposed training site has access to a public water supply and a public sewer system or provide proof that the site has access to a County approved septic system and water supply adequately sized to accommodate the classes being conducted as determined by the Nevada County Department of Environmental Health.
  - f. One on-site, freestanding or wall sign shall be permitted for the training site, which is limited to a maximum of four (4 sq. ft.) square feet and may not be illuminated.

### **Section 12.03.280 Commercial/Industrial Pre-Grading**

A. Purpose. To provide opportunities and establish standards for the grading and preparation of certain Commercial or Industrial zoned sites for future development of permitted and/or allowed structures and uses prior to the approval and design of a specific development project. It is the intent of this Section to encourage and enhance economic development in the County's identified Community Regions by enhancing the sale, lease

and/or development opportunities of a commercial/industrial site through site preparation and grading activities prior to a specific development project.

B. Definition.

1. Pre-Grading - Grading activities performed in accordance with Building Codes in the County Code for the grading and preparation of a Commercial or Industrial site for future development prior to the approval and design of a specific development project.

C. Standards. Pre-Grading activities are subject to the following development standards:

1. Pre-Grading is allowed in the C1, C2, C3, M1 and M2 zone districts within a Community Region subject to an Administrative Development Permit if the following standards can be met. Pre-Grading activities shall not be allowed in all other zone districts or outside of a Community Region.
  - a. Pre-Grading activities that do not disturb more than one (1) acre of land.
  - b. Pre-Grading activities that are determined to be exempt from CEQA.
  - c. Pre-Grading activities shall be required to obtain a Grading Permit from the Building Department and shall conform to the requirements of the Building Code, Title 14, including erosion control standards, 16.13.020 and Best Management Practices.
  - d. Pre-Grading activities shall meet drainage standards and requirements contained in Building, Title 14 and Storm Drainage regarding Road Standards title 16 and shall demonstrate that the post-grading flow levels and patterns do not exceed pre-grading drainage flow levels and patterns. The applicant shall demonstrate that onsite and offsite drainage facilities and easements exist to accommodate the proposed drainage of the graded site. Offsite properties and drainage facilities shall not be adversely impacted by Pre- Grading activities.
  - e. On parcels not served by sewer a Minimum Usable Sewage Disposal Area (M.U.S.D.A.) shall be identified on the site and avoided during all Pre-Grading activities. The M.U.S.D.A. design shall be in conformance with Environmental Health standards and regulations. A Notice to Property Owner shall be recorded indicating the M.U.S.D.A. capacity for future fixtures and occupancy load for future development on the Pre- Graded site.
  - f. Pre-Grading activities shall comply with all Northern Sierra Air Quality Management District (NSAQMD) regulations pertaining to dust control and shall include a long-

term dust suppression plan to be approved by the NSAQMD. Any other applicable State and/or Federal Air Quality regulations shall be adhered to and implemented.

- g. All NID canal protection measures shall be implemented during any Pre-Grading activities that impact NID canals.
- h. The source and type of any fill material transported to the site shall be identified. All fill material shall be free of any construction debris or other contaminants.
- i. The location of any material transported offsite shall be identified and appropriately permitted as part of the Pre-Grading Development Permit.
- j. All environmental resources as identified in Comprehensive Site Development Standards Resource Standards, 12.04.300.
- k. Pre-Grading activities shall not include any mining activities as defined in Surface Mining Permits and Reclamation Plans and Subsurface Mining in this Code.
- 1. Filing fees for Development Permits shall be as established by the most current Resolution of the Board of Supervisors.
- 2. Pre-Grading is allowed in the C1, C2, C3, M1 and M2 zone districts within a Community Region subject to a discretionary Development Permit to be approved by the Zoning Administrator subject to the following standards. Pre-Grading activities shall not be allowed in all other zone districts or outside of a Community Region.
  - a. Pre-Grading activities that disturb more than one (1) acre of land.
  - b. Pre-Grading activities that are determined not to be exempt from CEQA review.
  - c. Pre-Grading activities shall meet standards C.1.c - l listed above.

D. Findings. Findings for discretionary approval by the Zoning Administrator, in addition to the applicable findings required in Code Sections governing Development Permits, 12.05.050, and findings for Administrative Development Permits, 12.05.051, shall include:

1. Pre-Grading is appropriate for the preparation of the site for sale or leasing purposes and no foreseeable development project exists.
2. Pre-Grading of the site does not preclude reasonable development of the site.
3. Pre-Grading of the site does not restrict future design and/or development of the site.

(Section added by Ord. 2351. (07/10/2012); amended by Ord. 2298. (08/18/2009); Ord. 2291. (05/26/2009); Ord. 2270. (07/15/2008); Ord. 2258. (01/22/2008); entire Chapter II repealed and re-enacted by Ord. 2253. (10/23/2007); Ord. 2247. (07/10/2007); Ord. 2239. (05/29/2007); Ord. 2236. (05/22/2007); Ord. 2235. (04/10/2007); Urgency Ord. 2229. (01/09/2007); Ord. 2223. (11/14/2006); Ord. 2220. (10/31/2006); Ord. 2214. (08/22/2006); Ord. 2206. (05/23/2006); Ord. 2176. (05/10/2005); Ord. 2157. (09/28/2004); Ord. 2152. (05/25/2004); Ord. 2149. (05/25/2004); Ord. 2146. (04/27/2004); Comprehensive Changes Ord. 2090. (07/09/2002); Entire Chapter II repealed and re-enacted by Ord. 2033. (06/27/2000); Ord. 2533. (12/05/2023))

### **Section 12.03.290 Adult Businesses**

A. Purpose. It is the purpose and intent of this section to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including but not limited to increases in crime in the vicinity of adult businesses; increases in vacancies in residential areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate, or patronize adult businesses.

B. Definitions. The words and phrases used in this Section shall employ the definitions found in the Section governing "Adult Business Licenses and Operational Regulations," 6.08.010, and Definitions as part of this Code, unless it is clearly apparent from the context that another meaning is intended. In addition to those definitions, the following definitions shall apply to this Section.

1. Park - A publicly-owned park so designated on the County's General Plan or zoning map, or property actually owned, developed and maintained, by a public agency for public recreation purposes.
2. School - An institution of learning for minors, whether public or private, offering

instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary school, middle or junior high school, senior high school or any special institution of education but does not include a vocational or professional institution of higher education, including a community or junior college, college or university. This definition also includes a child Daycare facility or Daycare center, as defined in Cal. Health & Safety Code §§ 1596.750 and 1596.76.

3. Church - An institution which people regularly attend to participate in or hold religious services, meetings and related activities.

C.                   Locational Requirements. Adult Businesses, as defined in Section governing Adult Businesses, 6.08.010, shall be:

1.     Located exclusively in the M1 (Light Industrial zone).
2.     Distanced 500 feet from any property with an existing residence or a General Plan designation of RES (Residential), PRC (Planned Residential Community), EST (Estate), USF (Urban Single-Family Residential), UMD (Urban Medium Density Residential), or UHD (Urban High Density Residential). The distance between the adult business and the residentially- zoned property shall be measured from the closest exterior wall of the adult business and the nearest property line included within the residential-zone, along a straight line extended between the two points, without regard to intervening structures.
3.     Distanced 1,000 feet from a school, church, daycare, camp/campground, arcade, amusement park, fairgrounds or park, as those terms are defined in this Code. The distance between the adult use and the park shall be measured from the closest exterior wall of the adult business and the nearest property line of the school or park, along a straight line extended between the two points, without regard to intervening structures.
4.     Distanced 1,000 feet from any other adult business, as defined in this Code. The distance between adult businesses shall be measured from the front door of each adult use, along a straight line extended between the two points, without regard to intervening structures.

D.                   Licensing/Permitting Requirements. Licensing and Operational Standards for Adult Businesses are provided in this Code. Additionally, Adult Businesses are subject to Zoning Compliance and Building Permit issuance and shall be reviewed on a case- by- case basis for potential conflicts with school bus stops and other like school activities.

E.                   Violations; Public Nuisance; Remedies Cumulative. Any person violating or causing the violation of any of these locational provisions regulating adult business shall

be subject to the remedies of Enforcement and Penalties for Violations. Any person operating or causing the operation of an adult business on any parcel for which no application for an adult business regulatory license has been filed or granted, or any person violating or causing the violation of any of the locational provisions regulating adult business shall be subject to license revocation/suspension pursuant to Sections governing Enforcement and Penalties for Violations, Penalties under licensing of Adult Businesses, a fine of not more than \$1,000.00, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued. In addition, to the remedies set forth above, any violation of any of the locational provisions regulating adult businesses is hereby declared to be a public nuisance. The requirements of this Section shall be in addition to any other relevant provisions of this Code.

### **Section 12.03.300 Cannabis Cultivation**

A. Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Cal. Health & Safety Code § 11362.83, and Cal. Gov't Code § 25845, the Board of Supervisors does enact this Section.

B. Purpose and Intent. It is the purpose and intent of this Section to implement State law by regulating the cultivation of cannabis in a manner consistent with State law. It is also the intent of this Section to balance the needs of adult uses and medical patients and their caregivers and to promote the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Nevada. This Section is intended to be consistent with State law. The intent and purpose of this Section is to establish reasonable regulations regarding the manner in which cannabis may be cultivated, distributed and processed including non-volatile manufacturing, and retail sales, including restrictions on the amount and location of cannabis that may be cultivated on any premises, in order to protect the public health, safety, and welfare in Nevada County, and to address the adverse impacts previous local regulations have failed to curtail.

C. Definitions. As used herein the following definitions shall apply:

1. Accessory Structure - A separate and legally permitted building or structure located on the premises where cannabis is being cultivated. The structure must be permitted pursuant to applicable building codes and, although it may be permitted for other uses, it must also be permitted specifically for Cannabis Cultivation. Notwithstanding the foregoing, an Accessory Structure may include an attached structure, but Cultivation may not take place in any space inhabited by humans, and must comply with all other local regulations pertaining to Accessory Structures to the extent they are applicable to an attached structure.



2. Annual Cannabis Permit (ACP) - A permit issued by Nevada County in final form allowing the permit holder to conduct Commercial Cannabis Activities as set forth in the permit.
3. Cannabis shall have the same meaning as that set forth in Cal. Health & Safety Code § 11018, as may be amended. Cannabis, Medical Cannabis, and the Cultivation thereof, as defined in this Section shall not be considered an agricultural activity, operation or facility under Cal. Civ. Code § 3482.5 or an Agricultural Product as defined in 12.03.030this Chapter, or an Agricultural Operation as defined in Section 12.03.030 of this Code governing Specific Land Uses, Agricultural Uses Definitions and Agricultural Lands and Operations.
4. Canopy and Canopy Area - The designated area(s) at a licensed and permitted Premises, including Nurseries but excluding Immature Plant Areas, that may contain mature Cannabis plants at any point in time:
  - a. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain the entirety of mature plants at any point in time, including all of the space(s) within the boundaries.
  - b. Canopies must be clearly identified on site plans, and may be noncontiguous, but each unique area included in the total Canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, Accessory Structure walls, or fencing. This definition does not include ancillary spaces such as spaces used for drying, curing, or trimming.
  - c. Canopy Boundaries shall encompass the entire plant. Cannabis plants which extend outside the boundaries are considered outside the “Canopy” boundaries and would be considered out of compliance with any permit issued pursuant to this Section.
  - d. Cultivation of mature plants using a shelving system or moveable horizontal benches, the surface area of each level shall be included in the total canopy cultivation.
5. Childcare Center - Any licensed childcare center, daycare center (including small family), childcare home, or any preschool.
6. Church - A structure or lease portion of a structure, which is used primarily for religious worship and related religious activities.
7. Commercial Cannabis Activity - All Commercial Cannabis-related activities contemplated by or for which a license may be required by the State of California as codified in its Business & Professions Code, Code of Regulations, Government

Code, Health and Safety Code, Labor Code and Revenue and Taxation Code, as may be amended.

8. Commercial Cannabis Cultivation - Cultivation of Medical Cannabis and/or Adult Use Cannabis, excluding Cultivation of no more than six (6) plants for Personal Use consistent with state law, including operation of a Nursery.
9. Cultivation or Cultivate - The grading, planting, growing, harvesting, drying, curing, trimming, or storage, or any combination of these activities, of one or more Cannabis plants or any part thereof in any location, Indoor or Outdoor, including from within a fully enclosed and secure building.
10. Daycare Center - Resident or non-resident-based daycare services for over fourteen (14) children including resident children, under the age of ten (10) years old, if located within a residence, or as provided for in the Cal. Health & Safety Code § 1596.76, as may be amended.
11. Daycare, Small Family - Where resident child daycare services are provided in the home for eight (8) or fewer children, including the resident children, under the age of ten (10) years old, or as provided for in Cal. Health & Safety Code § 1596.78(c), as may be amended.
12. Designated Responsible Party(ies) - The individual or entity legally and primarily responsible for all the Commercial Cannabis Activities on the Parcel and/or Premises related to Commercial Cannabis Activities. The Designated Responsible Party(ies) must be licensed by the State of California for the Commercial Cannabis Activities which he/she/they intend on conducting in Nevada County. If the licensee is not the property owner, the legal property owner of any Parcel and/or Premises upon which any Commercial Cannabis Activity will be conducted in Nevada County will also be considered a Designated Responsible Party.
13. Distribution - the procurement, sale, and transport of cannabis and cannabis products between licensees.
14. Enforcing Officer - The Community Development Agency Director, Code Compliance or Cannabis Program Manager, Compliance Department Director Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state or federal laws.
15. Fire Authority - The CAL Fire unit chief, Fire Marshal, or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, Office of Emergency Services staff, contractors or designees, company officers and trained prevention staff as may be designated by a Fire Chief

to enforce the provisions of this Section.

16. Habitable Space - Space intended for or which is used for habitation by humans or which is occupied by humans.
17. Hazardous Materials - Any Hazardous Material as defined in Cal. Health & Safety Code § 25501, as may be amended.
18. Hearing Body - A hearing officer or hearing body designated by the Board of Supervisors to conduct administrative hearings as provided in Section of this Code governing Administrative Enforcement 12.05.220.
19. Identification card shall have the same definition as Cal. Health & Safety Code § 11362.7, as may be amended.
20. Immature Plant - A Cannabis plant which is not flowering.
21. Immature Plant Area - An area designated for the production of only clones, Immature Plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Premises.
22. Indoor or Indoors - Cultivation using exclusively artificial light or mixed light within a detached fully enclosed and secure Accessory Structure using artificial light at a rate above twenty-five watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada, except for structures that are exempt from the requirement to obtain a building permit under the Nevada County Code. For purposes of Personal Use only, “Indoor” or “Indoors” shall also include Cultivation inside a private Residence or attached garage, but not in areas inhabited by humans, including, but not limited to, bedrooms and kitchens.
23. Local Authorization - As required by Cal. Code Regs. tit. §§8100(b)(6) and 8110; Cal. Bus. & Prof. Code § 26050.1(a)(2), or as amended respectively and by any other regulation requiring local license, permit or other local authorization to engage in Commercial Cannabis Activity, means a permit issued in final form by the Permitting Authority specifically allowing the holder of said permit to engage in the Commercial Cannabis Activity within the limitations set forth in said permit and allowing for the type of Commercial Cannabis Activity sought by the individual seeking the state license.
24. “Manufacturing” or “Manufacturing Operation” means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products.

Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

25. Medical Cannabis - Cannabis recommended by a licensed physician, in accordance with Cal. Health & Safety Code §§ 11362.5 - 11362.83, commonly referred to as the Compassionate Use Act and the Medical Cannabis Program Act.
26. Microbusiness - An operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
27. Mixed Light - The Cultivation of mature or Immature Cannabis Plants in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation using light deprivation and/or one of the artificial lighting models described below:

Mixed Light Tier 1 - The use of artificial light at a rate of six watts per square foot or less.

Mixed Light Tier 2 - The use of artificial light at a rate above six watts and below or equal to twenty-five watts per square foot. "Mixed Light" cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.

28. Non-Remunerative Cultivation - The Cultivation of Medical Cannabis only by a Primary Caregiver on behalf of a Qualified Patient for no monetary compensation except for actual expenses as allowed by Cal. Health & Safety Code § 11362.765(c). Non-remunerative Cultivation must comply with all Commercial Cannabis Cultivation regulations.
29. Non-Volatile Manufacturing - Extractions using mechanical methods or nonvolatile solvents as defined by this section. A Non-Volatile Manufacturing operation may also:
  - a. Conduct infusion operations on the licensed premises; and
  - b. Conduct packaging and labeling of cannabis products on the licensed premises.
30. Non-Volatile Solvent - Any solvent used in the extraction process that is not a volatile solvent. "Nonvolatile solvent" includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.
31. Nursery - The production of only clones, immature plants, seeds, and other

agricultural products used specifically for the propagation and cultivation of Cannabis for wholesale distribution or sales to another State licensee in accordance with California law.

32. Outdoor or Outdoors - Cultivation of Cannabis in any location that is not “Indoors” nor “Mixed Light” and which is cultivated without the use of any artificial light at any time.
33. Parcel - Any legal parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Cal. Gov’t Code S§ 66410 – 66499.40))
34. Parks - Private and public parks, playgrounds, play lots, athletic fields, tennis courts, public outdoor gathering area, recreational area, restrooms and similar facilities.
35. Permitting Authority - The Community Development Agency Director, Building Director, Planning Director, Environmental Health Director, Code Compliance Program Manager, and/or Fire Authority and/or their designee(s).
36. Personal Use - Cannabis cultivated for Personal Use, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the Personal Use of the individual who Cultivates. Personal Use does not include Cannabis which is Cultivated for non-remuneration.
37. Premises refers to the site where Cultivation occurs and includes at least one legal Parcel but may include multiple Parcels if such Parcels are under common ownership or control and at least one Parcel contains a legally permitted and occupied Primary Place of Residence.
38. Primary Caregiver shall have the definition set forth in Cal. Health & Safety Code §11362.7(d), as may be amended.
39. Primary Place of Residence - The Residence at which an individual resides, uses or otherwise occupies on a full-time, regular basis.
40. Processing - Any method used to prepare cannabis for commercial sale, including, but not limited to: drying, cleaning, curing, grading, trimming, and packaging of cannabis and nonmanufactured cannabis products.
41. Qualified Patient shall have the definition as set forth in Cal. Health & Safety Code § 11362.7(c) and (f), as may be amended.
42. Residence - A fully enclosed permanent structure used, designed or intended for human occupancy that has been legally established, permitted, and certified as a

single-family or multi-family dwelling in accordance with the County Codes. Recreational Vehicles (RVs), trailers, motorhomes, tents or other vehicles or structures which are used, designed, or intended as temporary housing shall not constitute a Residence for purposes of this Section, whether or not such vehicle or structure is otherwise permitted or allowed under the Nevada County Codes.

43. Retail Sales.

- a. Storefront Retail Sales - means a building, room, or other area that is open to the public, upon the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.
- b. Non-Storefront Retail Sales - means conducting retail sales exclusively by delivery as defined in Cal. Bus. & Prof. Code § 26001(o) and be closed to the public.

44. School - An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

45. Sensitive Site - A School, Church, Park, Child or Daycare Center, or Youth-Oriented Facility.

46. Sheriff or Sheriff's Office - The Nevada County Sheriff's Office or the authorized representatives thereof.

47. Support Area - An area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies, and infrastructure (water storage tanks) exclusively used for and necessary for Cannabis Cultivation, and Immature Plant Areas.

48. Transport - The movement of Cannabis by a person or entity holding a Distributor Transport Only (Self-Transport) license from the State of California to transport its own Cannabis off its own Cultivation site.

49. Violator - Any person or entity who causes, permits, maintains, conducts or otherwise suffers or allows a violation of this Section and/or a nuisance to exist, including but not limited to the owner(s) of the Parcel or Premises, the occupant(s) if other than the owner(s), the holder(s) of any permit obtained pursuant to this Section, any Designated Responsible Party, and/or any person or entity who causes a public nuisance as

described in this Section, including any person or entity who causes such nuisance on property owned by another.

50. Youth-Oriented Facility - Any facility that caters to or provides services primarily intended for minors, or where the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

D. Nuisance Declared; Cultivation Restrictions.

1. Cannabis Cultivation, either Indoors, Mixed Light or Outdoors, on any Parcel or Premises in an area or in a quantity greater than as provided herein, or in any other way not in conformance with or in violation of the provisions of this Section, any permit issued pursuant to this Section, and/or state law, is hereby declared to be a public nuisance that may be abated by any means available by law. The provisions of 12.05.190 governing Legal Nonconforming Uses and Structures shall not apply to Cannabis Cultivation hereby declared to be a public nuisance. No person owning, leasing, occupying, or having charge or possession of any Parcel or Premises within the County shall cause, allow, suffer, or permit such Parcel or Premises to be used for Cannabis Cultivation in violation of the California Health and Safety Code or this Section.
2. Cannabis Cultivation is prohibited on any Parcel or Premises within the unincorporated territory of Nevada County except on Parcels or Premises with a legally established Residence or an adjacent Parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
3. Cannabis Cultivation is hereby prohibited and declared a nuisance pursuant to this Section, except that Cannabis Cultivation may be undertaken in accordance with this Section as follows:
  - a. On Parcels or Premises with a legally established Residence or adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
  - b. Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical or adult purposes, including operation of a Nursery in accordance with state and local law.
  - c. By an individual for Personal Use in accordance with Subsection E below and in accordance with state and local law.
4. Indoor and Mixed-Light Cannabis Cultivation may occur only within a permitted Accessory Structure that meets the requirements of this Section and complies with all

applicable provisions of the County's County Code and which is permitted for purposes of the specified type of Cannabis Cultivation. Cultivation shall not take place in a kitchen, bathroom, bedrooms, common areas or any other space in the structure, which is used as, designed or intended for human occupancy. Structures that are exempt from the requirement to obtain a building permit under the Nevada County Code may be used for Commercial Cannabis Cultivation if meeting all requirements of the Nevada County Code for that specific structure. Notwithstanding the above, Cannabis Cultivation for Personal Use may occur inside a private residence, but not in bedrooms or kitchens.

5. Cultivation of Cannabis is prohibited on any Premises located within the following areas:
  - a. Upon any Premises located within 600 feet of any Sensitive Site. This setback is measured from the edges of the designated Canopy Area and from any Support Area to the property line of the Sensitive Site.
  - b. In any location where Cannabis, or any portion thereof and whether mature or Immature, is visible and clearly identifiable from the public right-of-way or publicly traveled private roads at any stage of growth.
  - c. Within any setback area required by this Section.
6. All Cannabis Cultivation areas shall comply with the following requirements:
  - a. All Cannabis Cultivation Premises shall be adequately secure to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times when the Cultivator is not present within the Cultivation area.
  - b. Cannabis Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way. Cannabis Cultivation shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors.
  - c. All electrical, mechanical, and plumbing used for Indoor or Mixed- Light Cultivation of Cannabis shall be installed with valid electrical, mechanical, and plumbing permits issued and inspected by the Nevada County Building Department, which building permits shall only be issued to the legal owner of the Premises or their authorized agent. The collective draw from all electrical appliances on the Premises shall not exceed the maximum rating of the approved electrical panel for the Parcel. Electrical utilities shall be supplied by a commercial power source. If generators are used for emergency purposes as approved by the Enforcing Officer,



all generators shall be located in containment sheds while in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This is an annual requirement and shall be verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or held in abeyance until the project infraction is brought into conformance with this Section.

- d. Cultivation of Cannabis indoors shall contain effective ventilation, air filtration and odor-reducing or odor-eliminating filters to prevent odor, mold and mildew in any area used for Cultivation or which is used as, designed or intended for human occupancy, or on adjacent Premises.
- e. All structure and site utilities (plumbing, electrical and mechanical) shall comply with the California Building Standards Codes as adopted by the County of Nevada.
- f. All lights used for Cannabis Cultivation shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the Premises and shall comply with the requirements of Section 12.04.170.8.D, Lighting in Community Design Standards of this Code. Lights are not permitted to be detectable during the nighttime hours. If lights are to be used during nighttime hours, black out or light barriers must be used to ensure no light is visible during nighttime hours.
- g. Noise levels generated by Cultivation shall not exceed the standards set forth in Table 12.04 Exterior Noise Limits of this Chapter applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.
- h. If the person(s) engaging in Cannabis Cultivation is/are not the legal owner(s) of the Parcel, the person(s) who is engaging in Cannabis Cultivation on such Parcel shall:
  - (i) give written notice to the legal owner(s) of the Parcel prior to commencing Cannabis Cultivation on such Parcel, and (ii) shall obtain a signed and notarized Nevada County issued authorization form from the legal owner(s) consenting to the specific Commercial Cannabis Activity for which a local permit and state license are being sought on the Parcel and provide said authorization to Nevada County prior to the commencement of any Cultivation activities and at least annually thereafter. A copy of the most current letter of consent shall be displayed in the same immediate area as designated in the permit and license, in such a manner as to allow law enforcement and other Enforcing Officers to easily see the authorization without having to enter any building of any type. Such authorization must also be presented immediately upon request by an Enforcing Officer.
- i. The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous Materials that are below State of California

threshold levels of fifty-five (55) gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Code Chapter governing Water Supply and Resources. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

Exception: Liquified Propane tanks up to 1,000 gallons installed in accordance with the California Fire Code and California Health and Safety Code and approved by the Fire Authority, Nevada County Building Department and Nevada County Environmental Health Department.

j. All Premises used for Cannabis Cultivation shall have a legal and permitted water source and shall not engage in unlawful or unpermitted drawing of surface or piped water or permit illegal discharges of water. For purposes of engaging in Cannabis Cultivation pursuant to this Section, water delivery is prohibited.

k. All Premises used for Cannabis Cultivation shall have a legal and permitted sewage disposal system and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water.

7. Accessory Structures used for Cannabis Cultivation shall meet all of the following criteria:

- a. The Accessory Structure, regardless of size, shall be legally constructed in accordance with all applicable development permits and entitlements including, but not limited to, grading, building, structural, electrical, mechanical and plumbing permits approved by applicable federal, state and local authorities prior to the commencement of any Cultivation Activity. The conversion of any existing Accessory Structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable federal, state and local authorities prior to commencement of any Cultivation Activity. Any Accessory Structure must also be permitted for the specific purpose of Commercial Cannabis Cultivation. Agricultural structures constructed in compliance with the Nevada County Code may be used for Commercial Cannabis Cultivation if a letter of exemption is issued by the Nevada County Chief Building Official or their designee certifying that the structure meets all requirements to receive a letter of agricultural exemption.
- b. The Accessory Structure shall not be built or placed within any setback as required by the Nevada County Code or approved development permit or entitlement.
- c. Accessory Structures shall not be served by temporary extension cords. All electrical shall be permitted and permanently installed.

- d. Accessory Structures used for Indoor Cultivation shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent any odor, humidity, or mold problem within the structure, on the Premises, or on adjacent Parcels.
  - e. Any structure used for Indoor Cultivation shall have a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or thicker studs overlain with 3/8" or thicker plywood, polycarbonate panels, or equivalent materials. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy these requirements.
- 8. Where the provisions of this Section are more restrictive than the Nevada County Code, the provisions of this Section shall govern.
  - 9. Nothing herein shall limit the ability of the Enforcing Officer or any other state or local employees or agents from entering the property to conduct the inspections authorized by or necessary to ensure compliance with this Section, or the ability of the Sheriff to make initial inspections or independent compliance checks. The Enforcing Officer is authorized to determine the number and timing of inspections that may be required.
  - 10. All Canopy Areas and Support Areas must be adequately secured to prevent unauthorized entry and entry by children and include a locking gate that shall remain locked at all times when a Designated Responsible Party is not present within the Cultivation site. Cannabis or any portion thereof and whether mature or Immature shall not be visible and clearly identifiable from a public right-of-way.
  - 11. Notwithstanding the above, Cannabis Cultivation of up to six (6) Immature or mature plants for Personal Use may be Cultivated inside a private Residence or attached garage except that it may not be Cultivated in any space inhabited by humans, including, but not limited to, bedrooms and kitchens.
  - 12. Offsite Processing: The processing of permitted and licensed cannabis product grown offsite may occur at a local and State licensed and permitted cultivation premises subject to all limitations and requirements contained within the provisions of this Section, including, but not limited to: noise standards, odor controls, sanitation requirements, accessory structure requirements, support area size limitations, setbacks, parcel sizes, etc.
    - a. Offsite processing facilities shall meet commercial occupancy requirements and

be specifically described in commercial cannabis cultivation permit applications including the number of employees and the areas for offsite processing shall be delineated on the site plan.

- b. Traffic associated with offsite processing activities shall be limited to 8 a.m. to 5 p.m. Monday through Saturday. No more than six (6) vehicle trips (round trips) shall be allowed for offsite processing activities per day.

E. Personal Use Cannabis Cultivation. All Cultivation of Cannabis for Personal Use must conform to the regulations and requirements set forth in subsection D, above, in addition to the following regulations and requirements.

Personal Use Cannabis Cultivation is allowed as follows:

- 1. For Personal Use only, Cannabis Cultivation may occur only on a Parcel or Premises with an occupied legally permitted Primary Place of Residence and only in the following zones:

- a. R-1, R-2, R-3 and R-A (Residential Designation) on Parcels of any size:  
Indoors: Maximum of six (6) plants, mature or immature. Mixed Light or  
Outdoors: Cultivation is prohibited.
- b. RA (Rural and Estate Designation):  
Parcels of 5.00 acres or more:  
Indoors, Mixed-Light and Outdoors or a combination of methods: a maximum of six (6) plants, mature or immature.
- c. AG, AE, FR, and TPZ:  
Parcels of equal to or less than 1.99 acres:  
Indoors: a maximum of six (6) plants, mature or immature. Mixed-Light and  
Outdoors: Cultivation is prohibited.  
Parcels of 2.00 acres or greater:  
Indoors, Mixed-Light and Outdoors: a maximum of six (6) plants, mature or immature.

- 2. The following setbacks apply to all Cannabis Cultivation sites regardless of purpose or Cultivation method:

- a. For all External, Non-Shared Premises Property Lines:

100 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes under 10,001 square feet. 150 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

b. For all External, Non-Shared Premises Property Lines:

100 linear feet measured from the edge of any Support Area to the adjacent property lines for canopies sizes under 10,001 square feet.

150 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

c. For all Shared Internal Premises Property Lines of the parcels under common ownership or control that are part of the permitted Premises:

Indoor and Mixed Light Canopy Areas and all structures including Support Area structures shall meet the setbacks of the base zoning district identified by this Chapter.

Outdoor Canopy Areas that do not include any structures do not require setbacks from shared parcel lines that are under common ownership or control that are part of the permitted Premises.

d. In a mobile home park as defined in Cal. Health & Safety Code § 18214.1, 100 feet from mobile home that is under separate ownership.

F. Commercial Cannabis Cultivation. Except as explicitly allowed in this Section, Commercial Cannabis Activities are prohibited. All Commercial Cannabis Activities must conform to the regulations and requirements set forth in Subsection D, above, in addition to the following regulations and requirements:

Commercial Cannabis Cultivation is permitted as follows:

1. Commercial Cannabis Cultivation may occur only on Premises with an occupied legally permitted Primary Place of Residence, or an adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has an established Residence. Multiple, contiguous parcels under common ownership or control may be used to qualify for the minimum acreage required for the canopy maximum square footage as described below, however, all parcels must be a minimum of 5.00 acres in size to qualify for aggregate parcel size totals. Commercial Cannabis may occur only in zones as set forth as follows:

- a. R-1, R-2, R-3 and R-A (Regardless of Code Designation) and TPZ:

Commercial Cannabis Cultivation is prohibited.

- b. AG, AE, FR: Parcels of less than two (2) acres:

Commercial Cannabis Cultivation is prohibited.

Parcels two (2) acres up to four and ninety-nine one hundredths (4.99) acres:

Indoors: a maximum of 500 square feet of Canopy.

Mixed-Light and Outdoors: Commercial Cannabis Cultivation is prohibited. Parcels five (5) acres up to nine and ninety-nine one hundredths (9.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 2,500 square feet of Canopy. Up to fifty-five (55%) of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of ten (10) acres up to nineteen and ninety-nine one hundredths (19.99) acres: Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy. Up to fifty-five (55%) percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of twenty (20) acres up to thirty-nine and ninety-nine one hundredths (39.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. Up to fifty-five (55%) percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.

Parcels or multiple contiguous parcels under common ownership or control of forty (40) acres up to fifty-nine and ninety-nine one hundredths (59.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 20,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.

Parcels or multiple contiguous parcels under common ownership or control of sixty (60) acres up to seventy-nine and ninety-nine one hundredths (79.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 30,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

Parcels or multiple contiguous parcels under common ownership or control of eighty (80) acres or greater:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 40,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

2. The six (6) plants permitted to be Cultivated on any Premises for Personal Use in accordance with this Section and state law may be Cultivated in addition to the amounts allowed for Commercial Cannabis Cultivation by this Section.
3. Commercial Cannabis may be Cultivated on Premises with multiple Parcels only if there is direct access from one Parcel to the other. The total Canopy Area shall not exceed that allowed area based on the total aggregate size of all contiguous parcels included in the operation as identified in Subsection (F)(1)(b) above. The total Canopy Area and any Support Area must comply with all setback requirements as described in Subsection (E)(2) above.
4. All those engaged in Commercial Cannabis Cultivation in Nevada County must possess and maintain the appropriate Commercial Cannabis license(s) from the State of California. State licenses must cover and allow for the Commercial Cannabis Cultivation activities being conducted in Nevada County.
5. The holder of an Annual Cannabis Permit for Commercial Cannabis Cultivation or for Non-Remuneration Cultivation in Nevada County may also Transport its own Cannabis from its licensed and permitted Premises to the extent allowed by the permit holder's State license and State law without obtaining an additional permit from Nevada County. The permit from Nevada County, however, must indicate that such Transport is specifically allowed. In order to engage in Transport of Cannabis or Cannabis products, the permit holder must provide the County with proof of possession of a "Distributor Transport Only" (Self-Distribution only) California State license, and/or "Distributor" California State license, as set forth in CCR tit. 16 § 5315, allowing for Transport of Cannabis from the Cultivation site as long as said license is necessary under State law. Said State license must be maintained in good standing in order to engage in the Transport of Cannabis in the County of Nevada. Notwithstanding the foregoing, this provision does not authorize the holder of an ACP to Transport Cannabis away from the Cultivation sites of other permit holders.
6. Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is not valid, until the appropriate license is obtained from the State of California.

7. A maximum of three (3) Cultivation permits will be issued per person or entity for purpose of engaging in Commercial Cannabis Activities. No person or entity may have any financial interest in more than eight (8) Commercial Cannabis businesses and/or enterprises in Nevada County Cannabis Cooperatives as defined by Cal. Bus. & Prof. Code §§ 26220 – 26325, and as amended, are exempt from the limitations contained in this Subsection F.7.
8. A Primary Caregiver may cultivate no more than five hundred (500) square feet of Canopy per Qualified Patient for up to five (5) specified Qualified Patients for whom they is the Primary Caregiver within the meaning of Cal. Health & Safety Code § 11362.7 , if said Primary Caregiver does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Cal Health & Safety Code § 11362.765. Cultivation under this provision, however, must otherwise comply with all other regulations applying to Commercial Cannabis Cultivation under this Section.
9. Cannabis Support Areas are limited to a maximum area equal to ninety (90%) percent of the allowed Canopy Area. The Support Area boundary shall be clearly identified on any plans that are submitted and on the Premises.
10. Standard Parking: One regular space per employee shall be provided onsite.

Accessible Parking: The accessible parking standards for Commercial Cannabis operations shall be in accordance with the most recently adopted version of the California Building Standards Codes. These standards will be in accordance to Public Accommodations as outlined in Chapter 11B of the California Building Code. Accessible parking is required only when there are fully permitted commercial accessory structures such as processing structures, office buildings, and greenhouse structures. Any exempt structures do not require disabled accessible parking facilities.

Parking spaces for non-ADA spaces may be gravel or other compacted surface capable of supporting vehicles. If employees are living onsite parking spaces required for the residence may be credited toward the total employee spaces required onsite (up to two (2) spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. seven (7) employees proposed, six (6) regular spaces and 1 ADA space for a total of seven (7)). Any parking spaces provided in excess of the required parking are not required to meet County standards. Driveway standards are required to be met for all cannabis projects regardless of parking requirements.

G.                      Permitting of Commercial and Non-Remuneration Cannabis Activities.  
Permitting to engage in Commercial Cannabis Activities or Non-Remunerative Cannabis Cultivation in Nevada County is a two-step process. One must obtain both an



Administrative Development Permit, and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection G and this Section.

1. Administrative Development Permit (ADP) requirements are as follows:

- a. Canopy sizes of a combined total of up to 40,000 sq. feet (Indoors, Mixed-Light or Outdoors) on the Premises depending on parcel(s) size as described in Subsection (F)(1) above.
- b. Applicant must provide the following as part of their application for an ADP:
  - i. A complete application.
  - ii. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
  - iii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
  - iv. All ADP permits are subject to all of the resource protection standards identified in Section 12.04.303, Resource Standards, General Provisions of this Code.
  - v. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section. In addition, the site plan shall include:
    - a) All landmark trees, landmark groves and heritage trees and groves as defined in the Nevada County Code. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all Cannabis cultivation and Accessory Structures are outside the existing drip line of all trees. If any Cultivation or Accessory Structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.

- b) All Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed Accessory Structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable. A Management Plan pursuant to General Provisions of Resource Standards shall be required if any Cultivation activities or structures encroach into mapped farmland.
- vi. Irrigation water service verification.
- vii. Sewer/septic service verification.
- viii. Electrical service verification.
- ix. A security plan.
- x. A light control plan that demonstrates how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.
- xi. All Administrative Development Permit applications shall include language in project Cultivation plans and on project site plans when applicable, that the grading or building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of Cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the Cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.
- xii. All Administrative Development Permit and Non- Remuneration Cultivation operations are restricted from burning any Cannabis or other vegetative materials. The following language shall be included on all site plans: “The burning of any part of the Cannabis plant or plant materials that is considered excess or waste is prohibited from being burned.”

- xiii. All applications shall include biological pre-screening materials. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes Canopy area, Accessory Structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project description describing all phases of construction, all proposed structures and Cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). If avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section 12.04.303, General Provisions of Resource Standards of this Code shall be prepared. If potential impacts on these biological resources cannot be reduced to less than significant levels, no permit shall be issued.
- xiv. Applications shall include a Non-Confidential Records Search to NCIC to determine the potential for Commercial Cannabis Cultivation sites to disturb historic, cultural, or tribal resources. Upon receipt, should the County find the NCIC recommends a cultural resource study; the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.
- xv. All applications that include ground disturbance shall include a note on the plans that if subsurface archeological and/or paleontological features or unique geologic features are discovered during construction or ground disturbance, all activities within fifty (50') feet of the find shall cease and the County shall be notified immediately. A qualified archaeologist/paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance, all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections details in Cal. Pub. Res. Code § 5097.98 shall be followed.
- xvi. Copy of Deed to Property indicating applicant ownership.

- xvii. Acknowledgement of all standards and requirements set forth in this Section.
  - xviii. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).
  - xix. Lease information.
  - xx. Payment of applicable fees.
  - xxi. Provide proof of purchase of a Certificate of Deposit or Bond from a commercial banking institution approved by the Enforcing Officer in the amount of \$5,000.00 which may be accessed by County of Nevada.
  - xxii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
  - xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association Acknowledgment shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
- c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
- d. Secondary Access and Dead End Road Requirement Exemption:
- Secondary access may be waived at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises and that the general public will not have access to the Premises.
- e. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked, expires or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP.

H. Permitting of Distribution. Permitting to engage in Distribution requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Distribution is allowed only on a legally permitted cannabis cultivation premises site

with an approved Administrative Development Permit. The area dedicated to distribution shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.

2. A licensed distributor shall distribute only cannabis and cannabis products, cannabis accessories, and licensees' branded merchandise or promotional materials.
3. Distribution activities may include:
  - a. Moving cannabis and cannabis products between cultivation, manufacturing or distribution premises.
  - b. Moving finished cannabis goods to retail premises.
  - c. Arranging for testing of cannabis goods.
4. All activities associated with distribution shall be limited to a maximum of six (6) vehicle trips per day.
5. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

I. Permitting of Non-Volatile Manufacturing. Permitting to engage in Manufacturing Activities using Non-Volatile solvents requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Non-Volatile Manufacturing is allowed only on a legally permitted cannabis cultivation site with an approved Administrative Development Permit. The area dedicated to non-volatile manufacturing shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
2. Non-Volatile Manufacturing shall be located within permitted structures that meet setbacks required by this Section.
3. Non-Volatile Manufacturing Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is

not valid, until the appropriate license is obtained from the State of California.

- a. A manufacturer licensee shall not manufacture, prepare, package or label any products other than cannabis products at the licensed premises.
  - b. A manufacturer licensee shall only use cannabinoid concentrates and extracts that are manufactured or processed from cannabis cultivated onsite and/or obtained from a licensed cannabis cultivator.
4. No equipment or process shall be used in any manufacturing operation which generates noise in excess of the Noise Standards contained in this Chapter.
  5. No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, significant odors or electrical interference.
  6. All parking for the operation shall be provided on site and shall meet the standards set forth in this Chapter.
  7. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

J. Permitting of Microbusiness without Storefront Retail Sales. Such facilities require the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section including the following standards:

1. All cultivation, manufacturing, and distribution, shall occur on the same licensed premises.
2. Microbusiness without Storefront Retail Sales shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution and Non-Storefront Retail Sales for all activities occurring onsite.
3. Retail delivery is only allowed for licensed Non-Storefront Retailer conducting the sales exclusively by delivery as defined in Cal. Bus. & Prof. Code § 26001(o) and shall be closed to the public.
4. All parking for the operation shall be provided onsite and shall meet the standards set forth in this Chapter.

5. A Microbusiness without Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
6. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

K. Permitting of Microbusiness with Storefront Retail Sales. Such facilities are allowed subject to approval of a Use Permit as defined in Section governing Use Permits of this Code and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Section including the following standards:

1. All cultivation, manufacturing, distribution, and retail activities shall occur on the same licensed premises.
2. Microbusiness shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and/or storefront retail sales) for all activities occurring onsite.
3. No cannabis or cannabis products shall be consumed onsite.
4. Operating days and hours for all Storefront Retail Sales activities shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
5. All parking for the operation shall be provided onsite and shall meet the standards set forth in this Chapter.
6. Any and all signages for advertisement of any Storefront Retail Sales related activities, products or services shall comply with Section Comprehensive Site Development Standards, Signs, in this Code.
7. Secondary Access shall be provided for locations that do not meet dead end road standards.
8. A Microbusiness with Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
9. Areas of the permitted premises for manufacturing, cultivation, and distribution shall be separated from the retail areas by a wall and all doors between the areas shall remain closed when not in use.
10. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six (6) months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

L. Annual Cannabis Permit (ACP). This permit may be issued to the individual/entity engaging in the Commercial Cannabis Activity and Non- Remuneration Cultivation.

1. Permit for Commercial Cannabis Activities:



- a. Applicant must submit the following information as part of the application process:
  - i. A complete application.
  - ii. The exact location of the proposed Cannabis Activity.
  - iii. A copy of all applications of licensure submitted to the State of California related to the proposed Cannabis Activities.
  - iv. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
  - v. Tax identification information.
  - vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Activities.
  - vii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
  - viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended Cannabis Activities, setbacks, descriptions of existing and proposed structures and any other aspects required to show compliance with this Section.
  - ix. Irrigation water service verification.
  - x. Sewer/septic service verification.
  - xi. Electrical service verification.
  - xii. A security plan.
  - xiii. Notarized landlord authorization to engage in activity or deed of ownership.
  - xiv. Acknowledgement of standards and requirements set forth in this Section.
  - xv. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).

xvi. Lease information.

xvii. Payment of applicable fees as may be established and amended by the County.

xviii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.

b. Non-Remunerative ACP applicants must submit the following:

i. A complete application.

ii. The exact location of the proposed Cultivation.

iii. Sufficient proof that the applicant is a Qualified Caregiver.

iv. Copies of valid recommendations from qualified physicians for each Qualified Individual for whom Cannabis is being Cultivated.

v. Background information, including but not limited to a statement that the applicant and owner have submitted to a LiveScan background check no earlier than thirty (30) days prior to the date of application.

vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Cultivation.

vii. Copy of approved identification.

viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section.

ix. Irrigation water service verification.

x. Sewer/septic service verification.

xi. Electrical service verification.

xii. A security plan.

xiii. Notarized landlord authorization to engage in activity or deed of ownership.

xiv. Acknowledgement of standards and requirements set forth in this Section.

- xv. Lease information.
- xvi. Payment of applicable fees as may be established and amended by the County.
- xvii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
- xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
- c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
- d. Secondary Access and Dead End Road Requirement Exemption:

Secondary access may be mitigated at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises, that the general public will not have access to the Premises, that no more than ten (10) employees will be on the Premises at any given time, and that Fire Authority approves the exemption. This exemption does not apply to Microbusinesses with Storefront Retail.

- e. ACPs must be renewed annually.
- 2. In the event that the proposed site plan does not meet the setback requirements of this Section, the applicant may propose use of an easement agreement with an adjacent property owner or obtain a setback variance in order to satisfy the setback requirements (a "Setback Easement" or "Setback Variance"). Setback Easements and/or Setback Variances relating to Indoor, Mixed-Light and Outdoor Cultivation and Support Areas will be granted and issued at the discretion of the Permitting Authority, and only as follows:
    - a. Setback Variances shall follow the requirements of Sections of this Code governing Variances. Setback Variances shall be limited to a minimum setback of sixty (60') feet to property lines; provided, however, existing structures permitted prior to May 1, 2019 shall be limited to a minimum setback of thirty (30') feet to property lines. Except as set forth in Subsections below, no Setback Variance will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation. The findings required for approval of a Setback Variance shall be those listed in this Code in addition to the following

finding:

- i. The Setback Variance will not result in any increased odor impacts to neighboring properties and all potential increases in odor impacts have been adequately mitigated.
- b. Setback Easements are intended to allow limited flexibility for purposes of compliance with setback requirements only. Except as set forth in Subsections below, no Setback Easement will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation.
- c. Setback Easements must comply with the following:
  - i. Setback Easement area cannot exceed forty (40%) percent of the required setback.
  - ii. The majority of the burden of the setback must remain with the applicant.
  - iii. The easement must contain the following language: “This easement may be used to meet the Nevada County setback requirements for the purpose of Cultivation Indoors, Mixed- Light, or Outdoors pursuant to the Nevada County Code.”
  - iv. All other legal and local requirements of a Setback Easement must be met.
- d. The Permitting Authority has the discretion to authorize a Cultivation Site or Support Area at a distance less than 1,000 feet from a state and/or federal Park if the following criteria are met:
  - i. The proposed site is at least 300 feet from the property line of the state or federal Park; and
  - ii. The portion of the state or federal Park that is adjacent to the Parcel or Premises upon which the Cultivation Site or Support Area is proposed to be constructed is inaccessible by the public and is unimproved.

The Permitting Authority has the authority to submit the application through the Planning Commission process for approval if, in their discretion, such approval is appropriate.

- M. Change in Land Use. To the extent feasible, the County shall encourage any person proposing to construct or operate a new or relocated School, Sensitive Site, Church, Park, Daycare, or Child Care Center, or Youth-Oriented Facility to consider whether the

proposed location of such use is within 600 feet of a Premises upon which Cannabis Cultivation is permitted or where a Notice to Abate has been issued within the past year. Upon request, the Enforcing Officer shall inform any person proposing to construct or operate a new or relocated School, Church, Park, Daycare, Childcare Center, or Youth-Oriented Facility regarding whether there is such a Premises within 600 feet of the proposed location of such use, and, if so, shall also inform the person, owning, leasing, occupying, or having charge or possession of that Premises that such a use is being proposed within 600 feet of the Premises.

N. Denial, Suspension, and Revocation of Permits.

1. Denial – Initial Application for Any Permit. An application for any permit to be issued pursuant to this Section may be denied following review of the application if the Permitting Authority determines that the applicant has not complied with the requirements of this Section or makes any of the findings listed in Subsection (N)(5) below.
2. Denial – Renewal of ACP. Renewal of an existing Annual Cannabis Permit may be denied if the Permitting Authority makes any of the findings listed in Subsection (N)(5) below. The Permitting Authority’s decision to deny the renewal of an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section of this Chapter.
3. Suspension of ACP. Prior to or instead of pursuing revocation of an ACP, the Permitting Authority may suspend an ACP for thirty (30) days if the Permitting Authority makes any of the findings listed in Subsection I.5 below. The Permitting Authority shall issue a Notice of Suspension to the holder of the ACP by any of the methods listed in Section governing Administrative Enforcement of this Chapter. Such Notice of Suspension shall state the reason for suspension and identify what needs to be cured and corrected during the suspension period. Suspension is effective upon service of Notice as described in Administrative Enforcement section of this Chapter. All Cannabis Activities must cease upon suspension. Nothing in this provision shall be construed to limit the Permitting Authority’s ability to revoke an ACP without first issuing a suspension. The Permitting Authority’s decision to suspend an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section.
4. Revocation – ACP. An ACP may be revoked if the Permitting Authority makes any of the findings listed in Subsection I.5, below. The Permitting Authority shall issue a Notice of Revocation to the holder of the ACP by any of the methods listed in the Administrative Enforcement Section of this Chapter. The Permitting Authority’s decision to revoke an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section of this Chapter.

5. Revocation – ADP. Any ADP may be revoked in accordance with the procedure set forth in Section governing Permit Revocation of this Chapter. An ADP may be revoked based on a finding that any of the following have occurred:
- a. Discovery of untrue statements submitted on a permit application.
  - b. Revocation or suspension of any State license required to engage in Commercial Cannabis Activities.
  - c. Current or previous violation by the applicant or violation by the permittee, of any provision of the Nevada County Code or State law relating to cannabis cultivation, including any land use permit conditions associated with the permittee’s cannabis business operations.
  - d. Failure to meet any of the general eligibility requirements to obtain a permit as set forth in this Section.
  - e. Violation of, or the failure or inability to comply with, any of the restrictions or requirements for the issuance of a license or conducting cannabis business operations as set forth in this Section, including any administrative rules or regulations promulgated by the Permitting Authority or any conditions associated with the issuance of the permit or any associated land use permit or other associated permit.
  - f. Violation of, or failure to comply with, any land use or other permit requirements associated with the licensee’s Commercial Cannabis Activities, including but not limited to zoning, building, fire, and agricultural permits as may be required for the activity and the operations site.
  - g. Violation of, or failure to comply with, any State or local law in conducting business operations relating to cannabis cultivation, including any laws associated with the MAUCRSA.
  - h. With the exception of those employed at a Cultivation site, allowing any person between the ages of eighteen (18) and twenty-one (21) years of age to enter a Cultivation site, or allowing any person younger than eighteen (18) years of age to enter a Cultivation site without a parent or legal guardian.
  - i. Failure to contain all irrigation run-off, fertilizer, pesticides, and contaminants on Premises.
  - j. Failure to allow inspections of the Premises and business operations by the Permitting Authority, Building Official, Fire Authority, law enforcement, or

Enforcing Officer at any time, with or without notice.

- k. Failure to timely pay any local, State, or federal tax associated with or required by the licensee's Cannabis business activities, including any taxes required to be paid under the Nevada County Code, as may be established or amended.
  - l. Creation or maintenance of a public nuisance related to cannabis cultivation.
  - m. Conviction of a criminal offense by any permit holder that would justify denial of a state license.
  - n. Failure to post and maintain at the Cultivation site, in a prominent location, a copy of the local permit(s) issued pursuant to this Section and a copy of any State license(s) required for the Cannabis activity.
  - o. Failure to fully cooperate with a financial audit by the State or County of Nevada of any and all aspects of the permittee's business, including but not limited to on-site inspection and review of financial transactions, sales records, payroll and employee records, purchase orders, overhead expense records, shipping logs, receiving logs, waste disposal logs, bank statements, credit card processing statements, inventory records, tax records, lease agreements, supplier lists, supplier agreements, policies and procedures, and examination of all financial books and records held by the licensee in the normal course of business.
  - p. Intentional or negligent diversion of Cannabis to minors, failure to secure and safeguard Cannabis from minors, or Transport of Cannabis not authorized by this Section or State law.
- 6. If an initial application or renewal permit is denied, or if a permit is revoked, all Cultivation on the Premises shall cease immediately; provided, however, that the operations may be allowed to continue for a brief period of time to complete miscellaneous wind-down operations at the discretion of the Permitting Authority or other final decision.
  - 7. If an initial application or renewal permit is denied, or if a permit is revoked, the Permitting Authority may impose a probationary period during which an application to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two (2) years.
  - 8. Under no circumstances shall a cause of action for monetary damages be allowed against the County of Nevada, the Permitting Authority, Hearing Body, or any other County official or employee as a result of a denial or a revocation of a permit. By applying for a permit, the applicant and owners associated with a Commercial Cannabis Cultivation business waive any and all claims for monetary damages against

the County and all other aforementioned officials and employees of the County of Nevada that may be associated with the denial or revocation of a permit.

O. Enforcement.

1. Except as provided herein, this Section shall be enforced by the County's Administrative Enforcement Ordinance as provided in Section governing Administrative Enforcement, 12.05.010, contained in this Code.
2. Requests for appeals of a Notice to Abate shall be conducted as provided in Section governing Administrative Enforcement, 12.05.010 contained in this Code.
3. Administrative hearings will be conducted as provided in Section governing Administrative Enforcement, 12.05.010, contained in this Code.

P. Administrative Civil Penalties.

1. In addition to any other remedy prescribed in this Chapter, including liability for costs described in Section 12.05.010, governing Administrative Enforcement contained in this Code. The County may impose administrative civil penalties for any violation of this Section. Administrative civil penalties may be imposed via the administrative process set forth in this Section, in Section governing Administrative Enforcement contained in this Code of this Chapter, as provided by Cal. Gov't Code § 53069.4, or may be imposed by the court if the violation requires court enforcement.
2. Acts, omissions, or conditions in violation of this Section that continue to exist, or occur on more than one day, constitute separate violations on each day.
  - a. Violations of this Section are subject to the immediate imposition of administrative civil penalties shown below, including violations of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis.
  - b. An amount equal to three times the total of the permit fees per violation; or
  - c. An amount equal to \$1,000 per violation per day, whichever is greater.
3. These amounts are separate and distinct from any administrative civil penalties that may be imposed by the County for other Code Violations, including building or safety code violations as described in in Section 12.05.010, governing Administrative Enforcement contained in this Code.
4. Abatement of unlawful Cannabis Cultivation prior to any hearing or appeal of a Notice to Abate Unlawful Cannabis Cultivation does not absolve the Violator of the obligation



to pay the administrative civil penalties.

Q.           Summary Abatement. Notwithstanding any other provision of this Section, when any unlawful Cannabis Cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in this Section would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Enforcing Officer may direct any officer or employee of the County to summarily abate the nuisance as permitted by law. The Enforcing Officer shall make reasonable efforts to notify the owner(s) of the Parcel or Premises upon which the nuisance exists, as named in the records of the County Assessor; the occupant(s), if other than the owner(s), and if known or reasonably identifiable; and the holder(s) of any permit obtained pursuant to this Section, if applicable and different than the foregoing; however, the formal notice and hearing procedures set forth in this Section shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in this Section or Section governing Administrative Enforcement, 12.05.010 contained in this Code.

R.           No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Enforcing Officer or the County of Nevada any duty to issue a Notice to Abate Unlawful Cannabis Cultivation, nor to abate any unlawful Cannabis Cultivation, nor to take any other action with regard to any unlawful Cannabis Cultivation, and neither the Enforcing Officer nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Cannabis Cultivation, nor for failure to abate any unlawful Cannabis Cultivation, nor for failure to take any other action with regard to any unlawful Cannabis Cultivation.

S.           Reporting of Violations. In addition to the remedies set forth in this Section or Section 12.05.010 governing Administrative Enforcement contained in this Code, a violation of

this Section, including operating any Commercial Cannabis Activity without a valid and appropriate license from the State of California or permit from the County of Nevada, shall be a misdemeanor and may result in permit revocation and/or denial of permit or denial of permit renewal. Any individual or entity found to be operating Commercial Cannabis Activities in violation of this Section, local permitting requirements, or without a valid and appropriate state license may be reported to the State of California licensing authorities, the District Attorney's Office, and any other local, state and/or federal enforcing and prosecuting agencies. (Ord. 2516. (01/10/2023); Ord. 2510. (06/28/2022); Ord. 2491. (04/27/2021); Ord. 2516. (06/28/2022); Ord. 2533. (12/05/2023))

## **CHAPTER 4: COMPREHENSIVE SITE DEVELOPMENT STANDARDS**

### **Sections:**

<b>Section 12.04.010</b>	<b>Purpose</b>
<b>Section 12.04.020</b>	<b>Applicability</b>
<b>Section 12.04.030</b>	<b>Boundary Line Adjustments</b>
<b>Section 12.04.040</b>	<b>Building Sites</b>
<b>Section 12.04.050</b>	<b>Clustering</b>
<b>Section 12.04.060</b>	<b>Land Divisions for Public Uses and Environmental Protection Purposes</b>
<b>Section 12.04.070</b>	<b>Noise</b>
<b>Section 12.04.080</b>	<b>Pedestrian Pathways</b>
<b>Section 12.04.100</b>	<b>Transportation Alternatives Division 4.2 Community Design Standards</b>
<b>Section 12.04.101</b>	<b>Purpose</b>
<b>Section 12.04.102</b>	<b>Applicability</b>
<b>Section 12.04.103</b>	<b>Design Guidelines</b>
<b>Section 12.04.104</b>	<b>Building Height</b>
<b>Section 12.04.105</b>	<b>Building Setbacks</b>
<b>Section 12.04.106</b>	<b>Fencing and Hedges</b>
<b>Section 12.04.107</b>	<b>Landscaping</b>
<b>Section 12.04.108</b>	<b>Lighting</b>
<b>Section 12.04.109</b>	<b>Parking</b>
<b>Section 12.04.110</b>	<b>Permanent Open Space / Maximum Impervious Surface</b>
<b>Section 12.04.111</b>	<b>Screening</b>
<b>Section 12.04.112</b>	<b>Signs</b>
<b>Section 12.04.200</b>	<b>Solid Waste and Recycling Storage Areas Division 4.3 Resource Standards</b>
<b>Section 12.04.201</b>	<b>Purpose</b>
<b>Section 12.04.202</b>	<b>Applicability</b>
<b>Section 12.04.203</b>	<b>General Provisions</b>
<b>Section 12.04.204</b>	<b>Agricultural Lands, Important</b>
<b>Section 12.04.205</b>	<b>Avalanche Hazard</b>
<b>Section 12.04.206</b>	<b>Cultural Resources, Significant</b>
<b>Section 12.04.207</b>	<b>Deer Habitat, Major</b>
<b>Section 12.04.208</b>	<b>Earthquake Faults &amp; Seismically Sensitive Areas</b>
<b>Section 12.04.209</b>	<b>Energy Conservation</b>
<b>Section 12.04.210</b>	<b>Floodplains</b>
<b>Section 12.04.211</b>	<b>Mineral Areas, Significant</b>
<b>Section 12.04.212</b>	<b>Rare, Threatened and Endangered Species and Their Habitat</b>
<b>Section 12.04.213</b>	<b>Steep Slopes/High Erosion Potential</b>

<b>Section 12.04.214</b>	<b>Timber Resources, Important</b>
<b>Section 12.04.215</b>	<b>Trees</b>
<b>Section 12.04.216</b>	<b>Visually Important Ridgelines and Viewsheds</b>
<b>Section 12.04.217</b>	<b>Watercourses, Wetlands and Riparian Areas</b>
<b>Section 12.04.218</b>	<b>Wildland Fire Hazard Areas</b>

### **Section 12.04.010 Purpose**

The purpose of this Section is to provide regulations to guide the design, location, and development of new land uses and the alteration of existing uses. The standards of this section are consistent with and supplement those standards found in governing each zone district and specific land uses. They assist in furthering numerous County of Nevada General Plan goals, objectives, and policies that provide for the preservation and enhancement of the County of Nevada's rural quality and small-town character. They also assist in furthering General Plan provisions for maintaining the county's high-quality natural landscape and scenic resources, as well as protecting existing historic resources.

### **Section 12.04.020 Applicability**

Site development standards shall apply to all projects, including Development Permits, Use Permits, subdivisions, and allowable uses subject to zoning compliance and building permit issuance, if required, unless otherwise stated in the sub-section.

### **Section 12.04.030 Boundary Line Adjustments**

- A. Purpose. The purpose of this Section is to establish an administrative procedure and standards for reviewing boundary line adjustments, consistent with the State Government Code and County of Nevada ordinances.
- B. Definitions.
  - 1. Boundary Line Adjustment – The adjustment of property lines between four (4) or fewer adjoining parcels where land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. A boundary line adjustment may also combine two (2) or more adjacent parcels.
- C. Application Requirements. Applications for boundary line adjustment review shall be submitted to the Planning Department on forms provided by the Department. The application shall be accompanied by a filing fee as established by the most current Resolution adopted by the Board of Supervisors and shall include the following

information:

1. An exhibit map prepared and stamped by a licensed land surveyor or civil engineer licensed to practice land surveying. The exhibit shall be drawn to scale showing all boundaries of affected properties.
2. Current deeds describing all parcels.
3. For parcels not created by subdivision or parcel map, a copy of a deed recorded prior to March 4, 1972 that describes and conveys the parcels. If the parcels are presumed to be legally created, submit a Chain of Title issued by a title company and all other supporting documentation. If the County surveyor determines that insufficient evidence has been provided to document legally existing parcels, a Certificate of Compliance may be required.
4. A document prepared by a title company showing existing encumbrances, if any.

Upon receipt of a complete application, the Planning Director will distribute application documents to interested agencies for review and comment. Within 30 days of accepting a complete application, the Planning Director shall determine if the proposed boundary line adjustment complies with all applicable State laws and County ordinances. The Director may refer review of a proposed Boundary Line Adjustment to the Zoning Administrator pursuant to Section 12.05.050.E.4 of this Chapter or shall approve, conditionally approve or deny the application.

D. Procedure. Upon receipt of a complete application, the Planning Director will distribute application documents to interested agencies for review and comment.

1. Within thirty (30) days of accepting a complete application, the Planning Director shall determine if the proposed boundary line adjustment complies with all applicable State laws and County ordinances. The Director may refer review of a proposed Boundary Line Adjustment to the Zoning Administrator pursuant to Section 12.05.050.E.4 of this chapter or shall approve, conditionally approve, or deny the application.

E. Standards for Approval. In approving a boundary line adjustment, the Director shall determine that all of the following standards have been met:

1. Boundary line adjustments shall not result in conflicts with site development standards nor with any previous land division or land use approvals that require a minimum parcel size or density, including parcels that are smaller than the minimum parcels size but were created as a result of density averaging or

clustering unless excepted herein.

- a. Legally created parcels that do not meet minimum road frontage requirements required by the zone district may be eligible for a boundary adjustment where legal access is provided such that the minimum standards set forth in Fire Safety Regulations and Road Standards of this Code can be achieved. No parcel may be adjusted if the boundary line adjustment reduces existing road frontage beyond minimum road frontage requirements identified by the zone district.
2. A boundary line adjustment cannot result in additional parcels or additional density nor can it result in the potential for further division of parcels.
3. No parcel may be adjusted if the resulting parcel will be reduced in size and will not meet the minimum Environmental Health standards contained in Sewage Disposal or Water Supply and Resources Chapters of this Code.
4. All adjusted parcels shall conform to the minimum parcel sizes required by the zone district, except that:
  - a. Adjustments to parcels that conform to minimum parcel sizes, that are proposed in order to re-align a property line with a well-defined physical feature, such as a water course or recorded roadway, may be approved if the resulting nonconforming size parcel complies with all other size development standards, including the minimum parcel sizes established by Policy 3.19 of the Nevada County General Plan.
  - b. Adjustments to parcels that are nonconforming in size, and which do not meet the minimum parcel size established by Policy 3.19 of the General Plan, may be further reduced if the purpose of the adjustment is to re-align a property line with a well-defined physical feature, such as a water course or recorded roadway, or with a zoning district boundary, and if the parcel being reduced in size is developed with an allowable use and satisfies all applicable Environmental Health Standards for sewage disposal and water supply.
  - c. Parcels that are nonconforming in size may be further reduced in size if the resulting parcels conform with all required site development standards, including the following minimum parcel sizes established by Policy 3.19 of the Nevada County General Plan:
    - 1) Parcels served by public domestic water and a public sewage system shall maintain a minimum 10,000 square feet except for low/moderate income housing where the parcel size may be reduced;

- 2) Parcels served by public domestic treated water and an individual sewage disposal system shall maintain one and one-half (1.5) acres;
- 3) Parcels served by a groundwater well and public sewerage system shall maintain one and one-half (1.5) acres; and
- 4) Parcels served by a groundwater well and an individual sewage disposal system shall maintain three (3) acres.

The minimum parcel sizes established by Policy 3.19 may be increased where other considerations, including adverse soil, geologic or topographic conditions may warrant larger parcel sizes.

F. Conditions of Approval. Approval of a boundary line adjustment shall be conditioned as necessary to ensure compliance with the Nevada County General Plan, and all zoning and building regulations, to require prepayment of property taxes, and to facilitate the relocation of existing utilities, infrastructure or easements.

G. Expiration. An approved or conditionally approved boundary line adjustment shall be subject to the same time limits and extension provisions as provided for in Cal. Gov't Code § 66452.6 of the Subdivision Map Act.

H. Recording Boundary Line Adjustments. Boundary line adjustment approvals are not effective until recorded in the Office of the County Recorder. Upon recordation of a boundary line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record boundary line adjustments shall be submitted to the County Surveyor for review and recordation and shall include the transfer deeds that reflect the new property descriptions, executed by all affected owners of record. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust. Boundary line adjustments shall be reflected in recorded documents in one of the following ways:

1. Where required by Cal. Bus. & Prof. Code §8762, a record of survey shall be submitted to the Department of Planning for recordation. (Ord. 2239. (05/29/2007); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))
2. If a record of survey is not prepared for the boundary line adjustment, the document used to convey the property shall be submitted to the County Surveyor and shall be accompanied by a sketch map depicting the adjusted boundaries. The sketch map shall be signed and sealed by a licensed land surveyor or civil engineer, shall include the County file number approving the adjustment and shall include a statement that a record of survey is not required in conformance with Cal. Bus. &

Prof. Code § 8762. (Ord. 2090. (07/09/2002); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

#### **Section 12.04.040 Building Sites**

A. Purpose. The purpose of this section is to provide standards by which parcels may be subdivided and developed.

B. Definitions.

Building Site – An area within a parcel where structures may be constructed consistent with the standards of this Code.

C. Substandard Parcels. A parcel that has been legally created but contains less area than is required by the applicable district, shall be considered to include a building site provided all other current site development standards are met.

D. Divisions to Separate Pre-Existing Residences. Parcels containing more than one (1) legally constructed residence may be divided into substandard parcels, provided that no new building sites are created and that:

1. The residences were not established as guest quarters, senior citizen residences, employee housing or other secondary accessory residences or structures.
2. Each newly created parcel contains at least one (1) of the lawfully established residences.
3. Each new parcel shall have a minimum frontage and lot width of fifty (50') feet and shall comply with all side yard setback and impervious surface standards; provided however that if the separation between residences and accessory structures is such that the side yard setbacks required in the zoning district cannot be met, then the common parcel line shall be located an equal distance from the primary structures.
4. Each new parcel shall meet the current requirements for sewage disposal and water supply as established in this code; provided however, that if sewage disposal is provided by a private sewage disposal system, then the total area required for the disposal system and repair area shall be calculated based upon the size of the residential structures as they exist.

E. Compliance with Notes on Recorded Maps. No use of property shall be allowed, nor shall any subdivisions to property be allowed, which would conflict with any note attached to any map or record of survey which was recorded in the official records in order to create a division of real property into two (2) or more parcels, except



that notes on recorded maps which require water storage for fire protection purposes prior to residential construction, may be modified by the fire agency that established the condition of approval if the agency verifies in writing that the original condition is no longer applicable because substitute measures of fire protection are in place.

F. Utilization of Easements. It shall be unlawful to place any structure, as herein defined, on or over any easement unless specifically allowed by the terms of such easement.

G. Sewage Disposal Adjustment. Upon recommendation of the county Environmental Health Department, the Planning Agency may require a greater building site area where necessary for sewage disposal by septic tanks and leach lines.

#### **Section 12.04.050 Clustering**

Parcels smaller than the minimum allowed by zoning may be created by subdivision by averaging the density allowed for the entire subdivision, provided that:

1. The overall density of the parcels being created, and contributing to the density, does not exceed that density which would otherwise be allowed by the zoning district.
2. All parcels contributing to the density shall be precluded from exceeding the density allowed by the zoning district through a restrictive covenant, easement, dedication, irrevocable trust, use of the X or SP combining districts, or other similar mechanism.
3. All standards, including water supply, wastewater disposal and access, are met.

#### **Section 12.04.060 Land Divisions for Public Uses and Environmental Protection Purposes**

A. The minimum parcel size required by any zoning district shall not apply to parcels created for the following purposes:

1. For a governmental entity or public or private owned utility who occupies the newly created parcel.
2. For environmental protection purposes, provided that one of the following is applicable:
  - a. The parcel being created is restricted by a grant of conservation easement containing a covenant with the County of Nevada, a city or a nonprofit organization, running with the land in perpetuity, that ensures the

preservation of permanent open space by restricting construction of improvements, or, the parcel being created is only conveyed in fee to a governmental or non-profit organization for open space or conservation purposes;

- b. That the parcel being created satisfies the requirements for an environmental subdivision, consistent with the provisions of Cal. Gov't Code § 66418.2.

The remainder parcels from which such public use or environmental protection purpose parcels are created pursuant to this subsection, shall comply with the minimum parcel sizes.

Any parcel created pursuant to this subsection may not be used for any purpose other than that for which it was created; provided, however, that if any such parcel is legally merged with any contiguous parcel, such parcel/property may thereafter be used for any lawful purpose allowed under the zoning then in effect for the property to which it was merged. The document used to record the division shall contain a note advising that the use is so restricted.

#### **Section 12.04.070 Noise**

A. Purpose. The purpose of these regulations is to ensure that future development minimizes unnecessary and annoying noise, by establishing maximum noise levels and standards for evaluating potential noise impacts.

B. Applicability. Noise standards shall apply to all discretionary projects, including Development Permits and Use Permits, unless otherwise excepted in this section.

C. Definitions.

1. dBA – The “A-weighted” scale for measuring sound in decibels (a unit used to express the relative intensity of a sound as it is heard by the human ear). This logarithmic scale reduces the effects of low and high frequencies in order to simulate human hearing.
2. Leq – The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). It is the level of constant sound which, in a given situation and time period, has the same sound energy as does a time varying sound.
3. Lmax – The maximum sound pressure level for a given period of time.

D. Noise Standards. All land use projects requiring a Development Permit, or a

Use Permit shall comply with the noise standards provided herein. Permitted residential land uses, including parcel and tentative maps, are not subject to these standards.

**Table Section 12.04.070**  
**Exterior Noise Limits**

Land Use Category	Zoning Districts	Time Period		Noise Level, dBA	
		Start	End	L eq	L max
Rural	AG, TPZ, AE, OS, FR, IDR	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	40	55
Residential and Public	RA, R1, R2, R3, P	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	45	60
Commercial and Recreation	C1, CH, CS, C2, C3, OP, REC	7 am	7 pm	70	90
		7 pm	7 am	65	75
Business Park	BP	7 am	7 pm	65	85
		7 pm	7 am	60	70
Industrial	M1, M2	any time		80	90

1. A comprehensive noise study shall be prepared for all projects requiring a Development Permit or a Use Permit and which have a potential to create noise levels inconsistent with the standards contained herein. The study shall be prepared in accordance with the methodology identified in the Noise Element Manual contained in General Plan.
2. Projects with the potential for generating noise impacts shall incorporate design controls that assist in minimizing the impacts through the use of increased setbacks, landscaped earthen berms, solid fencing, placement of structures or other effective means.
3. Compliance with the above standards shall be determined by measuring the noise level based on the mean average of not less than three (3) twenty (20) minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient noise level is adequately determined. All measurements shall be conducted by a qualified person experienced in the field of environmental noise assessment and architectural acoustics.

4. Where 2 different zoning districts abut, the standard applicable to the lower, or more restrictive, district plus five (5) dBA shall apply.
5. The above standards shall be measured only on property containing a noise sensitive land use, including residences, schools, hospitals, nursing homes, churches, and libraries, and may be measured anywhere on the property containing said land use. However, this measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement or as determined in a recorded letter of agreement between all affected property owners and approved by the county.
6. If the measured ambient level exceeds that permitted, then the allowable noise exposure standard shall be set at five (5) dBA above the ambient.
7. Because of the unique nature of sound, the county reserves the right to provide for a more restrictive standard than shown in the Exterior Noise Limits Table. The maximum adjustment shall be limited to be not less than the current ambient noise level and shall not exceed the standards of this Section. Imposition of a noise level adjustment shall only be considered if one or more of the following conditions are found to exist:
  - a. Unique characteristics of the noise source:
    - 1) The noise contains a very high or low frequency, is of a pure tone (a steady, audible tone such as a whine, screech, or hum), or contains a wide divergence in frequency spectra between the noise source and ambient level;
    - 2) The noise is impulsive in nature (such as hammering, riveting, or explosions), or contains music or speech;
    - 3) The noise source is of a long duration, defined as a cumulative period of more than thirty minutes in any hour.
  - b. Unique characteristics of the noise receptor when the ambient noise level is determined to be 5 dBA or more below the standard of the Exterior Noise Limits Table for those projects requiring a General Plan amendment, rezoning, and/or Use Permit. In such instances, the new standard shall not exceed 10 dBA above the ambient or the Exterior Noise Limits Table standard, whichever is more restrictive.
8. The above standards shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions.

9. The standards of this Section shall be enforced through compliance inspections and/or complaints.
10. A legal nonconforming use inconsistent with the noise standards of this Section shall be required to comply with said standards in the event it upgrades, enlarges, intensifies, extends, moves, or recommences after abandonment or discontinuance of a period of 180 days or more. In the event such a use is changed or modified through the permit process, the noise standards in this section shall be applied only to that portion of the land use requiring approval, provided, however, that in no event shall the noise cumulatively generated from the entire use on the site after the change or modification exceed the pre-permit ambient noise level. All such projects that have a potential to create noise levels inconsistent with the standards in this Section will require a noise study consistent with this Section.

#### **Section 12.04.080 Pedestrian Pathways**

- A. Purpose. To encourage the development of pedestrian walkways to, between, and within developments.
- B. Standards.
  1. All projects in Community Regions shall be designed to provide pedestrian paths, trails, sidewalks or other hard-surfacing that links the proposed site with adjacent properties.
  2. Discretionary projects in Rural Regions shall be evaluated, and where topography, sensitive resources or other site constraints do not preclude construction of pedestrian pathways, projects shall be designed to provide a link to adjacent properties.
  3. All projects shall provide interior linkages between uses, including distinct pedestrian access from parking areas.
  4. If a county-wide Pedestrian Master Plan has been adopted, the project shall be consistent with the goals and applicable policies of that Plan.

#### **Section 12.04.100 Transportation Alternatives**

##### **Division 4.2 Community Design Standards**

- A. Purpose. To consider methods for reducing dependence on the automobile by exploring alternative modes of transportation in all projects.

B. Standards. All land use applications requiring a development permit, or a use permit shall address alternative transportation opportunities for employees, residents and/or customers served by the project, as follows:

1. Applications for nonresidential Administrative Development Permits and all discretionary permits shall provide the following information:
  - a. An identification of the transportation needs generated by the proposed project, including the estimated number of employees or residents.
  - b. An identification of existing and potential alternatives to individual automobile use, including but not limited to, access to public transportation services, bicycle racks, or provisions for developer sponsored carpooling or bussing.
  - c. The developer's proposal to incorporate one or more measures into the project to ensure use of viable alternatives.
2. Projects employing fifty (50) or more persons shall submit a detailed analysis of transportation alternatives, documenting feasible measures for reducing auto dependence.

#### **Section 12.04.101 Purpose**

Community design standards are intended as a framework to assist in understanding the County of Nevada's goals and objectives for high quality development. They provide design interpretations for commercial, industrial and residential development.

#### **Section 12.04.102 Applicability**

Design standards shall apply to all projects, including Development Permits, Use Permits, subdivisions, and allowable uses subject to zoning compliance and building permit issuance, if required, unless otherwise provided for in this Chapter.

Unless otherwise provided for in this Section, exceptions to site development standards may be approved subject to the granting of a variance pursuant to 12.05.070 in this Chapter.

#### **Section 12.04.103 Design Guidelines**

Design Guidelines supplement and refine the Comprehensive Design Standards of this

chapter; they implement General Plan policies; they are intended to encourage the maintenance of community identity, and the preservation of historical and cultural sites, buildings, features and artifacts; they provide guidance to developers and decision makers to ensure consistent review of the design related components of development in a specific area.

Any Design Guidelines that have been adopted by Resolution as Design Guidelines, including adoption of county-wide Design Guidelines, Area or Community Plans, or by ordinance through adoption of a Specific Plan, shall be applicable to all projects that are subject to design review. Approval of such projects shall include a determination that the project is consistent with any adopted Guidelines applicable to the project site. The following area-specific guidelines have been adopted:

1. The Eastern Nevada County Design Guidelines adopted on April 28, 1992, by Resolution 92-236, and as may be amended, which shall be considered in the review of all applicable development projects in Eastern Nevada County located east of the Range 13/14 East boundary line, Mount Diablo Meridian, including applicable projects within the SC Scenic Corridor Combining District. These guidelines shall not be applicable within the HP Historic Preservation, Combining District if specific Historic District Guidelines have been adopted.
2. The Higgins Area Plan, adopted on October 24, 2000, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the Higgins Corner-Lake of the Pines Village Center, as mapped on the Nevada County General Plan. (Subsection Amend. Ord. 2040. (12/05/2000); Ord. 2520. (03/14/2023); Ord. 2533. (12/05/2023))
3. The Penn Valley Area Plan, as may be amended, shall be considered in the review of all applicable development projects within the Area Plan boundaries.
4. The Loma Rica Drive Industrial Area Plan, adopted on May 27, 2008, which shall be considered in the review of all applicable development projects within the Loma Rica Drive industrial area, identified by the “SP” zoning adopted by County of Nevada Ordinance No. 2266. The adopted Area Plan Design Guidelines identify applicable Western Nevada County Design Guidelines as well as additional area-specific design guidelines that are applicable for both new and re-use development projects.
5. The North San Juan Rural Center Area Plan, adopted on April 27, 2010, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the North San Juan Rural Center, as mapped on the Nevada County General Plan.

6. The Soda Springs Area Plan, adopted on October 25, 2016, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the Soda Springs Rural Center, as mapped on the Nevada County General Plan. (Ord. 2481. (08/25/2020); Ord. 2423. (10/25/2016); Ord. 2311. (04/27/2010); Ord. 2520. (03/14/2023); Ord. 2533. (12/05/2023))

#### **Section 12.04.104 Building Height**

- A. Purpose. To assure the height and scale of new development is compatible with that of surrounding development, and that it minimizes the obstruction of both the public view of surrounding natural features and of views from nearby structures.
- B. Measurement. The height limit for buildings shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade.
- C. Maximum Heights. Maximum heights shall be as found in the base districts of zoning ordinances, 12.02.
- D. Exceptions to Height Limits. Architectural features not intended for human occupancy, such as spires, chimneys, vents, skylights, or solar equipment, and non-habitable structures such as private water tanks, antennas, windmills, and other alternative energy structures, may exceed the allowable building height by no more than twenty (20%) percent. Height increases of more than twenty (20%) percent shall be subject to a use permit.

#### **Section 12.04.105 Building Setbacks**

- A. Purpose. Building setbacks are intended to provide open areas around structures for visibility and traffic safety, access to and around structures for safety and convenience purposes, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, space for privacy and landscaping, protection of natural resources, and defensible space against encroaching wildland fire.
- B. Definitions.
  1. Setback – The distance by which a structure or an addition to a structure must be separated from a parcel line, natural feature, other structure, road, right-of-way, or easement.
  2. Yard – An unoccupied space on a parcel on which a structure is situated, or for which a structure is intended, which is open from the ground upward, except as otherwise provided in this Chapter.
  3. Yard, Front – A yard measured from the edge of the easement or right-of- way



across the front of the parcel between side parcel lines and to a width required by the district in which said parcel is located.

4. Yard, Exterior Side – A yard along the edge of a side street, right-of-way or easement to a width required by the district in which said parcel is located.
5. Yard, Interior Side – A yard along the interior side parcel line of the parcel to a width required by the district in which said parcel is located.
6. Yard, Rear – A yard extending along the rear parcel line of the parcel, or edge of easement or right-of-way on a through parcel, and to a width required by the district in which said parcel is located.

C. Standard. Unless otherwise delineated on the zoning district map or otherwise provided in this Chapter, the space within a required setback as established for the base districts in Zoning Ordinances, 12.02, shall be unoccupied space open from the ground upward and no structure or addition to an existing structure of any kind shall be permitted within a required setback.

D. Natural Resources. Additional setbacks are required for selected natural resources as provided in the Chapter governing Resource Standards in this Section.

E. Determining the Front Yard.

1. Interior Parcels. The front yard shall be on the side containing the road right-of-way or easement.
2. Corner Parcels. The front yard shall be the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line).
3. Flagpole Parcels. The front yard shall be the parcel line nearest and perpendicular to the driveway or flagpole portion.
4. Through Parcels. Shall maintain front yard setbacks on both the front and rear parcel lines.

F. Measurement.

1. Front and Exterior Side. Setbacks from local and fire standard (or emergency) access roads shall be measured from the edge of the right-of-way, or from the centerline of the right-of-way, whichever setback standard is greater, to any portion of the structure.

Setbacks from arterial and collector roads shall be measured from the edge of the existing right-of-way, or ultimate right-of-way as provided in code sections governing Road Standards, Title 16, Table 2 or as determined by resolution of the Board of Supervisors, whichever setback standard is greater, to any portion of the structure.

2. Interior Side and Rear. Setbacks shall be measured from the side or rear property line to any portion of the structure.

G. Exceptions to Building Setbacks. Building setbacks must be maximized wherever possible, however, exceptions to setback standards are as follows:

1. Parcels that are less than three (3) acres in size. Such parcels may reduce setbacks as follows:

R1, R2, and R3 districts shall provide a 5-foot interior side yard setback and a twenty (20')-foot rear yard setback; RA, AG, AE, & FR districts shall provide a ten (10')-foot interior side yard setback and a twenty (20')-foot rear yard setback; Provided all of the following are satisfied:

- a. The site is served by a community or public water supply pursuant to code sections governing Sewage Disposal and Resource Standards, Title 15, or, if approved by the California Department of Forestry, & Fire Protection, 2,500 gallons of storage available at 500 gallons per minute.
- b. The underfloor (subdeck) space of structures, including decks, of combustible construction shall be feet from grade.
- c. One of the following features is incorporated into that portion the structure proposed within that area between the standard setback and the reduced setback:
  - 1) The undersides of projections beyond the exterior wall including eaves, cantilever balconies and similar overhangs, shall be enclosed with solid sheathing or equivalent material. The undersides of attached decks eight (8') feet or taller must similarly be enclosed.  
Venting of covered areas shall be allowed consistent with the Uniform Building Code.
  - 2) The sum of the area of unprotected openings in the exterior wall(s) shall not exceed twenty-five (25%) percent of the total area of the exterior wall(s).

- 3) Non-combustible materials or materials approved for one- hour fire-resistive construction shall be installed on the exterior side of the wall. The location of the wall shall be approved by the County Fire Marshal or their appointed designee.
  - 4) If the proposed construction is located on the uphill side of a slope in excess of twenty (20%) percent, a four (4')-foot high, non-combustible wall may be constructed along the length of the exposed side of the structure.
  - 5) If a setback easement is recorded on the adjacent parcel, providing the required sixty (60') feet of defensible space between structures, which allows for modification and maintenance of vegetative fuels.
2. Architectural Features/Aboveground Utilities. Such features, including but not limited to cornices, eaves, roof overhangs, canopies, decks and unenclosed porches not more than eighteen (18") inches in height, bay windows, steps, stairways, fire escapes, landing places, fireplaces, propane tanks and heating or air conditioning units, may extend into front and rear yard setbacks by not more than five (5') feet.
3. Site Design Features. The following features are exempt from the setback requirements of this Section:
  - a. Fences or walls that meet the height limits established in Community Design Standards of this Chapter.
  - b. Retaining walls less than four (4') feet in height above the finished grade.
  - c. Signs consistent with community Design Standards .Underground utilities and septic tanks/leachlines.
4. Open-Air Structures Abutting Water. Notwithstanding any other provision of Zoning and Floodplain Management contained in this Code, the following water-use related structures that do not include walls or roofs, may be constructed without complying with the rear and side property line setback requirements as established in this Code for any parcel of real property that abuts a lake, watercourse, or floodplain:
  - a. Docks & Piers
  - b. Boat Hoists and Canopies
  - c. Private boat launch facilities

- d. Directional hazard or warning, marina and gasoline signs. See floodplain-related setback requirements, 12.04.320.
5. Clustered Parcel Development, Dwelling Groups, and Planned Developments. Clustered parcels, dwelling groups, and planned developments (within both the base and combining districts) are exempt from the setback standards, provided that:
- a. The modified setback standards are a part of a conditional use permit and/or subdivision map.
  - b. Findings for approval ensure consistency with and furthers the purpose of all Resource Standards contained herein.
  - c. The modified standard is recorded as a part of the subdivision map, deed restriction, or other enforceable restriction.
6. Dwellings in Commercial/Industrial. Dwellings proposed in any commercial or industrial district shall provide setbacks as required in the R3 Districts, except when located within a commercial or industrial structure.
7. Swimming Pools. Shall maintain a minimum setback of ten (10') feet from any side or rear property line and shall not be permitted within any required front yard setback. Fencing standards for swimming pools are contained in this Code.
8. Ground-Mounted Solar Arrays. Ground-Mounted Solar Arrays shall maintain a minimum setback of ten (10') feet from any property line.
9. Properties East of the 10E Range Line. Attached or detached garages and/or carports may be constructed within one (1') foot of the front property line if twenty (20') feet is maintained from the edge of pavement or traveled way if unpaved.
10. Setback Easements. In order to provide required side and rear building setbacks on properties that cannot otherwise provide those setbacks, a building setback easement may be recorded and recognized on adjacent properties, pursuant to the following standards:
- a. Applications for setback easements shall include the written consent of the grantor and grantee property owners.
  - b. Applications shall include a site plan exhibit for all affected properties, pursuant to this Chapter, including a clear delineation of the proposed easement, reflecting the required setbacks for both grantor and grantee

properties.

- c. Applications for setback easements shall provide clear justification for the need of the easement, providing supporting documentation that other alternatives, including a variance, are not feasible.
- d. Setback Easements shall be recognized only after review and approval by the Planning Director who shall make findings that the recording of such easement will not jeopardize the integrity of the neighborhood nor will it conflict with any recorded Conditions, Covenant and Restrictions for all properties.
- e. A deed restriction shall be recorded concurrently with said easement in the Nevada County Recorder's Office, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement.
- f. Reconveyance or other abandonment of a setback easement without the express approval of the County of Nevada shall constitute grounds for revocation of any permit issued pursuant to this Section.

#### **Section 12.04.106 Fencing and Hedges**

A. Purpose. The purpose of these regulations is to protect the visual quality and to minimize sight distance impairment on roadways by establishing height limits for fencing and hedges located within yard setbacks.

B. Definitions.

1. Fencing – A barrier constructed of wood, metal, wire, fabric, boards, or other materials and which is intended to demarcate a boundary, separate land uses, secure animals, enclose property, and/or exclude people and animals from a designated area. Solid fencing is fencing that impairs through vision and conflicts with vehicle sight distance. Walls constructed of concrete, stone, brick, tile, or similar type of solid material are included in the definition of fencing.
2. Hedges – Compact evergreen plants forming a solid screen that impairs sight distance.

C. Height Measurement. Fencing shall be measured from the base at finished grade to the highest point. Hedges shall be measured from their base at finished grade to their highest point.

### Table Section 12.04.150.D

#### Height Limits within Setback Area

Zoning District	Setback Area <sup>(1)</sup>	Open Fence <sup>(2)</sup> & Hedge Standards	Solid Fence Standards
Residential	Front and street side	4'	3'
Residential <sup>(3)</sup>	Rear and interior side	6'	6'
Rural	Front and street side	no limit	3'
Rural	Rear and interior side	no limit	6'
All Others	Front and street side	4'	3'
All Others	Rear and interior side	6'	6'

- (1) Rear yard setbacks for through parcels where the rear yard is adjacent to a street shall meet the front yard setback standards.
- (2) Open fence type refers to an open board, split rail, wire, chain link, and similar type of fencing that does not impair through vision or conflict with vehicle sight distance.
- (3) Open fencing within the RA district shall meet Rural District standards for side and rear yard setbacks.

Where solid and open fence materials are combined, the most restrictive standard shall apply.

D. Height Exceptions. Table standards may be exceeded as follows:

1. If submitted as part of the review of a discretionary land use permit, the Planning Agency may allow an increased height for project that requires a higher fence, hedge, or wall for security, visual, or noise attenuation purposes.
2. Subject to the granting of a Use Permit, fencing may exceed the height maximums established by this chapter if findings can be made that such an exception is needed for protection of the public health and safety or to shield unsightly areas or uses.

E. UBC Compliance. Solid fence and wall construction are subject to the requirements of the Uniform Building Code.

### Section 12.04.107 Landscaping

A. Purpose. Landscaping is of considerable importance to both existing and proposed development in the County of Nevada, contributing to the overall quality and character of our communities, especially when native vegetation is used or retained. Properly designed and maintained, landscaping provides visual interest and variety, complements structures, provides a transitional area between competing land uses, and aids in reducing air pollution, heat and glare. This Section encourages flexibility to achieve the purpose of the Site Development Standards. It also ensures the efficient use of water used for landscaping by establishing standards for the design, installation and management of landscapes that avoid excessive water demand.

B. Applicability. Landscaping standards shall apply to Development Permits, Use Permits, and subdivisions, unless otherwise excepted in this Section.

C. Definitions.

1. Landscaping – The use of suitable vegetation in conformity with the requirements of this Chapter and the continued maintenance thereof.

D. Native Vegetation Retention. The County of Nevada strongly encourages the retention of on-site native vegetation where it does not pose a fire hazard. Where native oaks are retained, plant materials within the dripline of the oaks shall be drought-tolerant to minimize the application of water at the base of oaks. Existing, on-site native vegetation may serve as alternative landscaping to that landscaping required below where the Planning Agency finds that the existing vegetation has the same practical effect and furthers the intent of this Section.

E. Standards.

1. Plans. A Landscape Plan shall be submitted for each applicable project and all discretionary projects shall require said plans be prepared by a licensed Landscape Contractor, Landscape Architect, Landscape Designer or Horticulturist.

a. Preliminary Plans. Preliminary plans, drawn to scale, shall be submitted at the time of project application and shall include the following:

- 1) The location of planting areas, consistent with the requirements of this section;
- 2) The size, number and type of plants existing and proposed, including the location of shade trees, required to provide forty (40%) percent parking lot coverage within fifteen (15) years, as required by this section;
- 3) The type(s) of irrigation to be used;

- 4) The amount of area devoted to turf, drought-tolerant plants, and native plants;
  - 5) Planting symbols shall be clearly drawn and plants labeled by botanical name, common names, container size, spacing and quantities of plants indicated.
- b. Final Plans. Final plans shall be approved by the Planning Department prior to the start of any on-site construction or soil disturbance and prior to the issuance of a building permit. Final plans shall include:
- 1) All details depicted on the Preliminary Plans and any modifications or additions included by conditions of approval;
  - 2) The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping, street buffer yards, and residential buffer yards);
  - 3) Provide a legend listing the type, number and size of plant materials, indicating 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 of plants;
  - 4) Irrigation plan;
  - 5) Evidence that a licensed landscape contractor will be responsible for plant and irrigation installation;
  - 6) If existing landscaping, including native vegetation, is to be retained, a note shall be provided on the plan stating that “any existing landscaping or native vegetation shown on the approved plan for retention, that is damaged or removed during construction, shall be repaired or replaced in kind with equivalent size”;
  - 7) A Note on the Plan, certified by a Licensed Landscape Architect, Landscape Designer or Horticulturist, that trees are located on the Plan so as to cover forty (40%) percent of the parking area with tree canopies within fifteen (15) years, consistent with this Section;
  - 8) Assurance that the property owner will be responsible for the



replacement of landscaping that does not survive or that deteriorates due to neglect.

2. Required Landscaping. Landscaping shall be installed along street frontages, within parking lot interiors, along property lines of commercial or industrial sites abutting residential properties, and between multi-family parking areas containing six (6) or more parking stalls, and properties zoned for single-family residential use. Modifications may be approved by the Planning Agency, where a finding can be made that alternatives to the project design, or site constraints, will result in the same overall effect. Site constraints may include sensitive resources, historic features, or parcel size. Project design features that may warrant a modification include: a plan that provides parking at the rear of the building, additional landscaping against the base of the building, increased landscaping in other areas of the site where it will provide a more effective buffer, or any other treatment that enhances the visual environment of the site. In no case shall landmark or heritage trees be removed in order to provide alternatives to the requirements of this Section.
  - a. All required trees shall be a minimum fifteen (15)-gallon container size, with the trunk diameter no less than one and one-half (1.5") inches for canopy trees, and one (1") to one and one-half (1.5") inches for understory trees. Shrubs shall be a minimum five (5)-gallon (5 gal.) container size, and live groundcover plants shall cover bare ground.
  - b. Varied tree and plant materials shall be used throughout the parking lot. No one species shall comprise more than seventy-five (75%) percent of the plantings within each of the following categories: canopy tree, understory tree and shrubs. Native vegetation shall be included in all required plantings unless confirmed by a licensed Landscape Architect that a native species will not satisfy a specific requirement.
  - c. Planting areas within paved parking lots shall be separated from vehicular areas and street right-of-way by a permanently installed concrete or wooden perimeter curb at least six (6") inches high.
  - d. Where required, earthen berms shall be a minimum three (3') feet in height.
  - e. Street Buffer Landscaping: A landscaped strip shall be provided along all street frontages, as follows:
    - 1) A minimum fifteen (15')-foot bufferyard shall be established adjacent to state highways.

- 2) A minimum ten (10')-foot bufferyard shall be established adjacent to all roads within Community boundaries as mapped on the General Plan land use maps.
- 3) A minimum five-foot (5') bufferyard shall be established adjacent to all roads within Rural Regions as mapped on the General Plan land use maps.

Shrub heights in street buffer yards shall not impair sight distance for each five (5') feet of buffer yard width, each 100 lineal feet of street frontage shall include at least five (5) trees and five (5) shrubs. Trees shall include a mix of conifers, understory and canopy trees.

f. Residential Buffers: nonresidential development and associated parking that abuts residentially-zoned property shall provide for sufficient landscaping, fencing, walls, berms, or any combination of screening techniques to ensure visual screening of said development to the maximum extent possible. Where fencing is used, a minimum five (5')-foot wide landscaped area shall be located on the residential side. If the non-commercial side of the fence is visible from any street or adjacent property, a five-foot (5') wide landscaped area shall be provided adjacent to the fence. If adjacent to parking, that area may be counted towards required interior parking lot requirements. Trees shall include a mix of conifers, understory and canopy trees.

g. Interior Parking Lot Landscaping: Shall be evenly dispersed throughout the parking lot at a ratio of forty-five (45 sq. ft) square feet of landscaped area for each provided parking stall. Each 450 square foot unit of landscaping for every ten (10) parking stalls shall include at least four (4) trees and five (5) shrubs. Landscaped islands shall be designed and installed to separate at least every ten (10) linear parking spaces. Planter islands shall be surrounded by six (6") inch wide curbing that is rounded at island ends. Parking lot landscaping shall include shade trees placed so as to cover forty (40%) percent of the total parking area with tree canopies within fifteen (15) years of securing a building permit. Issuance of a certificate of occupancy for the use requiring landscaping improvements.

Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen (15) years, as estimated on the approved tree list. The percentage of area required to be shaded shall be based on the number of uncovered, above ground parking spaces provided.

This subsection shall not apply to expansions of nonconforming structures that otherwise satisfy all requirements for expansion, provided the proposed expansion does not exceed twenty (20%) percent of the gross floor area at the time of the expansion and is consistent with chapter.

h. Maintenance: All landscaping and irrigation shall be maintained by the developer and any subsequent owners of such real property. Landscaped areas shall be kept free of weeds, litter and debris. All pruning and maintenance shall be pursuant to acceptable horticultural practices and in any case where a required planting has not survived, said planting shall be replaced with new material within thirty (30) days unless a licensed landscape architect verifies that, due to weather or season conditions, planting should be delayed for a specified time. Project owners shall be required to maintain all landscaping included in the plans. If the appearance of the property deteriorates due to neglect, a citation shall be issued. Trimming and maintenance of on-site vegetation shall ensure visibility of parking areas, building entrances and other areas accessible to the public, adequate to provide for public safety.

i. No trees that will grow to more than twenty (20') feet in height may be planted, or allowed to grow within, twenty (20') feet of any high voltage power line.

j. Brush Management/Fuel Modification: Brush management and fuel modification are provided for in state law and in local fire safety regulations, codified in Fire Safety Regulations in this code, adopted pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard. Said provisions shall prevail in the

event of conflict with any provisions of this Section. (Ord. 2474. (01/14/2020); Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.04.108 Lighting**

A. Purpose. This section establishes standards to provide for efficient, safe and attractive outdoor lighting while minimizing nighttime light pollution and energy waste.

B. Applicability. Lighting standards shall apply to Development Permits, Use Permits, and subdivisions, unless otherwise excepted in this Section.

C. Definitions.

1. Fully Shielded – A technique or method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture and which precludes visibility of the light source.
2. Glare – Artificial light that causes annoyance, discomfort or loss of visual performance and visibility.
3. Light Pollution – Artificial light which, through uplighting, detrimentally affects the clarity of the night sky, or causes undesirable glare, skyglow, or light trespass.
4. Light Trespass – Artificial light that produces an unnecessary and unwanted illumination of an adjacent property.
5. Skyglow – The glow above brightly lit developed areas, visible in the night sky, that occurs when light shines into the sky and is reflected off clouds, particles of moisture or dust suspended in the atmosphere.
6. Strip Light – A continuous band of light not necessary for public safety.

D. Standards. All outdoor lighting shall meet the following standards:

1. A lighting plan shall be submitted with all discretionary projects that propose to install outdoor lighting. Plans shall depict the location, height and positioning of all 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.
2. All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways, except for the following:

- a. Airport lighting required for the safe and efficient movement of aircraft during flight, take-off and landing.
  - b. Outdoor light fixtures used for outdoor recreational facilities when such shielding would cause an impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be utilized to limit light pollution, glare and light trespass, without diminishing the performance standards of the intended recreational activity.
3. Externally illuminated signs and building identification shall use top-mounted light fixtures which shine light downward.
4. The use of façade, or “wash” lighting is limited to public buildings, or buildings with historic importance. Façade lighting may be approved only when it is determined that it is compatible with the level of lighting in the immediate area and where it will not generate excessive illumination, skyglow or glare.
5. Light fixtures mounted on the canopies of service stations, on convenience stores, restaurants, or other similar businesses, shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical. As an alternative or supplement to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.
6. Use fixtures with high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited.
7. Light poles shall be restricted to a maximum of twenty (20') feet in height except that on parcels adjacent to residential or rural zoning districts, the maximum height shall be restricted to fifteen (15') feet.
8. All exterior lighting shall be maintained as installed.
9. Lighting shall be turned off between 11 p.m. and sunrise, except for those businesses operating during these hours or where a safety or security need is clearly demonstrated.
10. Lighting systems, other than signs, shall include dimmers, occupancy sensors, time controls or separate circuits, to allow sections of the lighting to be turned off as needed.

11. Security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. The use of motion or heat sensors may provide greater security than continuous lighting and are the preferred alternative to continuous nighttime lighting.
12. The use of searchlights, lasers, strip lights, flood or spotlights is prohibited.

### **Section 12.04.109 Parking**

A. Purpose. Parking standards are intended to minimize street congestion and traffic hazards, to provide safe, convenient access to business, public services and places of public assembly, to minimize impervious surfacing, and to visually improve parking area appearances.

B. On-Site Parking Required. At the time of construction of any structure, or at the time any such structure is enlarged, increased in capacity by adding floor area or seats, or at such time that a higher usage is applied, there shall be provided for such new construction, enlargement or increased capacity and use of land, the following minimum off-street parking, including adequate provisions for safe ingress and egress. Said parking shall thereafter be maintained in connection with such structure and use of land

C. Parking Lot Design Standards.

1. Access Driveway Location. Access driveways to parking areas containing three (3) or more spaces shall be located and designed as follows:
  - a. Distance from Street Corner. Parking area ingress and egress driveways shall be located a minimum of 150 feet from the nearest street intersection, measured from the driveway centerline to the intersection centerline.
  - b. Number of Driveways. Ingress and egress driveways crossing the street property line for a single site shall be limited to two (2) driveways along the frontage of any single street on parcels two (2) acres or less in size. The centerline of double driveways along the same property line shall be separated by a minimum of thirty (30') feet.
  - c. Abutting Parcel. Parking area ingress and egress driveways shall be located a minimum of 150 feet from any driveway on the same parcel or adjacent parcel as measured from centerline to centerline, provided, however, that each parcel shall be provided with a driveway.
2. Driveway Encroachment Standards. Driveways shall conform to the County's

commercial approach in Road Standards.

3. **Controlled Access.** Parking areas, except for single-family residences, shall be designed to not allow vehicles to back out into any public right-of-way or pedestrian walk in order to egress the parcel or to maneuver out of the parking space. Parking lots shall be designed and improved to prevent ingress and egress at any point other than designated entrances or exit drives.
  4. **Parking Lot Aisle Widths.**
    - a. One-way forty-five (45)-degree parking aisles shall have a minimum width of sixteen (16') feet and sixty (60) degree parking aisles shall have a minimum width of eighteen (18') feet. One-way ninety (90)-degree parking aisles are not permitted.
    - b. All two-way aisles shall have a minimum width of twenty-four (24') feet.
  5. **Drop Off Points Required.** Public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility. Drop-off points shall consist of vehicle turnout lanes located outside of normal traveled lanes. Drop-off points shall be provided for hotels and motels, schools with fifty (50) or more students, churches and restaurants with a capacity for fifty (50) or more, public transportation terminals, public structures, and general retail uses and offices larger than 10,000 square feet.
  6. **Bicycle Racks Required.** Parking lots with twenty (20) or more vehicle spaces shall provide one bicycle rack for each twenty (20) spaces required by this section. Bicycle racks shall be designed to provide a minimum four (4) bicycle spaces in each rack, and so that a bicycle can be locked to the rack. The number of required bicycle racks may be reduced if the Planning Agency determines that the use of the site does not warrant one bicycle rack for each twenty (20) stalls.
  7. **Shopping Cart Areas Required.** Commercial parking lots with twenty (20) or more vehicle spaces shall provide shopping cart storage areas within the parking lot, outside of parking spaces, driving aisles and fire lanes.
- D. **Parking Space Standards.** All required parking shall be designed to comply with the following space dimensions and standards:
1. **Parking Space Sizes.**
    - a. Standard spaces shall be a minimum nine (9') feet in width and eighteen (18') feet in length, except that retail commercial uses shall provide spaces that are

nine (9') feet in width and twenty (20') in length.

- b. Compact spaces shall be a minimum eight (8') feet in width and fourteen (14') feet in length and are allowed at a maximum forty (40%) percent of the required spaces. All compact spaces shall be clearly marked.
- c. Parallel spaces shall be a minimum nine (9') feet in width and twenty- two (22') feet in length. Parallel spaces may only be used when a through traffic flow is designed into the parking lot circulation pattern.
- d. Accessibility and Usability. All required parking spaces shall be designed, located, constructed, and maintained to be fully and independently accessible and usable during hours of operation, except when the closure of such spaces is authorized by the Planning Director to provide for the security of the property in question or for public safety purposes. Required spaces and driveways shall not be used for any purpose that at any time would preclude the parking of motor vehicles. No owner or tenant shall lease, rent, or otherwise make a space unavailable to the intended users of the space. (Subsection amended by Ord. 2057. (05/08/2001); Ord. 2533. (12/05/2023))

E. Wheelchair Accessible Parking.

- 1. General. All parking facilities required by this Section for uses other than a single-family dwelling shall provide accessible parking. Accessible parking shall be provided in accordance with Title 24 of the California Code of Regulations, as amended, including the number of parking spaces, dimensions and location, signage at the entrance, at the space and on the ground, vertical clearance, loading zones, curb ramps and slopes. Accessible parking spaces shall be located as near as practical to a primary entrance. When there are multiple entrances to structures adjacent to parking areas, accessible spaces shall be located closest to accessible entrances. Unless amended by Title 24, the required number of accessible spaces shall be in accordance with Table 12.04.180.E:

**Table 12.04.180.E**  
**Required Wheelchair Accessible Parking Spaces**

<b>Number of Parking Spaces*</b>	<b>Number of Required Accessible Spaces</b>
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6



201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of total
Over 1,000	20 + 1 for each 100, or fraction thereof over 1,001

\*Accessible parking for multi-family residential uses shall meet the requirements established by the State of California Department of Housing and Community Development.

Required number of Parking Spaces per use

**Table 12.04.180.b – Parking Required Number of Parking Spaces by Use**

Use	Required Number Of Spaces <sup>(1)(3)</sup>
<b>Agricultural, Resource, and Open Space</b>	
General	1 space per 1,000 sf of use area
Resource Extraction	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
<b>Commercial</b>	
<b>Offices</b>	
General	1 space per 200 sf of gfa
Financial	1 space per 300 gfa
Post Offices	5 spaces per service window plus 1 space per office
Medical/Dental	1 space per 175 sf of gfa
Hospitals	1.5 spaces per bed
Skilled Nursing/Intermediate Care Facilities/Convalescent Hospitals	1 space per 4 beds
<b>Restaurants</b>	
Restaurants	1 space per 150 sf of gfa including outdoor seating and eating areas
Fast Food	1 space per 100 sf of gfa
Bars	1 space per 100 sf of gfa plus 1 space per 35 sf of dance floor area if Provided
<b>Retail</b>	
General	1 space per 200 sf of gfa plus 1 space per 600 sf of outdoor use area
Building Materials	1 space per 250 sf of gfa plus 1 space per 10,000 sf of outdoor use area

Plant Nursery	1 space per 500 sf of gfa, plus 1 space per 2500 sf of outdoor use area
Vehicle Sales	1 space per 400 sf of gfa plus 1 space per 2000 sf of outdoor use area plus repair uses
<b>Service Uses</b>	
General	1 space per 400 sf of gfa plus 1 space per 1000 sf of outdoor use area
Laundromat	1 space per 200 sf of gfa
Barber/Beauty Salons	2 spaces per chair but not less than 1 space per 400 sf of gfa
Veterinarian	1 space per 300 sf of gfa
Mortuaries	1 space per each 4 fixed seats in each assembly room plus 1 space for each 200 sf of gfa
Vehicle Repair	1 space per 800 sf of gfa plus 2 spaces per service bay
<b>Lodging</b>	
Bed & Breakfast Inns	1 space per each guest room plus 1 space for the residential use
Hotels/Motels	1.1 spaces per room plus 1 space per 50 sf of assembly area
<b>Industrial</b>	
General	1 space per 600 sf of gfa plus 1 space per 1000 sf of outdoor use area
Research & Development	1 space per 500 sf gfa
Manufacturing/Fabricating	1 space per 800 sf of gfa, plus 1 space per 1,000 sf of outdoor use area
Wholesaling/Distribution	1 space per 1,000 sf of gfa
Warehousing	1 space per 2,000 sf of gfa
Mini-Storage	3 spaces plus 2 spaces for residential use if provided
Vehicle/Freight Terminals	2 per loading bay plus office uses
<b>Recreational, Institutional, and Public</b>	
<b>Recreational Uses – Indoor</b>	
General	1 space per 300 sf of gfa
Bowling Alley	4 spaces per lane plus incidental uses
Fitness Centers/Health Clubs	1 space per 200 sf of gfa
<b>Recreational, Institutional, and Public (cont'd)</b>	
<b>Recreational Uses – Indoor (cont'd)</b>	
Video Arcade	1 space per 3 persons at maximum capacity
Dance Clubs/Studios	1 space per 35 sf of dance floor

<b>Recreational Uses – Outdoor</b>	
General	As determined by the Planning Agency
Golf Course	4 spaces per hole plus incidental uses
<b>Use</b>	<b>Required Number Of Spaces<sup>(1)(3)</sup></b>
Driving Range	1 space per tee plus 1 space for every 20 tees
Miniature Golf	3 spaces per hole plus incidental uses
Tennis/Racquetball Courts	3 spaces per court plus 1 space per 300 sf of use area
Ski Lifts	80% times (number of people per hour times vertical rise of lift facility in feet, divided by 4,000)
<b>Cultural</b>	
Libraries, Museums, Galleries	1 space for each 300 sf of gfa
Theaters	1 space for each 4 seats
<b>Institutional Uses</b>	
Daycare	1 space per 8 children <sup>(1)</sup>
Elementary/Junior High Schools	1 space per classroom and office plus 1 space per 200 sf of assembly area
High Schools	7 spaces per classroom and 1 space per office plus 1 space per 100 sf of assembly area
Community College	10 spaces per classroom and 1 space per office plus 10 spaces per 100 sf of assembly area
Trade Schools	1 space per 1.5 students
Churches/Auditoriums	1 space per each 4 fixed seats or 35 sf of use area, plus any incidental uses
Service Organizations	1 space per 60 sf of use area plus incidental uses
Community Care Facilities	1 space per every 2 persons cared for plus 2 spaces for the residence
<b>Public</b>	
Communication Towers and Transmission Facilities	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
Public Uses	Required parking for public agencies shall be determined by the Planning Agency in conjunction with a land use permit, consistent with the most similar use provided for by this Section.
<b>Residential (may be modified by Sections 12.03.160 and 12.03.200 of this Title)</b>	
Single-Room Occupancies (SROs)	1 space per 1 SRO unit <sup>(1)(2)</sup>
Single-family	1 space per unit. Tandem parking is allowed <sup>(2)</sup>
Multi-Family and Dwelling	1 space per 1 bedroom unit <sup>(1)(2)</sup>

Groups	1.5 spaces for 2 or 3 bedroom units. Tandem parking is allowed. (1)(2) 2 spaces for 4 or more bedroom units, plus 1 guest space per each 2 units. Tandem parking is allowed. (1)(2)
Transitional and Supportive Housing	0.5 space per unit (see Section 2.7.4) (1)(2)
Mobilehome Parks	1 space per each dwelling <sup>(1)</sup>
Boardinghouses	0.5 spaces per bed (1)(2)
Emergency Shelter Housing	1 space per space. (1)(2)
Transitional/Supportive Housing	0.5 space per bedroom unit <sup>(1)(2)</sup>
Accessory Dwelling Unit	No additional parking is required.
Junior Accessory Dwelling Unit	No additional parking is required.

Footnote:

(1) Reduction in the number of parking spaces may be allowed pursuant to Section 12.04.180.F

(2) No parking is required if the proposed dwelling unit is:

- a. Within an architecturally or historically significant historic district;
- b. Within the existing single-family dwelling or an existing accessory structure;
- c. In an area where on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;
- d. Within one block of a car share vehicle pick-up location;
- e. Converted from a garage, carport, or other covered parking space, or if a garage, carport, or other covered parking space is demolished in conjunction with the accessory dwelling unit or junior accessory dwelling unit construction.

(3) No parking is required if the proposed development is within one-half mile of a public transit stop.

### **Section 12.04.110 Permanent Open Space / Maximum Impervious Surface**

A. Purpose. To conserve and maintain the natural and historic beauty of the County of Nevada, promote soil conservation, surface water quality and groundwater recharge, to enhance residential and commercial areas, and to ensure permanent open space and maximum impervious surfaces for all development.

B. Definitions.

1. Open Space Land. Any parcel or area of land or water which is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.
2. Impervious Surface. Surface through which water cannot penetrate, such as a roof, road, sidewalk, or paved parking lot.

C. Standards.

1. Permanent Open Space. There shall be provided permanent open space in all commercial, industrial, multiple-family, public, and recreational zoning districts. The minimum amount of open space shall be as follows:

**Table 12.04.190.C.1**

Elevation	0 - 1 acre	1.01 + acres
< 4,000 ft.	10%	15%
> 4,000 ft.	15%	20%

### **Section 12.04.111 Screening**

A. Purpose. To provide visual relief to equipment or areas needed for storage or mechanical equipment in commercial, public, industrial and multi-family residential development.

B. Applicability. Screening standards shall apply to all projects requiring a Development Permit, a Use Permit, and to subdivisions if applicable.

C. Standards.

1. Outdoor storage, solid waste disposal areas, mechanical equipment and utilities shall be screened from public view. Walls used for screening purposes shall be

buffered from view by landscaping.

2. All outdoor solid waste receptacles, and /or recycling storage areas, shall be placed within a solid screen enclosure constructed of materials and colors compatible with building style, at least one (1') foot higher than the receptacle. Locations should be conveniently accessible for trash collection and maintenance, should not block access drives during loading operations, and should be oriented away from public view. The consolidation of trash areas between businesses is encouraged. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.04.112 Signs**

A. Purpose. These regulations are intended to allow for a reasonable display of signage necessary to provide identification of buildings and building occupants, and to prevent clutter while providing for the display of information. This Section is intended to complement the land use objectives set forth in the Nevada County General Plan and this Chapter by:

1. Encouraging signs that are pleasing in appearance by providing for good design with a minimum of clutter;
2. Enhancing the economic value of visible areas through the regulation of size, location and illumination;
3. Attracting and directing people to various activities and enterprises and providing the maximum public convenience;
4. Reducing or eliminating traffic and safety-hazards through proper sign location and design.

B. Definitions.

1. Above-Roof Sign – A sign any part of which is displayed above the peak or parapet of a building.
2. Billboard – A sign directing attention to a business, service, product, or entertainment not sold or offered on the site where the sign is located, not including directional signs.
3. Cabinet Sign – A wall sign contained completely within a box, frame or similar enclosure. Cabinet signs are typically backlit with a plastic or plexiglass face. Also called “can” or “box” signs.

4. Channel, or Wall-Mounted, Letter Sign – Signage composed of letters individually mounted or painted on a structure wall, without a border or decorative enclosure.
5. Directional Sign – A sign serving the needs of the traveling motorist where on-site advertising for the business is not visible from the main access road. Said sign may bear the name of the business and/or service provided but may not contain commercial advertising material.
  - 5.a Directional Signs, Agricultural Operation Associations – Similar to the directional signs for individual businesses, except that the sign references the product, the name of the individual business with distance from the sign and a directional indicator, if needed.
  - 5.b Directional Signs, Public Information (such as trail signs) – These signs provide for a common design to direct the traveling public to areas of interest.
6. Freestanding Sign – A sign that is not attached to a structure. Includes monument, pole, portable and readerboard signs.
7. Human Sign – A graphic utilizing a person to hold/move the sign.
8. Monument Sign – A low-profile sign usually placed upon a foundation or a slab with a solid base, and not normally supported by uprights, braces, poles or other similar structural components.
9. Pole Sign – A permanent sign supported on a pole or poles placed into the ground and detached from any structure.
10. Portable Sign – Freestanding signs not permanently attached nor designed to be permanently attached (includes items such as sandwich boards, A- frames, or temporary posts with a sign attached).
11. Readerboard Sign – A sign that accommodates changeable copy and which displays present or future activities and events.
12. Roof Sign – A sign that is displayed above the eaves and under the peak of a building: these signs are displayed, erected, constructed, or maintained on the roof of a building. (See also “Sign, Above Roof”).
13. Sign – Any device capable of visual communication or attraction, display, illustration, insignia or symbol used to advertise, or promote the interest of any

person, partnership, association, corporation or other business entity. "Sign" shall not include any official notice issued by any court or public body or officer; directional, warning, or information signs or structures required by or authorized by law or by federal, state, county or municipal authority.

14. Sign Area – The entire area within a geometric pattern enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.
15. Wall Sign – A sign attached parallel to or painted on any exterior wall of a structure.
16. Window Sign – A sign permanently painted or mounted on the interior or exterior of windows.

C. Limitations. The regulations of this Section establish minimum standards for signs that directly relate to the use of the property upon which a sign is to be located and to the intensity of the development of each particular land use. All signs shall be limited to the identification of the business and service provided on-site unless otherwise specifically provided in this section. No product or price advertising is allowed under the provisions of this section unless the product is incorporated into the name of the business or logo or is otherwise required by law.

D. Applicability of Sign Regulation. The provisions of this Section are applicable to all signs constructed or altered after the effective date of this section except as otherwise provided for in this Section. If an adopted Area Plan has stricter signage requirements than this Section, the Area Plan shall apply.

E. Sign Code Adopted. That certain sign code published by the International Conference of building Officials, entitled the Uniform Sign Code, 1997 edition, or subsequent edition which may be adopted by the Board of Supervisors of the County of Nevada, as adopted by the Building Codes, is incorporated into this Section by reference as though it were fully set forth herein.

F. Construction and Maintenance. Each sign and all its components shall be manufactured, assembled and erected in compliance with all applicable state, federal and county regulations, and the Uniform Sign Code. Each sign, including those exempted from this Section, shall be maintained in a safe, clean and legible condition at all times.

G. Nonconforming Signs. Any sign or billboard lawfully in existence upon the adoption of this Section, but not in conformance with the provisions of this Section, may not be replaced or reconstructed unless it is brought into conformity with the provisions of this Section. All billboards and any nonconforming signs not brought into conformity



with this Section shall be removed five (5) years after the adoption of this Section unless not fully amortized within such period pursuant to state law. Billboards and nonconforming signs not fully amortized within such period shall be removed at the end of the amortization period applicable thereto in an amortization program adopted pursuant to the California Outdoor Advertising Act contained in Cal. Bus. & Prof. Code §§ 5200 – 5486 or, if no shorter period is applicable, within (fifteen) 15 years after the adoption of this Section. It is the intent of this Section that all billboards and any nonconforming signs not brought into conformity with this Section shall be removed as soon as practical under state law without imposing any obligation upon the county to pay compensation for such removal. Pursuant to Cal. Bus. & Prof. Code § 5499, the removal requirements of this Section shall not apply to the removal of legally existing on-premises signs, if special topographic circumstances would result in a material impairment of visibility of the display or the owner's or user's ability to adequately and effectively continue to communicate with the public through use of the sign.

Exception. If a nonconforming sign has historical significance apart from its main purpose of advertising, the sign may be granted a Use Permit for continued use.

H. Signs Exempt from Sign Standards. The following signs are exempt from the standards of this Section, provided they meet the requirements stated herein. Nothing in this section shall exempt a sign from a building permit if required by the Uniform Sign Code.

1. Construction Signs. Two (2) signs with a combined total sign area of thirty- two (32 sq. ft.) square feet and not exceeding eight (8') feet in height, identifying parties involved in construction on the premises and future sales or activities for which the construction is intended. Signs shall not be installed earlier than sixty (60) days from the date of construction and shall be removed prior to the issuance of a certificate of occupancy.
2. Hazard Signs. Public Utility Company and other signs indicating danger, the location of underground utilities, or of construction, excavation, or similar hazards so long as the hazard exists.
3. Prohibition Signs. "No Trespassing", "No Parking" and similar warning signs.
4. Official Signs and Flags. Official federal, state or local government flags, historical markers, and official traffic, directional guide and other informational signs, and official and legal notices issued by any court, person or officer in performance of a public duty. Flag poles are subject to the height limits established for the applicable zoning district and shall not be used for commercial advertising. Illumination of the American flag shall be for the flag only and shall not be used for advertisement.

5. On-Site Directional Signs. Parking lot and other private traffic directional signs, including disabled access and parking signs, each not exceeding six (6 sq. ft.) square feet in area. Such signs shall be limited to the guidance of pedestrian and/or vehicular traffic on the premises, and shall not display any logo, product name, establishment, service or any other advertising.
6. Hospital Emergency Room Signs.
7. Historic Structures. The repainting or restoration of historic structure names or advertising, if not advertising a current business or product, and if the historic sign can be verified.
8. Human Signs. Individuals holding portable graphics are exempt, provided they do not interfere with visibility or passage of foot or vehicular traffic, or otherwise create a public nuisance or safety issue.
9. Temporary Events. Temporary signs or banners displaying information or advertising for community events provided the aggregate sign area does not exceed 100 square feet and are posted no more than ten (10) days preceding the event and are removed within three (3) days following the event. Such signs are subject to an encroachment permit from the Dept. of Public Works when proposed in the county right-of-way. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))
10. Temporary Sales Advertising. Banners, balloons, or decorative materials used for temporary sales advertising or events may be allowed three (3) times a year with each time not to exceed seven (7) days, except that new businesses may utilize temporary signage for ninety (90) days from opening. Planning Department shall be advised of business opening date. Permitted times shall not run in consecutive order and shall be pre-approved by the Planning Department.
11. Miscellaneous Information Signs. Miscellaneous information signs containing no advertising copy, in office, commercial, business park and industrial districts, with sign area not to exceed four (4 sq. ft.) square feet at each public entrance nor twelve (12 sq. ft.) square feet total, indicating addresses, hours and days of operation, whether a business is open or closed, credit card information, emergency addresses and telephone numbers and names and copy applied to fuel pumps or dispensers.
12. Interior Signs. Signs not visible from public streets or adjacent properties, such as signs in interior areas of shopping centers, commercial structures, ball parks, stadiums and similar recreational or entertainment uses.

13. Residential Identification Signs. Individual signs identifying the names of the occupants, and a street address, if limited to a total sign area of four (4 sq. ft.) square feet.
14. Real Estate Signs.
  - a. Temporary signs indicating only that property on which the sign is located is for Sale, Rent or Lease. Only one (1) sign per street frontage is permitted and said signs shall not exceed a maximum aggregate area of sixteen (16 sq. ft.) square feet on residential parcels and thirty-two (32 sq. ft.) square feet on nonresidential properties. Such signs may not be located within a county or state right-of-way without an encroachment permit from the appropriate authority.
  - b. Open House On-Site and Off-Site Directional Signs. One off-site portable sign for a maximum of one (1)-hour before and removed a maximum of one (1) hour after the open house, plus one on-site "Open House" sign (to include open house hours). Additional off-site signs are allowed in rural areas where roads or driveways are not adequately marked for drivers to know which way to turn when a directional choice is required. Maximum sign area per sign is eight (8 sq. ft.) square feet. When located on private property, such signs must be sited with permission of the property owner.
  - c. Property for Sale, Off-Site Directional Signs. Limited to property for sale in rural areas where roads or driveways are not adequately marked for drivers to know which way to turn when a directional choice is required. Maximum sign face size is two (2') feet wide by six (6") inches high. Sign(s) may be placed for directional purposes throughout the time period that the property is for sale. May not be located within a county or state right-of-way without an encroachment permit from the appropriate authority. When located on private property, such signs must be sited with permission of the property owner.
15. Political Signs. Temporary signs not exceeding thirty-two (32 sq. ft.) square feet per sign, providing that such signs are not posted more than ninety (90) days preceding the election and are removed within ten (10) days following the election.
16. Temporary Window Signs, including, but not limited to, seasonal decorations or special events.
17. Vehicular Signs. Signs on self-propelled public or private transportation vehicles, provided such vehicles are not used or intended for use as portable or temporary on-site advertising. Such vehicles must have a current registration.
- I. Prohibited Signs and Sign Materials. In addition to any sign or sign material

not specifically in accordance with the provisions of this Section, the following signs are expressly prohibited:

1. Signs that impair sight distance at the point of parking lot egress.
2. Signs that simulate or imitate any traffic control sign or signal or which make use of words, symbols or characters so as to interfere with, mislead or confuse pedestrian or vehicular traffic.
3. Internally illuminated cabinet signs outside Community Regions.
4. Readerboard signs unless otherwise specifically permitted herein.
5. Signs consisting of any moving, rotating or otherwise animated light or component except for time and temperature displays and barber poles.
6. The use of flags, pennants, streamers or other wind activated devices unless otherwise provided for within this section.
7. Vinyl banners, except as permitted for temporary events.
8. Roof and above-roof signs, except as expressly permitted in this Section.
9. Signs that are placed, relocated or maintained so as to prevent free egress from or ingress to any door, window, fire escape, or occupy space in a public right- of-way including sidewalks, boardwalks, alleys, streets, or public or private easements, unless necessary for traffic safety purposes.
10. No sign of any kind shall be attached to a standpipe or fire escape.
11. Billboards or off-site advertising signs unless otherwise permitted by this Section.
12. Signs on vehicles, including trailers, when a vehicle is parked or stored on property for purpose of identifying a business or advertising a product, unless the sign is permanently affixed on the side or rear of the vehicle body, and the vehicle is used by the business on a regular basis.

J.           Approval Required. No sign shall be constructed, displayed, altered or changed without first obtaining approval from the Planning Agency unless exempted from the standards of this Section. All signs shall conform to the design standards of this Section unless otherwise specified by this Section.

1.   Building Permit Required. Unless otherwise exempted by the Uniform Building Code or Uniform Sign Code, a building permit shall be obtained for a sign from the

Building Department, if applicable.

2. **Sign Permit Required.** Signs or sign alterations that do not require a building permit shall file an application for a sign permit with the Planning Department, using Planning Department forms, together with all information and materials specified on the forms, and the filing fee required by the latest fee schedule adopted by the county. Where a comprehensive sign program has been approved by the county for overall development of a site, separate sign permits shall not be required for individual signs on the site, provided that such signs are consistent with the approved program.
3. **Design Review.** All signs shall conform to the community design standards of this Section, applicable Eastern or Western Nevada County Design Guidelines, any applicable specific community design guidelines and any conforming approved Comprehensive Sign Program for the subject property unless otherwise specified by this Chapter. Design review shall be required for new or replacement signs that are not part of a land use permit but review thereof shall be by the Planning Director rather than as provided in Table 12.05.020 of this Chapter. New or replacement signage on a site that has been previously reviewed for design compatibility through a discretionary permit, or that has been approved as part of a comprehensive sign program, shall not require new design review if replacement signage is consistent with the previously approved signage or comprehensive sign program, and with current standards. New or replacement signs that are part of a land use permit, and which are not consistent with the previously approved signage, shall be reviewed by the original approval body.

Replacement of signs covered by a previously approved Comprehensive Sign Plan, which no longer conforms to existing standards, may be approved consistent with the previously approved Sign Plan in order to maintain sign consistency within the development. At such time as the development plans to change multiple signs or, in order to provide a conforming sign plan for sign replacement purposes, a new comprehensive sign plan shall be approved.

4. **Comprehensive Sign Plan.** A comprehensive sign plan is required for all multi-tenant developments that require a Development Permit or a Use Permit. The sign plan shall provide for the use of a consistent sign design style, and the same or complementary types of materials, colors, and illumination in all signs on the site. The sign plan shall be submitted and approved as part of the land use permit application for the overall site development.

K. **Sign Standards.** Unless otherwise exempted from the requirements of this Section, all signs are subject to the following standards:

1. Wall Signs.

- a. One wall sign for each street or parking lot frontage may be placed on any building with a maximum of two (2) wall signs for each business or tenant. No signs shall be placed facing the restricted access portions of highways, including the restricted access portions of State Highways 20 and 49, except as part of an approved Development Permit or Use Permit.
- b. Wall signs shall not extend beyond the edge of any wall on which they are mounted nor shall the sign project more than twelve (12") inches from the wall.
- c. Wall signs shall be separated from each other by a distance of three (3) times the average height of the sign face and/or letters of the proposed sign and adjacent sign.
- d. Wall signs shall not cover more fifteen (15%) percent of a building I or tenant storefront.

2. Window Signs.

- a. Window signs shall not occupy more than fifty (50%) percent of the window area of any one window, including permanent and temporary signs. Permanent window signage counts toward total signage square footage allowed for the business.
- b. The text of a window sign should be limited to the business name and a brief message identifying the type of product or service available.

3. Roof Signs.

- a. Roof signs are prohibited on buildings constructed after January 1, 2006, unless approved for historical reasons. New or replacement roof signs shall only be approved for structures existing as of January 1, 2006, when the approval body determines that no alternative to a roof sign is available, or for historical reasons.
- b. When roof signs are approved as an alternative to wall signs, standards 1.a-d above under wall signs shall apply.

4. Freestanding Signs. All freestanding signs shall be located in a landscaped area to integrate the sign with the ground plane and to screen out any low-level lights, unless winter snow or remote location of site makes landscaping impractical. Monument-type signs are preferred over pole signs.

- a. Pole Signs. Pole signs are limited to a maximum ten (10') feet in height,

except that the maximum sign height for businesses that are located in Community Regions, and that are freeway or state highway related, including restaurants, gasoline stations, and overnight lodging, may be increased to a maximum twenty-five (25') foot height if it is determined that the additional height is the minimum necessary to provide visibility from the highway or freeway, subject to design review approval. Greater sign height may be authorized due to snow plowing, natural topography or other special circumstances.

- b. **Monument Signs.** Developments in the Commercial, Industrial, and Multi-Family Residential zoning districts may have one monument sign per parcel except that development on corner parcels, with access to a second road, may also have a second monument sign visible from the secondary road. Solid architectural bases of native rock or field stone or other natural materials are strongly encouraged. Internally illuminated monument signs can be approved within Community Regions. The maximum size for monument signs shall be as follows:
  - 1) For single tenant structures or center identification, monument signs shall not exceed twenty-five (25 sq. ft.) square feet in area and a height of five (5') feet. Secondary signs allowed for corner lots are limited to a maximum fifteen (15 sq. ft.) square feet in area.
  - 2) For multiple tenant structures, monument signs shall not exceed fifty (50 sq. ft.) square feet and a height of six (6') feet, except that a ten (10') foot height is allowed in Industrial Districts.
  - 3) Monument signs located east of the Range 10 East line may be increased in height an additional five (5') feet to accommodate snow storage.
- c. **Menu Boards.** Signs displaying products and pricing for drive-through restaurants shall not exceed fifty (50 sq. ft.) square feet in area and a height of six (6') feet. Such signs shall be subject to the location and size criteria of this Section. No more than one such sign shall be allowed if the signage is visible from a public roadway. All Menu Board signage shall require design review and a determination that adequate area is provided for vehicles to queue outside of driving aisles.
- d. **Directory Signs.** wall-mounted or free-standing, building directory signs, listing the tenants or occupants of a structure or center, provided that such directories do not exceed twenty (20 sq. ft.) square feet on any single building wall or a height of eight (8') feet. Letter height shall not exceed

two (2") inches. The placement of directory signs shall be oriented to pedestrian traffic.

- e. Readerboards. Readerboards are allowed for theaters, auditoriums, fairgrounds, institutional signs, schools, museums or motels/hotels offering conference facilities, if the readerboard is established on-site, and for community identification signs or event purposes.
- f. Community Identification Signs. One (1) community identification monument sign shall be allowed on each arterial street entering a community, a maximum sign area size of 100 square feet and a maximum height of ten (10') feet. Such signing may include the name of the community, and the names of community civic or religious organizations, but shall not include the names of businesses and/or commercial products.
- g. Signs in Agricultural Districts. Attached or freestanding signs identifying activities, services, products or occupants are permitted at a maximum two (2) signs per parcel, not exceeding twenty-five (25 sq. ft.) square feet each in sign area.
- h. Institutional Signs. Churches, schools, community centers or other public or institutional uses are allowed a maximum of two (2) signs, not exceeding a combined sign area of forty (40 sq. ft.) square feet. Freestanding signs shall have a maximum height of eight (8') feet.
- i. Neighborhood or Residential Development/Subdivision Identification. A maximum of two (2) monument signs, one (1) per street frontage, are allowed, not to exceed twenty-five (25 sq. ft.) square feet per sign.
- j. Multiple Family Identification. A maximum of two (2) monument signs, one per street frontage, are allowed, not to exceed twenty (20 sq. ft.) square feet in sign area per sign.
- k. Portable Signs.
  - 1) If business related, must be approved as part of the sign plan.
  - 2) If business related, limited to one in addition to other permanent signs allowed for the business.
  - 3) Maximum sign area of eight (8 sq. ft.) square feet.
  - 4) Must be located outside the road right-of-way and not encroach into



required off-street parking areas.

- 5) If business related, may be utilized only during regular hours of operation, and shall be removed during non-business hours.

## 5. Other Signs.

- a. Time and Temperature Signs. Public service information signs that display time and temperature, etc., may be approved provided that the display contains no more than twenty (20%) percent of the allowable sign area devoted to advertising a business or service.
- b. Gas Prices. Pricing signs required by the State of California Business and Professions Code, shall not be counted as part of the allowable sign area, provided that the signs do not exceed the state minimum requirements for wording, size and height. This restriction is not applicable to signs within the “HP” Combining District.
- c. Suspended or Projecting Signs. One suspended or projecting sign with a maximum area of eight (8 sq. ft.) square feet for each business or tenant. No sign shall extend beyond the eave line or covered walkway, unless located within the HP Combining District or if approved as part of a design theme for a commercial/industrial center.
- d. Directory Signs. Wall-mounted or free-standing, building directory signs, listing the tenants or occupants of a structure or center, provided that such directories do not exceed twenty (20 sq. ft.) square feet on any single building wall or a height of eight (8') feet. Letter height shall not exceed two (2") inches. The placement of directory signs shall be oriented to pedestrian traffic.
- e. Readerboards. Readerboards are allowed for theaters, auditoriums, fairgrounds, schools, museums or motels/hotels offering conference facilities, if the readerboard is established on-site, and for community identification signs.
- f. Community Identification Signs. One (1) community identification sign shall be allowed on each arterial street entering a community, a maximum sign area size of 100 square feet and a maximum height of ten (10') feet. Such signing may include the name of the community, and the names of community civic or religious organizations, but shall not include the names of businesses and/or commercial products.

- g. Signs in Agricultural Districts. Attached or freestanding signs identifying activities, services, products or occupants are permitted at a maximum two (2) signs per parcel, not exceeding twenty-five (25 sq. ft.) square feet each in sign area.
  - h. Institutional Signs. Churches, schools, community centers or other public or institutional uses are allowed a maximum of two (2) signs, not exceeding a combined sign area of forty (40 sq. ft.) square feet. One such sign may be freestanding, with a maximum height of eight (8') feet.
  - i. Neighborhood or Tract Identification. A maximum of two (2) signs are allowed, not to exceed a combined sign area of fifty (50 sq. ft.) square feet. A monument sign is allowed, however, no more than one per street frontage is allowed.
  - j. Multiple Family Identification. A maximum two (2) signs are allowed for each parcel containing a multi-family development or dwelling group. The maximum size of each sign shall not exceed twenty (20 sq. ft.) square feet in sign area. Allowed signage may include one monument sign for each road frontage that provides access to the site.
- 6. Location and Size. The location and size of all signs shall be in accordance with the following:
  - a. Setbacks. All signs shall be setback a minimum two (2') feet from property lines, as measured to the nearest edge of the sign.
  - b. Location. Freestanding signs shall be placed so that vehicular sight distances are not blocked.
  - c. Size. Size of allowable sign area shall not exceed two (2 sq. ft.) square feet for each lineal foot of structure frontage measured on only one (1) frontage facing a street or parking lot unless otherwise specified by this Section. Individual buildings occupied by multiple tenants shall measure sign area by the amount of frontage provided for each tenant space. Corner structures on a corner parcels, providing street frontage to more than one street, will be allowed an additional one (1 sq. ft.) square foot of aggregate area for each lineal foot of frontage, measured on the side-street structure side.
  - d. Measurement of Sign Area. The area of a sign and/or sign structure shall be measured as the number of square feet within the area of the sign face, as follows:
    - 1) Sign Faces Counted. Where a sign has two (2) faces containing sign

copy, which are oriented back-to-back and separated by not more than thirty-six (36") inches at any point, the area of the sign shall be measured using one sign face only.

- 2) Wall Mounted Letters. Where a sign is composed of letters individually mounted or painted on a structure wall, without a border or decorative enclosure, the sign area shall be measured as the number of square feet of the smallest rectangles or combination of rectangles within which all letters can be enclosed.
  - 3) Three-Dimensional Signs. Signs consisting of one or more three-dimensional objects, such as balls, cubes, clusters of objects, or statue-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed when viewed from a point where the largest area of the object(s) can be viewed.
  - 4) Cabinet Signs. Where a sign has borders, a decorative enclosure or cabinet, the area of the sign shall be measured as the area in square feet of the smallest rectangle within which the borders, decorative enclosure or cabinet can be contained.
7. Lighting. When lighted, all signs shall be illuminated by continuous, non-pulsating, shielded and stationary light sources, using light fixtures, which direct external light sources at the sign so as to illuminate only the sign face. Any external spot or flood lighting shall be arranged so that the light source is screened from direct view. Internally illuminated "cabinet" signs are prohibited. Internally illuminated signage shall be allowed only in Community Regions and limited to individually lit channel letters. Internally illuminated monument signs may also be approved within Community Regions. Signs may be lit only during those hours that the business being advertised is open for business.
8. Conflicts. In the event of conflicting standards, the more restrictive standard shall apply.
- L. Abandoned Signs. When a business ceases to operate for a period of 180 days or more, all signs advertising that business shall be removed by the owner or lessee of the business on which premises the sign is located. If the owner or lessee fails to remove such signage, the Code Enforcement Officer for the County of Nevada shall provide the owner with a thirty-day (30) written notice to remove the signage. Upon failure to comply with such notice the county or its duly authorized representative, may remove the sign at cost to the owner.

M.            Removal of Signs. The county may order the removal of any sign erected or maintained in violation of this Section. The county shall give thirty-day (30) written notice to the owner of any such sign, structure or premises on which the sign is located, to remove the sign or to bring it into compliance with applicable county ordinances. Upon failure to comply with such notice, the county or its duly authorized representative may remove the sign at cost to the owner. The county may remove the sign(s) immediately and without notice, if, in the opinion of the County Building Inspector, the condition of the sign presents an immediate safety threat to the public.

N.            Off-Site Directional Signs. Where a business is not located on a county road or state highway so that permitted on-site advertising is not visible from their primary access road, an Administrative Development Permit may be issued pursuant to the sign permit requirements, for a directional sign if the following standards are met:

1.    The sign shall only be allowed for services the traveling motorist requires (i.e., motels, service stations, resorts, restaurants, and campgrounds), which are located off the main thoroughfare.
2.    The directional sign shall bear the name of the business and/or service provided (i.e., gas, food, lodging etc.). No sign or its support shall bear any commercial advertising material but may provide the street address and hours of operation.
3.    Directional signs shall be placed on private property and may not be located within any road right-of-way.
4.    No more than two (2) directional signs may be allowed for any one (1) property unless the Zoning Administrator, or other approval body, determines that unusual circumstances justify additional signage.
5.    No more than two (2) sign structures shall be allowed at any intersection.
6.    Directional signs shall meet the following design standards:
  - a.    Shall not exceed twenty (20 sq. ft.) square feet in overall size, with a maximum width of six (6') feet.
  - b.    Shall bear the name of the business.
  - c.    May bear the street address and hours of operation.
  - d.    May bear a commonly recognized logo.

- e. May bear the service provided, i.e. food, gas, lodging, etc.
- f. Colors shall be a solid color or white background with contrasting reflective lettering.
- g. The maximum height for highway directional signs shall not exceed eight (8') feet from grade.

O. Off-Site Directional Signs – Board of Supervisors Approved Comprehensive Sign Plans. To facilitate visits by the traveling public to County of Nevada agricultural operation associations or users of public services such as trails, the Board of Supervisors may adopt, by Resolution, Comprehensive Sign Plans. Signs shall be attached to signposts so that the sign face is perpendicular or parallel to the traveled way. Posts located within the County of Nevada road right-of-way shall be provided and placed by the Department of Public Works on an at-cost basis. After approval of the sign plan, individual signs and posts may be added or deleted, consistent with the approved plan, without returning to the Board of Supervisors for approval. Maximum number of signs per operation and maximum number of signposts to be determined in conjunction with comprehensive sign plan approval. Multiple agricultural associations may be listed on one signpost. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))

P. Temporary Directional Subdivision Signs. Are allowed in all residential and rural districts subject to the following:

1. Directional Sign Defined. A directional sign as used in this Section shall mean a sign intended for temporary use in advertising and directing people to a subdivision duly recorded and identified by a tract name assigned or approved by the county and as shown on the final map.
2. Permit Required. No directional sign shall be erected or maintained in any district, defined and established pursuant to this Section, unless an application shall have been made and a permit issued for its erection and maintenance pursuant to the provisions of this Section. No such sign shall be approved unless the following findings can be made:
  - a. That the proposed site will not adversely affect other signs located pursuant to this Section.
  - b. That the proposed site is not detrimental to the property of other properties in the vicinity.
  - c. That the proposed site is in keeping with the character of the surrounding neighborhood.

- d. That the proposed site will not obstruct pedestrian or vehicular traffic vision.
3. Application Procedures. Each application to erect a temporary directional sign shall comply with the sign permit requirements. Applications shall bear the signature of the owner of the sign and the owner of the land on which the sign is to be placed, and shall grant the county right to enter upon the land to inspect or to move said sign on termination of the permit.
4. Cash Bond. A cash bond in an amount equal to the total cost of removing the sign shall be posted with the County of Nevada. An agreement executed between the owner or developer of said land and the County of Nevada shall set forth the owner or developers consent to the county to enter upon the land, without liability, to remove said sign as may be necessary. The bond shall remain in effect for the life of the sign and a condition of such bond shall be that upon termination, revocation or expiration of the permit, if the sign for which the permit is granted is not completely removed and the site restored to its original condition within five (5) days thereafter, the full amount of the bond shall be forthwith and summarily forfeited and paid over to the county. The cash bond shall be returned to the owner/developer if the directional sign is completely removed and the site restored to its original condition within said five (5) day period.
5. Size. Such signs shall maintain an unobstructed open space of ten (10') feet between the finish grade and the sign. The sign shall not exceed ten (10') feet in horizontal length nor more than five (5') feet in vertical height (excluding ten-foot (10') ground clearance) and shall not exceed a total area of fifty (50 sq. ft.) square feet.
6. Location. Such signs may be established along, but not within road rights- of-way except that no such sign shall be established within 660 feet of any freeway right-of-way line or 500 feet of any freeway offramp, unless the proposed development is adjacent to said freeway or the area adjacent to said freeway is zoned commercial or industrial. Signs located within a commercial or industrial district adjacent to a freeway shall be spaced 500 feet apart on each side of the freeway.
7. Number of Signs. No more than two (2) directional sign permits may be issued for any one (1) land development project. Where contiguous land development projects are under common ownership and are advertised under the identical name, not more than two (2) directional signs may be in existence at any one time for such contiguous land development projects. For purposes of this section, land development projects shall be considered contiguous even though separated by streets, water channels or any area less than 500 in width.
8. Additions to Signs. There shall be no additions, tags, signs, streamers, devices,

display boards or appurtenances added to the signs as originally approved or which cause the sign to exceed the dimensions or area herein specified.

9. Time Limits. Each permit for a directional sign shall be valid for not more than one year from the date of issuance, provided however, the Zoning Administrator may renew the permit for one (1) year if it is determined that no adverse findings will result from such renewal.
10. Permit Revocation. Any land use or building code violation of the land upon which the approved sign is located shall constitute grounds for the revocation of said sign permit. Upon receipt of notice of said violation, the owner of the land upon which said sign is located shall immediately dismantle said sign and restore the property to its original condition. (Ord. 2210. (06/20/2006); Ord. 2533. (12/05/2023))

## **Section 12.04.200 Solid Waste and Recycling Storage Areas**

### **Division 4.3 Resource Standards**

All Development Permits and Use Permits within the multiple-family, commercial, industrial, and public districts, shall include adequate, accessible, and convenient areas for the storage of solid waste and for the collection and loading of recyclable materials, as follows:

1. Solid waste and recycling areas, or the bins or containers placed therein, shall provide protections from adverse weather conditions, which might render the collected materials unmarketable.
2. Solid Waste and recycling areas shall be sufficient in capacity, number, and distribution to serve the development project.
3. Solid Waste and recycling areas shall not be located within required parking areas or within areas constructed and maintained for vehicle and/or emergency access. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.04.201 Purpose**

The primary purpose of site development resource standards is to avoid the impact of development projects on sensitive environmental resources and natural site constraints. Where avoidance is not possible, development should minimize impacts in a reasonable fashion that strikes a balance between allowing development of the project site and protecting the resource or avoiding the constraint. Standards shall ensure protection of the County's unique character, environmentally sensitive resources, and important agricultural, mineral, and timber resources. Standards shall also assist in preventing and reducing public health and safety hazards associated with wildland fires, floods,

avalanches, and earthquakes. Standards are not in lieu of, but are in addition to, the requirements of the California Environmental Quality Act.

In addition, standards shall be used to assist in proper community design, provide transitions between various land uses, reduce potential land use conflicts, enhance native vegetation and landscaping, and provide for open space.

### **Section 12.04.202 Applicability**

Resource standards shall apply to all Development Permits, Use Permits, and subdivisions. The following standards shall also apply to allowable uses subject to zoning compliance, and building permit issuance, unless otherwise provided:

1. Section 12.4.310 Floodplains.
2. Section 12.4.311.C.3 Significant Mineral Areas, as required.
3. Section 12.4.313 Steep Slopes and Erosion Potential.
4. Section 12.4.317 Watercourses, Wetlands and Riparian Areas
5. Section 12.4.318 Wildland Fire Hazard. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.04.203 General Provisions**

#### **A. Resource and Constraint Information.**

1. Where required within each subsection of this Section, project applications shall provide for the professional site-specific inventory and analysis of the resources and constraints identified in this Section. Inventories and analyses shall be funded by the applicant but prepared by independent consultants approved by, or under the direction of, County staff. This evaluation shall include recommended mitigation and/or alternatives necessary to avoid or lessen impacts. Based on this evaluation, the County shall determine the acceptable level of resource impact and constraint avoidance of the project. All of the following resources and constraints shall be reviewed:
  - a. Important agricultural lands.
  - b. Avalanche hazard.



- c. Significant cultural resources.
  - d. Major deer habitat.
  - e. Earthquake faults and seismically sensitive areas.
  - f. Energy conservation.
  - g. Floodplains.
  - h. Significant mineral areas.
  - i. Rare and endangered species and their habitat.
  - j. Steep slopes/high erosion potential.
  - k. Important timber resources.
  - l. Trees.
  - m. Visually important ridgelines and viewsheds.
  - n. Watercourses, wetlands and riparian areas.
  - o. Wildland fire hazard areas.
2. To the extent said resources or constraints are impacted, mitigation measures and alternatives shall be incorporated into the project design to avoid, minimize, or compensate for such impacts. To assist in the professional inventory and analysis, the following maps and other sources shall be used as a foundation for identifying resources and constraints:
- a. Fish and Wildlife Service National Wetlands Inventory.
  - b. State Department of Fish and Game Migratory Deer Range Maps.
  - c. State Department of Forestry and Fire Protection Hardwood Rangeland Maps.
  - d. California Natural Diversity Data Base.
  - e. California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California.

- f. United States Geological Survey Quadrangle Topographic Maps.
- g. Federal Emergency Management Agency Flood Insurance Rate Maps.
- h. State Department of Conservation Important Farmland Maps.
- i. State Division of Mines and Geology Mineral Classification Maps.
- j. Soil Conservation Service Soil Survey of Nevada County.
- k. Department of Agriculture Soil Survey of the Tahoe National Forest.
- l. Landslide Activity Map.
- m. State Division of Mines and Geology Geologic Map of the Chico Quadrangle.
- n. State Division of Mines and Geology Fault Map of California.
- o. Bureau of Reclamation Seismotectonic Study of the Truckee/Lake Tahoe Area.
- p. Norman Wilson Avalanche Hazard Study.
- q. State Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps.

Inventory and analysis shall be prepared for the entire site or parcel. However, no inventory or analysis shall be required for those portions of the site or parcel where non-disturbance is ensured through conditions of approval, mitigation measures, and/or permanent private restrictions running with the land.

B. Standard. The intent of these site development standards is to avoid resource impacts and natural constraints to the maximum possible. To that end, such standards will be applied successively as follows (an applicant cannot descend to the succeeding methods until they have shown to the satisfaction of the County that the preceding methods are infeasible):

1. Avoiding the impact by designing or re-designing the project so that the resource or constraint is fully protected and not disturbed. Avoidance is the preferred standard unless the Planning Agency determines that implementation of this standard effectively removes the potential for the reasonable development of the parcel. Avoidance may be attained through clustering, transfer of development rights,

buffering, screening, identification of building envelopes, the provision of open space, or other techniques that permanently protect the resource or avoid the constraint. Permanence shall be ensured through dedication, easements, irrevocable trusts, deed restrictions, covenants, or similar techniques running with the land. In addition, zoning techniques (i.e., “Open Space” District, setbacks, etc.) may also be used to ensure permanence. Provisions to avoid the resource or constraint shall become conditions of approval or mitigation measures of the project.

2. Minimizing the impact through preparation and implementation of a County-approved Management Plan prepared by an independent consultant approved by, or under the direction of, County staff, that limits the degree of impact to the maximum extent possible. Where the Planning Agency determines that avoidance is not acceptable or adversely affects another environmentally-sensitive resource, minimization shall be the preferred standard unless the County determines that the standard will not effectively protect the resource or avoid the constraint to an acceptable level. In such instances the County shall deny the project. Minimization may be attained through clustering, buffering, screening, identification of building envelopes, the provision of open space, or other techniques that permanently protect the resource or avoid the constraint. Permanence shall be ensured through dedication, easements, irrevocable trusts, deed restrictions, covenants, or similar techniques running with the land. In addition, zoning techniques (i.e., “Open Space” District, setbacks, etc.) may also be used to ensure permanence. Management Plan provisions to minimize impacts shall become conditions of approval or mitigation measures of the project.
3. Compensating for the impact by replacing or providing a substitute resource or environments. Compensation is appropriate where the Planning Agency determines that avoiding or minimizing the impact is not acceptable. Compensation may include the on-site or off-site provision or creation, protection, and maintenance of a resource or habitat. Management Plan provisions to compensate for impacts shall become conditions of approval of the project. Lands used as compensation for unavoidable project impacts shall be acquired through fee title or conservation easements with the express purpose of maintenance as compensation for impacts to wildlife in perpetuity. Holders of title or easements shall be restricted to mutually agreed upon agencies or private, non-profit conservation entities approved by the Planning Agency.

Realistic and effective avoidance of impacts and then minimization of impacts must first precede the use of compensatory mitigation.

C. Management Plan. Management Plans are a tool that can be used to minimize the impacts of development on environmentally sensitive environmental resources and/or constraints. Where avoidance is not a feasible alternative, a Management Plan may be

prepared, consistent with the provisions of this subsection.

1. **Process.** Management plans are subject to approval by the Planning Agency. Application shall be made to the Planning Department on forms provided by the Planning Department. Management Plans that are associated with an allowable use shall be reviewed by the Planning Director unless environmental review is required pursuant to the California Environmental Quality Act (CEQA). If the Management Plan is not exempt from CEQA, an initial Study is required, and a public hearing will be held before the Zoning Administrator. Management Plans proposed in conjunction with a discretionary project shall be considered by the hearing body reviewing the project.
2. **Implementation.** Management Plan conclusions and recommendations for provisions to minimize or compensate for impacts, and the time frame for implementation of such provisions, shall be incorporated into the conditions of approval of the project.
3. **Content and Form of Management Plan.** Management Plans shall be prepared by independent consultants approved by, or under the direction of, County staff, as required in each subsection of these Resource Standards. Management Plans shall normally include the following information:
  - a. Identification of the resource or constraint.
  - b. A discussion supporting the proposed design as the preferred alternative, rather than avoidance of the resource or constraint altogether.
  - c. Description of the mitigation or compensation measures and the extent to which they will offset or minimize the impact to the resource or the risk.
  - d. Time frame for implementation.
  - e. Success standards.
  - f. Monitoring of mitigation and compensation measures, and other conditions of approval, to assess effectiveness.
  - g. Remediation measures in the event of failure of mitigation or compensation, or other conditions of approval.
  - h. A performance bond.

The scope and level of detail associated with each Plan shall depend upon the

scale and type of project, size and quality of resource or level of constraint, and the degree to which the project affects the resource or constraint. Plans prepared for smaller projects only affecting a resource or constraint to a limited degree should be concise, with mitigation measures commensurate with the anticipated level of impact. Plans prepared for larger projects seriously affecting a high quality resource or major constraint should be of such a detail and level of comprehensiveness to ensure effective mitigation. They shall reflect the requirements of any management plan encompassing the project area which have been adopted by the County.

D.                Monetary Deposit. All project conditions of approval and mitigation measures shall be fully enforced to ensure that the resources are protected, and constraints avoided consistent with the findings of the Planning Agency and Management Plan, if applicable. For discretionary projects, a monetary deposit may be required to be posted and maintained to insure the protection of the resource or avoidance of the constraint during construction. In determining whether a deposit is required, the Planning Agency shall consider the level of risk to the resource as identified in the Management Plan, the projected cost of implementing measures recommended in the Plan, and whether there is evidence that disturbance of the resource has occurred without required permits. The amount of the deposit shall be determined by the Planning Agency based upon the size and scale of the project, and the level of resource sensitivity identified in the Management Plan. The deposit shall be in the form of a Certificate of Deposit, Cash Deposit, or Letter of Credit from a bank, and shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any condition of approval or mitigation measure regarding resource protection or constraint avoidance shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the Planning Agency, in addition to other applicable penalties. Appeals may be made to the Nevada County Board of Supervisors.

E.                Exceptions to Inventory and Analysis. Applicable projects shall not be required to prepare an inventory and analysis when the Planning Director determines the project will create little or no land disturbance or there is virtually no possibility of impacts to sensitive environmental features or natural constraints.

F.                Vegetation Restoration. Where the County determines that vegetation identified as an environmentally sensitive resource as defined by General Plan Policy 1.17, has been removed from the site in anticipation of development, or, within one year prior to submittal of a land use application, the following shall be required:

Prior to issuance of any development permits (i.e., grading or building permits), the developer shall fund a native plant restoration program to return the site to a naturally-functioning habitat. If on-site restoration is not feasible, the restoration program shall include the identification of a suitable replacement site to be reviewed and approved of

by the Nevada County Planning Agency. The restoration program shall include the hiring of a specialist, selected and contracted by the County, to (1) identify a suitable location or replacement site for the vegetation that has been removed, with the preferred location being the project site or within the vicinity of the site, (2) prepare a restoration, monitoring, and maintenance plan, (3) initiate the restoration, and (4) conduct a five-year maintenance and monitoring program. The developer shall record or cause to record, a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for incurring all costs associated with the restoration project. The restoration shall represent a three to one (3:1) ratio of habitat restored to habitat lost. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

#### **Section 12.04.204 Agricultural Lands, Important**

A. Purpose. To minimize the conversion of important agricultural areas to non-agricultural uses, the adverse impact of potentially incompatible land uses upon important agricultural land and operations, and the impairment of agricultural productivity of important agricultural land.

B. Definitions.

1. Farmland of Local Importance – Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, fifteen (15%) percent to thirty (30%) percent slopes (AdD); Argonaut gravelly loam, two (2%) percent to fifteen (15%) percent slopes (ArC); Hoda sandy loam, nine (9%) percent to fifteen (15%) percent slopes (HnC); Sobrante loam, fifteen (15%) percent to thirty (30%) percent slopes (SoD); or Trabuco loam, five (5%) percent to fifteen (15%) percent slopes (TrC).
2. Important Agricultural Lands – Prime farmland, farmland of Statewide importance, unique farmland, and farmland of local importance as defined by the State Department of Conservation’s Important Farmland Map.
3. Non-Agricultural Project – For the purpose of this Section shall be any use of land, except for a single-family residence and garage that does not meet the definition of “Agricultural Operation” in this Chapter.

C. Standards.

1. Non-agricultural projects shall be approved only when they are not within or adjacent to Important Agricultural Lands unless a Management Plan is prepared consistent with #2 below.

2. If the above standard effectively precludes development of the project, or adversely affects another environmentally sensitive resource, a Management Plan that avoids or minimizes impacts to the important agricultural lands may be prepared consistent with the provisions of Section 12.04.303.C. of this Section, and the following standards:
  - a. The Management Plan shall be prepared by one of the following agricultural professionals: a Registered Professional Forester, a certified rangeland manager, or an USDA/NRCS-certified conservation planner.
  - b. If the entire project site is mapped within or adjacent to important agricultural lands, the Management Plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the agricultural resource.
  - c. Management Plans shall be reviewed by the Nevada County Agricultural Commissioner.
3. Non-agricultural projects adjacent to important agricultural lands shall be designed to minimize impacts and shall be subject to the following standards:
  - a. Subdivisions within or adjacent to important agricultural lands shall provide a 100-foot building setback from the property line(s) within or adjacent to the important agricultural land, limiting the use of the land to agricultural or open space uses compatible with adjacent agricultural land.
  - b. Require the recordation of a declaration acknowledging proximity to agricultural resources and the potential for conflict, which may be in the form of the Nevada County Right to Farm Notice provided in Nevada County Code Section governing Resolution of Disputes in Agricultural Lands and Operations. (Ord. 2427. (01/24/2017); Ord. 2286. (05/12 2009); Ord. 2533. (12/05/2023))

#### **Section 12.04.205 Avalanche Hazard**

- A. Purpose. To minimize the impact on development associated with avalanches.
- B. Definitions.
  1. Avalanche Hazard Zones – Areas where avalanches that could damage standard wood-frame structures and/or bury automobiles are expected to occur with a probability of one (1) chance in twenty (20) per year (red zone), less than one (1) chance in twenty (20) per year but more than one (1) chance in 100 per year (blue

zone), or less than one (1) chance in 100 per year (yellow zone).

C. Standards.

1. When the County determines that any proposed project may be within the defined area, an Avalanche Hazard Study shall be prepared by a recognized and qualified avalanche hazard expert. The Study shall delineate what zones, if any, are associated with the project.
2. Defined areas shall be zoned within the PSAA Potential Snow Avalanche Area Combining District. All projects shall comply with the provisions of this District, Section 12.02.076.

**Section 12.04.206 Cultural Resources, Significant**

A. Purpose. Cultural resources are fragile and irreplaceable and vital to the public education, economic prosperity, and cultural enrichment of all citizens and serve to preserve and enhance the historical character of the County. Site development standards shall be used in the preservation, protection and management of the County's unique natural, paleontological, archaeological, historical, architectural, cultural, traditional cultural resources.

B. Definitions.

1. Alteration – Any act or process, through private or public action, that directly or indirectly changes the specified character-defining or physical features or architectural appearance of a significant cultural resource.
2. Cultural Resources – Archaeological and historical sites, structures, features, artifacts, and other historically important places, and Native American spiritual sites, as may be defined by the County of Nevada based upon recommendations by the Native American Heritage Commission or recognized Native American group, Nevada County Landmarks Commission, or the Nevada County Historical Society.
3. Historic District – Any area containing historic structures representing one (1) or more architectural periods or styles typical of the history of the County.
4. Historic Structure – Any structure that is at least fifty (50) years old and that has special historical, architectural, engineering, cultural, or aesthetic value, consistent with the National Register of Historic Places standards. This definition includes those structures determined to be historic by the Nevada County Historical Society and State Lands Commission. Structures that have achieved significance within the past fifty (50) years are generally not considered significant and eligible to the



National register unless such properties are integral parts of districts that do meet the standards and/or if they are of exceptional importance.

5. North Central Information Center – The California State University, Sacramento center that maintains the cultural resource inventory for the County, including a collection and maintenance of site records, and historic resources inventory forms. This inventory includes the full Historic Resources Inventory, the California Archaeological Site Inventory, the National Register for the State of California, the California State Historic Landmarks, the State Points of Historic Interest, and the California Register of Historic Places.
6. Preservation – The identification, study, protection, restoration, rehabilitation, conservation, or enhancement of cultural resources.
7. Qualified Native American Consultant – Native American individuals or organizations recognized by the Native American Heritage Commission, the Washoe Tribe of Nevada/California, or other Native American group or individual recognized as representative of the interests of local Native Americans.
8. Qualified Professional – Meets the standards as set by the Register of Professional Archaeologists (ROPA) and has demonstrated a familiarity with the archaeology and history of County of Nevada and/or adjoining regions of the north- central Sierra Nevada.
9. Records Search – The review of records on relevant cultural resource sensitivity by the NCIC.
10. Secretary of The Interior’s Standards for Rehabilitation – Guidelines prepared by the National Park Service for rehabilitating historic structures and the standards for historic preservation projects prepared by the National Park Service, with guidelines for applying the standards.
11. Significance – Noteworthy cultural resources in terms of integrity, research potential and public benefit as defined by the Nevada County General Plan, the National Register of Historic Places, the California Register of Historical Resources, CEQA, local standards, or as determined by the lead agency to be significant based on substantial evidence in the record.
12. Traditional Cultural Property – An important cultural property associated with the cultural practices or beliefs of a living community that are rooted in that community’s history, and are important in maintaining the continuing cultural identity of the community. Of special mention is the fact that Nevada County’s jurisdiction is overlaid upon aboriginal and historical lands of Native Americans. These and inherent resources, as part of the Native American cultures, possess

meaning and value to Native Americans living today. The federal Native American Religious Freedom Act of 1979 provides protection for sites of Native American sacred significance.

13. State Historic Building Code – Requirements set by the State, pursuant to the Cal. Health & Safety Code §§ 18950 – 18962, regarding any alteration made to a cultural resource or structure within a historic district.

C. Standards.

1. For all applicable projects, the County shall direct the project applicant to initiate a North Central Information Center (NCIC) records search to provide the most current information about the sensitivity of the property to contain cultural resources and to assess the need for a cultural resource study. If the NCIC does not recommend a cultural resource study and if there are no recorded or known cultural properties or traditional cultural areas, the project applicant shall submit NCIC correspondence documenting such to the County, with the land use application.

Should the NCIC recommend a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. This study shall document the presence or likelihood of potentially significant cultural resources. When the NCIC or the qualified professional decides that there is a high likelihood that Native American archaeological sites and/or spiritual and non-physical sites may be encountered during the inventory phase, a qualified Native American Consultant shall be consulted to incorporate their views regarding the potential importance of Native American sites in the project area. The study shall be submitted to the County with the land use application.

If no cultural resources are inventoried, or if no potentially significant cultural resources will be impacted by the project, the qualified professional will prepare a report documenting these findings to be submitted to the County of Nevada.

2. Projects shall only be approved when they do not remove or disturb cultural resources, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 4 below. Preservation and avoidance are the first priority.
3. If the above standard effectively precludes development of the project or adversely affects another environmentally-sensitive resource, a Cultural Resource Management Plan shall be prepared by a qualified professional. The Plan shall provide for the analysis and determination of the significance of the cultural resource according to the importance standards listed in CEQA. It shall describe the results of a cultural resource investigation, illustrate potential conflicts with project design, assess impacts to resources, evaluate their significance, and attempt to

design measures to mitigate impacts to insignificant levels. Plans shall follow the guidelines established in the State Office of Historic Preservation “Archaeological Resource Management Reports: Recommended Contents and Format.” The Plan shall document the results of work performed during the inventory, evaluation and/or mitigation phases of study. Research designs shall follow the guidelines established in the State Historic Preservation Office “Guidelines for Archaeological Research Designs.” Alterations made to a cultural resource or structure for its rehabilitation, preservation, restoration, or relocation shall be in accordance with the “Secretary of the Interior’s Standards for Rehabilitation,” prepared by the National Park Service, and the “State Historic Building Code.”

If the cultural resource is determined not significant, or if the resource’s potentially important information is recovered at the evaluation phase of research, the qualified professional’s report documenting these findings shall be submitted to the County.

When sufficient planning flexibility, including density reduction or a revised project, does not permit avoidance of impacts to potentially significant cultural resources, measures for mitigating impacts to the resource, which allow maximum protection of the resource and/or maximum preservation of knowledge contained within the resource, shall be further developed by the qualified professional and implemented prior to the onset of project activities and as part of the condition of project approval.

Where Native American resources are involved, a qualified Native American Consultant shall be consulted to determine the potential importance of Native American resources in the project area and the appropriateness of mitigation measures. A report from the Native American Consultant, summarizing their findings should be a component of the final report. Upon completion of mitigation, the qualified professional will prepare a report documenting these findings to be submitted to the County.

4. If preservation of a significant cultural resource is not possible, data recovery of an appropriate sample of the cultural resource, as determined by the qualified professional, shall be accomplished. Scientific data recovery may include: collection of surface artifacts, archaeological excavation, intensive recordation, photo/video documentation, etc. For traditional cultural properties, other specialized means of mitigation may need to be implemented in consultation with the affected parties. Artifacts generated out of data recovery shall be permanently housed at an institution operating in accordance with the State guidelines for the curation of archaeological collections and in cooperation with local Native American entities.
5. A condition of approval shall include a provision for cultural resources discovered during development construction. Any person who, in the process of project

activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.

6. The locations of cultural resources are confidential and are not circulated as part of public documents but are used for planning purposes only. This class of information is exempted from public access by the California Public Records Act (Cal. Gov't Code § 7920.000). It is unlawful, prohibited and a misdemeanor for any person to willfully disclose, sell or furnish to any person any map or record describing the nature of location of cultural resources, any copy thereof, or any information pertaining thereto, which has been prepared or maintained by the NCIC of the County of Nevada.

#### **Section 12.04.207 Deer Habitat, Major**

A. Purpose. To mitigate the impact of development on major deer migration corridors, critical winter and summer ranges, and critical fawning areas, to retain critical deer habitat as non-disturbance open space, and ensure clustering of larger parcels in the western Rural Region to minimize impacts on deer habitat.

B. Definitions.

1. Major Deer Habitat – Major deer migration corridors, critical winter and summer ranges, and critical fawning areas as defined by the State Department of Fish and Game staff or Migratory Deer Range Maps, or as determined by a qualified biologist.

C. Standards.

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Projects shall be approved only when they are not within the defined area, unless a Management Plan is prepared consistent with paragraph 3 below.

3. If the above standard effectively precludes development of the project or a revised project, a Management Plan shall be prepared by a qualified biologist, that avoids or minimizes impacts to deer and their habitat. If the entire site is within or adjacent to a habitat area, the plan shall provide for the development of the project on the least sensitive portion of the site.
4. Clustering of development shall be required for all projects on parcels of twenty (20) acres or more within the North San Juan and Penn Valley areas where existing parcelization within two square miles of the project site averages twenty (20) acres or more in size. The North San Juan area is defined as that area bounded by the South Yuba River, the Middle Yuba River, and the easterly Range 9 East boundary. The Penn Valley area is that area bounded by the South Yuba River, the northerly Township 14 North line and the westerly Range 8 East line.
5. Clustering of development shall be required for all projects on parcels of forty (40) acres or more that are within a critical migratory deer winter range in Rural Regions west of Range 12 East line, where existing parcelization within two square miles of the project site averages forty (40) acres or more in size.

#### **Section 12.04.208 Earthquake Faults & Seismically Sensitive Areas**

- A. Purpose. To minimize the impact of earthquakes and seismic hazard on people and development.
- B. Definitions.
  1. Seismically Active Areas – Areas determined to be within a seismic hazard zone or to have the potential to suffer ground rupture from active faults by the State Division of Mines and Geology.
- C. Standards.
  1. Projects shall be approved only when they are not within the defined area, unless the resource can be protected consistent with paragraph 2 below.
  2. If the above standard effectively precludes development of the project, a Management Plan shall be prepared by a certified engineering geologist or civil engineer that minimizes safety impacts associated with the project. The Management Plan shall include a Geotechnical Report that includes the following:
    - a. Existing soils and geologic conditions, including location and chronology of local faults and epicenters, relationship of the site to said faults and epicenters, and other environmental factors, including rainfall, slopes, water table,

vegetation, etc. that might affect soils and geologic conditions.

- b. Conclusions of potential seismic hazards relative to the specific intended land use.
- c. Recommended construction and/or land use restrictions that will avoid the hazard or lessen the hazard to an acceptable level, including construction techniques, building heights, site preparation measures, building setbacks, etc.

Where the Report determines that a seismic hazard does exist, conclusions and recommendations to lessen the seismic hazard shall be incorporated into the conditions of approval of the project. Where the Report determines that the seismic hazard cannot be lessened to an acceptable level, the project shall be denied.

#### **Section 12.04.309 Energy Conservation**

A. Purpose. To conserve energy resources without significantly increasing the cost of housing.

B. Standards. All projects shall be designed to incorporate passive heating and cooling opportunities in the following manner:

1. Development shall be designed to allow the retention or planting of deciduous shade trees along the south and west sides of structures and along access streets.
2. Development, including landscaping, shall be designed to minimize obstruction of any developed solar access on an adjoining parcel.
3. Subdivision design shall include building envelopes that are oriented for maximum solar access opportunities for future residences.
4. Site planning for multi-family residential development shall incorporate techniques designed to maximize solar access, such as clustering development in areas with good solar orientation, east/west street orientation, uniform setbacks that increase south-wall exposure, height limitations for multi-structured developments, siting accessory structures so as not to shade the south walls of structures and siting parking areas to break shade or shadows.
5. All subdivisions and multi-family housing projects shall be submitted to the Northern Sierra Air Quality Management District for review to determine compliance with Federal and State EPA emission standards.

## **Section 12.04.210 Floodplains**

A. Purpose. To mitigate the impact of development on floodplains and to protect development and downstream users from the potential for hazards associated with flooding.

B. Definitions.

1. Floodway – The channel of any water course and adjacent lands that must be reserved in order to discharge the base flood without increasing the water surface elevation more than one (1') foot.
2. Floodplain – Areas adjacent to a watercourse or other body of water that are subject to inundation by floodwaters. Additional floodplain-related definitions can be found in the Flood Plain Management Regulations in this Code.
3. 100-Year Floodplain – Any area of normally dry land with a one (1%) percent annual probability of being inundated by water.

C. Standards. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect any of the following resources:

1. Due to its extremely hazardous nature, projects within the floodway shall not be approved. Exceptions shall include utilities and public structures necessary to serve existing uses where there is no other feasible location and construction will not increase hazards to life or property within or adjacent to the floodplain.
2. Within 100 feet of the 100-year floodplain.
3. If standard 2 above effectively precludes development of the project or a revised project, a Management Plan, prepared by a registered professional engineer and consistent with Federal Emergency Management Agency (FEMA) standards, shall be prepared that minimizes impacts to the floodplain.
4. Development, including the placement of fill, within the 100-year floodplain shall require a Use Permit and shall comply with the standards of Title 18, Floodplain Management Regulations. Development within the 100-year floodplain will also require confirmation that applicable State Department Fish and Game stream alteration regulations have been satisfied.
5. New utilities, critical facilities, and non-essential public structures shall be located outside the 100-year floodplain unless such facilities serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards

to life or property within or adjacent to the floodplain. Facilities within the 100-year floodplain shall require a Use Permit consistent with paragraph 4 above.

6. Projects that may result in flood damage to downstream land uses shall not be allowed. Where determined necessary, retention/detention facilities shall be designed to protect downstream users and ensure that the water surface returns to its base elevation within twenty-four (24) hours after the storm event.

#### **Section 12.04.211 Mineral Areas, Significant**

A. Purpose. To protect significant mineral areas from incompatible land uses and to minimize land use conflicts between surface mineral extraction and processing and neighboring incompatible land uses.

B. Definitions.

1. Compatible General Plan Designations – Those Nevada County General Plan designations compatible for surface mining, subject to approval of a Use Permit, including the Rural, Forest, Industrial, Public, Water, and Planned Development designations. All other designations are considered to be incompatible for, and do not allow, surface mining.
2. Significant Mineral Areas – Areas where information indicates that significant mineral deposits are likely present based on State Division of Mines and Geology's Nevada County Mineral Classification Report Maps, referred to as Mineral Resource Zones – 2 (MRZ-2).

C. Standards.

1. The clearing, cultivating, preparing or tilling of land to raise crops or livestock for commercial purposes, shall be allowed in Significant Mineral Areas. All other projects that are not associated with mineral extraction shall be approved only when they are not within both Compatible General Plan Designations and Significant Mineral Areas, unless a Management Plan is prepared consistent with paragraph 2 below or the project is within the Industrial General Plan designation.
2. If the above standard effectively precludes development of the project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a professional registered engineer, a registered geologist or a land use planner, that avoids or minimizes impacts to the significant mineral area. If the entire site is within or adjacent to such an area, the plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the mineral resource.



3. All land divisions and dwelling unit construction within 1,000 feet of an area zoned within the ME District shall be developed to ensure that said development is located as far removed from the area zoned ME as is reasonably possible. In determining the most appropriate location for proposed parcels and/or dwelling units, the applicant shall clearly demonstrate that there is no other site more suitable to minimize potential land use conflicts with existing or future mining operations.

#### **Section 12.04.212 Rare, Threatened and Endangered Species and Their Habitat**

A. Purpose. To avoid the impact of development on rare, threatened, endangered, and special-status species and their habitat, or where avoidance is not possible, to minimize or compensate for such impacts, and to retain their habitat as non-disturbance open space.

B. Definitions.

1. Rare, Threatened and Endangered Species – Animals and plants listed in Federal and State codes and regulations as rare, threatened or endangered.
2. Special Status Species – Animal and plant species that are listed, proposed, or candidates for listing as threatened, rare, endangered, fully protected, or species of concern by the Federal and/or California State governments, and plants considered by the California Native Plant Society as rare, threatened, or endangered.

C. Standards.

1. All project applicants are required to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA).
2. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
3. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect the defined species or their habitat, and that it will result in no net loss of habitat function or value for the defined species. Project applicants shall obtain appropriate authorizations from the U.S. Fish and Wildlife Service and State Department of Fish and Game prior to County approval. Any provisions to avoid, mitigate, or compensate for impacts to the defined species contained in such authorizations shall become conditions of approval of the project.

4. When it is determined that a project will adversely affect the defined species or their habitat, a site-specific Habitat Management Plan shall be prepared. The Plan shall be prepared by a qualified biologist to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA) and shall also include special status species. The Plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development. The objectives of the Plan shall be to avoid and minimize impacts to the defined species to the fullest extent feasible and to provide for no net loss of species, including species population area and number of individuals.

The Habitat Management Plan to protect rare, threatened, endangered, or special status species and their habitat, may include mitigation measures such as avoiding, minimizing, and compensating as defined in Section governing General Provisions of Resource Standards. Habitat restoration may also be required. The ratio of habitat protected to habitat altered due to development activities and related edge effects may be determined by staff, based on recommendations from the project biologist in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The Habitat Management Plan shall describe and provide a mechanism for permanent protection and maintenance of any non-disturbance area or off-site compensation areas to achieve long-term habitat goals. Funding mechanisms for long-term maintenance shall also be described.

#### **Section 12.04.213 Steep Slopes/High Erosion Potential**

A. Purpose. To preserve the natural, topographic, and aesthetic characteristics of steep slopes, and to minimize soil erosion, water quality impacts, earth movement and disturbance, and the adverse impact of grading activities, while providing for reasonable use of private property. (Ord. 2152. (05/25/2004); Ord. 2529. 09/12/2023); Ord. 2533. (12/05/2023))

B. Definitions.

1. Steep Slopes – Slopes of (30+) %.
2. High Erosion Hazard Areas – Areas determined to have highly-erodible soils based on soils surveys prepared by the U.S. Soil Conservation Service and U.S. Forest Service.

C. Standards.

1. Development, including access, shall be approved only when not within the defined areas, except as provided in this Section.
2. Limited development is allowed on steep slopes, subject to a grading permit pursuant to this Code (Grading Ordinance). If the amount of disturbance does not require a grading permit, limited development shall be subject to an Erosion and Sediment Control Plan, approved by the Building Department. Limited development shall mean the following:
  - a. Utility trenching, including, but not limited to, water, electric, gas, sewer and phone lines.
  - b. Crop and tree planting.
  - c. Water wells and sewage disposal systems for allowed on-site uses.
  - d. Ground-mount solar arrays for permitted residential uses, utilizing screw pile or driven pile foundations.
  - e. No more than one single-family residence, including driveway access to the residence, is allowed within steep slopes, on a parcel legally created, or approved by the Nevada County Planning Agency, prior to October 12, 1981, subject to the issuance of a grading permit pursuant Grading Standards of this Code, and the following standards:
    - 1) Lot pad grading shall be limited in size to a maximum 5,000 square feet, to allow for the construction of the primary single-family residence, a garage, a yard, and parking area.
    - 2) Cut or fill slopes shall be designed and constructed to not exceed a vertical height of ten (10') feet.
    - 3) Slopes created by grading shall not exceed a ratio of 2:1 (horizontal to vertical), unless a steeper slope is certified by a geo-technical engineer to be stable.
    - 4) Structures are designed to "fit" or step up the natural slope by using split pads, stepped footings and grade separations.
    - 5) All outdoor light fixtures on steep slopes shall be fully shielded to prevent the light source of lens from being visible from adjacent properties and roadways. Mercury vapor light fixtures, floodlights and spotlights shall be prohibited.

- 6) Driveway access shall comply with Driveway Regulations in Fire Safety Regulations of this Code.
3. If standard #1 effectively precludes development of the project or a revised project, disturbance within the defined area is allowed subject to the approval of a Management Plan, pursuant to Section 12.04.303.C of this Chapter, and the following:
  - a. The Management Plan shall consist of an Erosion and Sediment Control Plan, prepared by a licensed geotechnical or civil engineer, engineering geologist, or certified soil erosion control specialist. The Plan shall comply with the erosion control standards of Buildings Regulations, Article 3: Uniform Building Code Amendments, and shall provide for, at a minimum, the structural control of flowing water and vegetative measures necessary to stabilize the soil surface. If the entire site is within a high erosion area, the Plan shall provide for the development of the project on the least sensitive portion of the site. Where seeding is deemed necessary in order to stabilize the soil surface, only native seed mixes shall be used. Where native seed mixtures are not available, then non-seed measures such as straw wattles, chips, erosion control blankets and weed-free straw shall be used.
  - b. The Management Plan shall be approved, provided the following findings can be made:
    - 1) That the proposed development ensures the preservation of the natural and topographic character of the slope; and
    - 2) The aesthetic quality of the slope is ensured, including the preservation of significant rock outcroppings and native plant materials; and
    - 3) That alternatives to development on steep slopes are not feasible; and
    - 4) That disturbance of steep slopes is minimized to the greatest extent possible; and
    - 5) That water quality problems created by sedimentation and/or excessive vegetation removal are minimized.
4. All grading within the defined area that requires a grading permit shall include an evaluation by a registered geotechnical engineer who shall provide a written determination as to whether a design level, geotechnical investigative report is recommended. If recommended by the geotechnical engineer, a design level geotechnical investigative report, prepared by a registered geotechnical engineer,

shall be included with the grading permit. The report shall include, but not be limited to, comments on slope stability, retaining wall design, foundation design, and other impacts associated with the disturbance of steep slopes. The report shall explain how the design of the project addresses those issues.

5. Fuel modification shall be provided and maintained around all structures developed on steep slopes, as follows:

#### **Fuel Models**

1-3*	Grasses	100'
4-6*	Brush	200'
8-13	Timber	200'

\* Northern Forest Fire Lab Fuel Models

#### **Section 12.04.214 Timber Resources, Important**

- A. Purpose. To protect important timber resources, and to ensure that development does not adversely impact timber resource management.
- B. Definitions—Important Timber Resources. Parcels that are forty (40) acres or larger, and mapped within the Forest designation, that have ideal soil characteristics for timber production, identified as those soils having a high site class or index by the Soil Surveys of Nevada County, prepared by the Soil Conservation Service and the Tahoe National Forest.
- C. Standards.
  1. Projects shall be approved only when they are not within the defined area, unless a Management Plan is prepared consistent with paragraph 2 below.
  2. If the above standard effectively precludes development of the project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a registered forester, a certified arborist, or a qualified botanist or biologist, that avoids or minimizes impacts to the defined area. If the entire site is within or adjacent to such an area, the plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the timber resource.

## **Section 12.04.215 Trees**

A. Purpose. To minimize removal of existing trees and protect existing trees during construction. To encourage protection of trees to provide suitable habitat for native wildlife. To preserve and minimize the disturbance of landmark and heritage trees and groves from development projects through on-site vegetation inventories, mandatory clustering, and other measures necessary to protect such habitat. To maximize the long-term preservation, protection, and integrity of their natural setting.

### **B. Definitions**

1. Landmark Trees – Any oak (*Quercus* species) thirty-six or more (36”) inches at diameter breast height (dbh or four-foot six inches (4’ 6’’)), or any tree whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
2. Landmark Groves – Hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
3. Heritage Trees and Groves – A tree or a group of hardwood trees designated by the Board of Supervisors to be of historical or cultural value, outstanding specimens, unusual species, or of significant community benefit due to size, age, or any other unique characteristic and considered to be in good health.

### **C. Standards.**

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 below. Exempted from this standard shall be trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (referred to herein as a qualified professional). In addition, exemption shall apply to those trees that must be removed to ensure fire safe access or provide adequate fuel reduction as determined by the California Department of Forestry or local fire district. Tree removal may also be allowed where necessary to provide for site access and public utilities or

public right-of-way.

3. If the above standard effectively precludes development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

Management Plans shall emphasize protection of two varieties of oak: Blue Oak (*Quercus Douglasii*) and Valley Oak (*Quercus Lobata*). Both are of very limited distribution in the County and considered to be sensitive plants worthy of special protection.

4. If impacts remain, or if the Planning Agency determines that the planting of replacement trees is infeasible or the project site is not capable of supporting all the replacement trees, the applicant shall pay to Nevada County the current market value of the tree removed and the value of the replacement trees (including the cost of planting and maintenance), as established by a qualified professional, to go into a Tree Preservation Fund. Fund monies received in lieu of replacement trees shall be used for the planting and maintenance of trees on publicly owned property, or for purchase of replacement habitat.
5. The above standards shall also apply in those instances in which it can be determined that a defined tree or grove has existed on site three (3) years prior to project application. In such instances, standards under paragraphs 1, 2, and 3 above shall be implemented as though the trees or groves were still on-site.
6. Alternative standards to those above may be applied where the Planning Agency finds that the alternative standards have the same practical effect, further the intent of this Section, and provide equal or greater mitigation.
7. Protection of all trees and groves to be retained during and after project construction shall occur consistent with a Tree Protection Plan prepared by a qualified professional, as listed in C.1 above. Said Plan shall specify pre- construction and post-construction protection measures. Pre-construction measures shall identify a tree protection zone and protection type (typically fencing), specify work required prior to construction (pruning, bracing systems, mulch, pest management, irrigation, fencing installation), and construction plans. Post-construction protection measures

and specifications shall detail specific protection requirements, i.e., water needs, monitoring, and maintenance to ensure long-term care.

8. Where the County determines that vegetation identified as an environmentally sensitive resource as defined by General Plan Policy 1.17, has been removed from the site in anticipation of development, or, within one (1) year prior to submittal of a land use application, the following shall be required:

Prior to issuance of any development permits (i.e., grading or building permits), the developer shall fund a native plant restoration program to return the site to a naturally-functioning habitat. If on-site restoration is not feasible, the restoration program shall include the identification of a suitable replacement site to be reviewed and approved of by the Nevada County Planning Agency. The restoration program shall include the hiring of a specialist, selected and contracted by the County, to (1) identify a suitable location or replacement site for the vegetation that has been removed, with the preferred location being the project site or within the vicinity of the site; (2) prepare a restoration, monitoring, and maintenance plan; (3) initiate the restoration; and (4) conduct a five-year (5 year) maintenance and monitoring program. The developer shall record or cause to record, a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for incurring all costs associated with the restoration project. The restoration shall represent a three to one (3:1) ratio of habitat restored to habitat lost.

9. Tree Removal Near Nevada City.

- a. No person, firm or corporation shall remove or cause to be removed any tree located outside a Timberland Preserve Zone (TPZ) and within the Nevada City Sphere of Influence as adopted by the Local Agency Formation Commission without first obtaining a tree removal permit from the Planning Director, except those:

- 1) That have been identified for removal as part of a Use Permit, Development Permit or Subdivision.
- 2) That are on developed residentially-zoned property.
- 3) That have been identified by a licensed forester as being in a hazardous condition presenting an immediate danger to health and property.
- 4) Where the trunks measure less than ten (10") inches in diameter, measured four and one-half (4.5') feet above



grade and where less than twenty (20%) percent of the trees over eight (8") inches in diameter are proposed to be removed every five (5) years.

- 5) Located on parcels aggregating three (3) acres or more in size, subject to pre-emptive State regulations identified for commercial tree removal pursuant to an approved Timber Harvest Plan.
- 6) Located within a public or public utility right-of-way when such trees are to be removed by a public agency or public utility.

b. Application Content. A tree removal application shall include, but is not limited to, the following:

- 1) An inventory of on-site trees, including the percentage of trees over ten (10") inches in diameter to be removed, and the size, species and condition of each tree to be removed.
- 2) Statement of fact stating the purpose of the removal.
- 3) Size and species of any trees proposed to replace removed trees.

c. Tagging Required. Trees proposed for removal shall be identified by flagging, staking, painting or other suitable means not detrimental to the health of the tree that is readily visible for field inspection.

d. Removal Standards. A tree may be removed only when:

- 1) Dead or diseased beyond reclamation.
- 2) Crowded beyond good forestry practices.
- 3) Interfering with existing utilities or structures.
- 4) Obstructing existing or proposed improvement that cannot be designed to avoid tree removal.
- 5) Inhibiting sunlight necessary for solar access.
- 6) Any other reason that may be identified by the Planning Director based on a consultation with the recognized expert in the field including, but not limited to, a licensed landscape architect, forester

or horticulturist. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

#### **Section 12.04.216 Visually Important Ridgelines and Viewsheds**

A. Purpose. To protect the natural appearance and aesthetic quality of visually prominent ridgelines and large-scale viewsheds.

B. Definitions.

1. Visually Important Ridgelines and Viewsheds – Visibly prominent ridgelines, and large-scale viewsheds considered to be of high natural scenic quality and are highly visible from public roadways, parks and other public places.

C. Standards.

1. In no case shall the roofline or any portion of a structure extend above a visually important ridgeline.
2. Site grading shall not alter the existing silhouette of visually important ridgelines.
3. When the County determines that a project may impact a visually important ridgeline or viewshed, a Management Plan shall be prepared by a land use planner, an architect, or landscape architect. This determination may be based on a County-wide or area-wide inventory of visibly prominent ridgelines and large-scale viewsheds, or, in the absence of an inventory, upon a determination that the proposed project may be likely to impact a visually important ridgeline or viewshed.

The Management Plan shall include a Visual Analysis which shall normally include a determination of the geographical location and level of visual quality of the defined area. It shall normally include a determination of the number and type of existing and potential viewers, viewing distance, angle, focal point, and landscape and topographic variety and uniqueness. The Management Plan shall delineate specific protective measures and impact controls necessary to minimize visual impact to the maximum extent possible.

#### **Section 12.04.217 Watercourses, Wetlands and Riparian Areas**

A. Purpose. To preserve the integrity and minimize the disruption of watersheds and watercourses. To preserve stream corridors and riparian habitat, ensure adequate protection of stream values, and protect stream corridors for wildlife movement and foraging. To avoid the impact of development on wetlands, or where avoidance is not

possible, to minimize or compensate for such impacts, to provide for minimum setbacks to protect resources values, and to retain wetlands as non-disturbance open space.

B. Definitions.

1. Canal – Any man-made open watercourse designed to carry water for domestic or agricultural purposes.
2. Riparian Area – Vegetative and wildlife areas associated with and adjacent to streams and water bodies.
3. Watercourses, Perennial – Natural or once natural flowing bodies of water, including natural waterways that have been channelized, which flow continuously through a bed or channel having banks. All streams, creeks, lakes, ponds and reservoirs shown on the 7.5-minute USGS maps as perennial are included in this definition unless professional evaluation determines the watercourse to be intermittent or seasonal.
4. Watercourses, Intermittent, or Seasonal – A body of water which flows only at certain times of the year when it receives water from ground or surface sources.
5. Wetlands – An area inundated or saturated by surface or groundwater at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions.
6. Wetland and Riparian Mitigation Banking – The process of engaging in a transaction wherein mitigation bank credits are sold from a qualified wetland mitigation bank site to compensate for wetland and riparian impacts at the site of impact.

C. Standards. A project shall be approved only when not within the following non- disturbance buffers, unless a Management Plan is prepared, consistent with paragraph 7 below, or unless greater or lesser setbacks are delineated on the Zoning District Map, which shall be adhered to:

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Within 100 feet of the high water mark of perennial streams and watercourses.
3. Within fifty (50') feet from the highwater mark of intermittent watercourses.

4. Within 100 feet of all wetlands and riparian areas.
5. Within 100 feet of the canal water surface on the uphill side of a canal; and within twenty (20') feet on the of the water surface on the downhill side of a canal.
6. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect any wetlands over one acre, or riparian areas, and that it will result in no net loss of habitat functions or values of the wetlands or riparian area.
7. Project applicants shall obtain appropriate authorizations from the U.S. Fish and Wildlife Service, State Department of Fish and Game, and U.S. Army Corps of Engineers prior to project approval. Any provisions to avoid, mitigate, or compensate for impacts to the wetlands or riparian areas contained in such authorizations shall become conditions of project approval.
8. If the above standards effectively preclude development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan, prepared by a qualified biologist or botanist, shall be prepared that avoids or minimizes impacts to the resource.

An alternative is the on-site or off-site creation, restoration, replacement, enhancement, or preservation of wetlands or riparian areas. This alternative may be preferred where the remaining protected wetlands or riparian areas are small, isolated, and of low habitat value. Such areas shall take into account both site location and wetland or riparian type.

The following wetland or riparian area types shall be allowed as mitigation in descending order of general acceptability:

- a. In-kind, On-site.
- b. In-kind, Off-site.
- c. Out-of-kind, On-site.
- d. Out-of-kind, Off-site.

Such wetlands or riparian areas shall be maintained in perpetuity in order to compensate for the permanent effect of the project through recordation of a restrictive document. Such wetlands or riparian areas shall ensure full replacement of wetland or riparian areas lost at a minimum of not less than a 2:1 ratio.

Mitigation can involve the purchase of compensatory habitat acreage within Nevada County of comparable or superior quality within a qualified wetland or riparian area mitigation banking site in the County of Nevada ensuring full replacement consistent with the above standard. The bank developer shall provide assurance to the County that the created wetlands or riparian areas are permanently protected and maintained.

These standards shall not apply to open air structures, including docks, piers, boat hoists and canopies, as defined in Exceptions to Setbacks in this Code.

### **Section 12.04.218 Wildland Fire Hazard Areas**

A. Purpose. To prevent or minimize the impact of wildland fire hazard associated with development.

B. Definitions.

1. Dead End Road – A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.
2. Wildland Fire Hazard Areas – Those areas within the unincorporated area of Nevada County that are mapped on the CAL FIRE “Fire Hazard Severity Zone” maps which are rated for wildland fire potential.

C. Standards.

1. All development shall comply with the applicable fire protection-related provisions of the following chapters of this Code:
  - a. Zoning Regulations, which establishes residential and rural base district side yard and rear yard setback standards.
  - b. Fire Safety Standards, which establish fire safe building codes relative to building construction.
  - c. Street Addressing and Naming, which requires the naming and posting of roads and the posting of street addresses.
  - d. Fire Safety Regulations, which establishes regulations for fuel modification, water storage, and driveway construction.
  - e. Road Standards, which establishes minimum standards for fire safe road construction and maintenance.

2. Unless otherwise exempted by this Chapter, all discretionary and Administrative Development Permit projects within a high or very high fire hazard zone shall comply with the following standards:
  - a. Create defensible space by removing and reducing brush, flammable vegetation or combustible growth consistent with the provisions of California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard and the Nevada County Defensible Space Standard described in General Plan Policy FP10.11.1.1. Defensible space treatment shall be completed, and inspected by the County Fire Marshal, or their designee, prior to the granting of any occupancy of new structures.
  - b. 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 and consistent with the provisions of County Road Standards.
3. All driveways serving new residential units, and that are between 150 feet and 800 feet in length shall construct a turnout near the midpoint of the driveway. Driveways exceeding 800 feet in length shall provide turnouts no more than 400 feet apart.
4. All discretionary projects within the very high wildland fire hazard area severity zone shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or their designee. The approved original shall be kept on file at the County Planning Department and an approved copy shall be provided to and kept on file with the appropriate fire district. The plan shall be site specific to the project and shall include the following:
  - a. Identification of the proximity to emergency responders and estimated emergency response times;
  - b. Description of the primary and, if applicable, secondary, access road conditions;
  - c. Identification of the project's emergency water supply or emergency water storage facilities consistent with Fire Safety Regulations of this Code;
  - d. Identification of any proposed or required fire sprinkler system;

- e. Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project;
- f. Identification and use of clustered buildings and/or building sites and where feasible, the use of common driveways and access roads; and
- g. A Fuels Management Plan that includes:
  - 1) Identification of the project's defensible space design, consistent with California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard;
  - 2) Identification of high fuel load areas;
  - 3) Provisions to ensure that adequate defensible space is provided including, but not limited to, the use of increased property line setbacks or fuel modification zones or easements around newly created lots;
  - 4) Identification of the mechanism proposed for maintaining defensible space; and
  - 5) Use of fire-resistant plantings for all landscaping required by County Ordinance using the most current Fire-Wise Plant Book prepared by the Fire Safe Council of Nevada County, or similar publication.

The above fire prevention measures shall be incorporated into the project unless specific findings can be made and supported by the responsible fire agency which demonstrate that one or more of the Fire Protection Plan components are not necessary because of the project's location, design and/or specific site features and because the project will not add to the cumulative fire hazard within the project area. (Ord. 2474. (01/14/2020); Ord. 2533. (12/05/2023))

## **CHAPTER 5: ADMINISTRATION AND ENFORCEMENT**

### **Sections:**

<b>Section 12.05.010</b>	<b>Purpose</b>
<b>Section 12.05.020</b>	<b>Permitting Authority Table</b>
<b>Section 12.05.030</b>	<b>Design Review</b>
<b>Section 12.05.040</b>	<b>Zoning Compliance</b>
<b>Section 12.05.050</b>	<b>Development Permits</b>
<b>Section 12.05.051</b>	<b>Administrative Development Permit</b>
<b>Section 12.05.052</b>	<b>Development Permit</b>
<b>Section 12.05.060</b>	<b>Use Permits</b>
<b>Section 12.05.070</b>	<b>Variances</b>
<b>Section 12.05.080</b>	<b>Minor Changes to an Approved Project</b>
<b>Section 12.05.090</b>	<b>Amendments to the Nevada County General Plan and Zoning Ordinance</b>
<b>Section 12.05.100</b>	<b>Permit Time Limits</b>
<b>Section 12.05.110</b>	<b>Permit Revocation</b>
<b>Section 12.05.120</b>	<b>Appeals</b>
<b>Section 12.05.130</b>	<b>Public Hearing Notice</b>
<b>Section 12.05.140</b>	<b>Filing Fees</b>
<b>Section 12.05.150</b>	<b>Mitigation and Development Fees</b>
<b>Section 12.05.160</b>	<b>Guarantee of Performance</b>
<b>Section 12.05.170</b>	<b>Comprehensive Master Plans, Zoning Maps and Specific Plans</b>
<b>Section 12.05.180</b>	<b>Development Agreements</b>
<b>Section 12.05.190</b>	<b>Legal Nonconforming Uses and Structures</b>
<b>Section 12.05.200</b>	<b>Abatement and Removal of Inoperable Motor Vehicles</b>
<b>Section 12.05.210</b>	<b>Enforcement and Penalty for Violations</b>
<b>Section 12.05.220</b>	<b>Administrative Enforcement</b>

### **Section 12.05.010 Purpose**

A. This Chapter provides for administrative and enforcement procedures associated with the approval of specific land uses and development within the County. It specifies the level of review and determines the type of permit required, if any, for land uses listed in the Allowable Uses and Permit Requirements Tables found in “Zoning” sections of this Chapter. It also provides the appropriate permitting authority for each review or permit. All proposed land uses and development shall comply with one of the following reviews and/or require one of the following permits:



1. Zoning compliance and building permit issuance, if required
2. Administrative Development Permit
3. Development Permit
4. Use Permit

B. This Section also provides processing procedures associated with variances and amendments to the zoning ordinance, permit time limits, revocation, appeals, and fees, regulations associated with nonconforming uses and structures, and enforcement procedures.

### **Section 12.05.020 Permitting Authority Table**

The following Table 12.05.020 Permitting Authority provides a summary of which County body reviews, recommends, and takes action on land use permits.

**Table 12.05.020 Permitting Authority**

<b>Review/Permit</b>	<b>Staff</b>	<b>Zoning Administrator</b>	<b>Planning Commission(1)</b>	<b>Board of Supervisors</b>	<b>If Appealed, Goes To</b>	<b>CODE Section</b>
Zoning Compliance	X				Board	12.05.040
Admin. Development Permit (4)	X				Board	12.05.051
Development Permit (4)		X(2)	X(2)		Board	12.05.052
Pre-Grading Development Permit	X(8)	X(8)			Board	12.03.028
Use Permit		X(3)	X(3)		Board	12.05.060
Design Review		X(4)	X(4)		Board	12.05.030

Variance		X			Board	12.05.0 70
General Plan/Zoning Amendment			X(5)	X	Board	12.05.0 90
Boundary Line Adjustment	X		X(6)		Board	12.04.0 16
Parcel Map Subdivisions		X	X(7)		Board	Title 13
Final Map Subdivisions			X		Board	Title 13

Footnotes:

- (1) Whenever multiple project applications are processed concurrently, such applications shall be considered by the Planning Commission, except as provided for in Zoning, Administration and Enforcement Development Permits.
- (2) The Planning Commission shall consider commercial, industrial, and other nonresidential Development Permits of 10,000 square feet or more.
- (3) The Planning Commission shall consider Use Permits for mining and reclamation plans, mobile home parks, campgrounds and camps, and commercial, industrial, and other nonresidential development of 10,000 square feet or more.
- (4) Design Review shall be conducted by the Planning Agency with permitting authority for the project as a whole; e.g., the Planning Commission shall conduct design review for all projects being considered by the Planning Commission, and the Zoning Administrator shall conduct design review for all projects being considered by the Zoning Administrator. Administrative permits subject to design review will also be reviewed by the Zoning Administrator.
- (5) The Planning Commission recommends amendments to the Board of Supervisors for final decision.
- (6) The Planning Commission shall consider Boundary Line Adjustment between five (5) or more parcels.
- (7) The Planning Commission shall consider Tentative Parcel Maps as required by the Subdivision Ordinance.
- (8) The Zoning Administrator shall consider pre-grading projects that exceed one (1) acre of disturbance and any pre-grading project not exempt from CEQA.

## **Section 12.05.030 Design Review**

A. Purpose. To provide a procedure by which new development can be reviewed for compatibility with surrounding development, natural resources, and/or historic features within the project area. Consistent with numerous General Plan policies, Design Review is intended to determine that each project:

1. Reflects and retains the rural and historic, small-town character of the County;
2. Ensures each community's unique character, identity, and distinctiveness, and provides for interrelated design that encourages Village Centers as functional, cultural centers and creates a visual identity for the Community;
3. Encourages visual relief through varied forms, patterns, and styles unified through landscaping, screening, and selected architectural features;
4. Retains natural landforms and native landscaping, protects sensitive environmental resources, and encourages open space.

B. Applicability. Design Review shall be required for all Development Permits and Use Permits for commercial, industrial, and multi-family projects, for structural changes to the exterior of commercial or industrial buildings, and for exterior visual changes to a project approved by a previous land use permit, unless specifically exempted within a specific Section of this Chapter. Exempt from Design Review are Large Family Daycare Homes, Home Businesses, Temporary Recreational Vehicles, Guest Houses and Wineries.

C. Standards. All applicable projects shall be reviewed for consistency with any adopted Design Guidelines and for compatibility with the surrounding area. The following design features shall be considered in the review of applicable projects:

1. The location and treatment of the site as related to its natural setting, including proposed grading, cuts and fills, the preservation of trees and significant natural features.
2. Setbacks from property lines in relationship to other development in the project area.
3. The height, bulk and area of proposed buildings in relationship to other buildings on the site or in the project area.
4. The color, textures and materials of the exterior walls.

5. The type, pitch and material of roofs.
6. The architectural treatment of the proposed project as related to any historic structures in the project area.
7. Landscaping and parking lot layout.
8. The type, size, location of signs.
9. Energy efficiency, consistent with adopted Nevada County Design Guidelines.

D. Procedure. Design Review for all applicable projects shall be conducted by the permitting authority for the project, established in Permitting Authority of this Chapter. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

#### **Section 12.05.040 Zoning Compliance**

A. Purpose. Uses associated with zoning compliance are those uses determined to be most clearly consistent with the purpose of the applicable zoning district. Such uses may involve little or no development and no formal permit approval is required. Examples include farming and ranching uses. Such uses involving construction of structures shall also require site plan review to ensure that all applicable zoning requirements, such as building setbacks, height limits, parking requirements, etc., will be met, as well as associated building permits. Examples include single-family dwellings and residential and agricultural accessory uses and structures.

Zoning compliance review shall ensure the mitigation of cumulative impacts of the construction of specific allowable land uses on public facilities and the environment and the protection of the public health, safety and welfare. It certifies that the land use will satisfy all applicable provisions of the County Code.

This review may authorize the issuance of a building permit under “Building” of this Code.

B. Procedure. A request for zoning compliance not requiring issuance of a building or other construction permit shall be filed with the Planning Department using forms provided. Upon determination by the Planning Director that the proposed use is consistent with the provisions of the applicable district(s), the request shall be granted.

Zoning compliance requiring issuance of a building or other construction permit shall occur through review and approval of a site plan. A site plan shall be filed with, and be a part of, the building permit application and shall be accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors. The Planning Director shall issue the zoning compliance after determining that the site plan complies

with all applicable provisions and standards of this Chapter, accompanied by written findings supporting the determination of zoning compliance.

C.           Site Plans. Site plans required above shall consist of maps, diagrams, plans, elevations, etc., and/or written reports and other information as prescribed by the Planning Director necessary to adequately describe the project. Such description shall include where applicable:

1.   Parcel dimensions.
2.   The proposed location, use, size, and height of all existing and proposed structures.
3.   The location, number of spaces, and dimensions of all parking.
4.   Primary and Secondary access and internal circulation patterns.
5.   The location and type of all existing and proposed landscaping.
6.   The location, size, height, and type of all signs.
7.   The location and general nature of all lighting.
8.   All applicable resources listed in Sewage Disposal Standards of Title 13, and all designated open space areas.
9.   Yards, fences, walls, and other site design features.
10.  All existing and proposed public facilities and utilities.

D.           Payment of Fees. The payment of fees established by the latest Resolution of the Board of Supervisors shall be payable pursuant to “Filing Fees” and to sections governing “Mitigation and Development fees” of this Chapter.

#### **Section 12.05.050 Development Permits**

A.           Purpose. Uses requiring a Development Permit are those that are generally consistent with the purpose of the zoning district but require careful review to ensure compliance with all site development standards of the County Code. Administrative Development Permits provide for those smaller development projects where the review ensures consistency with Code standards. Larger development projects require either Zoning Administrator or Planning Commission review to allow an opportunity for public input.

B. Conformance to Chapter. Any Development Permit issued pursuant to this Code shall conform to the requirements of this Chapter.

1. Conformance to Regulations. Any Development Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district that provides regular service to the project has entered into a will-serve agreement with the developer off-setting the impacts to the District.
2. Compliance Required. No person shall fail to comply with any approved Development Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Development Permit and conditions for the parcel or parcels on which such structure or use is to be located.
3. Time Limits and Extensions. Permit time limits and extensions shall comply with sections governing Permit Time Limits.
4. Payment of Fees. The payment of fees established by the latest Resolution of the Board of Supervisors shall be payable pursuant to “Filing Fees)”and “Mitigation and Development Fees”.

C. Development Permit Required. A Development Permit application shall be filed by the owner of the property for which the Development Permit is sought or by the authorized representative of the owner. The application shall be filed with the Planning Department on forms provided by the Department, accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors. The permit application shall include submission of a site plan consistent with sections governing “Design Review” of this Chapter and shall consist of maps, diagrams, plans, elevations, etc., and/or written reports and other information as prescribed by the Planning Director in the application packet.

D. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to sections governing Appeals of this Chapter.

E. Level of Processing. The level of review and type of Development Permit required to authorize uses identified by this Chapter are as follows:

1. Review Level. Based on the level of review determined by Table Development Permit Level of Processing, each land use permit shall meet one of the following:
  - a. Administrative Development Permits shall meet the requirements of Section “Administrative Development Permit;”
  - b. Zoning Administrator/Planning Commission Development

Permits shall meet the requirements of a “Development Permit”.

2. **Most Restrictive Use.** When a project involves more than one use listed on the table or both a listed use and a development characteristic, the most restrictive permit requirement shall apply.
3. **Multiple Projects.** Whenever multiple project applications required by this Section are processed concurrently for the same project, including one or more Administrative Development Permits and one (1) or more Zoning Administrator Development/Planning Commission Development Permits, such applications shall be heard by the hearing body with authority for the permit requiring the higher level of review.
4. **Referral to the Zoning Administrator or Planning Commission.** The Planning Director may refer an Administrative Development Permit to the Zoning Administrator, and either the Planning Director or Zoning Administrator may refer a Development Permit to the Planning Commission for a public hearing, consideration, and approval or denial. Such referral may occur at the discretion of the Planning Director or Zoning Administrator when it is deemed necessary because of General Plan consistency issues, County policy implications, unique or unusual environmental, infrastructure, or land use incompatibility issues, the scale of the project, or other factors determined by the Planning Director or Zoning Administrator to be sufficiently significant to warrant Planning Commission review.

The Planning Commission shall automatically consider development permits involving commercial, industrial, or other nonresidential development of 10,000 square feet total gross floor area and outdoor storage, and development permits combined with any other application requiring Planning Commission consideration.

5. **Level of Processing Table.** To determine the required land use permit to establish an allowed use, and the level of planning agency review required, a proposed project must be compared with each Land Use/Activity and Standard listed in Table, Development Permit Level of Processing:

**Table 12.05.050 Development Permit Level of Processing:  
Commercial / Industrial / Multi-Family Development Permits**

	Land Use / Activity	Standard	Administrative	ZA or PC Hearings Required
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1	Multi-family dwelling units	Number of units	2-4 units if not in conjunction with 2 or more structures built during any 2-year period (1)	5-9 units if within a single structure (2)
2	New commercial, industrial, and all other nonresidential	Total gross floor area and outdoor storage/use area	Not applicable	<10,000 sq. ft. (3)
3	Conversion of an existing structure to a different use or occupancy consistent with zoning	Intensity of Use (4)	Greater intensity (1)	N/A
4	Additions to existing lawfully used structures (5)	Total gross floor area of existing structure and addition	No more than 50% of gross floor area or 2,500 sq. feet, whichever is less (1)	>50% or 2,500 sq. ft. (whichever is less), up to 10,000 sq. ft. (3)
5	Replacement of existing structure where the use is consistent with zoning	Size, use and, capacity	Same size, use, and capacity (1)	Any increase in size or capacity, or change in use up to 10,000 sq. ft. (3)
6	Pre-grading of commercial/ industrial sites	Total acreage of disturbed area	Less than 1 acre (6)	Greater than 1 acre and non-exempt CEQA (6)

Footnotes:

(1) If any of the following apply, the Zoning Administrator shall review the project:

(a) Two (2) or more multi-family dwelling units constructed in conjunction with two (2) or more structures built in a two-year (2) period.

(b) The site is within the Sphere of Influence of a city/town limit (except for 1.a. above)

- (c) There is evidence that the Level of Service standards found in General Plan policy 3.10 are currently being exceeded or will be exceeded with approval of the project.
- (d) Site disturbance is in excess of 10,000 cubic yards of soil and/or more than ten (10') feet in depth
- (2) The Planning Commission shall consider multi-family development of ten (10) or more units, or projects that include more than one structure.
- (3) The Planning Commission shall consider development of 10,000 square feet or more.
- (4) Shall be determined by the parking requirements in Parking in Community Design Standards and the Uniform Building Code occupancy loads. If the new use requires more parking or the occupancy increases by fifty (50%) percent or more for the new use, it shall be considered to be of a greater intensity.
- (5) One (1) or more additions totaling not more than 400 square feet during any one (1) year period shall be allowed subject only to zoning compliance and building permit issuance.
- (6) The Zoning Administrator shall consider pre-grading projects that exceed one (1) acre of disturbance and any pre-grading project not exempt from CEQA.

#### **Section 12.05.051 Administrative Development Permit**

A. Purpose. To provide a review process for low intensity land uses and development allowed by this Chapter. Those land uses that qualify under the provisions of this Section require the filing of an application for an Administrative Development Permit with the Planning Department to determine that all applicable development standards of the Code have been met.

B. Administrative Development Permit Processing. Administrative Development Permit applications shall be submitted to the Planning Department and shall be processed as follows:

1. Distribution. Upon receipt of a completed application, the Planning Director shall distribute the application to all affected County Departments and public agencies and shall allow such agencies and departments twenty-one (21) days to respond with their comments.
2. Design Review. Administrative Development Permits are subject to Design Review by the Zoning Administrator unless otherwise exempted from review by this Chapter.
3. Review and Approval. Upon receiving all agency and departmental requirements, the Planning Director shall, prior to the expiration of ten (10) days, approve or approve with conditions necessary to bring the project into compliance with the Code, all applicable State laws, and ordinance

requirements of any affected special districts, or deny the project if it is determined to be inconsistent with the Nevada County General Plan or does not comply with the provisions of this Code or other applicable laws.

### **Section 12.05.052 Development Permit**

A. Purpose. To provide a review process for medium and high intensity land uses and development allowed by this Chapter. Because of the intensity of such uses, public review and input into the decision-making process is needed to provide the Zoning Administrator (ZA) or Planning Commission (PC) with adequate information necessary to mitigate any adverse effects such uses may have on their surroundings.

B. Notice and Hearing. Following acceptance of an application, the ZA/PC shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

C. Decision and Findings. The ZA/PC shall approve, approve subject to Development Permit requirements:

1. The proposed use is consistent with the General Plan and its goals, objectives, and policies, with the General Plan Land Use Maps and with any Area or Specific Plan or development agreements in effect within the project area;
2. The proposed use is allowed within and is consistent with the purpose of the zoning district within which it is located;
3. The proposed use and any facilities meet all applicable provisions of this Code, including, without limitation, design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources;
4. The design of any facilities for the proposed use are consistent with the intent of the design goals, standards, and elements of this Chapter and will be compatible with the design of existing and anticipated future on-site uses and the uses of the nearby surrounding area;
5. The site for the proposed use is adequate in size and shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards;

6. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area;
7. Adequate provisions have been made for water and sanitation for the proposed use, and if available, for transition to public water and/sewer;
8. Highways, streets, and roads on and near the site are 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;
9. Adequate provisions have been made for emergency access to the site;
10. Adequate public facilities and public services exist or have been provided for within the project area which will be available to serve the project without decreasing services levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
11. All feasible mitigation measures have been imposed upon the project.
12. The conditions provided in the decision are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include, but are not limited to:
  - a. Regulation of use, setbacks, buffers, fences, walls, vehicular ingress and egress, signs, noise, vibration, odors, the time of certain activities, duration of use, and time period within which the proposed use shall be established.
  - b. Require the surfacing of parking areas subject to County specifications, street, service road, or ally dedications and improvements or bonds, and landscaping and the maintenance thereof.
  - c. Such other conditions as will make possible the development of the County in an orderly and efficient manner and ensure conformity with the purpose of this Section.

D. Amendments to Permit or Conditions. Any ZA/PC Development Permit may be modified by an amendment to the Permit and shall be approved by the ZA

whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing Minor Changes to an Approved Project. An amendment is herein defined as any modification or expansion to the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Permit shall be limited to the effect of the proposed amendment as compared to the existing development plan, and findings shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Permit may not be approved which would extend the time limits for the development and use of the property.

E. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing Appeals. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

### **Section 12.05.060 Use Permits**

A. Purpose. To provide for those land uses that may be appropriate and compatible in a zoning district, depending on the design of the individual project and the characteristics of the proposed site and surrounding area. Such uses may either raise major land use policy issues or create serious problems for adjoining properties or the surrounding area if such uses are not properly designed and located. It is the intent of this Section to establish appropriate standards for permit processing and the location, design and operation of such land uses, to avoid their creating problems or hazards, to provide for the compatibility of such land uses with adjacent properties and the surrounding area, and to assure their consistency with the General Plan.

B. Conformance to Chapter. Any Use Permit issued pursuant to this Section shall conform to the definitions and requirements of this Chapter.

1. Conformance to Regulations. Any Use Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district which provides regular services to the project has entered into a will-serve agreement with a developer and has certified to the building official that such agreement has been fulfilled.

2. Compliance Required. No person shall fail to comply with any approved Use Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Use Permit for the parcel or parcels on which such structure or use is to be located.
3. Permit Time Limits. See Section governing Permit Time Limits.

C. Use Permit Application Content. A Use Permit application shall be filed with the Planning Department, signed by the owner of the property for which the Use Permit is sought or by the authorized representative of the owner. Filing shall be on forms provided by the Planning Department, accompanied by appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors.

The application shall consist of maps, diagrams, plans, elevations, written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the project. Such information shall be adequate to evaluate the proposal and demonstrate compliance with the General Plan, zoning ordinance and other related Chapters of the County Code.

D. Scope of Review. Where the Planning Director considers the application for a Use Permit as incomplete, the applicant shall be so notified. Acceptance of an application does not constitute an indication of completeness or approval.

E. Notice and Hearing. Following the acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

F. Planning Agency Level of Processing.

1. New construction, or additions to existing construction, for uses that have been established pursuant to a use permit, that do not exceed 400 square feet, shall be allowed subject only to zoning compliance and building permit issuance, providing that the addition or new construction does not conflict with the mitigation measures, conditions or findings of any previously granted use permit for the subject site, and that no more than one (1) such project can be so approved in any five-year (5) period.
2. The Zoning Administrator shall have the responsibility to make determinations on Use Permits as established by Table 5.2 of this Section, with the exception of those Use Permits listed below for which the Planning Commission shall have the responsibility to make determinations:

- a. Mining and reclamation plans.
- b. Mobile home parks.
- c. Campgrounds and camps.
- d. Commercial, industrial, and other nonresidential development of 10,000 square feet or more of total gross floor area and/or outdoor storage/use area.

G. Findings for Approval or Denial. The Planning Agency shall approve, approve with conditions or disapprove the application within thirty (30) days after the conclusion of a public hearing. Approval or conditional approval shall be granted only when findings can be made as found in Section governing “Development Permit”.

H. Amendments to Permit or Conditions. Any use may be modified by an amendment to the Use Permit approved by the Planning Agency body having original jurisdiction to hear the Use Permit application whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing “Minor Changes to an Approved Project”. An amendment is herein defined as any modification or expansion of the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Use Permit shall be limited to the effect of the proposed amendment as compared to the existing Use Permit, and finding shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Use Permit may not be approved which would extend the time for the development and the use of the property.

I. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to “Appeals” Section.

### **Section 12.05.070 Variances**

A. Purpose. To provide a procedure to allow a variation from the strict application of the provisions of this Chapter where special circumstances pertaining to the physical characteristics of the site are such that the literal enforcement of the requirements of this Chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

B. Definitions.

1. Variance - A departure from any provision of this Chapter for a specific parcel, except use, without changing the provisions of this Chapter or the zoning of the parcel. It may only be granted upon demonstration of a hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

C. Application and Filing. An application for a variance shall be filed by the owner of the property for which the variance is being sought or by their authorized representative. The application shall be filed with the Planning Department on forms provided by the Planning Department accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors and shall consist of maps, diagrams, elevations, etc., and/or written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the proposal. Such information shall be adequate to evaluate the proposal and demonstrate that findings necessary to approve a variance can be made as well as meet all other requirements of the General Plan, Zoning Ordinance and other relevant Chapters of the County Code.

D. Notice and Hearing. Following acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing "Public Hearing Notice".

E. Decisions, Findings and Conditions. The Zoning Administrator shall approve, approve subject to conditions, or disapprove a variance as set forth hereinafter. Approval or conditional approval shall be granted only when the Zoning Administrator first determines that the variance satisfies the standards set forth in Cal. Gov't Code § 65906 by finding that:



1. The variance, if granted, does not constitute the granting of a special privilege inconsistent with the limitations placed on other properties in the vicinity and in the same zoning district in which the subject property is located; and
2. There are special circumstances applicable to the subject property including size, shape, topography, location or surroundings and because of these circumstances, the strict application of the provisions of this Chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and in the same zoning classification; and
3. The variance does not authorize a use not otherwise authorized by the zoning district in which the property is located, and
4. The granting of the variance does not, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, nor the utility and value of nearby property.
5. The variance is consistent with the Nevada County General Plan.
6. The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant.

F. Permit, Issuance. The Chief Building Inspector shall authorize construction only after the conditions upon which such permit was authorized to be issued, have been either fulfilled, or if he deems reasonable, adequate guarantees that such conditions will be fulfilled, have been given by the applicant.

G. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing "Appeals".

#### **Section 12.05.080 Minor Changes to an Approved Project**

An applicant may request minor changes to an approved land Use Permit, including uses within a Planned Development, but not including subdivisions, in writing, and shall furnish appropriate supporting materials and an explanation of the reasons for the request. Minor changes may be required either before or after construction, or establishment and operation of the approved use.

The Planning Director may authorize minor changes to an approved site plan, design, or the nature of the approved use, if the changes meet all of the following standards:

1. Are consistent with the applicable provisions of this Chapter.
2. Do not involve a feature of the project that was specifically addressed or was a:
  - a. Basis for findings in a negative declaration or environmental impact report for the project,
  - b. Basis for conditions of approval for the project,
  - c. Specific consideration by the granting authority in the approval of the permit.
3. Do not result in an expansion of the approved project, other than as necessitated by building code requirements. Expansion of a use precluded by this subsection may be defined to include increases in area square footage, or in a greater intensity of use, including uses that require increased parking and/or occupancy loads, or that require environmental review.
4. Do not allow revised access to existing and/or additional roads beyond that originally allowed.
5. Do not allow an increase in height above the ordinance standards or by more than ten (10%) percent of the approved project, whichever is less.

The Planning Director shall inform the granting authority in a timely manner of any such approvals. (Ord. 2139. (04/15/2004); Ord. 2533. (12/05/2023))

#### **Section 12.05.090 Amendments to the Nevada County General Plan and Zoning Ordinance**

A. Amendment Requests. An amendment to either the Nevada County General Plan and/or Zoning Ordinance may be initiated by the Board of Supervisors or by the Planning Commission. An amendment may also be requested by petition from a group or individual, provided that an amendment to change the Plan designation or rezone property must be petitioned by the property owner.

B. Application Content. An amendment request by a group or individual shall be on a form prescribed by the Planning Agency. The form shall set forth the request, shall identify the zone district proposed, shall include any related facts, circumstances or other information as needed, and shall be filed with the Planning Department with the appropriate filing fees. The form shall include a statement justifying the need for the amendment, why the amendment is in the public interest, and how the amendment will

ensure consistency with the Nevada County General Plan.

C. General Plan Amendment Economic Analysis. All General Plan amendment requests shall include an economic analysis. The analysis shall be prepared by a qualified professional and shall address the impact of the amendment on County economic policy and programs. It shall emphasize the impact of the amendment on the short-term and long-term jobs/housing balance, including the land use designations of the General Plan intended to achieve a jobs/housing balance.

D. Notice and Hearing. Following acceptance of an application, the Planning Commission shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section Public Hearing Notice.

E. Review and Action by the Planning Commission. After the hearing, the Planning Commission shall render its decision in the form of a written report and recommendation to the Board of Supervisors. The Commission shall include the reasons for the recommendation and the relationship of the amendment to the Nevada County General Plan.

F. Review and Action by the Board of Supervisors. The Board of Supervisors may approve, modify, or disapprove any recommendation of the Planning Commission. If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearing, the proposed modification shall be referred back to the Commission for its recommendation in compliance with State law (Cal. Gov't Code § 65356 for General Plan amendments and Cal. Gov't Code § 65857 for zoning ordinance amendments).

G. Findings. An amendment to the General Plan or zoning ordinance may be approved only if all of the following findings are made:

1. The proposed amendment is consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and the provisions of this Code,
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County,
3. For General Plan land use map and zoning district map amendments, the site is physically suitable for the requested Plan designation(s) and zoning district(s) and anticipated land use development(s). Factors considered to evaluate suitability shall include access, provision of public facilities and utilities, compatibility with nearby land uses, and presence or absence of resources and constraints as found in the Resource Standards.

H. Concurrent Development Permits Filed for Processing. When other project applications required by this Chapter and the Chapter governing Comprehensive Site Development Standards are filed concurrent with a proposed Plan and/or rezoning amendment application, the legal time limits for processing pursuant to Cal. Gov't Code §§ 65950 - 65957.5. shall not commence until the Board of Supervisors' resolution and/or ordinance adopting the change becomes effective.

I. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing "Appeals" of this Chapter.

### **Section 12.05.100 Permit Time Limits**

A. Project Completion. Whenever the use of land, including but not limited to use of or right to construct any structure, is authorized, pursuant to any permit (including but not limited to Development Permits, and Use Permits, but not Variances) in accordance with this Chapter, construction shall be completed thereon within three years from the effective date of the approval of such permit by the Planning Agency; otherwise, the permit shall become null and void as to any portion of the use not completed unless an extension of time is granted pursuant to this Section.

It shall be the responsibility of the developer alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

B. Extensions of Time. For all land use permits, extensions of time may be granted by the Planning Agency body having original jurisdiction to consider the use permit/development permit application, as follows:

1. Requests for extensions of time shall be filed with the Planning Department prior to the expiration date of the original permit, accompanied by filing fees established by the most current Resolution of the Board of Supervisors.
2. The applicant must show reasonable cause for the extension. Reasonable cause is defined as circumstances beyond the applicant's control which have prevented the applicant from taking sufficient action in a timely manner.
3. No more than two (2) two-year (2) extensions of time may be granted. Notwithstanding subsection "Phased Projects" below, all land use permits in effect and not expired as of January 1, 2009, are granted an automatic two-year (2) extension of time to complete construction, whether or not commenced as of that date, and to commence the permitted use. This extension is in addition to any other extensions provided for by this section.

C.            Phased Projects. For permits for which phased development or phased occupancy is approved, one of the following must occur:

1.    The phasing, including appropriate conditions of approval as they apply to phasing, shall be established by the original permit conditions or as amended. Time limits for completion of construction shall be established by the permit conditions, but in no case shall exceed seven years from the date of land use permit approval.
2.    The Planning Director may authorize phased temporary occupancy of the property and any structures and/or facilities developed thereon for permits not previously approved for phasing provided that:
  - a.    No structure may be occupied unless it would separately (individually) qualify for the issuance of a Certificate of Occupancy under the applicable building and fire code authority.
  - b.    The phased occupancy will not constitute an increase in fire hazard or safety above that contemplated for the completed development, as determined by the appropriate fire safety authority.
  - c.    All on-site and off-site public improvements are completed, including, but not limited to roads, adequate sewage and water improvements.
  - d.    If individual wells or septic systems are utilized, they shall be installed and shall meet all Health Department standards for the phased portion.
  - e.    Adequate on-site parking and circulation is provided for the structures to be occupied, pursuant to the approved site plan and Section governing Parking in “Comprehensive Site Development Standards”.
  - f.    A site improvement agreement with adequate surety or other guarantee, as provided in “Guarantee of Performance” may be required if needed to insure for the improvements to the site.

In no event shall the approval for phased temporary occupancy provide or otherwise extend the time limits for the project completion beyond those established in the permit or, absent same, established by this Chapter.

Any request for approval of a phased occupancy shall be accompanied by a fee as may be established by Resolution of the Board of Supervisors.

D.            Construction Permits. Construction permits, including grading permits, shall not be issued for projects that are within sixty (60) days of the expiration of the land use

permit unless the applicant adequately demonstrates to the Planning Director that the project can satisfy the time limit provisions of this Chapter.

E. Mining Use Permits. For mining Use Permits, the permit shall specify a time limit specific to the operation. If no such time limit is specified, the permit shall expire after five (5) years.

F. Stay Periods.

1. The time limits for permits specified by this Section begin at the close of the appeal period following the Planning Agency's decision, unless the permit is stayed for one or more of the following reasons:
  - a. The decision of the Planning Agency is appealed to the Board of Supervisors.
  - b. A development moratorium is imposed after approval of the permit.
  - c. A lawsuit involving the permit is or was pending in a court of competent jurisdiction.
2. Upon decision by the Board of Supervisors, the development moratorium is lifted, or a final judgment in the litigation is entered or the litigation is dismissed, the permit shall be valid for the same period of time as was originally left to run on the permit, provided that if the remaining time is less than two years, the permit shall be valid for two (2) years. The length of stay under this subsection shall not exceed seven years.
3. No use of property shall occur pursuant to a Development Permit approved under this Section nor Use Permit issued pursuant to this Chapter, nor shall any building permit be issued pursuant to any such Development Permit or Use Permit for any construction at an elevation above 5,000 feet until the Chief Building Inspector of the County of Nevada or his authorized agent determines that the soil conditions for the project site are adequate to accommodate construction activities.

G. Applicability. No permit issued pursuant to this Chapter shall be affected by any change to the County's General Plan or any change to this Chapter so as to impair the right to develop any property in accordance with any permit issued pursuant to this Chapter. Nothing herein shall be deemed to constitute a waiver of any required condition of approval attached to any such permit, including but not limited to any condition relating to the sequence of development. (Ord. 2284. (03/24/2009); Ord. 2533. (12/05/2023))

## **Section 12.05.110 Permit Revocation**

A. Purpose. To provide procedures for Securing revocation of previously approved land use permits.

B. Notice and Hearing. For those permits requiring a public hearing at the time of approval, the body considering revocation shall hold a public hearing(s) on the application. Notice shall be given pursuant to Cal. Gov't Code § 65900 and section governing Public Hearing Notice of this Chapter. Written notice of intention to revoke the permit shall be mailed to the applicant not less than ten (10) days before the public hearing.

C. Review Authority and Grounds. The body that originally approved the permit (including, but not limited to, Development Permits, Use Permits and Variances) may revoke the permit. Grounds for revocation include, but are not limited to:

1. Non-compliance with conditions of approval, mitigation measures or the approved site plan.
2. Violation of any law in connection with the permit.
3. Expansion of the use or structure without amending the existing permit or receiving a new permit.
4. Operating in a manner that threatens or is injurious to the public health or safety or constitutes a nuisance.
5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.
6. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made and the public health, safety, and welfare require the revocation.

## **Section 12.05.120 Appeals**

A. Purpose. To establish procedures to be used by the Board of Supervisors in conducting public hearings on appeals of land use matters. These procedures provide for a fair and orderly hearing process in which all interested parties are accorded an opportunity to be heard.

B. Application. The provisions of this Section apply to all appeals of land use applications and the action taken thereon by the Planning Agency. Additionally, the Board of Supervisors may use such provisions of this Section in conducting public hearings on other land use matters before them.

C. Standing to Appeal. Any applicant for a land use permit or other approval, including a petition for a General Plan amendment or rezoning, and any interested party in any such application or petition, shall have the right to file an appeal to the Board of Supervisors on any decision of the Planning Agency.

D. Appeal Periods. An appeal of any decision of the Planning Agency shall be filed with the Clerk of the Board of Supervisors, in the manner specified in this Section, within ten (10) calendar days from the date of the Planning Agency's action, except amendments to the General Plan or zoning ordinance which shall be filed within five (5) calendar days. Any such appeal shall be accompanied by the appropriate fee, which shall be paid to the Clerk of the Board of Supervisors.

E. Stay of the Planning of Agency's Action. The filing of such an appeal within the above stated time limits shall stay the effective date of the Planning Agency's action until the Board of Supervisors has acted upon the appeal.

F. Requirements for Statement on Appeal. An appeal shall only be filed on the official form provided by the Clerk of the Board of Supervisors together with such additional information as may be necessary. A statement of appeal shall include, but not limited to:

1. Identification of the project and the decision of the Planning Agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of the specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the applicant.
6. Identification of the appellant.

G. Review of Notice of Appeal by Board of Supervisors. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present such appeal to the Board of Supervisors at their next regular meeting. At that time the Board shall determine if the Appeal was filed within the applicable time limits and shall summarily reject any appeal



that is filed beyond the time limits prescribed herein. Further, the Board shall determine if the Appeal contains sufficient information as required by this Section. If the Board determines that the information as supplied in the Appeal is incomplete, it may:

1. Summarily reject the Appeal for any such insufficiency of statement on Appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time, the Board determines that the statement on Appeal is still insufficient, it shall summarily reject the Appeal.

H. Board's Authority to Summarily Reject or to Set Appeal for Hearing. Upon presentation of the Notice of Appeal, together with the required statement on Appeal, to the Board of Supervisors, the Board may summarily reject the Appeal if they find that the matter being appealed is a requirement of law, or if they by unanimous vote find the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law. Board's Authority to Review Planning Agency Matters. The Board of Supervisors shall have the right, by majority vote within ten (10) calendar days from the date of the Planning Agency's action, to review any decision of the Planning Agency. Any such review as initiated by the Board shall be regarded as a full hearing de novo (new hearing), excepting that the provisions of Subsections E, J, and K of this Section shall apply.

I. Notice and Hearing. Following a determination by the Board to set the matter for public hearing, the Board shall hold such hearing pursuant to Section governing Public Hearing Notice.

J. Hearing Procedures. At the time and place set for any hearing as provided for herein, the Board of Supervisors shall conduct any such appeal hearing as a full hearing de novo on the project, without limitation as to the issues that may be raised, or as to the evidence that may be received. Any such hearing shall be conducted as follows:

1. Staff presentation.
2. Presentation by appellant which shall be limited to fifteen (15) minutes.
3. Presentation by project proponent (if different party than appellant) which shall be limited to fifteen (15) minutes.
4. Public hearing: The Board may limit any person's input to not less than three (3) minutes in which to give testimony.

5. Summation by project proponent – ten (10) minutes.
6. Summation by appellant – ten (10) minutes.
7. Rebuttal by members of the public – two (2) minutes.
8. Staff summation.

In the event that anyone desiring to testify before the Board of Supervisors desires to present more information to the Board than may be accomplished within the time limits set forth above, such person shall be permitted to present such information to the Board in writing, within five (5) working days prior to the date set for the appeal hearing. Any such information shall be submitted to the Clerk of the Board of Supervisors no later than the end of the fifth working day prior to the date of the hearing.

K. Action by the Board.

1. At the conclusion of the Appeal Hearing, the Board of Supervisors may sustain, overrule or modify any action of the Planning Agency. The power of the Board to modify shall include the authority to change, delete or add to the conditions of approval as set out by the Planning Agency. Any action by the Board shall be pursuant to Cal. Gov't Code § 25005, by not less than three (3) affirmative votes, provided, however, that in the event that the Board's action culminates in a two (2) to two (2) or two (2) to one (1) vote, such vote shall constitute action by the Board which shall be deemed to be a denial of the appeal and which shall result in a reinstatement of the Planning Agency's action on the project.
2. Any Appeal Hearing set before the Board pursuant to Cal. Gov't Code § 66452.5 shall be held within thirty (30) days from the date of filing the Appeal. Thereafter, within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall render its decision on the Appeal. The time limits set forth herein shall not be extended.

L. Statute of Limitations. The decision of the Board of Supervisors shall be final on all matters unless an appeal therefrom is filed with the Superior Court of the County of Nevada within ninety (90) days after the decision of the Board of Supervisors.

M. Refund of Appeal Fees.

1. Upon the conclusion of any appeal, where the Board of Supervisors upholds the appeal and overturns the decision of the Planning Agency, the Board

may also authorize the return of all Appeal Fees filed by the appellant. The Board shall not authorize the return of the Appeal Fees if it finds that the Board's decision was, in whole or in part, based upon new evidence submitted by the appellant at the Appeal Hearing and which evidence was not provided to the lower hearing body.

2. Upon the conclusion of any Appeal, where the Board denies the Appeal but finds that appellants raised issues of substantial merit causing some affirmative change in the decision of the Planning Agency, the Board may also authorize the return of any portion of the Appeal Fees it deems just. (Ord. 2370§ 1. (10/08/2013); Ord. 2533. (12/05/2023))

### **Section 12.05.130 Public Hearing Notice**

When a Public Hearing is required by this Chapter, public notice shall be given consistent with Cal. Gov't Code §§ 65090 - 65096 and this Section. Whenever notice for a Public Hearing on a land use application is required to be given to owners within 300 feet of the real property that is the subject of the hearing pursuant to Cal. Gov't Code § 65091 (a) (3), this notice shall also be given to the owners of at least ten (10) parcels, in addition to the parcel which is the subject of the hearing. If the property that is subject to the hearing is located within an area that is designated with a minimum parcel size of five (5) acres or greater, additional noticing shall be given to extend to owners within 500 feet of the subject property.

### **Section 12.05.140 Filing Fees**

A. Filing Fees Required. Applications filed under the provisions of this Chapter shall be accompanied by a fee in accordance with the latest fee schedule adopted by Resolution of the Board of Supervisors.

B. Refunds and Withdrawals. Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts and staff time involved in processing application. Refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Director shall authorize a refund based upon pro-rated costs and determination of the status of the application at the time of withdrawal.

### **Section 12.05.150 Mitigation and Development Fees**

A. Recreation Mitigation Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Recreation Mitigation Fees, in this Code.

B. Fire Protection Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Fire Protection Development Fees, in accordance with the latest fee schedule for the area adopted by Resolution by the Board of Supervisors.

C. Road Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Road Development Fees on New Developments, in accordance with the latest fee schedule for the area adopted by Resolution by the Board of Supervisors.

D. School Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid in accordance with the latest fee adopted pursuant to Cal. Gov't Code § 53080.

#### **Section 12.05.160 Guarantee of Performance**

A. Security Required. Applicants with approved projects may commence operations prior to the issuance of a final certificate of occupancy if a Security guaranteeing the installation of the required improvements is provided. A condition providing for such Security shall be included in the approved land use permit.

B. Limitations and Findings. When any improvements are required as a condition of approval of any permit issued pursuant to this Chapter, compliance therewith may be gained and a temporary occupancy granted, limited to a maximum of one year, if:

1. A finding can be made that no adverse impacts (either interim or long-term) will result from the interim use of the property without full compliance with the conditions to be deferred; and if
2. A site improvement agreement is executed by and between the County and the developer specifying the terms and conditions for any such interim occupancy together with the posting of adequate Security all to be in the form acceptable to County Counsel and shall be approved by the Board of Supervisors.

C. Posting. The Guarantee shall be posted with the Planning Department, with the County of Nevada named as beneficiary.

D. Form of Security. A Security or other guarantee shall be in a form approved by the County Counsel, including default provisions, and shall provide that in the event suit is brought upon the surety by the County and judgment is recovered, the surety shall pay all costs incurred by the County in such suit including reasonable attorney's fees to

be fixed by the Court.

E. Amount of Security. The Guarantee shall be an amount based on an estimate of an engineer, architect or landscape architect which is equal to the actual cost of completing the specified improvements, restoration, or satisfying conditions of approval, plus twenty-five percent (25%) to compensate for increased cost in materials and labor; provided, however, that where a Guarantee is required by a land use permit, conditions of approval to preserve identified site features, the Guarantee shall be in such an amount as the Planning Agency deems necessary to assure compliance with applicable conditions.

F. Release of Security. At the request of an applicant, or prior to the expiration of a Security or Guarantee, the Planning Director will review the project, and issue a completion statement if all provisions of this Chapter and conditions of approval have been met. Upon issuance of the completion statement, the Guarantee, Security or cash deposit will be released. If the Planning Director determines that the project does not meet the applicable requirements, the applicant shall be notified in writing of such deficiencies. A time period for their corrections shall be mutually agreed upon by the applicant and the Planning Director, with the Security being held until all requirements have been met. In cases where no agreement is reached, following written notification by the Planning Director, or where an agreed time period for completion is exceeded, the Security shall be called and the County shall have the authority to contract for the work.

Nothing contained in this Section shall be construed to authorize the delay of complying with all sanitation and building laws and ordinances.

### **Section 12.05.170 Comprehensive Master Plans, Zoning Maps and Specific Plans**

A. Purpose. A Comprehensive Master Plan is required for all properties within the BP, REC, and PD (base and combining Districts) Districts. It is intended to provide for the comprehensive planning of the entire area within districts. The Specific Plan is required for all properties designated as a Special Development Area in the General Plan and is intended, in part, to comply with the provisions of Cal. Gov't Code §§ 65450 - 65457, as well as other provisions as provided in the General Plan policy 1.5.u.

Plans shall ensure that the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan land use maps. Plans shall ensure that the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan land use maps. However, acreage other than open space may vary from that otherwise allowed by the General Plan maps to accommodate site-specific conditions provided the cumulative change does not exceed five percent (5%) of the total parcel(s) acreage.

Unless otherwise modified by an adopted Rural Center (RC) Combining District, the

processing and content of a Comprehensive Master Plan shall be required as provided herein.

B. Definitions—Analysis. For the purpose of this Section, analysis shall mean the compilation and evaluation of factual data on each of the component parts, sufficient to reach an informed decision, including but not limited to, an identification and description of the feature or facility listed, including the adequacy of each element to serve the proposed project.

C. Process. Plans shall be adopted through a Use Permit approved by the Planning Commission. They may also be implemented through the use of the SP Site Performance Combining District where warranted to ensure consistency in Plan implementation. Individual development projects implementing Plans shall be processed consistent with the provisions of this Chapter.

To encourage efficiency in the development review process, adoption of Plans shall be considered concurrently with a development project. However, the County may allow for the processing of a development project separate from Plans where specific economic, legal, social, technological, or other considerations make concurrent processing infeasible, and consistency with the purpose of the applicable General Plan designation is maintained.

D. Comprehensive Master Plan. The Comprehensive Master Plan shall provide for the analysis of the entire site and allocation of proposed mixed uses. The Plan shall reflect the following features:

1. An exhibit map/site plan that reflects the following:
  - a. Mapping that depicts topography and clearly identifies the important resources and constraints identified in the Resource Standards of this Chapter.
  - b. Zoning district boundaries, emphasizing the clustering of the most intensive zoning districts in those areas where resources and constraints are least prevalent.
  - c. Existing and proposed infrastructure including facilities for water, sewage disposal, utilities, fire protection, drainage, and similar facilities.
  - d. On- and off-site circulation features including existing and proposed roads, primary access points, emergency access, and pedestrian and bicycle pathways. Ensure a high degree of accessibility to the arterial and major collector road system on

internal vehicular and pedestrian circulation system designed to provide safe and convenient linkage between the various uses.

- e. Within each land use designation depict building envelopes, emphasizing the clustering of intensive land uses while minimizing impacts on the site's resources and aesthetic values. Building envelopes shall be defined as the expected maximum building and parking lot areas, conceptually defining the location of major parking areas which shall be located to reflect an orientation internal to the site, minimizing their visibility from major roadways (freeways, highways and major arterials).
  - f. Location and extent of major landscaping areas.
  - g. Location and extent of required open space areas, based on constraints and hazards delineated on the Constraints Map.
2. A Comprehensive Master Plan Text that includes a discussion of the Resources and Constraints Map and Master Plan as needed to tie in relevant General Plan issues and policies. The following specific items shall be included in the text:
- a. An analysis of existing and proposed infrastructure including facilities for water, sewage disposal, utilities, fire protection, drainage, and similar facilities.
  - b. An analysis of off-site and on-site circulation features, including existing and proposed roads, primary access, emergency access, and pedestrian and bicycle pathways.
  - c. Provisions for phasing of development, if applicable, and how each phase will provide for needed off-site circulation and other infrastructure improvements concurrent with development, in accordance with adopted mitigation measures or conditions of approval.
  - d. A management plan for permanent open space, including a mechanism for ongoing maintenance.
  - e. A visual assessment that includes an identification of important views, view corridors, and community design features. The assessment shall include both a written description and photographs that document surrounding natural or man-made features that define the setting and context for the project.

- f. Site and architectural design strategies to ensure both on-site and off-site compatibility of all existing and proposed land uses, including site development standards and architectural guidelines unique to the proposed property. Exhibits, pictures, and/or drawings that represent proposed design features shall be provided.

E. Zoning Map. The intent of the Zoning Map that accompanies a Comprehensive Master Plan is to provide for sufficient analysis to properly locate specific zoning district boundaries. The Zoning Map shall ensure that the total area dedicated to each specific land use does not exceed the acreage allowed by the General Plan land use maps. However, acreages (other than open space) may vary from that otherwise allowed by the General Plan maps to accommodate site-specific conditions, provided the cumulative change does not exceed five percent (5%) of the total parcel(s) acreage.

1. Processing. Adoption of a Zoning Map shall constitute a rezoning and shall be a legislative act. To ensure the site is comprehensively planned as a unit, the Zoning Map and Comprehensive Master Plan or Specific Plan shall be processed concurrently. However, the County will allow for the processing of the Zoning Map prior to and separate from the Comprehensive Master Plan or Specific Plan where specific economic, legal, social, technological, or other considerations make concurrent processing infeasible, and consistency with the purpose of the applicable General Plan designation is maintained.
2. Zoning Map Contents. The Zoning Map shall provide for the location of all proposed boundaries based on an analysis of those resources and constraints found in the Resource Standards of this Chapter. The Map shall include resource and constraint layering. The analysis shall include biological and cultural resource inventories consistent with the provisions of the Resource Standards.

The Map may utilize the SP Site Performance Combining District to address resource protection features associated with the rezoning.

F. Specific Plan. The Specific Plan shall provide for an integrated planned development ensuring employment generation and a variety of supporting land uses. It shall include:

1. Incorporation of the Zoning Map or its equivalent.
2. Provisions for the distribution, location, and extent of the uses of land



and major infrastructure on the site.

3. Site and architectural design unique to the proposed development, if applicable.
4. The Plan shall demonstrate sufficient land to establish a positive contribution to the County job-housing balance and to accommodate the housing needs of local wage earners.
5. A Transportation System Management and Demand Management Program designed to minimize impacts on the local road and State highway systems. The program shall ensure that implementation of the Plan will provide for consistency with adopted County level of service standards as found in General Plan policies 3.10, 4.1, and 4.3.
6. Implementation measures, including a financing program, necessary to implement the Plan.
7. Execution of development agreements to ensure conformance with the Plan, if applicable. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

#### **Section 12.05.180 Development Agreements**

A. Purpose. The purpose of this Section is to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development and the uncertainty of the development review process by providing an option to both the County and project applicants to enter into a development agreement which vests certain development rights. This Section is enacted pursuant to Cal. Gov't Code §§ 65864 – 65869.5.

A development agreement shall set forth the obligations of both the County and the applicant for the time period specified in the agreement. It shall also set forth the regulations to which the development will be subject. It shall not prevent the County, in subsequent actions applicable to the property, from applying regulations which do not conflict with those regulations applicable to the property as set forth in the agreement. A development agreement may be, but is not required to be, adopted in conjunction with the processing of a development project.

B. Process.

1. Application. A development agreement application shall be filed by the owner of the property for which the agreement is sought or by the authorized representative of the owner. Fees pursuant to Section governing

“Filing Fees” and shall accompany the application.

2. Environmental Review. The approval or conditional approval of a development agreement shall be deemed a discretionary act for purposes of the California Environmental Quality Act.
3. Planning Commission and Board Action. Following acceptance of the application, the Planning Commission shall hold a public hearing on the application. Notice shall be given pursuant to Section governing “Public Hearing Notice”. Following conclusion of the public hearing by the Commission, the Commission shall recommend to the Board of Supervisors that it approve, conditionally approve, or disapprove the application.

Upon receipt of the Commission’s recommendation, a public hearing will be held before the Board of Supervisors. Following conclusion of the hearing, the Board may approve the application by ordinance. The approval shall set forth findings, and the facts supporting them, consistent with the provisions of this Section.

4. Effectuation Date and Recordation. The agreement shall take effect upon the effective date of the ordinance. Within ten (10) days after the County enters into a development agreement, the County shall record agreement with the County Recorder.

C. Contents of Development Agreements.

1. Mandatory Contents. A development agreement entered into pursuant to this Chapter must contain provisions that:
  - a. Specify the duration of the agreement;
  - b. Specify the permitted uses of the property;
  - c. Specify the density or intensity of use(s);
  - d. Set forth the maximum height and size of proposed structures;
  - e. Specify the minimum size and dimensions of the proposed parcels;
  - f. Set forth provisions, if any, for reservation or dedication of land for public purposes;
  - g. Negotiate a level of protection from either a future growth control ordinance or a future increase in mitigation or development fees;

- h. Provide for the possibility of subsequent discovery of health and safety issues (e.g., “compelling public necessity” [i.e., a new environmental health hazard is discovered]), which would necessitate a reconsideration or amendment of the previously approved agreement;
  - i. Provisions for a tiered amendment review procedure such as:
    - 1) Director sign-off for minor changes;
    - 2) Commission sign-off for large changes; and
    - 3) Major amendments by the Board of Supervisors.
2. Permissible Contents. A development agreement entered into pursuant to this Chapter may contain provisions that:
- a. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
  - b. Provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time;
  - c. Include terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
  - d. Include such other terms, conditions and requirements as the Board of Supervisors may deem necessary and proper, including but not limited to, a requirement for assuring to the satisfaction of the County performance of all provisions of the agreement in a timely fashion by the applicant.

D. Effect of Development Agreement. Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the

time of execution of the agreement.

A development agreement does not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the development agreement, nor does a development agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

E. Findings. The Planning Commission may recommend approval and the Board of Supervisors may approve an application for a development agreement where it finds that the information presented by the applicant and/or obtained at a public hearing substantiates all of the following facts that the proposed development agreement:

1. Is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan;
2. Complies with all of the provisions of the Nevada County Code;
3. Is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant;
4. Will not:
  - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area;
  - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site;
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
  - d. Adversely affect the orderly development of property or the preservation of property values.

F. Periodic Review. The Planning Commission shall review the development agreement every twelve (12) months after the date the agreement is entered into. It shall be the project proponent's responsibility to apply in a timely fashion for the annual review. The time for the review may be modified either by agreement between the parties, or by decision of the Commission.

Public notice shall be given that the Commission intends to undertake the review of the

agreement. The Commission shall conduct a noticed public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner.

The Commission shall determine upon the basis of substantial evidence whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.

1. If the Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for such period shall be concluded.
2. If the Commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall forward its recommendation to the Board of Supervisors, and the Board may propose to amend or cancel the agreement. Notice shall be given to the property owner that the Board intends to undertake the review of the development agreement.

G. Amendment/Cancellation. A development agreement may be amended, or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment or cancellation shall be the same as for entering into an agreement.

H. Violation of Agreement. Where the Planning Director notifies the Planning Commission that their findings indicate that a development agreement is being violated, a public hearing shall be scheduled before the Commission to consider the applicant's reported failure to comply and the action recommended by the Director. Procedures for conduct of such hearing shall be the same as provided in this Chapter for initiation and consideration of a development agreement. If as a result of such hearing, the Commission finds that the applicant or their successor in interest is in violation of a development agreement, it shall notify the Board of Supervisors of its findings, recommending such action as it deems appropriate. Where the Commission reports the violation of a development agreement, the Board may take one of the following actions:

1. Approve the recommendation of the Commission instructing that action be taken as indicated therein in cases other than a recommendation to terminate or modify an agreement; or
2. Refer the matter back to the Commission for further proceedings with instructions; or

3. Schedule the matter for a public hearing before itself where termination or modification of an agreement is recommended.

### **Section 12.05.190 Legal Nonconforming Uses and Structures**

A. Purpose. Within the zoning districts established by this Chapter, there may be uses and structures which were lawful before the effective date of the applicable terms of the regulations, but which are prohibited, regulated or restricted under the terms of the regulations currently in effect or by future amendments. Relative to such uses and structures, it is the purpose of this Section to:

1. Reduce them to conformity or to eliminate them through abandonment, obsolescence, or destruction due to strict provisions against changes that could perpetuate them.
2. Provide for their regulation and to specify the circumstances and conditions under which they may continue to exist until brought into conformity, removed, or terminated.

B. Legal Nonconforming Uses. A legal nonconforming use is any use lawfully in existence at the time this Chapter or amendments thereto takes effect, although such use does not conform to the provisions of this Chapter. Such use may continue subject to the following:

1. No use shall be:
  - a. Enlarged or intensified,
  - b. Extended to occupy a greater area of land or a portion of a structure than that occupied at the time this Chapter or any amendment thereto takes effect, or
  - c. Moved in whole or in part to any other portion of the parcel of land occupied at the time this Chapter or any amendment thereto takes effect.
2. Any change in a use that provides for such use to become more conforming to the provisions of the applicable zoning district may be allowed subject to approval of a Use Permit by the Planning Agency.
3. Such use may be changed to a permitted use provided that all requirements of this Chapter are satisfied. In such instance there shall be no resumption of the nonconforming use.

4. If the use is discontinued for a period of one (1) year or more, any subsequent use shall be in conformity with all applicable requirements of this Chapter, except as follows: a) uses clearly seasonal in nature (i.e., ski facilities) shall have a time period of 365 days or more, b) surface mining operations shall comply with the provisions of Section governing Surface Mining Permits and Reclamation Plans providing for interim management plans.

C. Legal Nonconforming Structures. A legal nonconforming structure is any structure lawfully in existence at the time this Chapter or amendments thereto takes effect, although such structure does not conform to the site development standards of this Chapter. Such structures may continue to be used subject to the following:

1. If such structure is destroyed or partially destroyed by fire, explosion, accident or natural disaster, it may be repaired, provided the structure is not altered or expanded except as noted in 4 below, subject to the following limitations:
  - a. In cases where the destruction is less than fifty percent (50%) of the market value preceding destruction, the structure may be repaired.
  - b. In cases where the destruction is fifty percent (50%) or greater of the market value preceding destruction, such structure may be reconstructed only if in conformity with all applicable requirements of this Chapter.
2. Such a structure may be repaired, altered, or remodeled thereto not necessitated by a fire, explosion, accident or natural disaster, provided the structure is not expanded except as noted in 4 below, subject to the following limitations:
  - a. The total expenditure for labor and materials combined for such activity shall not exceed twenty-five (25%) of the fair market value of the structure.
  - b. Such alterations may occur only once every ten (10) years to any structure, except single-family residences may be altered as often as annually, subject to the limitation in subsection "a" above.
3. Historic structures consistent with the definition as found in Section

governing Resource Standards, Cultural Resources, Significant, or as otherwise defined by an adopted RC district, may be repaired, altered, or reconstructed where necessary for the preservation, restoration, rehabilitation, relocation, or continued use of a qualified structure or site, without limitation.

4. Structures devoted to a use allowed in the applicable zoning district may be expanded, subject to the following limitations:
  - a. The total expenditure for labor and materials for the expansion, combined with any repair or alteration work done concurrently or within the ten (10) preceding years, shall not exceed twenty-five percent (25%) of the fair market value of the structure, except for single-family residences, in which case the total expenditure limitation applies to all work done concurrently or within the preceding year,
  - b. The expansion shall be limited in any ten-year (10-year) period to an increase of not more than five percent (5%) of the gross square footage of the structure, and
  - c. The expansion shall otherwise comply with the use restrictions, site development standards and permit requirements of this Chapter (e.g., the expansion cannot be used to accommodate relocation or enlargement of a nonconforming use on site and a structure not conforming with front yard setbacks cannot be enlarged in a manner further encroaching into the front yard area).
  - d. Notwithstanding the above provisions of this paragraph all legal nonconforming structures that become nonconforming solely because of adoption of the increased side and rear yard setbacks of the County's Fire Safety Regulations, adopted effective October 10, 1991, may be expanded without being subject to limitations so long as the expansion does not expand the existing building footprint within the setback and otherwise complies with the current setback requirements. (Ord. 2232. (02/27/2007); Ord. 2533. (12/05/2023))

D. Time Extensions. If an applicant can demonstrate to the Planning Director, a reasonable effort to continue a legal nonconforming use or to reoccupy a legal nonconforming structure, during the initial one (1) year of discontinued use, the Planning Director may approve or conditionally approve an extension of time for the applicant to reestablish use or occupancy. Except as herein provided, this extension shall be granted only once, for a period not to exceed one year, and the use or occupancy must be completely reestablished at the end of this two-year (2) period. Any aggrieved party may appeal the decision to the Planning Commission through a written request to the Nevada



County Planning Department.

E. Single-Family Dwellings. Notwithstanding the above provisions of this Section, all legal nonconforming single-family dwelling units that become nonconforming due to a change from one zoning district to another shall be treated as conforming structures.

### **Section 12.05.200 Abatement and Removal of Inoperable Motor Vehicles**

A. Purpose. This Chapter is enacted under authority of Cal. Veh. Code § 22660 to establish procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative motor vehicles (hereinafter referred to as vehicles) or parts thereof from private or public property in the unincorporated area of the County, and for recovery of the costs of such removal and administration of this Chapter.

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, creates conditions likely to reduce the value of real property in the vicinity, promote blight and deterioration, invite plundering, create fire hazards and harborage for rodents and insects, and is injurious to the public peace, health, safety, and general welfare. The presence of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, within the unincorporated area constitutes a public nuisance which the County of Nevada is empowered to abate and remove in accordance with the provisions of this Chapter.

B. Applicability of Section. Except as otherwise expressly provided by exceptions to this Section, this Section shall apply to abandoned, wrecked, dismantled, or inoperative motor vehicles, or any part thereof, situated upon any private or public property, excluding publicly maintained highways and streets, within the unincorporated area of the County of Nevada. This Section shall not apply to vehicles that are not intended to be self-propelled.

C. Exceptions. This Chapter shall not apply to any vehicle or part thereof which is either:

1. Completely enclosed within a structure in a lawful manner where it is not visible from the street or other public or private property; or
2. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, salvage enterprise, or any other legally established use or subject to regulation through a Development Permit or Use Permit pursuant to Sections governing Development and Use Permits of this Chapter.

3. An agricultural “implement of husbandry”;
4. Located on a parcel in such a manner that no part of any vehicle subject to this Chapter is visible to public view up to the total number of such vehicles allowed in accordance with the following:
  - a. Parcels up to three (3) acres in size: two (2) vehicles allowed.
  - b. Parcels from three (3) to ten (10) acres in size: three (3) vehicles allowed.
  - c. Parcels over ten (10) acres in size: five (5) vehicles allowed.

Such vehicles shall be completely screened from public view by a solid fence, vegetation, topography or any combination thereof.

The exceptions provided by this Section shall not be construed to authorize the maintenance of a public or private nuisance, as such nuisance may be defined under any provisions of law other than Cal. Veh. Code §§ 22650 - 22856.

D. County’s Remedies Nonexclusive. This Section shall not be construed as excluding any other lawful remedies available to the County of Nevada for regulation, abatement and/or removal of abandoned, wrecked, dismantled, or inoperative vehicles situated within the unincorporated area. The procedures provided by this Section shall be in addition to any other applicable regulations, statutes, or ordinances heretofore or hereinafter enacted by the State of California, this County, or any other entity having jurisdiction in the matter.

E. Enforcement Responsibility. The Director of Code Compliance is charged with the responsibility of administering this Section and exercising the authority conferred thereby. The Director, or their designee, may enter upon private property for purposes of administering and enforcing this Section to examine a vehicle or part thereof, to obtain information as to the identity of the vehicle, and to remove or cause to be removed a vehicle or part thereof declared to be a nuisance pursuant to this Section. Any other person, firm or corporation authorized by the County to remove vehicles from property for purposes of enforcement of this Section may enter upon private property to perform such removal, upon request by the Director.

F. Public Nuisance, Determination. If the Director finds that reasonable grounds exist to believe that a vehicle or part thereof is abandoned, wrecked, or dismantled or inoperative at any location to which this Section applies, the Director, or their designee, shall declare such vehicle or part to be a public nuisance, and thereupon proceed to abate such nuisance in the manner prescribed by this Section.

G. Notice of Intention to Abate and Remove Vehicle. Except as otherwise provided for in this Section, the Director, or their designee, shall issue not less than ten (10) days advance written Notice of Intention to abate and remove any vehicle or part thereof which the Director, or their designee, has determined to be a public nuisance pursuant to this Section. The Director, or their designee, shall mail such Notice by registered or certified mail to the property owner and to the vehicle owner, unless the vehicle is in such condition that identification numbers are not available to determine vehicle ownership. The Director, or their designee, shall post a copy of the Notice conspicuously upon or at the site of such vehicle or part.

H. Required Contents of Abatement Notice. The notice shall contain a statement of the hearing rights of the property owner and of the vehicle owner in accordance with Section I below. Such statement shall include notice to the property owner that they may either appear in person at a hearing or submit a sworn written statement denying responsibility for the presence of the vehicle or part thereof on their land, with the reasons for such denial, in lieu of appearing. The notice shall specify the address of the real property where such vehicle or part is situated, a description identifying such vehicle or part and the condition thereof found to constitute a public nuisance, the Section(s) of this Code found to have been violated, and state that either voluntary abatement thereof or request for hearing must be made by the property owner or vehicle owner, in the manner prescribed below, within ten (10) days from the date of such Notice, and that the failure to so request such a hearing shall constitute waiver of the right thereof. Such notice shall specify that if the abatement is made by the County, costs may be assessed against the property owner in accordance with Cal. Gov't Code § 25850 - 22856, in the case of an abandoned vehicle, against the last registered owner of record in accordance with Cal. Veh. Code § 22524.

I. Exceptions of Requirement of Abatement Notice. A notice pursuant to this Section shall not be required to issue if:

1. The property owner and vehicle owner have each signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or
2. The vehicle or part is:
  - a. Inoperable due to the absence of a motor, transmission or wheels; and
  - b. Is incapable of being towed; and
  - c. Is valued at less than \$200.00 by a person specified in Cal. Veh. Code § 22855; and

- d. Is determined by the Director, or their designee, to be a public nuisance presenting an immediate threat to public health or safety; and
- e. Is located on a parcel that is either zoned for agricultural use or not improved with a residential structure containing one or more dwelling units; and
- f. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part.

J.           Hearing Rights. Either within ten (10) days after the date of the Notice of Intention prescribed by this Code is mailed or at the time of signing a release pursuant to Section “I” above the property owner and/or the vehicle owner may request that a public hearing be held prior to removal of the vehicle or part thereof by the County. Such request shall be made in writing at the Nevada County Planning Department and, if mailed, shall be deemed timely if postmarked no later than the tenth (10<sup>th</sup>) day following the date such Notice of Intention was mailed.

If the property owner submits a sworn written statement pursuant to Section 5.20.H denying responsibility for the presence of the vehicle or part on their land within the ten (10) day period prescribed by this Section, such statement shall be construed a request for hearing which does not require the presence of the property owner. In all other cases, if no request for hearing is received by the Planning Department within the time prescribed by this Section, the Director shall cause the vehicle or part to be removed and disposed of in the manner authorized by this Section.

K.           Public Hearings, Notice. Whenever a hearing is requested in accordance with this Chapter, a Notice of Hearing before the Zoning Administrator shall be issued. The Notice of Hearing shall specify the time, date, place, and purpose of the hearing and shall be served upon the requesting party either personally or by certified mail, return receipt requested, not less than five (5) calendar days prior to the hearing date.

L.           Public Hearings, Procedure. Upon the date and at the time and place specified for hearing in the Notice of Hearing, the Zoning Administrator shall proceed to hear the testimony of County Staff, the requesting party, and any other competent persons about the condition of the vehicle or part constituting the subject of the hearing and any other relevant facts concerning the matter. The property owner may either appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on their land, with the reasons for such denial.

During the hearing the burden of proof shall rest with the County. It is the County’s burden to prove that the subject vehicle is a public nuisance presenting an immediate

threat to public health or safety. The provisions of the California Administrative Procedure Act, Cal. Gov't Code §§ 11500 - 11529 shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

M.           Public Hearings, Decision. Within seven (7) days following the date on which the hearing is closed, the Zoning Administrator shall issue a written decision which either affirms or reverses the determination made pursuant to a Determination of Public Nuisance as provided for above and which contains findings of fact and conclusions. If the Zoning Administrator affirms the Director's determination, such decision shall direct the property owner and/or vehicle owner to abate the nuisance within the time prescribed by this Section. Such decision shall give notice that if the nuisance is not abated, it may be abated by the Director of Planning, or their designee, in such manner deemed proper and that the expense thereof may be made a lien against the real property involved, in accordance with Cal. Gov't Code §§25850- 25856 or, in the case of an abandoned vehicle, that such expense may be recovered from the last registered owner of record thereof, pursuant to Cal. Veh. Code § 22524.

If the Zoning Administrator has found that the vehicle or part constituting the nuisance was placed upon the land without the consent of the property owner and the property owner has not subsequently acquiesced to its presence, the Director, or their designee, shall not assess such costs from the property owner. The decision affirming the Director's determination shall require that abatement of the nuisance by the property owner and/or vehicle owner be physically completed within five (5) days after service of such decision or, in the alternative, within such time as the Director, or their designee, shall determine to be reasonable under all of the circumstances.

Appeals of the decision of the Zoning Administrator shall be handled in a manner consistent with this Chapter.

If the decision of the Director is reversed, no further action is necessary on the part of the Director or the party requesting the hearing.

N.           Vehicle Disposition. After a vehicle has been removed pursuant to this Section, such vehicle shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Cal. Veh. Code § 5004.

O.           Vehicle Disposition, By Director. The Director, or their designee, may dispose of a vehicle or parts thereof under this Section by removal thereof to a licensed scrapyard, automobile dismantler's yard, impound yard or other site authorized by Cal. Veh. Code § 22662.

P.           Vehicle Disposition, Notice to Department of Motor Vehicles. Within five

(5) days following the date of removal of a vehicle or part thereof under this Section, notice of such removal shall be given to the Department of Motor Vehicles identifying the vehicle or part, together with any evidence of registration including, without limitation, the registration card, certificate of ownership, or license plate.

Q.           Vehicle Disposition, Low-Valued Vehicle. Prior to final disposition of a vehicle described by Section “I” above, for which evidence of registration was recovered, the registered and legal owners of the vehicle shall be provided with written Notice of Intent to dispose of the vehicle or part from a site authorized by Cal. Veh. Code § 22662. Such Notice shall state that if the vehicle or part is not claimed and removed within twelve (12) days following the date such Notice is mailed, final disposition shall proceed.

R.           Assessment of Costs against Real Property. Except as otherwise provided by this Section if the property owner fails to pay, upon demand, the costs of abatement incurred by the County in the enforcement and administration of this Section, such costs may be specially assessed against the real property, pursuant to Cal. Gov’t Code §§ 22850-22856. Such assessment shall be collected at the same time and in the same manner as are County ad valorem property taxes.

S.           Recordation of Abatement Lien. In the case of any special assessment made pursuant to this Section, a Notice of Abatement Lien shall be recorded in the Office of the County Recorder. Such Notice shall identify the property owner or possessor of the property, thier last known address of record, the date upon which abatement was ordered by the Zoning Administrator, the date that the abatement was completed, a description of the real property subject to the lien, and the amount of the abatement costs.

T.           Release of Abatement Lien. An abatement lien imposed under this Section may be released or subordinated in the same manner as provided by law for release or subordination of a judgment lien on real property.

U.           Recovery of Costs, Abandoned Vehicles. Pursuant to Cal. Gov’t Code § 22524, costs incurred by the County for the removal and disposition of an abandoned vehicle shall be recoverable from the last registered owner thereof.

## **Section 12.05.210 Enforcement and Penalty for Violations**

A.           Citizen Complaints.

1.   False Complaint. It shall be a misdemeanor to knowingly and maliciously make a false complaint to the Code Compliance Division.

B.           Planning Director Duties. The Planning Director, or their authorized representative, are responsible for enforcement of the provisions of this Code pertaining

to the use of land and structures, unless responsibility specifically lies with the Departments of Building, Environmental Health, or Public Works. The Planning Director shall oversee a Code Compliance Division, which shall enforce the County Code, including those codes and standards adopted and incorporated into the County Codes, as well as relevant California Health and Safety Codes and California Vehicle Codes. The Division shall be known as the Code Compliance Division. Designated officers of the Division shall be known as Code Enforcement Officers.

C. Code Compliance Division Manager Duties. The Code Compliance Division Manager performs their duties under the supervision of the Planning Director. It shall be the duty of the Code Compliance Division Manager to supervise all investigation, enforcement and abatement activity by Officers of the Code Enforcement Division.

It shall be the duty of the Code Compliance Division Manager, under the supervision of the Planning Director, to enforce the provisions of the Code pertaining to the Departments within the Community Development Agency, including the supervision of all investigation, enforcement and abatement activities performed by Officers within the Code Enforcement Division. Pursuant to Cal. Penal Code § 836.5(a), Code Enforcement Officers are empowered to issue citations for violations of this Code. Enforcement activity includes, but is not limited to, investigating complaints of Code violations, issuing warnings of Code violations, monitoring corrective or abatement-related activities, issuing citations for criminal infraction or misdemeanor violations of this Code, issuing administrative citations, obtaining injunctive relief to remedy violations, and seeking authorization for nuisance abatement through administrative proceedings.

D. Law Enforcement Agencies' Duty. For the preservation of the public health, safety, and welfare, it shall be the duty of the law enforcement agencies of the County of Nevada to support and assist the Code Enforcement Division in enforcement activity under the provisions of this Code.

E. Administrative Hearing Boards and Hearing Officers. When an administrative hearing is required under this Section, the matter shall be assigned as follows:

1. Hazardous Waste. If the matter involves hazardous waste and is within the jurisdiction of the Certified Unified Program Agency [or "CUPA", a part of the State Unified Hazardous Waste and Hazardous Materials Management Regulatory Program; see Cal. Health & Safety Code §§ 25404 – 25404.9, the hearing officer shall be designated by the state Office of Administrative Hearings ["OAH"], under a county contract, pursuant to Cal. Gov't Code § 27727, unless there is a state contract in effect to ensure payment of services by OAH.

2. Building Standards. If the matter falls within the jurisdiction of the Building Standards Board of Appeals (BSBA), a hearing may proceed before the BSBA. The Building Official and BSBA may take jurisdiction of all or part of any hearing after conferring with the Code Compliance Division Manager.
3. Penalty Assessment by Administrative Citation. If the matter involves a hearing under Section governed by Administrative Enforcement of this Chapter, the matter may be referred for an Administrative Hearing. (Ord. 2491. (04/27/2021); Ord. 2533. (12/05/2023))

## **Section 12.05.220 Administrative Enforcement**

### **A. PURPOSE, INTENT, AND AUTHORITY**

The County of Nevada Board of Supervisors determines that the enforcement of this Code and any other ordinance of the County is an important public service and is vital to protecting the public. The Board of Supervisors further determines there is a need for alternative methods of code enforcement in addition to other enforcement options available. This Section is intended to promote the general health, safety, and welfare of the public and provide uniform, fair, and efficient code enforcement and administration. The Board of Supervisors intends this Section to apply to the enforcement of all Code Violations, except as otherwise provided for by this Code or by any other law, regulation, or ordinance.

This Section is enacted pursuant to Cal. Gov't Code § 53069.4 and is intended to be the primary procedure for the imposition, enforcement, collection, and administrative review of administrative civil penalties within the unincorporated area of the County of Nevada.

### **B. DEFINITIONS**

Unless specifically defined below, words or phrases used in this Section shall be interpreted to give them the meaning they have in common usage and to give this Section the most reasonable application.

1. ABATE or ABATEMENT shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a PUBLIC NUISANCE. ABATEMENT includes any and all steps taken by the County to correct a PUBLIC NUISANCE or CODE VIOLATION, including, but not limited to, investigation, correspondence, hearings, imposition of fines and penalties, acquisition of warrants, entry and physical correction of violations, and collection of any and all fines, penalties and/or costs of whatever kind or nature.



2. ADMINISTRATIVE COST(S) shall mean all costs incurred by or on behalf of the County regarding enforcement of this Code, from the first discovery of the violation of this Code through the appeal process and any court proceeding, and until compliance is achieved, including, but not limited to, staff time investigating the Code Violation, inspecting the property where the Code Violation occurred, acquisition of warrants, preparing investigative reports, sending notices of violations, administrative citations, and/or Abatement Orders, preparing for and attending any appeal or administrative hearing, collection of any and all fines, penalties, costs of abatement, and/or costs of whatever kind and nature, and attorneys' fees.
3. APPELLANT shall mean a Responsible Party who seeks an administrative hearing on a Notice of Violation, Abatement Order, administrative citation, and/or the imposition of administrative costs in the manner required by this Section.
4. CODE shall mean this Code or any other ordinance of the County, including any codes adopted by reference and any condition imposed upon issuing any permit, license, or other approval (e.g., subdivision map, use permit, variance, or zoning clearance) under this Code or any other ordinance of the County.
5. CODE VIOLATION(S) shall mean any violation of this CODE. CODE VIOLATION(S) shall also include any PUBLIC NUISANCE as determined by this Code.
6. ENFORCEMENT OFFICER shall mean the Community Development Agency Director, Code Compliance Program Manager, Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state, or federal laws.
7. HEARING BODY shall mean a hearing body designated by the Board of Supervisors to conduct administrative hearings.
8. NOTICE OF VIOLATION shall mean any notice, including, but not limited to, an Administrative Citation and an Abatement Order issued by an ENFORCEMENT OFFICER, that informs a Responsible Party that a Code Violation has occurred or is continuing to occur as defined in this Section.

9. PUBLIC NUISANCE shall mean:

- a. Any public nuisance heretofore or hereafter defined as a public nuisance by any ordinance of the County of Nevada, Section of any Nevada County Code, Section of any adopted uniform code, resolution of the Board of Supervisors, or by other law.
- b. Any condition of property which would materially hamper and interfere with the prevention or suppression of fire upon the premises, or which may be detrimental to the health, safety, and welfare of persons in the vicinity.

Exception: No agricultural activity, agricultural processing activity, operation, or facility or appurtenances thereof, as defined in Cal. Civ. Code § 3482.5, as may be amended, is subject to this Section.

10. RESPONSIBLE PARTY means any person or entity who causes, permits, maintains, conducts, or otherwise suffers or allows a Public Nuisance and/or a Code Violation, including but not limited to the property owner(s) or the occupant(s) if other than the owner(s), including any person or entity who causes a Public Nuisance and/or a Code Violation on property owned by another.

C. NOTICE OF VIOLATION AND/OR ABATEMENT ORDER

1. Whenever an Enforcement Officer reasonably determines that a Code Violation exists, the Enforcement Officer may issue a Notice of Violation and/or an Abatement Order to any Responsible Party. The Notice of Violation and/or Abatement Order shall include:
  - a. A description of the condition creating or constituting the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
  - b. The address and APN where the Code Violation exists;
  - c. The name(s) of the Responsible Part(ies), if known to the Enforcement Officer;
  - d. The date, and if applicable, time at which the Code Violation was observed;
  - e. If applicable, a list of any corrections to bring the property into compliance;

- f. A description of the procedure for requesting an administrative hearing to contest the Notice of Violation and/or Abatement Order;
  - g. A deadline by which to correct or Abate the Code Violation;
  - h. The date the Notice of Violation and/or Abatement Order is served; and
  - i. The signature of the Enforcement Officer issuing the Notice of Violation and/or Abatement Order.
- 2. Unless the Responsible Part(ies) abate the Code Violation(s) or seeks an appeal within the time prescribed in the Notice, the Code Violation may be abated at the Responsible Parties' expense abatement, including Administrative Costs. Abatement costs, including Administrative Costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.
- 3. All Responsible Parties shall be jointly and severally liable for all Administrative Costs incurred by the County.

D. SERVICE OF NOTICE

- 1. An Enforcement Officer may serve any notice described in this Section in one or more of the following ways:
  - a. Personal service on a Responsible Party;
  - b. First class mail, postage prepaid, to the Responsible Party's mailing address as shown on the County's last equalized property tax assessment rolls, if such address is available, or otherwise to the last known address of the Responsible Party and/or to any address which the Responsible Party has used in dealings with the County;
  - c. Alternative service: if the person being served agrees, service may be accomplished in any agreeable manner, including, but not limited to, fax, email, or overnight delivery; or
  - d. Any other method reasonably calculated to provide actual notice to the Responsible Party.

- e. The date of service shall be the date on which the notice is either personally served or mailed, or in the case of alternative service, the date the County initiates the delivery of the agreed method of service. For the purpose of this section, “mailed” means deposited for mailing with the United States Postal Service or placed for collection and mailing by way of the County Department’s ordinary business practices through which mail is collected and placed for mailing with the United States Postal Service, with postage prepaid.
- f. Proof of giving any notice may be made by the certificate of any Enforcement Officer or employee of the County or by affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

#### E. AUTHORITY TO INSPECT

Enforcement Officers may enter upon any property or premises within the County as allowed by law to ascertain whether the provisions of this Code are being obeyed, and to make any examination and surveys as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs. If an owner or occupant of property or his or her agent refuses to consent to entry and inspection, an Enforcement Officer may seek an administrative inspection warrant to enter the property or premises for any lawful purpose.

#### F. ABATEMENT BY COUNTY

1. If, at the end of the time allowed for compliance in an Abatement Order or Notice of Violation, or, in cases of appeal, as specified by the Hearing Body, compliance has not been accomplished, the Enforcement Officer issuing the notice, or the agency of which they are an officer, may pursue a lawful abatement. The Enforcement Officer may proceed with the abatement of the Code Violations(s) and provide that Abatement be carried out by public officers or by employees of the County of Nevada or by a private contractor selected by the County of Nevada in accordance with applicable statutes. The cost of such removal and enforcement accompanied by a reasonable administrative charge may be imposed as an assessment in the County tax roll.
2. The costs so assessed shall be limited to the actual costs incurred by the Enforcement Officer and the County in enforcing the violation and

abatement upon the subject parcel. Such costs may include, but are not limited to, the costs of all prior inspections, appeal hearings and other enforcement actions leading up to the abatement, payments to the contractor, costs of site inspection, costs of notice, boundary determination and measurement, costs for material disposal and all clerical, personnel, consultant, and other Administrative Costs.

#### G. NOTICE OF PENDING ADMINISTRATIVE ENFORCEMENT

An Enforcement Officer may record with the Nevada County Clerk-Recorder a notice against a property which is the subject of an administrative enforcement action to give notice to potential transferees of the property of Code Violations thereon. A notice of pending administrative action shall be on a form approved by an Enforcement Officer and shall describe the nature of the administrative action and refer to the Code provision governing the pending administrative action.

#### H. ADMINISTRATIVE CITATIONS

1. If a Responsible Party violates this Code or fails to correct a Code Violation described in a Notice of Violation and/or an Abatement Order, an Enforcement Officer may issue an administrative citation, which may impose administrative fines and/or penalties and Administrative Costs, to each and every Responsible Party who knew or reasonably should have known of that Code Violation.
2. Except as otherwise provided by law or any other ordinance of this County, an Enforcement Officer may issue an administrative citation without first issuing a Notice of Violation or an Abatement Order.

#### I. CONTENTS OF ADMINISTRATIVE CITATION

1. An administrative citation shall include the following:
  - a. A description of the condition creating the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
  - b. The address and APN where the Code Violation occurs;
  - c. The name(s) of the Responsible Part(ies), if known, and any other involved persons;
  - d. The date and, if relevant, time at which the violation was observed;

- e. The amount and due date of the fine and/or penalty and Administrative Costs to be imposed, if any;
  - f. A description of the procedure to pay the fine and/or penalty and Administrative Costs;
  - g. A description of the procedure for requesting an administrative hearing to contest the administrative citation;
  - h. If applicable, a list of any corrections to bring the property into compliance including, but not limited to, an Abatement Order;
  - i. A deadline by which to correct or Abate the Code Violation(s);
  - j. A statement that any abatement costs, including Administrative Costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll;
  - k. The signature of the Enforcement Officer issuing the administrative citation;
  - l. The date the administrative citation was served;
  - m. Any other information deemed necessary for enforcement, imposition, or collection of the administrative fines and/or penalties and Administrative Costs.
2. All Responsible Parties shall be jointly and severally liable for all administrative fines and/or penalties and Administrative Costs incurred by the County.
  3. An Enforcement Officer may issue an administrative citation in conjunction with a Notice of Violation and/or an Abatement Order.
  4. Administrative fines and/or penalties shall continue to accrue until the Responsible Part(ies) notify the Enforcement Officer that the Code Violation has been abated.

## J. ADMINISTRATIVE FINES AND PENALTIES

Any violation of a provision of this Code, any code it adopts by reference, or other applicable law, may be subject to an administrative fine and/or penalty and Administrative Costs pursuant to this Section. This also includes any violation of any

condition imposed upon the issuance of any permit, license, or other approval (e.g., subdivision map, use permit, variance, zoning clearance, etc.) pursuant to this Code.

1. Each and every Responsible Party regarding a Code Violation(s) is jointly and severally liable for all fines, penalties, and Administrative Costs imposed for the Code Violation(s).
2. A Code Violation that exists for more than one (1) day shall be considered a separate and distinct Code Violation for each and every day it exists. Each daily Code Violation may be subject to the maximum fine or penalty permitted under this Section.
3. An administrative citation may charge a Code Violation for one (1) or more days on which a Code Violation exists or existed and for violation of one (1) or more Code sections.
4. The administrative fines, Administrative Costs, and penalties prescribed in this Section are in addition to, and do not preclude imposition of, any other remedies, whether criminal, civil, or administrative, available to the County. Imposition of administrative fines or penalties shall be at the sole discretion of the Enforcement Officer.

K. AMOUNT OF ADMINISTRATIVE FINES AND PENALTIES

1. For Code Violations that would otherwise be an infraction, administrative fines shall not exceed those listed in Cal. Gov't Code § 25132(b), as that section may be amended from time to time.
2. For Code Violations of local building and safety codes, administrative fines shall not exceed those listed in Cal. Govt. Code 25132(c), as that section may be amended from time to time.
3. If the Code Violation pertains to building, plumbing, electrical, mechanical or other similar structural or zoning issues and does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the Responsible Party shall be provided a Notice of Violation which shall provide not less than fifteen (15) days from the date of service of the Notice of Violation to Abate or otherwise correct the Code Violation(s) prior to the imposition of an administrative fine or penalty. The determination of timely compliance, Abatement, mitigation, or elimination of the Code Violation shall be made by the Enforcement Officer or other authorized County official.

4. Administrative fines and/or penalties not paid prior to their due date shall result in the imposition of a penalty and interest for every day of delinquency, as set forth by resolution of the Board of Supervisors.
5. Each Responsible Party may be charged with a separate offense for each and every day during any portion of which any Code Violation is committed, continued, or permitted by such Responsible Party.
6. Administrative penalties and Administrative Costs imposed pursuant to this Section shall also constitute a personal obligation on each Responsible Party. In the event the administrative penalties are imposed pursuant to this Section on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the County may prosecute a civil action through the Office of the County Counsel to collect any administrative penalty imposed pursuant to this Section.

L. PAYMENT OF FINES, PENALTIES, AND COSTS

1. Unless otherwise specified in an administrative citation, all fines, penalties, and Administrative Costs are due within twenty-one (21) calendar days of service of an administrative citation.
2. Payment shall be made to the County of Nevada at the Eric Rood Administrative Center, Code Compliance Division (Community Development Agency Counter) 950 Maidu Avenue, Nevada City, CA 95959, or to a collection agency if the fine and/or penalty has been assigned to a collection agency. Payment may be made by credit card, or by mailing the fine and/or penalty amount paid by personal check or cashier's check to the same address. Cash payments may only be made in person at the same address listed herein.
3. Payment of a fine or penalty pursuant to this Section shall not excuse or discharge any continued or repeated Code Violation.
4. Interest shall accrue on all amounts under this Section from the effective date of imposition of the administrative civil penalty to the date fully paid pursuant to the laws applicable to civil money judgments.

M. CONSIDERATION IN OTHER PROCEEDINGS AND APPLICATIONS

1. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may consider the



fact that a Responsible Party has been issued a Notice of Violation, Abatement Order, and/or administrative citation when determining whether to grant, suspend, revoke, or deny any permit, license, or other approval, regarding a matter related to the condition causing the Code Violation, and may consider such Notice of Violation, Abatement Order, and/or administrative citation to be evidence that the Responsible Party has committed acts that threaten the health, safety, and welfare of the general public.

2. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may impose a moratorium on issuing new, renewed, or revised permits, licenses, or other approvals on a parcel pending satisfactory resolution of a Notice of Violation, Abatement Order, and/or payment of an administrative citation regarding a Code Violation on the same subject parcel.

#### N. REQUEST FOR ADMINISTRATIVE HEARING

1. A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within five (5) calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation.
2. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider. The written request shall be accompanied by the County's appeal fee as may be approved by the Board of Supervisors from time to time.
3. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies. In the absence of a timely filed appeal by way of written request for a hearing that complies fully with the requirements of this Section, the findings and administrative civil penalties of the Enforcing Officer contained in the Notice to Abate shall become final and conclusive on the sixth (6<sup>th</sup>) calendar day following service of the Notice to Abate.
4. The hearing on the appeal shall occur not more than thirty (30) days after receipt of a timely appeal and shall provide written notice of the hearing

date and time to the appellant at least ten (10) days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant.

5. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay an appeal fee as may be set from time to time by resolution of the Board of Supervisors. The County may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply.
6. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.

O. ADMINISTRATIVE HEARING

1. The Board of Supervisors delegates the responsibility to conduct a hearing in conformance with this Section to a Hearing Body.
2. The administrative hearing shall be conducted by the Hearing Body on the date, time, and location specified in the notice of hearing transmitted to the Appellant. Notice(s) of violation, Abatement Order(s), administrative citation(s), and other reports prepared by an Enforcement Officer concerning a Code Violation(s) shall be accepted by the Hearing Body as prima facie evidence of the facts stated in such documents. The Hearing Body shall allow the Appellant an opportunity to testify at an administrative hearing and to present evidence about any Code Violation specified in the Notice of Violation, Abatement Order, and/or administrative citation. The Enforcement Officer or other representatives of the County may, but are not required to, attend the administrative hearing.
3. The Hearing Body may continue an administrative hearing from time to time and allow an Appellant additional time to remedy a Code Violation. In addition, the Hearing Body may request additional information or evidence from the Appellant.
4. An administrative hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might consider such admission improper in a civil or

criminal proceeding. Irrelevant or unduly repetitious evidence may be excluded at the discretion of the hearing body.

5. After considering all testimony and evidence submitted at the administrative hearing, the Hearing Body shall issue a written decision, or take the matter under submission and issue a written decision within ten (10) days of the hearing, and shall affirm, modify or dismiss the notice(s) of violation, Abatement Order(s), and/or administrative citation(s), and shall determine whether or not the County is entitled to reimbursement for Administrative Costs, including costs of the Hearing Officer's services. The decision shall include the Hearing Body's findings, as well as information regarding the Appellant's right to seek judicial review of the decision and the time in which to do so. The Clerk of the Board of Supervisors shall serve the Appellant and Enforcement Officer with a copy of the Hearing Body's written decision (the "notice of decision"). The decision of the Hearing Body shall be final. If the Hearing Body determines that the notice(s) of violation, Abatement Order(s), and/or administrative citation(s) should be dismissed, the County will refund the Appellant's appeal fee in full.
6. Payment of any administrative penalty and/or costs imposed by the Hearing Body shall be made to the County within twenty (20) calendar days of service the Hearing Body's decision, unless timely appealed to the Superior Court in accordance with Cal. Gov't Code § 53069.4(b).

#### P. JUDICIAL REVIEW

Any party to an administrative hearing may seek judicial review of a Hearing Body's decision by filing a petition for review with the Superior Court, pursuant to Cal. Gov't Code § 53069.4, within twenty (20) days after service of the notice of decision. For purposes of this subsection, "service" means personal service or deposit in the mail, first-class, postage prepaid, and return receipt requested to the last known address of the Appellant and/or to any address which the Appellant has used in dealings with the County. Pursuant to Cal. Civ. Proc. Code § 1013, if the County serves a Hearing Body decision by mail, the time to file a petition for review in Superior Court shall be extended by five (5) calendar days. Service shall be deemed completed on the date the notice of decision is postmarked.

#### Q. COLLECTION OF COSTS AND PENALTIES

1. The County may pursue any and all legal and equitable remedies for the collection of fines, interest, Administrative Costs, and attorney's fees incurred. Resort to any one remedy shall not foreclose subsequent or

simultaneous resort to any other.

2. The County may seek to enforce any notion of violation, abatement order, administrative citation, fine, penalty, interest, administrative costs, and attorney's fees by confirmation from a court of competent jurisdiction. Any of such judicially confirmed may be enforced through all normal enforcement measures, including without limitation, criminal contempt proceedings upon a subsequent violation of such order.

3. Administrative costs may be recorded as a lien or special assessment against a property on which a code violation occurred. Prior to recording a lien or special assessment, the County shall prepare a cost report itemizing the amount owed by the responsible party and give known responsible party reasonable opportunity to be heard with respect to that cost report. The time and place where the Enforcement Officer will submit the account to the Hearing Body for confirmation shall be no less than fifteen (15) days after service of the cost report. The County shall comply with any other law applicable to the recording of any delinquent costs and interest as a lien on the property, or as a special assessment.

4. The notice of violation, abatement order, and administrative citation procedures described in this Section do not preclude the County from recovering any code violation abatement costs and/or administrative costs incurred by the County in performing its code enforcement efforts.

5. A prevailing party shall be entitled to recover attorney's fees in an amount not to exceed the amount of attorney's fees incurred by the County in such action. Recovery by the County of administrative costs shall be in addition to any fine or penalty imposed on the responsible party.

#### R. HEARING ON ACCOUNT AND PROPOSED LIEN

At the time and place fixed in the notice, the Hearing Body will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hearing Body may make such modifications and revisions of the proposed account and assessment as deemed just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised, and shall issue a written recommendation regarding the proposed lien to the Board of Supervisors. The Board of Supervisors may summarily adopt the recommendation of the Hearing Body without further notice of hearing or may set the matter for a de novo hearing in accordance with Cal. Gov't Code § 25845(h). The determination of the Board of Supervisors as to all matters contained therein shall be final and conclusive.

#### S. NOTICE OF LIEN; RECORDATION OF LIEN; COLLECTION OF LIEN

1. Upon confirmation of an assessment by the Board of Supervisors, Code Compliance shall notify the affected Parcel owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board of Supervisors, and advise them that they may pay the account in full within thirty (30) days in order to avoid the lien being recorded against the parcel(s). If the lien amount is not paid by the date stated in the letter, Code Compliance shall prepare and have recorded a Notice of Lien with the Nevada County Clerk- Recorder's office.

2. The Notice of Lien shall contain:

- a. A legal description, address and/or other description sufficient to identify the Parcel(s) to be liened.
- b. A description of the proceeding under which the special assessment was made, including the order of the Board of Supervisors under this code confirming the assessment.
- c. The amount of the assessment.
- d. A claim of lien upon the described Parcel(s).

3. Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described Parcel(s), pursuant to Cal. Gov't Code § 25845. Such lien shall be at parity with the liens of state and county taxes, to the extent allowed by applicable law.

4. The Board of Supervisors may authorize the Auditor-Controller to place the amount of the assessment on the next annual tax roll.

5. The amount set forth shall be subject to the same penalties and interest as ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment to the extent allowed by applicable law.

6. The County may pursue any and all legal and equitable remedies for the collection of fines and/or penalties, interest, Administrative Costs, and attorney's fees incurred. Resort to any one remedy shall not foreclose subsequent or simultaneous resort to any other. (Ord. 2510. (06/28/2022); Ord. 2491. (04/27/2021); Ord. 2510. (06/28/2022); Ord. 2533. (12/05/2023))

## **CHAPTER 6: DEFINITIONS**

### **Section:**

#### **Section 12.6.1 Definitions**

##### **Section 12.06.010 Definitions**

-A-

**ABANDONED VEHICLE** - A vehicle or part thereof over which the vehicle owner has ceased to assert or exercise any interest, right or title therein without intent to resume or reassert such interest, right or title.

**ACCESS OR ACCESS WAY** - The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

**AGRICULTURAL OPERATION** - Is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pits operations.

**AIRPORT or AIRSTRIP** - An area of land, whether public or private, used or intended to be used for the landing and takeoff of aircraft and which may include structures and facilities for the loading or unloading of cargo, passengers, fuel or related activities.

**AIRPORT ELEVATION/FIELD ELEVATION** - The highest point of an airport's usable landing area measured in feet above mean sea level.

**AIRPORT LAND USE COMMISSION (ALUC)** - The State-authorized body having the responsibility to develop plans for achieving land use compatibility between airports and their environs. For the Nevada County Airpark and the Truckee-Tahoe Airport, the ALUC is the Foothill Airport Land Use Commission.

#### **ALCOHOLISM AND DRUG ABUSE RECOVERY OR TREATMENT**

**FACILITIES** - Any supervised facility, place, or structure which provides 24-hour residential non-medical services in a group setting to adults, licensed and regulated by the State of California.

**ALTERATION** - Any change or modification to a structure, architectural details or visual characteristics, such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and

landscape accessories, which affect the visual qualities or use of property.

**APARTMENT** - A room or suite of two (2) or more rooms occupied or suitable for occupancy as a residence for one (1) family and included as an independent unit in a structure or development containing two (2) or more of such units.

**AREA PLAN** - A specialized policy document that addresses a particular region or community within the overall planning area and is a part of a General Plan. An Area Plan refines the policies of a General Plan as they apply to a smaller area and is implemented by local ordinance such as those regulating land use and subdivision.

**AUDITORIUM** - A building or portion thereof used for public gatherings, including but not limited to sports, musical, or cultural events.

**AUTO REPAIR** - A business engaged in the repair and maintenance, including tire sales and service, of motor vehicles and trailers.

-B-

**BASEMENT** - A story partially or wholly underground and not having more than three (3') feet of its height above the adjoining grade at any point.

**BAR** - An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises; may also include entertainment and sale and consumption of food on the premises; also includes cocktail lounges and taverns.

**BIOMASS FUEL PRODUCTION** - A facility that produces energy through the burning of organic material.

**BOARD OF SUPERVISORS or "BOARD"** - Means the Board of Supervisors of the County of Nevada.

**BOARDING HOUSE** - An owner-occupied single-family residence where lodging and meals are provided for compensation for no more than five (5) persons.

**BREEZEWAY** - A roofed passageway, the design and construction of which is in keeping with that of the main and attached accessory structure, which provides direct access between a main and accessory structure, complying with all requirements of attached accessory structures.

**BUILDING** - Any permanent structure built or maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The word "structure" as

used in this Chapter includes the word “building.”

**BUILDING ACCESSORY** - A structure or a portion of a structure, either attached or detached, which is subordinate to, and the use of which is incidental to, that of the main structure or use on the same premises.

**BUILDING, MAIN** - A structure within which is conducted the principal use permitted on the premises as provided by this Chapter.

**BUILDING SUPPLY SALES AND STORAGE** - Retail establishments selling lumber and other building materials, including electrical, plumbing and hardware supplies, paint, nursery stock, lawn and garden supplies, and similar items.

**BUSINESS** - See Commercial.

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**CAMPGROUNDS** - Facilities to accommodate two or more camping parties for a period of less than thirty (30) days. This definition includes but is not limited to facilities for tents, cabins, recreational vehicles, truck campers, tent trailers, and motor homes. See Section governing Zoning Regulations, Specific Land Uses, “Campgrounds and Camps, Low-Intensity” for a definition of low-intensity campgrounds.

**CAMPS** - Facilities providing for a sustained experience through various social, recreational, educational, and/or religious opportunities in a group setting, for a period of less than thirty (30) days. They normally include trained leadership, organized programs, and the resources of the natural surroundings to provide for this experience. Individual facilities may include cabins, tent sites, recreational vehicles, sleeping platforms, group eating and meeting facilities, lodges, various indoor and outdoor recreational facilities, and similar facilities. See Section governing Zoning Regulations, Specific Land Uses, “Campgrounds and Camps, Low-Intensity” for a definition and standards for low-intensity camps.

**CARPORT** - A roofed structure, or a portion of a structure, open on two or more sides primarily for the parking of automobiles belonging to the occupants of the property.

**CEMETERY** - Any one, or a combination of more than one, of the following in a place used, or intended to be used, and dedicated for burial purposes: a burial park for earth interments, a mausoleum for crypt or vault interments and a crematory or a crematory and columbarium for cinerary interments.

**CLUSTERING** - Development in which structures are placed in closer proximity than usual or where provisions are made for variations in parcel size or configuration



regardless of the minimum parcel size allowed by the zoning district, thus retaining in permanent open space those areas with sensitive environmental features or constraints.

**COMMERCIAL** - The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for livelihood or profit including shops for the sale of personal services, (including professional services) and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

**COMMERCIAL, STRIP** - Commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. It normally includes individual structures on their own parcels, with or without on-site parking, and small linear shopping centers with shallow on-site parking in front of the stores.

**COMMERCIAL USES, TEMPORARY** - See Temporary Commercial Uses.

**COMMUNITY CARE FACILITY** - Any facility, place, or structure which is State licensed, and maintained and operated to provide non-medical residential care, day treatment, adult Daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, excluding Daycare centers, small family Daycare homes and large family Daycare homes but including residential care facilities and social rehabilitation facilities.

**COMMUNITY PLAN** - Authorized by Cal. Pub. Res. Code § 21083, is a specialized policy document that addresses a defined geographic portion of the total area included in the General Plan and is part of the Plan. A Community Plan refines the policies of a General Plan as they apply to a smaller area and is implemented by local ordinance such as those regulating land use and subdivision. It must include or reference all of the General Plan's mandated elements and must contain specific development policies and identify measures that implement the policies.

**CONSTRUCTION** - The placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be construction or where demolishing or removal of an existing structure has begun preparatory to rebuilding, such demolition or removal shall be deemed to be construction, providing in all cases that construction work be diligently carried on until the completion of the structure involved.

**CONTRACTOR'S EQUIPMENT YARD** -

**CONVALESCENT HOME** - A facility licensed by the State Department of Health Services providing skilled nursing care and supportive service to patients whose primary

need is for availability of skilled nursing care on an extended basis. Such facilities normally offer twenty-four (24) hour care and include medical, nursing, dietary, pharmaceutical, and activity services.

COUNTRY CLUB - A club organized and operated primarily for social and outdoor recreation. Includes incidental accessory uses and structures.

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DAYCARE CENTER - Resident or non-resident based daycare services for over fourteen (14) children including the resident children, under the age of ten (10) years, if located within a residence, or as provided for in Cal. Health & Safety Code § 1596.76.

DAYCARE, LARGE FAMILY - Where resident child daycare services are provided in the home for seven (7) or more children, including the resident children, under the age of ten (10) years, or as provided for in Cal. Health & Safety Code §1596.78.

DAYCARE, SMALL FAMILY - Where resident child daycare services are provided in the home for six (6) or fewer children, including the resident children, under the age of ten (10) years, or as provided for in Cal. Health & Safety Code § 1596.78(c).

DEVELOPMENT - The physical extension and/or construction of urban land uses. Development activities include the subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (except for agricultural activities). Routine repair and maintenance activities are exempted.

DISABLED INDEPENDENT LIVING CENTER - A multiple-family residential development that provides for occupants who are disabled and their families. Such center may consist of, but is not limited to, individual apartment units, community dining centers, and common indoor and/or outdoor recreation facilities. All facilities shall be physically accessible to the disabled citizens they are intended to serve.

DISMANTLED VEHICLE - A vehicle which has been taken apart, or to pieces, and/or stripped, or otherwise deprived of its integral parts or equipment.

DWELLING - A structure or portion thereof designed and used for long-term residential occupancy, including single-family, multiple-family, and dwelling groups.

DWELLING, ACCESSORY has the same meanings as defined by Cal. Gov't Code § 65852.2.

**DWELLING, GROUP** - A combination or arrangement of primary dwellings, including single-family and multiple-family dwellings and community trust and co- housing, whether attached or not, on one building site, but which does not mean employee housing as regulated by this Chapter.

**DWELLING, JUNIOR ACCESSORY** has the same meanings as defined by Cal. Gov't Code § 65852.22.

**DWELLING, MULTIPLE-FAMILY** - A structure containing two (2) or more kitchens, provided that one of the units is not an accessory or junior accessory dwelling unit, designed or used for the occupancy of two (2) or more families living independently of each other. See Section governing Zoning, Specific Land Uses, Residential Dwellings, Multi-Family.

**DWELLING, SINGLE-FAMILY** – A structure containing not more than one (1) kitchen, designed or used for the occupancy of one family, and may include Accessory and Junior Accessory Dwellings.

**DWELLING UNIT, ACCESSORY** – Accessory Dwelling Units (ADUs) have the same meanings as defined in the California Government Code.

**DWELLING UNIT, JUNIOR ACCESSORY** – Junior Accessory Dwelling Units (JADUs) have the same meanings as defined in the California Government Code.

-E-

**EASEMENT** - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property and which may be for use on, under or above said lot or lots.

**EMERGENCY SHELTER HOUSING** - Any residential facility which provides emergency housing for families or individuals who are in need of protection from threatening environments. And which is operated by, or under contract to, a governmental entity, non-profit organization, or church, and has 24-hour oversight and counseling service available.

**EQUIPMENT RENTAL AND LEASING FACILITIES** - Commercial facilities for the leasing and renting of a wide variety of equipment for the homeowner and contractor, including equipment associated with construction, repair, moving, towing, trenching, cleaning, painting, lawn and garden management, and similar activities.

**EQUIPMENT STORAGE BUILDING** - An accessory structure necessary to house equipment related directly to an allowed use.

**ERECT** - To build, construct, attach, hang, place, suspend or fix.

**EXTERIOR ARCHITECTURAL FEATURE** - The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

-F-

**FAMILY** - One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

**FARMING** - The cultivation, growing, harvesting, packing, processing, raising, selling, and storing of agricultural products. Typical farming operations include, but are not limited to, animal husbandry, apiculture, aquaculture, crop and tree farming, and viticulture.

**FEEDLOT** - Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**FEED STORE** - A retail store established primarily for the sale of food for farm and domestic animals and farm supplies in which the entire conduct of the business, with the exception of hay and straw storage, must be confined to the inside of a structure.

**FITNESS CENTER** - A facility providing primarily indoor fitness activities, programs, and equipment for personal use. Such facilities may include exercise rooms, weight rooms, racquetball courts, swimming pools, spas, locker rooms and showers, and similar facilities.

**FLEA MARKETS (or Swap Meets)** - Outdoor areas where new or used goods or Secondhand personal property are offered for sale or exchange to the general public by a multitude of vendors, and where a fee may be charged to vendors for the privilege of displaying such merchandise, or as amended by Cal. Bus. & Prof. Code § 21661 and Cal. Rev. & Tax. Code § 6073.

**FOREST MANAGEMENT** - The application of business method and forestry principles to the operation of a forest property for the purpose of maintaining forest resources and producing a continuous supply of forest products. Forest management practices include, but are not limited to, site preparation, planting, harvesting, road construction, insect and disease control, inventory and fire protection.

**FUNERAL HOME** - A structure used for funeral services, including facilities for embalming, the performance of autopsies, preparation of the dead for burial, cremation, and related facilities.

-G-

**GARAGE, PRIVATE (or carport)** - A detached or attached accessory structure on the same parcel as a dwelling used for the housing of vehicles of the occupants of the main structure.

**GARAGE, PUBLIC OR COMMERCIAL** - A structure or portion thereof other than a private garage designed or used for equipping, servicing, repairing or storing motor-driven vehicles.

**GREENHOUSE, COMMERCIAL** - A structure including a lathhouse which is devoted to the propagation, protection or cultivation of flowers or other plants, for the purpose of wholesale or retail plant sales.

**GREENHOUSE, PRIVATE** - A structure including a lathhouse which is devoted to the propagation, protection or cultivation of flowers or other plants, and which is devoted to personal use of the owner or occupant of the property.

-H-

**HAZARDOUS WASTE MANAGEMENT FACILITY** - A facility for the systematic control of the storage, transportation, processing treatment, collection, source separation, recovery and disposal of hazardous wastes. May include administrative, financial, legal and planning activities as well as operational aspects of hazardous waste handling, disposal and resource recovery systems.

**HELIPORT** - A landing and takeoff place for helicopters.

**HIGHWAY** - A major or secondary highway or any arterial delineated on the General Plan or Circulation Element, publicly owned and maintained.

**HOME BUSINESS** - A commercial activity conducted by the occupants of a particular dwelling on property zoned for residential use, in a manner incidental to residential occupancy.

**HOSPITAL** - A facility licensed by the State Department of Public Health Services, providing 24-hour a day inpatient care including medical, surgical, nursing, emergency and dietary services. Also provides for Intermediate Care, Skilled Nursing, and acute care facilities as defined by the California Code of Regulations.

**HOTEL** - Any structure with access provided through a common entrance, lobby, or hallway to six (6) or more guestrooms, having no cooking facilities, with rooms designed, intended, or used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

-I-

**IMPLEMENT OF HUSBANDRY** - A vehicle which is used exclusively in the conduct of agricultural operations and is not primarily designed for the transportation of persons or property on a highway.

**IMPROVEMENT** - Any structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

**INDUSTRIAL** - The manufacturing, production, processing, assembly, warehousing, distribution and servicing of products and materials.

**INDUSTRIAL HEMP – INDUSTRIAL HEMP or HEMP**, means an agricultural product whether growing or not, that is limited to types of the plant *Cannabis sativa* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than three-tenths (0.3%) percent on a dry weight basis.

**INOPERATIVE VEHICLE** - A vehicle which is physically incapable of working, functioning, or otherwise operating to produce its designed effect.

**INTERMEDIATE CARE FACILITIES** - Residential facilities providing primarily short-term in-patient nursing and health-related care as a principal use (see also Hospital).

-J-

None listed.

-K-

**KENNEL, COMMERCIAL** - Any shelter maintained for the purpose of boarding dogs and/or cats for a fee, or any shelter where more than three (3) dogs and/or cats over the age of six (6) months are kept, harbored or maintained for the purpose of breeding, raising or training for a fee, or any shelter that advertises as a kennel in any magazine, newspaper, or other public media.

**KENNEL, PRIVATE** - Any shelter where dogs and/or cats are kept, harbored or maintained as a hobby for the use and enjoyment of the occupant for non-commercial purposes.

**KITCHEN** - A room or area intended or designed to be used, or which is used, for the preparation or cooking of food which may include any appliances or other facilities designated/used for the preparation or preservation of food, including but not limited to gas or electric ranges, ovens or stovetops, microwave ovens, refrigerators or freezers of more than five (5) cubic feet capacity, or kitchen-type cabinetry and adjacent counters designed for the accommodation of the above appliances. Does not include wet bars located within a single room, e.g. family room, game room, den, photographic darkrooms, art/crafts studios, home office coffee making areas, laundry rooms or specialized home canning/preserving facilities.

-L-

**LAKE** - Any body of water with area in excess of one surface acre.

**LANDMARK** - Any individual structure or other feature, or group of structures and features on a single site, of special aesthetic, cultural, archaeological, architectural, engineering, paleontological, or environmental interest or value of an historical nature which has been so designated by the Board of Supervisors.

**LEGAL DESCRIPTION** - The method by which the outer boundaries of a building site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

**LODGE** - A meeting place for organized groups that may include cooking and sleeping facilities for members and their guests.

**LOT LINE ADJUSTMENT** - See Boundary Line Adjustment

**LOWER INCOME HOUSEHOLD** - Households whose income does not exceed the low income limits applicable to the County of Nevada, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Safety Code § 50079.5.

**LUMBERYARD** - Wholesale or retail establishment selling lumber and other large building materials to the general public and/or contractors, where large amounts of storage are needed. May include the sale of incidental building supplies.

-M-

**MEDICAL CLINICS, NON-PROFIT** - Non-profit facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including, but not limited to, health management organizations, medical and dental laboratories, medical, dental, and psychiatric offices, out-patient care facilities, and allied health services.

**MEDICAL MARIJUANA DISPENSARY** - Any location, interior or exterior, structure, facility or vehicle, whether fixed or mobile, utilized in full or in part, as a place at or in which marijuana for medical purposes, as such is identified in Cal.

Health & Safety Code § 11362.5(b)(1)(A), is located, stored, placed, processed, distributed, and made available, sold, traded, exchanged or bartered for in any way, with or without consideration. For purposes of this definition, “distributed” includes the transportation of medical marijuana. A “medical marijuana dispensary” shall not include the following uses, provided that such uses comply with this Chapter and all other applicable provisions of the County Code and all other applicable laws, including but not limited to Cal. Health & Safety Code §§ 11362.5 – 11362.9: a clinic licensed pursuant to Cal. Health & Safety Code §§ 1200 – 1245; a health facility licensed pursuant to Cal. Health & Safety Code §§ 1250 – 1339.59; a residential care facility for persons with chronic life threatening illnesses licensed pursuant to Cal. Health & Safety Code §§ 1568.15 – 1568.17; a residential care facility for the elderly licensed pursuant to Cal. Health & Safety Code §§ 1569 – 1569.889 Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Cal. Health & Safety Code §§ 1725- 1742.

**MOBILEHOME** - See Cal. Health & Safety Code § 18008.

**MOBILEHOME PARK** - See Cal. Health & Safety Code § 18214. **MORTUARY** - A place where bodies are kept prior to burial or cremation.

**MOTEL** - One or more structures containing guest rooms and facilities for temporary or transient sleeping accommodations.

**MOTOR VEHICLE** - A self-propelled device by which any person or property may be moved or drawn upon a highway.

**MOVIE THEATER, DRIVE-IN** - An open parcel or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

**MUSEUM** - An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.



**NAVIGABLE WATERS** - Those parts of streams or other bodies of water, which, either in their natural or improved condition, are designated by State statute as navigable or are navigable, in fact, by small-craft recreational boats or pleasure craft during part of a year of normal flows, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage. Free public passage over such waters up to the ordinary high-water mark is guaranteed under the California Constitution and they are to be kept free of obstructions.

**NON-DISTURBANCE BUFFER** - An area set aside to be retained in its natural or undisturbed state.

**NURSERY, PLANT** - A facility for propagation and sale of horticultural or ornamental plant materials and related products, including:

**NURSERY, RETAIL** - A nursery offering products primarily to the general public, including the sale of items related to the nursery business. Such items may include, but are not limited to, the sale and storage of insecticides, herbicides, irrigation supplies and fertilizers. **NURSERY, RETAIL** does not include Industrial Hemp.

**NURSERY, WHOLESALE** - A nursery that offers products raised on the same site primarily for resale by other businesses. **NURSERY, WHOLESALE** does not include Industrial Hemp.

-O-

**OCCUPANCY** - The purpose for which a structure is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

-P-

**PARCEL** - A separate area of real property:

- A. Shown on a recorded subdivision or plat map required by the State Subdivision Map Act to be recorded before sale of parcels shown on the map or plat, or
- B. That has been issued a certificate of compliance pursuant to California Government Code provisions, or
- C. Resulting from a separate conveyance or from a decree of a court of competent jurisdiction that was either recorded before the requirement of the recordation of a subdivision map by the Subdivision Map Act or was exempt therefrom.

**PARCEL, CORNER** - A parcel at the junction of two (2) or more intersecting streets with a parcel line thereof abutting on each of the streets.

**PARCEL, CUL-DE-SAC** - A trapezoidal or wedge-shaped parcel wherein the minimum parcel width shall be measured at the setback line.

**PARCEL, DEPTH** - The average distance between the front and rear parcel line measured in the mean direction of the side lines of the parcel.

**PARCEL, FLAGPOLE** - A building site with access to a street by means of a corridor or access way.

**PARCEL, INTERIOR** - A parcel which is not a corner parcel.

**PARCEL, KEY** - Any parcel where the side parcel line abuts the rear parcel line of one or more other parcels and not separated by an alley.

**PARCEL LINE** - Any line bounding a parcel as herein defined. **PARCEL LINE ADJUSTMENT** - See Boundary Line Adjustment.

**PARCEL LINE, FRONT** - The parcel line abutting or receiving access from a road. On a corner parcel, it shall mean the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line). On a through parcel or a parcel with three (3) or more sides abutting a road, the Planning Director shall determine which line is the front parcel line.

**PARCEL LINE, REAR** - The parcel line opposite and most distant from the front parcel line. In the case of triangular or irregular shaped parcels, a line a minimum of ten (10') feet in length within the parcel, parallel to and at the maximum distance from the front line.

**PARCEL LINE, SIDE** - Any parcel line that is not a front or rear parcel line.

**PARCEL OF RECORD** - A parcel with a legal description recorded in the office of the County Recorder of the County of Nevada.

**PARCEL, THROUGH** - A parcel having frontage on two (2) parallel or approximately parallel streets.

**PARCEL WIDTH** - The average horizontal distance measured between the side lines of the parcel.

**PARKS AND PLAYGROUNDS** - Public and private parks, playgrounds, play lots, athletic fields, tennis courts, restrooms, and similar facilities.

**PERMIT** - Includes Use Permit, Administrative and Zoning Administrator Development Permit, variance, building permit and any other action authorizing construction or use of land within this Chapter.

**PERSON** - An individual, firm, co-partnership, joint venture, association, social club, service organization, corporation, estate, trust, receiver, syndicate, the Federal or State Government, city, county, special district or any other group or combination acting as an entity, excepting therefrom the County of Nevada.

**PERSONAL MINI STORAGE BUILDINGS** - A group of structures, frequently with some accessory outdoor vehicle/boat storage, containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces for the benefit of residential or small business users in which are kept household items, business records, vehicles, recreational equipment, etc.

**PLANNING AGENCY** - Pursuant to the Nevada County Code governing Administration, includes, but is not limited to, the Nevada County Planning Commission, the Zoning Administrator, and the Planning Department.

**PLANNING COMMISSION** - As provided in the Nevada County , a five-member (5) body of the Nevada County Planning Agency, who shall have jurisdiction over and shall review and consider and approve or disapprove projects as provided in Zoning, Administration and Enforcement in the County of Nevada codes.

**PLANNING DIRECTOR** - The Nevada County Planning Director. **PLANT NURSERY** - See Nursery, Plant.

**POND** - A body of standing water less than one (1) surface acre in size.

**POWER PLANTS** - An electric power plant, constructed by other than a local agency as defined in Cal. Gov't Code § 53090, in which generators are driven to produce electrical power for the developer's own use or for sale into the utility grid of a public or private utility. See Section governing Zoning, Specific Land Uses, Public Utility Uses and Structures.

**POWER PLANTS, PRIVATE, NON-COMMERCIAL, BIO-MASS, CO-GENERATION, AND SMALL HYDROELECTRIC** - See Power Plants.

**PRESERVATION** - The identification, study, protection, restoration, rehabilitation or enhancement of cultural and biological resources.

**PRIVATE** - Belonging to or restricted for the use or enjoyment of particular persons or organizations.

**PROCESSING, MINERAL** - The washing, screening, grading, separating or crushing of mineral material. It shall not include such uses as batch or mix plants or other uses that require material not found on the site that combine with the site material to produce a new product.

**PROFESSIONAL OFFICE** - The office of a person engaged in any occupation, vocation, or calling, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

**PROPERTY OWNER** - The owner of the land shown on the last equalized assessment roll of the County.

**PUBLIC USES (INCLUDING QUASI-PUBLIC USES)** - Public service uses carried out by an agency of Federal, State or local government, including special districts or other local agencies, and uses conducted by private entities under contract, agreement or franchise with a governmental agency, if the use is a service normally provided by the agency entering into a contract or agreement.

-Q-

None listed.

-R-

**RECREATION, LOW-INTENSITY** - Those types of recreational uses found to be potentially compatible in residential and/or rural districts, including low-intensity campgrounds, low-intensity camps, parks, and playgrounds.

**RECREATIONAL VEHICLE, QUALIFIED** - A Recreational Vehicle that meets all of the following minimum construction standards:

A. Either:

1. Manufactured after 1974 and before 1999 in compliance with the 1974 ANSI 119.2 standard or better as provided for herein and with requirements of the State Department of Housing and Community Development (HCD) and bearing its certification sticker, or;
2. Manufactured after 1998 in compliance with the 1998 Edition of the ANSI standard A119.5 for park trailers, and the 1996 Edition of the ANSI standard A119.2 for all other recreational vehicles or better and bearing a label or insignia

indicating the manufacture's compliance to the appropriate ANSI standard.

- B. Certified, to the satisfaction of the Building Department, to meet the snow load requirements of Title 25 of the California Code of Regulations, Chapter 3, 208.305(c)(3)(1) and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed (or placed under an approved protecting ramada if the recreational vehicle does not itself meet the required minimum load standards);
- C. Contain a minimum of 320 square feet of internal living area;
- D. Set up in compliance with no less than the manufacturer's minimum specifications or engineer's certification, with provisions for attachment of not less than six (6) ground anchors to the chassis being provided unless other methods are determined necessary for safety by the Building Official (when over-the-roof ties are provided, strapping shall conform to Federal Specification QQS 781-H); and
- E. Manufactured or modified with HCD or HUD approval to meet the fire safety requirements of ANSI A119.5 Standard for Park Trailers Sections 3-2.3, 3-2.4 and 3- 4 (including 3-4.1, 3-4.2, 3-4.3 and 3-4.4).

**RECREATIONAL VEHICLE PARK** - Any area used to accommodate two (2) or more camping parties utilizing recreational vehicles or tents for a period of less than thirty (30) days.

**RECYCLING CENTER** - A facility for the collection and/or processing of recyclable materials certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Act of 1986 and allowed in the M1 and M2 Districts.

**RECYCLING COLLECTION FACILITY** - A facility where the public may donate, redeem, or sell recyclable materials, including reverse vending machines, mobile units, kiosk-type units, and/or unattended containers placed for the donation of recyclable materials, and similar facilities, not to exceed 800 square feet of use area. Such facilities are allowed in selected commercial and industrial districts.

**RESIDENCE** - See Dwelling.

**RESIDENTIAL CARE FACILITIES** - A state-licensed facility for the non-medical care and supervision of children, adolescents, adults or elderly persons. This use includes community care facilities as defined in Cal. Health & Safety Code §§ 1500 - 1567.94, residential care facilities for the elderly, Cal. Health & Safety Code §§ 1569 – 1569.889, facilities for the mentally disordered or otherwise handicapped, Cal. Wel. & Inst. Code §§ 5000 - 5556, alcoholism or drug abuse recovery or treatment facilities, Cal.

Health & Safety Code § 11834.02, and other similar facilities. This use excludes medical care institutions, skilled nursing facilities, nursing homes, foster homes, family Daycare homes, child care facilities, and transitional housing.

**RESIDUALS REPOSITORY** - A conceptual hazardous waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities. Potentially, wastes could be kept segregated to allow eventual reclamation.

**RESORT** - A recreational facility that may provide overnight accommodations within permanent structures and which may include incidental commercial services for use by resort guests.

**REST HOME** - See Intermediate Care Facility.

**RESTAURANT** - Any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state, usually for consumption within the restaurant, and whose design or principal method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served foods and beverages by a restaurant employee at the same table or counter at which said items are consumed.
- B. A cafeteria-type operation where foods and beverages generally are consumed within the structure.

**RESTAURANT, FAST FOOD** - Any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state, for consumption either within the restaurant building or for take-out consumption, and whose design or principal method of operation includes serving food and beverages in paper, plastic, or other disposable containers.

**RESTRICTIVE COVENANT** - A recorded document limiting the use of land and/or structures to that allowed by this ordinance and used to notify subsequent land owners of said limitation.

**RIGHT-OF-WAY, ULTIMATE** - The ultimate exterior boundary of a road, street, public or private easement, or similar corridor of land necessary to ensure adequate access consistent with the ultimate buildout of the Nevada County General Plan. Specific standards for the ultimate right-of-way for roads within the unincorporated area of Nevada County can be found in Title 16.

**ROAD** - See Street.

**ROOMING AND BOARD HOUSE** - A residence wherein room and board (lodging) are provided for compensation as the primary use. A boarding house differs from a single-family residence by providing room and board not incidental to the residential use.

-S-

**SALVAGE ENTERPRISE** - Property used for the breaking up, dismantling, sorting, storage, distribution or sale of any scrap, waste, cast-off, or discarded articles or material.

**SCENIC HIGHWAY** - Any highway designated a scenic highway by an agency of the County, State or Federal Government.

**SCHOOLS** - Institutions conducting regular academic instruction at kindergarten, elementary, Secondary and collegiate levels, and charter schools. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education or (2) confer degrees as a college or university of undergraduate or graduate standing. This definition does not include trade schools.

**SCHOOLS, TRADE** - Private schools offering instruction in technical, commercial, special, vocational, or trade skills.

**SENIOR APARTMENT** - Multiple-family residential structures designed to meet the needs of the senior citizen (fifty-five (55) years of age or older). Dwelling units shall be self-contained and easily accessible to senior citizens. In case of married or cohabitant couples, one occupant may be younger than the required fifty-five (55) minimum age, however, any such occupant shall be not less than eighteen (18) years of age.

**SENIOR CITIZEN HOUSING** - A housing development consistent with the California Fair Employment and Housing Act (Cal. Gov't Code § 12900 - 12999), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in Cal. Civ. Code §§ 51.2 and 51.3.

**SENIOR INDEPENDENT LIVING CENTER** - A multiple-family residential development that provides housing for occupants fifty-five (55) years of age or older. In cases of married or cohabited couples, one occupant may be younger than fifty-five (55) years of age. No person under eighteen (18) years of age may be in residence. Such center may consist of, but is not limited to, individual apartment units, community dining centers and common indoor and/or outdoor recreational facilities. All facilities shall be physically accessible to the senior citizens they are intended to serve.

**SERVICE STATION** - A retail establishment selling gasoline which may also include

lubrication, oil change and tune-up services and the sale of automotive products incidental thereto. May also include accessory towing, mechanical repair services and the accessory sale of food and gift items. Does not include body and fender work, vehicle paint spraying or the storage of wrecked or abandoned vehicles.

**SHELTER HOUSING** - See Emergency Housing.

**SHOPPING CENTER** - A group of three (3) or more commercial establishments that are primarily retail or service oriented, planned, developed, managed and maintained as a unit, with common off-street parking, provided to serve all uses on the property.

**SHORT TERM HOUSING** - Any residential facility that provides housing for families or individuals exclusive of hotels, motels, social rehabilitation facilities or similar uses, and which are operated by, or under contract to, a governmental entity, non-profit organization, or church.

**SINGLE ROOM OCCUPANCY (SRO)** - Housing (consisting of single room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants.

**SKILLED NURSING FACILITIES** - Residential facilities providing in-patient nursing and health-related care as a principal use, including long-term in-patient care.

**SOCIAL REHABILITATION FACILITIES** - Any residential facility which is State licensed, providing social rehabilitation services for no longer than eighteen (18) months in a group setting to adults recovering from mental illness, or alcoholism, or drug addiction who temporarily need assistance, guidance, or counseling.

**SPECIFIC PLAN** - A plan that provides for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. A hybrid policy statement-and/or regulatory tool authorized by Cal. Gov't Code § 65450.

**STABLE, COMMERCIAL** - A structure, or a portion of a structure, used to shelter and feed equine which are used or housed for a fee by people other than the occupants of the property on which the stable is situated. Such facilities may include training, riding lessons, and similar activities. This definition shall apply to private riding club or academy facilities.

**STABLE, PRIVATE** - A structure, or a portion of a structure, used to shelter and feed



equine which are used exclusively by the occupants of the property on which the stable is situated.

**STORY** - A space in a structure between the surface of any floor and the finished ceiling next above or the underside of the roof above.

**STREAM** - Any perennial natural water course.

**STREET** - The principal means of access to abutting property as defined herein. May include sidewalks, parkways, alleys and roads.

**STREET OR ROAD, PUBLIC** - Any street or road open to public use and publicly maintained.

**STREET, GENERAL OR SPECIFIC PLAN** - Any street or highway shown on the adopted circulation element.

**STRIP, COMMERCIAL** - See Commercial, Strip.

**STRUCTURAL ALTERATIONS** - Any change in supporting members of a structure such as in a bearing wall, columns, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, roof trusses, foundations, piles or retaining walls or similar components.

**STRUCTURE** - Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purposes of this Chapter, a “building” is considered to be a structure.

**STRUCTURE, ATTACHED** - A structure connected to another structure by a common wall or roofline.

**STRUCTURE, DETACHED** - A structure not connected to another structure by a common wall or roofline.

**SUPPORTIVE HOUSING** - Housing with no limit on the length of stay, that is occupied by the target population (persons with disabilities or families who are homeless), and that is linked to onsite and offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible work in the community.

Supportive Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

SWAP MEETS - See Flea Markets.

-T-

TRANSIENT - A person or persons normally limited to a thirty (30) day, or less, occupancy.

TRANSITIONAL HOUSING - Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

TREE - A tall woody plant with a single main stem or trunk at least 6" dbh, or a multiple trunk with an aggregate of at least 10" dbh. Plants that are commonly described as "brush", such as Manzanita, are not considered to be a tree by this Chapter regardless of size.

TRUCK TERMINAL - A facility used as a relay station for the transfer of a load from one vehicle to another. The facility may include accessory uses associated with the vehicles using the terminal, including but not limited to, storage areas for vehicles, facilities for the repair of vehicles, and facilities for the sale of diesel and gasoline.

-U-

ULTIMATE RIGHT-OF-WAY - See Right-of-Way, Ultimate.

USE - The purpose for which land is used or a structure is erected, arranged, designed or intended, or for which land or a structure is or may be occupied or maintained.

USE, ACCESSORY - A use incidental, appropriate, subordinate and devoted exclusively to the main use of the premises or structure.

USED - Arranged for, designed for, occupied or intended to be occupied for.

-V-

VERY LOW INCOME HOUSEHOLD - Households whose income does not exceed the very low income limits applicable to the County of Nevada, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Safety Code § 50105.

VETERINARY HOSPITAL AND CLINIC - Office and medical treatment facilities used by veterinarians, including large and small animal clinics, and animal hospitals.

-W-

WOODYARD - Any tract of land used for the storage and sale of fire wood or mill ends from trees grown on- and off-site and which may include wood splitting and sawing.

-X-

None listed.

-Y-

None listed.

-Z-

ZONE - See Zoning Districts.

ZONING ADMINISTRATOR - The Planning Director, or their designee, who shall review and consider and approve or disapprove projects as provided in Zoning, Administration and Enforcement of this Chapter.

ZONING DISTRICTS - Any of the residential, commercial, industrial, special purpose, or combining districts established within Zoning sections of this Code. Within such districts certain land uses and structures are allowed or prohibited and certain site development standards are established.

ZONING ORDINANCE - Chapter titled “Zoning” of the Nevada County Code. (Ord. 2489. (01/12/2021); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2366. (08/13/2013); Ord. 2339. (05/29/2007) Ord. 2298. (08/18/2009); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

**TITLE 13: SUBDIVISIONS**  
**CHAPTER 1: SUBDIVISIONS**

**Sections:**

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**Section 13.01.010 Short Title**

This Chapter may be referred to as the “Nevada County Subdivision Ordinance”.

**Section 13.01.020 Purpose of Chapter**

This Chapter is enacted pursuant to and supplementary to Cal. Gov’t Code §§ 66410 – 66499.40 and other provisions of the State for the purpose of adopting regulations for the design and improvement of subdivisions within the unincorporated territory of the County of Nevada, State of California.

**Section 13.01.030 Definitions**

As used in this Chapter, the following words and phrases shall have the meaning provided for them in this Section:

- A -

ADVISORY AGENCY refers to the body that is charged by the Board of Supervisors with making investigations and reports on the design and improvements of proposed divisions of real property, imposing of requirements of conditions thereon, and having the authority by local ordinance to approve, conditionally approve or disapprove a tentative map.

In the case of subdivisions proposing the creation of four (4) or fewer parcels and that require the filing of a parcel map, the Advisory Agency shall be the Zoning Administrator as designated in the Administrative Code of the County of Nevada.

In the case of subdivisions that require the filing of a final map, the filing of a parcel map that creates more than four (4) lots, or that create parcels containing sixty (60) acres or more, the Advisory Agency shall be the Planning Commission as that Commission is provided for in the Administrative Code of the County of Nevada. (Ord. 1097. (07/19/1982); Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

APPEAL BOARD refers to the Board of Supervisors, which shall be charged with hearing and making final determinations upon any appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or required by the Advisory Agency.

Any decision of the Zoning Administrator or Planning Commission may be appealed directly to the Board of Supervisors.

APPLICANT means a person, firm, corporation, partnership, association, or other entity that submits a tentative map on behalf of themselves or others. The applicant may be the legal owner of the subject property, prospective buyer or authorized representative. No form signed by the owner of the property consenting to the filing of the tentative map is required.

APPROVED ACCESS, when considering subdivisions that create parcels containing between twenty (20) and forty (40) acres in area or parcels zoned commercial or industrial, shall be interpreted to mean legal road access to a maintained public street or highway, which road access complies with adopted County road standards for width, grade, alignment and improvement.

B -

BOARD OF SUPERVISORS means the Board of Supervisors of the County of Nevada.

C -

CONTIGUOUS means parcels having any point or line common to both parcels. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad rights-of-way.

COUNTY means the County of Nevada, a political subdivision of the State of California.

COUNTY ROAD is any road accepted into the County Road System pursuant to Streets and Highways Code § 941 or any road for which an offer of dedication to the County has been accepted or accepted subject to improvements.

D -

DEPARTMENT OF PUBLIC WORKS is the County department which shall advise the Zoning Administrator or Planning Commission concerning streets, engineering and matters related to the office of County Surveyor.

DESIGN means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and recreation purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or applicable specific plan currently adopted by the County.

DEVELOPMENT means the uses to which the land, which is the subject of a map, shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

E -

ENVIRONMENTAL SUBDIVISION refers to a subdivision of land for biotic and wildlife purposes pursuant to Cal. Gov't Code § 66418.2 and Section 13.02.020, governing "Environmental Subdivisions" of this Chapter.

F -

FINAL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

FLOOD HAZARD is the possibility of occurrence of overflow stormwater causing flooding of land or improvements or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of banks or channels.

FREEBOARD is the vertical distance from the water level in a ditch or channel to the top of bank or berm.

G -

GRADING PLAN is an engineering plan prepared in accordance with Chapter governing "Buildings" of this Code. (Ord. 2009. (10/26/1999); Ord. 2531. (10/24/2023))

GROSS AREA means the total area of the lot computed to the centerline of adjacent public or private streets, roads, highways or special district or public utility rights-of-way. If the parcel to be divided lies on both sides of the road or right-of-way, the total area of the right-of-way lying within the parcel may be computed in gross area.

The area of limited-access State or Federal highways shall not be computed in gross area.

Gross Area may include property devoted to lakes, reservoirs or streams if underlying fee is owned by the subdivider and the inundated area does not exceed twenty-five percent (25%) of the area of the parcel being created.

#### I -

IMPROVEMENT refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final or parcel map thereof.

Improvement may also refer to such other specific improvements or types of improvements, the installation of which either the subdivider, public agencies, private utilities, any other entity approved by the local agency or by a combination of any of the foregoing, is necessary or convenient to ensure conformity with or implementation of the general plan or applicable specific plan currently adopted by the County.

IMPROVEMENT PLANS are engineering plans prepared by or under the direction of a civil engineer registered by the State of California showing the location and construction details of all improvements required for the subdivision.

INUNDATION is ponded stormwater or stormwater in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

#### L -

LAND PROJECT refers to a subdivision that satisfies all of the following conditions:

1. The subdivision contains fifty (50) or more parcels of which any fifty (50) are both (a) not improved with residential, industrial, commercial, or institutional buildings and (b) offered for sale, lease or financing for the purposes other than commercial, institutional, or commercial agricultural uses.
2. The subdivision is located in an area in which reside less than 1,500 registered voters within the subdivision or within two (2) miles of the boundaries of the property described in the final public report issued by the Department of Real Estate, State of California.
3. Not constituting a community apartment project as defined in Cal. Bus. & Prof. Code §11004, a project consisting of condominiums as defined in Cal. Civ. Code § 783, or a stock cooperative as defined Cal. Bus. & Prof. Code § 11003.2.

LEGISLATIVE BODY is the County of Nevada Board of Supervisors.

LOCAL AGENCY means the County of Nevada, State of California.

LOT means that portion of a parcel of land that is delineated or described as a single unit

on the subdivision map.

LOT AREA means gross area for new parcels that contain one (1) acre or more, and net area for new parcels that contain less than one (1) acre.

N –

NATURAL DRAINAGE COURSE is a drainage course having definable sides and bottom, but one that will not necessarily have year-round flow.

NET AREA means the total area of the lot owned by the current parcel owner or owners of record, exclusive of areas currently devoted, dedicated, or to be dedicated for roads, easements or water bodies.

O -

OFF-SITE is anything lying outside the boundaries of a final map or parcel map.

P -

PARCEL is all land which, prior to legal division, is contiguous and under one ownership.

PARCEL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

PRELIMINARY SOILS REPORT means a report prepared by a Soils Engineer based upon adequate test boring or excavation describing the conditions of the soils in the subdivision.

R -

REMAINDER means the contiguous property of a subdivider which is not included within the boundaries of a final map or a parcel map.

S -

SOILS ENGINEER is a licensed civil engineer, experienced in engineering geology, responsible for the soils engineering work outlined in this Chapter, including supervision, analysis and interpretation in the field of investigation and laboratory tests for a specific project, preparation of geologic and soils engineering recommendations and specifications, and supervision of grading construction work.

SPECIFICATIONS refer to the documents necessary to bring to a successful conclusion the improvements required in the subdivision. The specifications describing the method in which the work is to be accomplished shall be approved by the Department of Public Works.



STANDARD SPECIFICATIONS is the latest edition of the Nevada County Standard Construction Specifications or the latest edition of the Standard Specifications and Standard Plans of the State of California, Department of Transportation (Caltrans). Nevada County's Standard Specifications and Plans shall govern over Caltrans' Standard Specifications and Plans. Special provisions shall govern over both of these Standard Specifications and Plans.

STREETS include public and private roads and highways.

SUBDIVIDER means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided, real property into a subdivision for himself or for others. Contractors and subcontractors, including but not limited to consultants, employees, engineers and surveyors, employed to render services for the development of the divided property shall be excluded from the definition of "subdivider."

SUBDIVISION means the division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Subdivision includes a condominium project as defined in Cal. Civ. Code § 783, a community apartment project as defined in Cal. Civ. Code § 4105 or Cal. Bus. & Prof. Code § 11004 or the conversion of five (5) or more existing dwelling units to a stock cooperative as defined in Cal. Bus. & Prof. Code § 11003.2. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purposes of computing the number of parcels.

SUBDIVISION MAP ACT means Cal. Gov't Code §§ 66410 – 66499.40.

SWALE is a natural depression through which stormwaters travel but does not have well-defined sides and bottoms.

#### T -

TENTATIVE MAP refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. Any division of land within the County shall require the filing of a tentative map with the appropriate Advisory Agency for review and any conditions deemed necessary. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

#### V -

VESTING TENTATIVE MAP refers to a map which meets the requirements of Cal. Gov't Code §§ 66424.5(a) and 66452 and is authorized and approved pursuant to Cal. Gov't Code §§ 66498.1 – 66498.9, and Section governing "Vesting Tentative Maps" in

Section 13.02.130 of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

#### **Section 13.01.040 Designation of Advisory Agencies**

- A. The Planning Commission of the County shall be the Advisory Agency for all subdivisions dividing property into five or more parcels, whether a final map or parcel map is required.
- B. The Zoning Administrator of the County shall be the Advisory Agency for all subdivisions dividing property into four parcels or fewer.
- C. The Planning Director of the County shall be the Advisory Agency for all Urban Lot Splits pursuant to Cal. Gov't Code §§ 66411.7 – 66413.5.

#### **Section 13.01.050 Requirements for Maps**

- A. The necessity for tentative, final and parcel maps shall be governed by the provisions of this Section.
- B. Tentative maps shall be filed with the appropriate Advisory Agency for review, conditions and approval for any subdivision.
- C. A final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Cal. Civ. Code § 783, a community apartment project containing five (5) or more parcels or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where one of the following occurs:
  - 1. The land before the division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the latest adopted County standards.
  - 2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.
  - 3. The land consists of one (1) or more parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which will comply with adopted County of Nevada standards for street alignments and widths.
  - 4. Each parcel created by the division has a gross area of forty (40) acres or more or is a quarter-quarter section or larger.
  - 5. When land before division was conveyed by testamentary disposition to more than one (1) person, each with an undivided interest, the individuals desire to segregate their interest in the property, and a note stating that the parcels are being created through testamentary disposition appears on the map.
- D. A parcel map shall be required for all subdivisions creating four (4) or fewer parcels and those subdivisions excepted from the requirement of a final map by

Subsections 1-5 of Subsection C above.

- E. This Section shall apply to subdivisions created for the purpose of gift, since division of a parcel for this purpose will result in parcels that may be sold immediately or in the future.
- F. This Section shall not apply to boundary line adjustments. Provisions for boundary line adjustments are contained within Section 12.04.030 of the Nevada County Code.
- G. Whenever a provision of this Chapter requires the filing of a tentative map for a development, a vesting tentative map may instead be filed in accordance with the provisions of Section 13.02.130 (Ord. 1883. (04/11/1995); Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

### **Section 13.01.060 Appeal by Interested Persons**

A subdivider, applicant, public agency or any interested person may file an appeal with the appropriate Appeal Board concerning any decision of the Advisory Agency. Any such appeal shall be filed with the Clerk of the Appeal Board within ten (10) days after the action of the Advisory Agency that is the subject of the appeal except in the case of denial of an extension of time, where a fifteen (15)-day appeal period is expressly provided for in this Chapter. Upon filing the appeal, the Appeal Board may set the matter for public hearing or may reject the appeal without hearing. Any on an appeal shall be held within thirty (30) days after the filing of the appeal in a manner prescribed in Section 13.01.070. If the appeal is rejected, the appellant shall be notified within seven (7) days from the date of the Appeal Board's decision. If a public hearing is held, the Appeal Board shall render its decision on the within seven (7) days from date of conclusion of the hearing. Any hearing may be continued from time to time.

The Appeal Board, in acting upon an appeal may sustain, modify, reject or overrule any recommendations or rulings of the Advisory Agency and may make findings and impose conditions as are not inconsistent with the provisions of this Chapter. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

### **Section 13.01.070 Public Hearings**

Whenever a public hearing is held pursuant to this Chapter, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated within the County. In addition to notice by publication, the local agency may give notice of the hearing in such other manner as it may deem necessary or desirable. Any interested person may appear at such hearing and shall be heard.

### **Section 13.01.080 Acts Prohibited**

When the provisions of the Subdivision Map Act or of this Chapter require the execution of any certificate or affidavit or performance of some act by or on behalf of the County, no document shall be executed, nor shall such act be performed, other than by some person duly qualified therefore and designated so to act by the Board of Supervisors. (Ord. 1808. (11/10/1992); Ord. 2531. (10/24/2023))

### **Section 13.01.090 Exemption for Duplicate Final or Parcel Maps**

In any case where a person, firm or corporation acquires legally established, contiguous lots or parcels, there shall be no requirement for the filing of duplicate parcel or final maps, or records of survey, prior to sale of each parcel.

### **Section 13.01.100 Remedies**

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, is voidable at the sole option of the grantee, buyer or person contracting to purchase, their heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this Chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir or devisee.

Any grantee, or their successor in interest of real property that has been divided, or that has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, may, within one (1) year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Chapter or the previous ordinance and against the successors in interest who have actual or constructive knowledge of such division of property.

This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm or corporation may file a suit in the Superior Court of the county in which any real property attempted to be subdivided or sold, leased or financed in violation of this division is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this division.

The local agency shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Chapter or any previous ordinance if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of their interest in such real property.

If the local agency does issue a permit or grant approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

### **Section 13.01.110 Prohibition and Penalty**

Unless otherwise exempted by law, no person shall sell, lease, finance or convey in any manner any parcel or parcels of real property; commence construction of any building, except for model homes, for sale, lease or financing on any such property; nor allow occupancy of a building on any such property for which a final map or parcel map is required by this Chapter until such final map or parcel map, in full compliance with the provisions of this Chapter, has been filed for record by the Clerk Recorder. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 767. (10/26/1992); Ord. 2531. (10/24/2023))

### **Section 13.01.120 Prohibition Against Specifying Roofing Material Within Subdivision**

- A. As a condition of approval of any subdivision, the subdivider shall be prohibited from imposing as a deed restriction and/or within the conditions, covenants and restrictions for the subdivided property a requirement specifying the type of roofing material for any dwelling or other structure built within the subdivision.
- B. Such prohibition shall apply as a condition of approval irrespective of whether or not it is included as an express condition of approval on any letter or notice of approval of any subdivision.

## **CHAPTER 2: PROCEDURES**

### **Sections:**

<b>Section 13.02.010</b>	<b>Conformance with General Plan</b>
<b>Section 13.02.020</b>	<b>Environmental Review</b>
<b>Section 13.02.030</b>	<b>Lot Standards</b>
<b>Section 13.02.040</b>	<b>Findings</b>
<b>Section 13.02.050</b>	<b>Vacation of Public Utility Easements</b>
<b>Section 13.02.060</b>	<b>Petition for Exceptions</b>
<b>Section 13.02.070</b>	<b>Reserved Strips</b>
<b>Section 13.02.080</b>	<b>Public Access to Public Resources</b>
<b>Section 13.02.090</b>	<b>Reservations and Dedications</b>
<b>Section 13.02.100</b>	<b>Fees</b>
<b>Section 13.02.110</b>	<b>Form of All Tentative Maps and Data to Accompany</b>
<b>Section 13.02.120</b>	<b>Tentative Maps</b>
<b>Section 13.02.130</b>	<b>Vesting Tentative Maps</b>
<b>Section 13.02.140</b>	<b>Environmental Subdivisions</b>
<b>Section 13.02.150</b>	<b>Final Maps</b>
<b>Section 13.02.160</b>	<b>Parcel Maps</b>
<b>Section 13.02.170</b>	<b>Corrections and Amendments of Maps and</b>
	<b>Supplemental Data Documents</b>
<b>Section 13.02.180</b>	<b>Reversions to Acreage</b>
<b>Section 13.02.190</b>	<b>Notice of Subdivision Violation: Proceedings</b>
<b>Section 13.02.200</b>	<b>Certificates of Compliance</b>

### **Section 13.02.010 Conformance with General Plan**

In any area of the County where a general plan or any specific plan or any part or subject thereof has been officially adopted by the County in accordance with the provisions of Cal. Gov't Code §§ 65000 – 66499.58, the subdivision shall be considered in relation to the said plan for provision for sites for schools, parks, public buildings, street or other public areas and facilities in accordance with the recommendations of such plan.

### **Section 13.02.020 Environmental Review**

All subdivisions shall be subject to environmental review pursuant to Chapter governing the California Environmental Quality Act, Title 19 of this Code. , Cal. Pub. Res. Code §§ 21000 – 21189.70.10 and Chapter 3 of Title 14 of the California Code of Regulations.

All subdivision applications shall contain a completed Project Information Questionnaire for evaluation of environmental impacts.

### **Section 13.02.030 Lot Standards**

- A. The minimum parcel size as shown in the General Plan Land Use Maps or the Zoning District Maps shall not apply to the creation of parcels for the following:
1. Parcels occupied by governmental bodies or public or private utilities.
  2. Remainder parcels from which governmental bodies' or public or private utilities' parcels were divided (per Section 13.02.3.A.1 above) provided that the remainder parcels comply with Policy 3.19 of Chapter 3: Public Facilities and Services of the Nevada County General Plan. (Ord. 1251. (09/24/1984); Ord. 2529. (09/12/2023); Ord. 2531. (10/24/2023))
  3. Parcels created by Environmental Subdivisions, as provided for in this Chapter.
  4. Parcels created by Urban Lot Splits, as provided for in this Chapter.
- B. Lot Size Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Title 12, governing Zoning Regulations of the Nevada County Codes as they now exist or may hereafter be amended; provided, however, when the land being divided is described as an aliquot part of a section (e.g., the northeast quarter of the southwest quarter), and the parcel is, as a result of an actual field survey, found to be less than that shown on the deed, the resulting parcels may be less than the required minimum lot size provided said deficiency is not greater than three percent (3%) of required size.
- C. Clustered Lot Sizes - Where required by the Nevada County General Plan, a clustered map option shall be required. When a clustered map is approved, the minimum parcel or lot sizes may be less than the minimum parcel sizes established by the Zoning District Map, provided that the overall project density remains consistent with the base zoning district or General Plan land use designation. The minimum parcel or lot sizes shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.
- D. Urban Lot Split Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of governing Zoning Regulations of the Nevada County Code, and with all appropriate requirements of Cal. Gov't Code § 66411.7, as they now exist or may hereafter be amended.

### **Section 13.02.040 Findings**

No tentative map shall be approved unless the Planning Agency shall find that:

- A. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Nevada County General Plan and with

any specific plan which is in effect within the project area.

- B. Adequate public services exist within the project area and are available to serve the subdivision. Where public services are provided by independent special districts which have declared themselves to be impacted by development, a written statement from such special district(s) acknowledging their ability to service the project will be required at the time of project submittal. The written statement may recite that an agreement has been reached between the developer and the district to offset the impacts to the district.
- C. No finding is made pursuant to Cal. Gov't Code § 66474 that requires project denial.

### **Section 13.02.050 Vacation of Public Utility Easements**

Upon its own initiative or at the request of an interested person, the Board of Supervisors may adopt a resolution of intent to vacate a public utility or public service easement. Such resolution shall contain a declaration of the intent to vacate, a statement that the vacation is pursuant to Cal. Sts. & High. Code §§ 8300 - 8363, and a description of the easement to be vacated with reference to a map or plan which shows the portion to be vacated. The resolution shall also set a date for a public hearing not less than fifteen (15) days from the adoption of the resolution. The resolution shall be published and posted as otherwise required by law and as specifically required by Cal. Sts. & High. Code §§ 8322 and 8323.

Prior to the public hearing on the matter, the Board of Supervisors will request the Zoning Administrator review the proposed vacation and to determine if the vacation would be in conformance with the Nevada County General Plan.

At the public hearing, the Board of Supervisors shall hear evidence offered by the interested parties. Upon making a finding that the public utility or public service easement is no longer necessary for present or prospective public use, the Board of Supervisors may adopt a resolution vacating the public utility or public service easement. The Board of Supervisors may impose conditions which must first be satisfied and instruct the Clerk of the Board not to record the resolution of vacation until such conditions have been met. The Clerk of the Board shall be responsible for recording the resolution of vacation for which no fee shall be charged.

As an alternative to the above procedure, the Board of Supervisors may summarily vacate a public utility or public service easement upon following the procedure set forth in Cal. Sts. & High. Code § 8335 if the Board of Supervisors finds that the requirements of Cal. Sts. & High. Code § 8333 have been met.



The Board of Supervisors may, by resolution, set fees for the filing of a petition, which fees shall cover the costs associated with the investigations, mailings, publications and postings of such petition. (Ord. 1372. (04/14/1986); Ord. 2531. (10/24/2023))

### **Section 13.02.060 Petition for Exceptions**

Whenever the land involved in a subdivision is of such size or shape, is subject to such title limitations of record, is to be devoted to such use or is subject to such regulation by the zoning ordinance that it is impractical in the particular case to conform to the strict application of the requirements of this Chapter, the owner or authorized agent may make application to the Advisory Agency with the filing of the tentative map for such exceptions to the requirements of this Chapter as are reasonably necessary or expedient. Application for any such exception shall be made by verified petition of the subdivider stating fully the grounds of the petition and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision.

In order for the property referred to in the petition to come within the provisions of this Section, it shall be necessary that the Advisory Agency shall find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exceptions will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

Further, if the petition proposes an exception to a Fire Safe standard, the following additional finding shall be made:

5. That an exception to any Fire Safe standard, including those standards adopted by Title 4, Fire Safety and Title 16, Road Design Standards, of the Nevada County Code, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Pub. Res. Code § 4290.

### **Section 13.02.070 Reserved Strips**

Reserved strips controlling the access to public ways or that will not prove taxable for special improvements will not be approved.

### **Section 13.02.080 Public Access to Public Resources**

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river, stream, lake or reservoir which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, stream, lake or reservoir bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the Advisory Agency reviewing the tentative map. In making the determination, the Advisory Agency shall consider all of the following:

1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel;
2. The size of the subdivision;
3. The type of riverbank and the various appropriate recreational, education, and scientific uses, including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching;
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

A public waterway, river or stream for the purpose of this Section means those waterways, rivers and streams defined in Cal. Harb. & Nav. §§ 100-106, any stream declared to be a public highway for fishing pursuant to Cal. Gov't Code §§ 25660-25662, the rivers listed in Cal. Fish & Game Code § 1505 as spawning areas and all waterways, rivers and streams downstream from any State or Federal or steelhead fish hatchery.

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the Advisory Agency. In making the determination for reasonably defining the extent, width, and character of the public easement, the Advisory Agency shall consider all of the following:

1. That the easement may be for a foot trail, bicycle trail or horse trail.

2. The size of the subdivision.
3. The type of riverbank and the various appropriate recreational, education and scientific uses including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Any public access route or routes and any easement along the bank of a public waterway, river, or stream provided by the subdivider shall be expressly designated on the tentative or final or parcel map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

Nothing contained in this Section shall require the Advisory Agency to disapprove a map solely on the basis that the reasonable public access otherwise required by this Section is not provided through or across the subdivision itself, if the Advisory Agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision. Any such finding shall be set forth on the face of the tentative, parcel or final map.

The provisions of this Section shall not apply to the final or parcel map of any subdivision which has been approved by the Advisory Agency prior to March 1, 1975.

### **Section 13.02.090 Reservations and Dedications**

If requested by a special district providing service, the Advisory Agency may require the dedication of sites for fire stations and schools as provided for in the Subdivision Map Act.

### **Section 13.02.100 Fees**

- A. The developer shall pay fees for the processing of maps by the various County agencies and construction inspection in accordance with the latest fee schedule adopted by the Nevada County Board of Supervisors. All fees shall be paid prior to the processing of the various maps, unless otherwise authorized. Construction inspection fees shall be paid prior to the approval of the final improvement plans.
- B. As a condition of approval of any tentative map, mitigation fees, where applicable, shall be paid pursuant to the provisions of Title 17, Mitigation and Development Fees, of this Code.

### **Section 13.02.110 Form of All Tentative Maps and Data to Accompany**

- A. The initial action in connection with the making of any subdivision shall be the preparation and filing of a tentative map or maps conforming to the provisions of this Chapter.

A tentative map, prepared by either a licensed land surveyor or a civil engineer who was registered prior to January 1, 1982, shall be drawn to scale and shall conform to all regulations contained in this Chapter unless a Petition for Exception, pursuant to Section 13.02.060, Petitions for Exceptions, in this Code, is submitted therewith.

Every tentative map shall be clearly and legibly reproduced and shall show the following information:

1. The subdivision name, date of map version, north point, and scale. In the event the map is revised or modified during the application review process, the revision date shall be indicated on the revised map.
2. A detailed vicinity map showing the location of the proposed subdivision in relation to the surrounding area with mileage from the nearest County Road or State Highway.
3. A legend stating: the names, addresses and telephone numbers of record owners, the Assessors Parcel Numbers, the name of the subdivider (if different than the record owner), the engineer or surveyor preparing the tentative map, the source of water supply proposed, the method of sewage disposal proposed, responsible fire protection agency, source of public utilities, property zoning (existing and, if applicable, proposed), and number of new lots.
4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of all adjacent parcels.
5. Location, names, present centerlines, widths, radius of all curves, and grades of adjacent or abutting roads and streets.
6. The location, names, widths, approximate grades, radius of all curves, and proposed centerlines of all streets proposed or existing in the subdivision.
7. Typical cross sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
8. The dimensions and location of all existing easements, reserves and drainage ditches on or adjacent to property covered by the subdivision.
9. Location and use and dimensions of proposed easements (drainage, sewerage and public utilities).

10. Location and grade of proposed and existing driveways.
  11. The location and use of all existing structures to remain on the property and setbacks from new property lines. All existing structures not proposed for retention shall be noted as such on the tentative map.
  12. Topography shown with sufficient detail for proper study of building site, drainage, sewage disposal, and road locations.
  13. The approximate lot size in square feet or gross acreage (net acreage if proposed lots are below one acre) and dimensions of all lots and radii of all curves.
  14. Show location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all water courses including canals and irrigation ditches.
  15. Delineate all environmentally sensitive areas on the project site. Mapping shall reflect any biological resources identified and mapped in the biological inventory. Any sensitive cultural resources shall also be indicated simply as “environmentally sensitive areas”.
  16. If applicable, the location of the proposed community fire-flow facility, if it is to be located on site.
  17. Location of posted “Planning” sign. Property shall be posted for identification and property boundaries shall be flagged prior to application submittal.
- B. Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:
1. A current (within six (6) months) preliminary title report prepared by a reputable title insurance company stating rights and interests in the property being subdivided.
  2. Domestic water supply proposed by the subdivider. Information applicable to the feasibility of well drilling, analysis of the small water system, or a “will serve” letter from a public water purveyor, whichever is applicable, shall be supplied in accordance with Title 15, Sanitation, Chapter 5, Water Supply and Resources, of the Nevada County Code.
  3. Proposed method of sewage disposal. When septic systems or community sewage disposal systems are proposed, data in accordance with the requirements of 15.01.110, Sewage Disposal, of this Code shall be submitted.

4. Information on the source of other public utilities.
5. Proposed drainage and control measures, including the proposed location of on-site detention facilities designed to minimize the discharge of pollutants into surface water drainage courses where required by General Plan policy.
6. A general development plan of contiguous subdivision units and parcels proposed for subdivision for the purpose of reference and information of the Planning Commission.
7. Existing and proposed uses of the property including any proposed public use areas.
8. Justifications and reasons for exceptions, if any, pursuant to 13.02.060, Petition for Exceptions..
9. For those subdivisions proposed on properties that may have contained prior hazardous land uses (e.g., surface and subsurface mining, milling, dump sites, artillery ranges, etc.), a Phase 1 site assessment shall be provided with the application. In the event the Phase 1 assessment concludes further investigative work may be necessary to fully identify or remediate potential on-site hazards, the subdivision application will automatically be deemed incomplete for processing until such issues have been fully quantified and an acceptable program for remediation or avoidance of any such hazard(s) has been established and approved by the responsible agency. The responsible agency will be determined based on the nature of the hazard but may include the Nevada County Department of Environmental Health or the California EPA, Department of Toxic Substances Control.
10. Information for flood reduction as required under Title 18 governing Standards for Subdivisions And Other Proposed Development, in Floodplain Management of this Code. (Ord. 1514. (07/26/1988); Ord. 2531. (10/24/2023))
11. Information for alternative energy source building site designs that minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme, and which permit use of the facility without heating or air conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, native or proposed landscaping, or the use of architectural features such as insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.
12. A preliminary soils report shall be provided for tentative maps for subdivisions

that require either a final map or a parcel map that creates more than four (4) lots. The report shall be prepared by a geotechnical engineer or by a civil engineer who specializes in soils investigation and is registered in this state and in accordance with 13.03.060 Grading, in this Chapter. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

### **Section 13.02.120 Tentative Maps**

#### **A. General:**

No land shall be subdivided and developed pursuant to a tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

#### **B. Filing and Processing:**

A tentative map shall be filed in person with the Planning Department using the most current application forms in effect. Upon acceptance of the application, complete with all required supporting data, and filing fees, a receipt shall be issued to the applicant by the Planning Department, and the time for considering the tentative map shall start. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it insure that the map does comply with the law and this Chapter.

The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map. Within thirty (30) days of the issuance of the receipt, the Planning Department shall determine the completeness of the application and supporting data and shall commence with the preparation of the appropriate environmental document pursuant to title 19, California Environmental Quality Act. ; Cal. Pub. Res. Code §§ 21000 – 21189.70.10 , and Chapter 3 of Title 14 of the California Code of Regulations. Any report or recommendation on a tentative map by the staff to the Advisory Agency shall be in writing and a copy thereof served on the applicant at least three (3) days prior to any hearing or action on such map by the Advisory Agency.

The Advisory Agency shall consider the tentative map together with all reports received pertaining thereto. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant.

The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved,

the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one (1) copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006); Ord. 2531. (10/24/2023))

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e). (Ord. 2185. (08/09/2005); Ord. 2531. (10/24/2023))

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section 13.01.060 of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors within fifteen (15) days after the Advisory Agency has denied the extension as provided for in 13.01.060 of this Chapter.

### **Section 13.02.130 Vesting Tentative Maps**

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code §§ 66498.1 – 66498.9. To accomplish this purpose, the regulations outlined in this



Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

B. Filing and Processing:

1. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in 13.02.120 of this Chapter, except at the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map". Acceptance of the map application, supporting data, and filing fees shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The project description and public notice shall also reference the subdivision application as a "Vesting Tentative Map".
2. At the time the vesting tentative map is filed, the applicant shall file a specific listing of those ordinances, current as of the application filing date or proposed in conjunction with the same application, that they wish to be vested upon the approval of the tentative map (and subsequent ordinance adoption, if applicable).

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228 (12/12/2006); Ord. 2531. (10/24/2023))

D. Vested Rights:

Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Cal. Gov't Code § 66474.2. However, if Cal. Gov't Code § 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is

approved or conditionally approved. The vested rights are subject to the following limitations:

1. A permit, approval, extension, or entitlement associated with a vesting tentative map may be made conditional or denied if any of the following are determined:
  - a. A failure to do so would place the residents or occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - b. The condition or denial is required in order to comply with state or federal law.
2. The rights referred to herein shall expire if a final map is not recorded prior to the expiration of the vesting tentative map. If the final map is recorded, these rights shall remain in effect for the following periods of time:
  - a. An initial time period of one (1) year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
  - b. The initial time period set forth in 13.02.130 (D.2.a) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) calendar days from the date a complete application is filed.
  - c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in 13.02.130 (D.2.a) above expires. If the extension for a final map or parcel map is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) calendar days.
  - d. If the subdivider submits a complete application for a building permit during the periods of time specified in 13.02.130 (D.2.a) through (D.2.c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
3. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or their designated representative, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding the first paragraph of 13.02.130 (D.2.), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.
4. Notwithstanding any provision of this Section, a property owner, or their designated representative, may seek approvals or permits for development which depart from the ordinances, policies, and standards described in the first paragraph of 13.02.130 (D.2.a) and (D.3), and the County may grant these approvals or issue

these permits to the extent that the departures are authorized under applicable law.  
E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in 13.01.060 of this Chapter.

### **Section 13.02.140 Environmental Subdivisions**

#### **A. General:**

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code § 66418.2. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the protection of important biotic and wildlife habitat. No land shall be subdivided and developed pursuant to an environmental subdivision for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

#### **B. Filing and Processing:**

1. An environmental subdivision map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in 13.02.120 of this Chapter.
2. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map.
3. The standards for the parcel or parcels being created, and for the remainder parcel, are established in 12.04.060. The following required findings for approval of environmental subdivision shall be made by the Advisory Agency:
  - a. That factual biotic or wildlife data, or both, are, or will be available to the County.
  - b. That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.
  - c. That an easement will be recorded in the County to ensure compliance with

those conditions specified by any local, state, or federal agency requiring mitigation. The easement shall contain a covenant with the County, or non-profit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. This reservation shall be not inconsistent with the purposes of Cal. Gov't Code § 66418.2 and shall not be incompatible with maintaining and preserving the biotic and/or wildlife character of the land.

- d. The real property is at least twenty (20) acres in size, or it is less than twenty (20) acres in size, but is contiguous to other land that would also qualify as an environmental subdivision and the total combined acreage would be twenty (20) acres or more.
4. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant. The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one (1) copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006); Ord. 2531. (10/24/2023))

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e).

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in 13.01.060 of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors as provided for in 13.01.060 within fifteen (15) days after the Advisory Agency has denied the extension.

### **Section 13.02.150 Final Maps**

#### **A. Form and Content:**

1. Conformance with Subdivision Map Act: The form and content of final maps shall be in conformance with the Subdivision Map Act and this Chapter.
2. Boundary Designation: The boundary of the subdivision shall be designated by a heavy, continuous, opaque black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of \_\_\_\_\_" If more than three (3) sheets are used, a key diagram shall be included on the first map sheet.
4. Affidavits, Certificates, Dedications, Etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and the notarial seals required by law and this Chapter, shall appear only once, on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink, or by photographic reproduction.
5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.
6. Rights-of-Way, Easements:
  - a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

- b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.
  - c. All easements of record shall be shown on the map, together with all the names of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.
  - d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
  - e. The sidelines of all easements of record shall be shown by dashed lines on the final map with sufficient ties provided to determine the exact location within each lot.
- 7. Linear, Angular and Radial Data: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.
  - 8. Adjoining Corners of Adjoining Subdivisions: The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision.
  - 9. City Boundaries: City boundaries which cross or join the subdivision shall be clearly designated.
  - 10. Monument Location: The location and description of all existing and proposed monuments shall be shown.
  - 11. Printing or Lettering: All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Supplemental Documents:

- 1. Approval Required: The final map shall be accompanied by the following documents, if applicable, which shall be approved by proper authorities before the

final map is submitted to the Board of Supervisors for approval:

- a.Improvement Agreement: The improvement agreement shall be as specified in 13.03.090 of this Chapter.
- b. Improvement Security: The improvement security shall be as specified in 13..03.090.
- c.Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department of Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1374. (04/28/1986); Ord. 2531. (10/24/2023))
- d. Soils Reports: When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.
- e.Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section 13.02.040 of adequate Services within "Subdivisions" of this Chapter certifying that such agreement has been fulfilled.
- f.Supplemental Data: A supplemental final map data document shall be as specified in Subsection 2 below and shall be made part of the final map or recorded as a separate document with the Clerk Recorder.

2. Supplemental data shall be as required by the tentative map approval.

- a. Where the supplemental final map data document is recorded as a separate document, it shall include the following:
  - 1) Sufficient recording data to identify the recorded final map to which the supplemental data applies, including document number and date, as well as book and page;
  - 2) Assessor's parcel number(s) both before the recording of the final map;
  - 3) Name and acknowledged signature of each entity with an ownership interest in the property.

- b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2" by 11" paper of durable quality and shall be legible and in permanent ink. If the 8-1/2" by 11" format is used the supplemental data shall be noted on the map similar to CC&R's.

C. Submittal of Final Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the final map, the number of which shall be determined by the Planning Department; the certificate sheet before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report acceptable to the Department of Public Works; the final map fee as required in the fee schedule for subdivisions in effect at the time the final map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.
2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.
3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

D. Submittal of Final Map For Approval:

1. After the Planning Department completes the technical review in subsection C above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the final map for approval. The original tracing and two sets of prints of the corrected map, signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificates on the map, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the final map to the Department of Public Works for approval and transmittal to the Board of Supervisors. Any changes made by the subdivider other than those required as a result of the technical review process shall be marked by the subdivider in red on the revised prints.
2. Agency Action: The final map shall be presented to the Planning Department for



filing at least five (5) days in advance of the Board of Supervisors' meeting at which the map is to be considered. The Department of Public Works shall present the map to the Board of Supervisors when all fees, supplementary documents and plans have been determined to be satisfactory.

3. Acceptance or Rejection of Dedications: On presentation of the final map, the Board of Supervisors, at its next meeting or within a period of not more than ten (10) days after such submission, shall approve the map if it conforms to all requirements of the Subdivision Map Act and this Chapter. At the time of its actions thereon, the Board of Supervisors shall accept, reject, or accept subject to improvement any or all offers of dedication of streets and other easements. Upon approval of any final map, the Clerk of the Board of Supervisors shall submit the final map to the County Recorder for filing.
4. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the final map.
5. Filing by Units: The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the Planning Commission. The sequence of units shall be shown on the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.
6. Upon submittal of the final map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessor's Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, submit an electronic copy of the map in the .DGN or .DXF file formats. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

### **Section 13.02.160 Parcel Maps**

#### **A. Form and Contents:**

1. Conformance with Subdivision Map Act: The form and contents of parcel maps

shall be in conformance with the Subdivision Map Act and this Chapter.

2. Boundary Designation: The boundary of the subdivision shall be designated by a continuous heavy, opaque, black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet, if used, shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of the United States survey. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of \_\_\_\_\_" If more than three (3) sheets are used, a key diagram shall be included in the first map sheet.
4. Affidavits, Certificates, Acknowledgements, Dedications, etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication and the notarial seals required by law and this Chapter shall appear only once on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink or by photographic reproduction.
5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.
6. Rights-of-Way and Easements:
  - a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.
  - b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.
  - c. All easements of record shall be shown on the map, together with the name of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.
  - d. Easements not disclosed by the records in the office of the Clerk

Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

- e. The sidelines of all easements of record shall be shown by dashed lines on the parcel map with sufficient ties provided to determine the exact location within each lot.
- 7. **Liner, Angular and Radial Data:** Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.
- 8. **Adjoining Corners of Adjoining Subdivisions:** The adjoining corners of all adjoining subdivisions shall be identified by official number and reference to the book and page of the filed map showing such subdivision.
- 9. **City Boundaries:** City boundaries which cross or join the subdivision shall be clearly designated.
- 10. **Monument Location:** The location and description of all existing and proposed monuments shall be shown.
- 11. **Printing and Lettering:** All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

**B. Submittal of Parcel Map for Technical Review:**

- 1. The subdivider shall submit to the Planning Department for technical review prints of the parcel map, the number of which shall be determined by the Planning Department; the certificate sheet (if one is used) before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report, furnished by the subdivider and acceptable to the Department of Public Works; the parcel map fee as required in the fee schedule for subdivisions in effect at the time the parcel map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.
- 2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one (1) set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

C. Supplemental Documents:

1. Approval Required: The parcel map shall be accompanied by the following documents, if applicable, which shall be approved by the proper authorities before the parcel map is submitted to the Board of Supervisors for approval:
  - a. Improvement Agreement: The improvement agreement shall be as specified in 13.03.090.
  - b. Improvement Security: Improvement security shall be as specified in 13.03.090..
  - c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1381. (06/02/1986); Ord. 1374. (04/28/1986); Ord. 2531. (10/24/2023))
  - d. Deed for Easements or Rights-of-way: Deeds for easements or rights-of-way required for road or drainage purposes which have been dedicated on the parcel map shall be required by separate instrument. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.
  - e. Soils Report: When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report.
  - f. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to 13.02.040 certifying that such agreement has been fulfilled.
  - g. Supplemental Data: The supplemental parcel map data document shall

be as specified in Subsection 2 below and may recorded as part of the parcel map or as a separate document.

2. Supplemental data shall be as required by the tentative map approval.
  - a. Where the supplemental parcel map data document is recorded as a separate document, it shall include the following:
    - 1) Sufficient recording data to identify the recorded parcel map to which the supplemental data applies, including document number and date, as well as book and page;
    - 2) Assessor's parcel number(s) both before the recording of the final map;
    - 3) Name and acknowledged signature of each entity with an ownership interest in the property.
  - b. The supplemental data document may include one (1) or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2" by 11" paper of durable quality and shall be legible and in permanent ink. If the 8-1/2" by 11 format is used the supplemental data shall be noted on the map similar to CC&R's.

D. Submittal of Parcel Map for Approval:

1. After the Planning Department completes the technical review in Subsection B above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the parcel map for approval. The original tracing and two sets of prints of the corrected map, with certificates and/or separate instruments signed by all parties required in the Subdivision Map Act and this Chapter, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the parcel map to the Department of Public Works for approval and transmittal to the Clerk Recorder. Any changes made by the subdivider other than those required through the technical review process shall be marked by the subdivider in red on the revised prints.
2. Agency Action: The parcel map may be presented to the Planning Department for approval after all fees, supplementary documents and plans have been

determined to be satisfactory by the Department of Public Works and will be processed within thirty (30) days.

3. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the parcel map.
4. Filing by Units: The subdivider may elect to file a parcel map for all or part of the approved tentative map in the sequence of units approved by the Advisory Agency. The sequence of units shall be shown on the tentative map. Each parcel map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))
5. Upon submittal of the parcel map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessors Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, an electronic copy of the map in the .DGN or .DXF. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map.

E. Acceptance or Rejection of Dedications:

Upon presentation of a parcel map with offers of dedication by separate instrument, the County Surveyor, within thirty (30) days of such submittal, shall accept, reject, or accept subject to improvements any or all offers of dedication of streets or other easements. Upon approval of the parcel map, the County Surveyor shall submit the map to the County Recorder for filing.

**Section 13.02.170 Corrections and Amendments of Maps and Supplemental Data Documents**

A. Final maps, parcel maps and supplemental data documents recorded in the office of the Clerk Recorder and approved tentative maps may be amended pursuant to this Section.

1. Map errors or omissions on a recorded final map or parcel map may be corrected by a certificate of correction or an amending map as authorized by Cal. Gov't

Code § 66469, as may be amended from time to time, and shall be processed in conformance with the Cal. Gov't Code §§ 66470 - 66472.1.

2. Other amendments to a recorded final or parcel map, including to supplemental data recorded as a part thereof, may be made by a certificate of correction or an amending map in accordance with the Subdivision Map Act and this Section.
3. Amendments to a supplemental data document recorded as a separate document may be made by recording an amended supplemental data document in accordance with this Section.
4. Amendments to an approved tentative map may be made in accordance with this Section.

B. A request to amend any item in subsections A.2 – A.4, above, shall be filed with the Planning Department, accompanied by the appropriate fee, and shall include:

1. Identification of the map or document sought to be changed and a detailed list of all of the current conditions of approval or other aspects sought to be changed;
2. Identification of the specific conditions of approval or other aspects sought to be changed, detailing the reasons therefore;
3. A statement of the changed conditions or other aspects to be substituted, if any; and
4. A statement of whether any prior modifications or alterations to the map or document have been sought and the disposition of each such request.

C. The request shall be noticed in the same manner as the initial application and shall be heard by the same hearing body that approved the final map, parcel map, or information in the supplemental data document. The hearing and the scope of review shall be limited to consideration of the effect of the amendments requested and not to the entire project. Action and findings shall be required only on the proposed amendments.

D. The amendment may be approved only if all of the following findings are made:

1. The amendment will have a cumulatively minor impact on the subdivision and its impacts;
2. The amendment conforms to the provisions of Cal. Gov't Code § 66474; and
3. The amendment would not affect any of the other findings for approval required by this Chapter.
4. In addition, all of the following findings shall be required for approval of

amendments to recorded final maps or parcel maps or to recorded supplemental data documents:

- a. There are changes in the circumstances that make the aspects sought to be changed no longer appropriate or necessary;
- b. The modifications do not impose any additional burden on the present fee owner of the property; and
- c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map. (Ord. 1895. (01/16/1996); Ord. 2531. (10/24/2023))

### **Section 13.02.180 Reversions to Acreage**

#### **A. General:**

Subdivided property shall be reverted to acreage by final map when the property to be reverted contains five or more contiguous parcels. Subdivided property may be reverted to acreage by parcel map pursuant to applicable sections of the Subdivision Map Act when the property being reverted consists of four (4) or less contiguous parcels under the same ownership.

#### **B. Fees:**

Petitions to revert property to acreage shall be accompanied by a fee in accordance with the latest fee schedule adopted by the Board of Supervisors. If the proceedings are initiated pursuant to action of the Board of Supervisors, the person or persons, other than a County agency, who requested that the Board of Supervisors initiate the proceedings shall pay the fee as specified. Fees are not refundable.

#### **C. Initiation of Proceedings by Owners:**

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property. The petition shall be filed with the Planning Department. The petition shall contain the information required below.

#### **D. Initiation of Proceedings by the Board of Supervisors:**

The Board of Supervisors, at the request of any person or on its own motion, may, by resolution, initiate proceedings to revert property to acreage.

#### **E. Data for Reversion to Acreage:**



Petitioners shall file the following with the Planning Department:

1. Evidence of title to the real property.
2. A final map or parcel map in the form prescribed by 13.02.050 or 13.02.160, delineating dedications that are a condition to reversion.
3. Sufficient data to enable the Board of Supervisors or Advisory Agency to make all of the determinations and findings required by this Section and the Subdivision Map Act.
4. Such other pertinent information as may be required by the Board of Supervisors or Advisory Agency.

F. Final Map Submittal for Checking:

The final map or parcel map required by this Section shall be submitted for checking as specified in 13.02.050 or 13.02.160. Mathematical closure calculations will not be required.

G. Proceedings Before the Board of Supervisors:

1. A public hearing shall be held before the Board of Supervisors or the Advisory Agency on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in the Subdivision Map Act.
2. The Board of Supervisors may approve a reversion to acreage only if it finds that:
  - a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
  - b. Either:
    - 1) All owners of an interest in the real property to be reverted to acreage have consented to the reversion; or
    - 2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
    - 3) None of the lots shown on the final or parcel map have been sold

within five (5) years from the date such map was filed for record.

c. The Board of Supervisors shall require as conditions of the reversion:

- 1) The owners dedicate or offer to dedicate streets or easements.
- 2) The retention of all or a portion of previously paid subdivision fees, deposits or improvements securities if the same are necessary to accomplish any of the provisions of this Chapter.

H. Proceeding Before the Advisory Agency:

1. The Zoning Administrator shall review all proposals to revert previously subdivided land to acreage by parcel map.
2. The Zoning Administrator may approve a reversion to acreage only if it finds that:

a. There are no dedications or offers of dedication to be vacated or abandoned.

b. Either:

- 1) All owners of an interest in the real property to be reverted to acreage have consented to reversion; or
- 2) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
- 3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Zoning Administrator shall require as conditions of the reversion:

- 1) The owners dedicate or offer to dedicate streets or easements.
- 2) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Chapter. (Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

I. Delivery of Final Maps:

After the hearing before the Board of Supervisors and approval of the final map by the

County Surveyor, the County Surveyor shall deliver the final map to the County Recorder for filing.

J.           Delivery of Parcel Maps:

After review by the Zoning Administrator and approval of the parcel map by the County Surveyor, the County Surveyor shall deliver the parcel map to the County Recorder for filing. (Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

K.           Effect of Filing Reversion Map with the County Recorder:

Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon such filings, all dedications and outstanding offers of dedication not shown on the map for reversion shall be of no further force or effect.

**Section 13.02.190 Notice of Subdivision Violation: Proceedings**

A.           Whenever any officer, official, or department head of the County of Nevada has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of the provisions of this Chapter, the Planning Director shall be notified. If the Director determines that there has been a violation, the Director shall cause to be filed a notice of intention to record a notice of violation, which shall be mailed by certified mail to the then-current owner(s) of record of the property in accord with the provisions of Cal. Gov't Code § 66499.36, as may be amended from time to time.

B.           The notice shall contain a description of the violation(s) and an explanation as to why the subject parcel is not lawful if created before March 4, 1972, and shall specify the time, date and place of a meeting of the appropriate Advisory Agency of the County of Nevada no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing at which the owner(s) of said property may present evidence as to why such notice should not be recorded. If, within fifteen (15) days of receipt of the notice, the owner(s) fails to inform the Planning Department of his or her objection to recording the notice of violation, the Advisory Agency shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

C.           If the owner(s) timely object to recordation of the notice of violation, a public hearing shall be held at which evidence may be presented on the issue of whether there has been a violation(s). If, after the owner(s) has presented evidence, the Advisory Agency determines that there has been no violation, the Local Agency shall cause a clearance letter to be mailed to the then current owner(s) of record. If, after the owner(s) has presented the evidence, the Advisory Agency determines that the property has in fact been illegally divided, it shall cause the Notice of Violation to be recorded with the

Nevada County Recorder.

D. A Notice of Violation, when recorded as provided herein, shall be deemed to be constructive notice of the violation to all successors in interest in such property. After recordation, a Notice of Violation can only be cleared through approval of a new subdivision application or Certificate of Compliance, if applicable, in compliance with the current provisions of the Subdivision Map Act and this Chapter.

### **Section 13.02.200 Certificates of Compliance**

A. General:

Pursuant to Cal. Gov't Code § 66499.35, upon application to the Planning Department, a party owning real property or a vendee of such person pursuant to a contract of sale for such real property may obtain a Certificate of Compliance or a Conditional Certificate of Compliance. The Board of Supervisors may, by resolution, establish a fee to cover the cost of issuing and recording the Certificate of Compliance or Conditional Certificate of Compliance.

B. Fees:

An application and filing fee shall be made by verified petition of the owner or vendee for each parcel pursuant to a contract of sale identifying the property and shall be accompanied by all relevant documentation.

C. Processing:

1. Upon acceptance of the application, the Planning Department shall circulate copies of the application to the Department of Public Works, Environmental Health, and such other County departments as may be appropriate, which departments shall review same and submit their comments and recommendations to the Planning Department within thirty (30) days.
2. Thereafter the applications shall be reviewed and acted on by the Planning Director. If the Planning Director determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Planning Director shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded. If the Planning Director determines that the Certificate must include conditions, the application shall be set for a public hearing before the Zoning Administrator. The Planning Department shall review the matter and make its recommendation to the Zoning Administrator at the time of the public hearing.

3. If the Zoning Administrator determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Zoning Administrator shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded.
4. If the Zoning Administrator determines that the real property does not comply with the provisions of the Subdivision Map Act or with the applicable local ordinances enacted pursuant thereto, the Zoning Administrator may, as a condition of granting a Certificate of Compliance, impose such conditions as follows:
  - a. If the applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or applicable local ordinances, created a parcel or parcels by a grant of real property in violation of the Subdivision Map Act or applicable local ordinances and is the current owner of record of one or more of the parcels created as a result of the grant in violation of the Subdivision Map Act or applicable local ordinances, the Zoning Administrator may impose such conditions as would be applicable to a current division of that property.
  - b. If the applicant does not fall under Subsection A above, the Zoning Administrator may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or local ordinances enacted pursuant thereto.
5. Upon making the determination and establishing the conditions, the Zoning Administrator shall then cause a Conditional Certificate of Compliance to be recorded. Any conditions placed on a Conditional Certificate of Compliance must be fulfilled prior to the issuance of any permits or other grants of approval for development of the subject real property, but compliance with such conditions shall not be required until such time as permits or other grants of approval for development are issued by the County. (Ord. 1375. (05/06/1886); Ord. 1893. (01/16/1996); Ord. 2531. (10/24/2023))

## **CHAPTER 3: REGULATIONS**

### **Sections:**

<b>Section 13.03.010</b>	<b>Street Standards</b>
<b>Section 13.03.020</b>	<b>Water Supply and Distribution Requirements</b>
<b>Section 13.03.030</b>	<b>Sewage Disposal Standards</b>
<b>Section 13.03.040</b>	<b>Fire Protection Standards</b>
<b>Section 13.03.050</b>	<b>Drainage Standards</b>
<b>Section 13.03.060</b>	<b>Grading</b>
<b>Section 13.03.070</b>	<b>Surveying, Staking and Setting Monuments</b>
<b>Section 13.03.080</b>	<b>Soils Report</b>
<b>Section 13.03.090</b>	<b>Improvement Agreements and Security</b>
<b>Section 13.03.100</b>	<b>Formation of Service Entities</b>
<b>Section 13.03.110</b>	<b>Merger</b>
<b>Section 13.03.120</b>	<b>Inclusionary Affordable Housing Component</b>

### **Section 13.03.010 Street Standards**

#### **A. Conformance to the General Plan:**

The construction of streets and roads in a subdivision that are functionally classified in the Circulation Chapter of the Nevada County General Plan or any applicable specific plans shall be constructed consistent with their classification. The circulation and design aspects of streets in a subdivision shall conform to the intent of the General Plan and in all cases shall provide for the advantageous development of the general planning area within which the subdivision lies.

#### **B. Conformance to Standard Specifications:**

Any road improvements required in conjunction with any subdivision of land done under the provisions of this Chapter shall be completed consistent with the requirements of Title 16 of the Nevada County Code. (Entire section amended by Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

### **Section 13.03.020 Water Supply and Distribution Requirements**

Water supply and distribution improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Title 15 of the Nevada County Code.

### **Section 13.03.030 Sewage Disposal Standards**

A. In subdivisions where sewage disposal shall be by individual systems or other on-site disposal systems, sewage disposal standards required Title 15 of the Nevada County Code shall apply to the subdivision prior to map recordation.

B. In subdivisions where sewage disposal is provided by a sanitation district, improvements required for connection to the district's facilities shall conform to that district's regulations. If annexation is required before connecting to the district, the subdivider shall initiate annexation prior to recordation of the parcel or final map.

C. In subdivisions where sewage disposal shall be by individual systems, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that sewage can be disposed of on any lot or parcel on the recorded map.

### **Section 13.03.040 Fire Protection Standards**

Fire protection improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Title 4 of the Nevada County Code.

### **Section 13.03.050 Drainage Standards**

The subdivision shall be protected from inundation, flood, sheet overflow and pooling of local stormwater, springs and other surface waters. The design of improvements shall be such that water accumulating within and from outside the subdivision will be carried off the subdivision without injury to any adjacent improvements, residential sites or residences to be installed on sites within the subdivision or adjoining areas. Water accumulating within and from outside the subdivision shall be carried to adequate storm drainage facilities or to a natural drainage course by such improvements as may be required to meet the design standards herein set forth or the latest standards adopted by the Board of Supervisors. Drainage design for the subdivision shall accommodate anticipated future development within the entire drainage area. Any off-site drainage facilities required to carry stormwater from the proposed subdivision to a defined channel or existing conduit shall be made adequate for the ultimate development in the entire drainage area. Cross-culverts shall as a minimum be designed to pass a Q10 with no head and Q100 with available head. Minimum culvert size shall be 18" diameter or equal.

Drainage channels within the subdivision shall as a minimum be designed to carry Q10 with a minimum freeboard of 0.5 feet and shall carry Q100 with no freeboard.

### **Section 13.03.060 Grading**

All grading done in conjunction with the development of a subdivision shall be done in

accordance with Chapter governing “Building” of the Nevada County Code. (Ord. 1747. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2009. (10/26/1999); Ord. 2531. (10/24/2023))

### **Section 13.03.070 Surveying, Staking and Setting Monuments**

A. Limit of Error in Mathematical Closure Calculations of Boundaries of Tracts and Lots:

A field survey of the boundaries of the tract and all lots and blocks must close within a limit of error of one in five thousand.

B. Staking All Corner Points, Curve Points, Etc.

All corner points and survey points in the subdivision, except for parcel maps filed from record data, shall be staked. Points sufficient for retracement on streets, easements and other lands to be dedicated for public use in the subdivision shall also be staked. All stakes shall be a minimum of three-fourths inch inside diameter pipe or five-eighths inch diameter steel rods, eighteen inches long. The pipe or rod shall be driven to within six (6”) inches of the ground surface. All stakes shall be permanently tagged with the engineer’s or surveyor’s registration number. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

C. Street Right-of-Way:

- 1 Permanent reference monuments shall be set on the road right-of-way at the beginning and ending of all curves to ensure that the right-of-way can be readily retraced.
2. Sufficient street right-of-way monuments shall be set to ensure that the right-of- way can be readily retraced. Monuments used for this purpose shall comply with this Section.

D. Permanent Reference Monuments for Final Map:

1. Sufficient permanent reference monuments shall be set to readily retrace the survey. Such monuments shall be readily accessible from the street right-of-way in locations approved by the Director of the Department of Public Works and shall be properly shown and dimensioned on the final or parcel map.
2. Monuments shall be set at all exterior boundaries of the subdivision prior to the filing of the final or parcel map. The subdivider shall submit a bond or other security if the internal monuments of the subdivision are to be set after the filing of the parcel map or final map. The surveyor or engineer preparing the final or



parcel map shall certify thereon that the monuments will be set by a specified date. The cost of setting such monuments shall be included as a part of the other improvements.

### **Section 13.03.080 Soils Report**

“A soils report” prepared by a registered civil engineer specializing in soils investigation shall be required for all subdivisions unless waived by the Building Department. The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to structural defects. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building structure or improvement to be constructed. It shall also report on the suitability of earth materials for construction of stable embankments and excavation slopes including those necessary for any artificial or natural drainage channel; recommendations for construction procedure is to obtain required stability; maximum design velocity for any natural or artificial drainage channel; and any other geologic features, slides, stable soil conditions, spring and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision. The soils report shall be prepared on 8-1/2" by 11" paper of durable quality and documents which accompany report shall be of a convenient size and scale to fold into 8-1/2" by 11" sheets.

### **Section 13.03.090 Improvement Agreements and Security**

#### **A. Improvement Agreement:**

Prior to the recording of a final map or parcel map, all improvements required to be installed or constructed by the subdivider must be in place and acceptable to the County. In lieu of performing the construction prior to recording of a final map or parcel map, a subdivider may enter into an agreement with the County whereby they agree to construct, within two (2) years of the execution of the agreement, all improvements necessary for the development, to repair any defects which occur within one (1) year of completion of such improvements, and to comply with all applicable laws and ordinances and conditions in performing the required acts.

#### **B. Extensions of Time:**

1. The subdivider may request extensions of time to complete the improvements required under this Agreement. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement or any extension thereto, and acted upon by the Board of Supervisors prior to expiration. Each such

extension shall be for a period not to exceed two (2) years. No extension may be granted which will extend the period for completion of improvements more than five (5) years from the date of approval of the final map, except as provide under B.2 below. Grant of extension shall be conditioned upon the following:

- a. Modification of the required improvements to comply with the current County standards, if different from those standards in effect at the time of approval of the final map or prior extension, and
  - b. Submission of additional security to reflect increases in construction costs resulting from such modifications, if any, and/or inflation.
2. Upon a showing of exceptional circumstances that have created a delay in completing the improvements under the Agreement, a subdivider may request the Board of Supervisors to grant an extension of the Agreement beyond five (5) years from the date of approval of the final map. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement extension. The Board of Supervisors may grant an extension of the Agreement beyond five (5) years from the date of the approval of the final map if it determines, based on substantial evidence provided by the subdivider, all of the following:
- a. The subdivider has made continued and substantial progress toward completing the improvements under the Agreement.
  - b. It is likely subdivider will complete the remaining improvements within the additional time requested.
  - c. The extension of time will not be detrimental to the health, safety, or welfare of the community.
  - d. The subdivider is not currently in default of the Agreement or extension thereto. Any extension of the Agreement beyond five (5) years from the date of approval of the final map shall only be granted in increments of one (1) year. (Ord. 2359. (03/12/2013); Ord. 2531. (10/24/2023))

C. Improvement Security:

If a subdivider enters into an agreement with the County in accordance with this Section, the subdivider shall furnish security to guarantee the successful completion of the items specified in said agreement. The security may be in one or more of the following forms, subject to approval by the County:

1. A bond or bonds by one or more duly authorized corporate sureties substantially

in the form prescribed by the Subdivision Map Act;

2. A deposit either with the County or a responsible escrow agent or trust company selected by the County, cash or negotiable bonds of the kind approved for securing deposits of its public monies;
3. An irrevocable instrument of credit from one or more responsible financial institutions regulated by Federal or State government and pledging that the funds are on deposit and guaranteed for payment;
4. A lien upon the property to be divided, created by contract between the owner and the County, if the County finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map.
5. Any form of security, including security interests in real property, which is acceptable to the County.

If the County elects to accept a security in the form of either Section 13.03.090.C.4 or 13.03.090.C.5 above, a contract shall be prepared creating a security interest, and the contract shall be recorded with the Nevada County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed-to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County of Nevada.

D. Improvement Security Amount. Amount of improvement security shall be provided as follows:

1. One hundred percent (100%) of the total estimated cost of the improvement or act to be performed to secure the faithful performance of the agreement provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon their review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check or at such later date as the County engineer may determine, and the cost to the County to complete the construction if

the subdivider fails to do so.

2. In addition to Subsection 1 above, one hundred percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon his review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check, or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.
3. An additional amount of security in an amount equal to five percent (5%) of the total estimated cost of the improvement or \$1,000.00, whichever is greater, to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the County of Nevada in successfully enforcing the obligation secured.
4. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.
5. At the County's option, an additional amount of security to cover estimated costs and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the County in successfully enforcing the obligation secured. (Ord. 1733. (09/10/1992); Urg. Ord. 1798. (08/25/1992); Ord. 2531. (10/24/2023))

E. Improvement Security Release. The improvement security required hereunder shall be released in the following manner:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work by the Board of Supervisors. The Board of Supervisors may provide for a partial release of the security upon the partial performance of the act or acceptance of the work as it progresses. The provisions for the partial release of letters of credit shall be consistent with Cal. Gov't Code § 66499.7(a).

2. Upon acceptance of the act or work by County and sixty-five (65) days after the recording of a notice of completion or ninety-five (95) days after completion of all work, if no notice of completion is filed, security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Board of Supervisors plus an amount reasonably determined by the Board of Supervisors (Director of Public Works or other designee) to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given and after the running of the one- year period set forth in Subsection F below. (Ord. 1733. (09/10/1991); Ord. 2531. (10/24/2023))

F. Maintenance Security:

Upon satisfactory completion of all improvements, acts or obligations in the proper manner and within the time specified in the agreement, the security required by this Section to guarantee faithful performance of the work shall be reduced to ten percent (10%) of the original amount of such security to guarantee or warranty the work against any defective work or labor done or defective material used, and to guarantee maintenance of the work for a period of one year from the date of said satisfactory completion.

G. Improvement Security Forfeiture:

Upon the failure of the subdivider to complete any improvement, acts or obligations in the proper manner or within the time specified, the Board of Supervisors may upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby to be forfeited to the County. (Ord. 855. (08/21/1978); Ord. 2531. (10/24/2023))

### **Section 13.03.100 Formation of Service Entities**

Formation of an assessment district to provide for construction of improvements in a new subdivision is discouraged.

The formation of entities to provide for maintenance, snow removal, etc. shall be in accordance with the standard form agreement on file with the Director of Department of Public Works. Subdivisions above 4,000 feet elevation shall form a maintenance district

to provide for snow removal if the streets are to be County maintained.

All private road subdivisions shall provide a maintenance entity in accordance with Section governing “Maintenance Agreements” in Title 16. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

### **Section 13.03.110 Merger**

#### **A. Purpose and Intent:**

It is the County’s intention to exercise its ability to initiate and merge parcels only when there are valid health and safety reasons to support the merger. Additionally, it is the County’s intention to also provide a process to accommodate voluntary merger requests. (Ord. 1894. (01/16/1996); Ord. 2531. (10/24/2023))

#### **B. Mergers Required:**

Two (2) or more contiguous parcels or units held by the same owner shall be merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by the applicable standards of the base zoning district established in Title 12, Zoning, and if all of the following requirements are satisfied:

1. At least one (1) of the affected parcels has not been developed with a structure for which a building permit was issued or for which a building permit was not required at the time of construction; is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
2. With respect to any affected parcel, one or more of the following conditions exist:
  - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
  - b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation;
  - c. Does not meet current standards for sewage disposal and domestic water supply as required by Sectionss governingSewage Disposal, 15.01.040 and Water Supply and Resources, 15.05, respectively, of the Nevada County Code;
  - d. Does not meet slope stability standards. As defined herein, slope stability standards include lots with an average slope of thirty percent (30%) or

greater, lots lying within landslide areas, and lots on Placer Diggings soils as identified in the 1975 Soil Survey of Nevada County prepared by the U.S. Department of Agriculture, Soil Conservation Service, and Forest Service;

- e. Its development would create health or safety hazards;
  - f. Is inconsistent with the General Plan and any applicable specific plan other than minimum lot size or density standards.
- 3. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that Notice of Intention to Determine Status is recorded pursuant to Section 13.03.11.C below;
  - 4. Subsection B shall not apply if any of the conditions stated in Cal. Gov't Code §§ 66451.11(b)(A), (B), (C), or (D) exist.

C. Notice of Intention to Determine Status:

Prior to recording a Notice of Merger, the Planning Department shall mail, by Certified Mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this Section and that, within sixty (60) days from the date the Notice of Intention to Determine Status was recorded, the owner may request a hearing before the Board of Supervisors to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record at the office of the Clerk Recorder on the same day that the notice is mailed to the property owner.

D. Hearing of Determination of Status:

The owner of the affected property may file a written request for a hearing with the Board of Supervisors within sixty (60) days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, a time, date and place for a hearing before the Board of Supervisors shall be established with a notice to the owner by Certified Mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request or may be postponed or continued by mutual consent of the Board of Supervisors and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this Chapter.

At the conclusion of the hearing, the Board of Supervisors shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of

the determination. The notification shall be mailed to the property owner within five (5) days of the date of the hearing.

E. Determination of Merger:

The determination of merger shall be based on factual evidence that shows that there are health and safety reasons which support the need to merge said parcels. If the Board of Supervisors makes a determination that the parcels are to be merged, a Notice of shall be recorded within thirty (30) days of the conclusion of the hearing. The Notice of Merger shall specify the name of the record owners and a description of the property.

If the Board of Supervisors makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be recorded, and a clearance letter mailed to the owner.

F. Determination When No Hearing is Requested:

If the owner does not file a request for a hearing within sixty (60) days of the recording of the Notice of Intention to Determine Status, the Board of Supervisors may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of shall be recorded within ninety (90) days of the mailing of the Notice of Intent to Determine Status.

G. Request to Merge by Property Owner (Voluntary Mergers):

1. If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Board of Supervisors and to all notices required by this Chapter. Upon signing the waiver by all person(s) having a record title interest in the real property, the Planning Director shall record a Notice of Merger. (Ord. 1894. (01/16/1996); Ord. 2531. (10/24/2023))
2. The fee for processing mergers at the request of an owner shall be as specified on the latest Fee Schedule Resolution of the Board of Supervisors and the actual recording costs required of the County Recorder.
3. In such cases, a finding tied to health and safety will not be required.

H. Procedural Changes to the Merger Law in the Subdivision Map Act:  
Any procedural due process change adopted in the Subdivision Map Act concerning the merger of lots or units shall automatically be followed as if it were contained herein. (Ord. 1472. (11/24/1987); Ord. 2531. (10/24/2023))



### **Section 13.03.120 Inclusionary Affordable Housing Component**

#### **A. Purpose and Intent:**

The Town of Truckee's unique housing situation leaves limited opportunities for local workers and their families to achieve home ownership as approximately fifty- percent (50%) of Truckee's housing are second homes for owners outside of the area. The high demand for second homes places great pressure on home prices in the Town and results in home prices which are out of reach for most of the local work force. It is the County's intent to maintain inclusionary housing requirements in the Town of Truckee Sphere of Influence to address the unique housing needs in eastern Nevada County, to provide for adequate housing opportunities for all economic segments of the greater Truckee community, and to assist in ensuring that these lands are developed and annexed in a manner that is consistent with the General Plan for Truckee.

#### **B. Requirements for Inclusionary Affordable Housing Component:**

All subdivisions creating twenty (20) or more lots, parcels or units within the Town of Truckee Sphere of Influence located within the Urban High Density, Urban Medium Density, and Urban Single Family Land Use Map designations, and any other subdivisions within these and any other General Plan Land Use designations selected pursuant to the General Plan Housing Chapter, shall have an inclusionary affordable housing component of ten (10%) percent applied to the number of parcels/units in the proposed project and rounding up any fraction of a dwelling unit to one additional unit. The affordable inclusionary parcels/units may be located either on- site or off-site. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence.

The distribution of affordable inclusionary units among the qualifying Household Income Categories (very low, low, and moderate as shown below) shall equal the distribution ratios of the most current Regional Housing Need Allocation from the State.

- Very Low (less than 50% of AMI)
- Low (50 to 80% of AMI)
- Moderate (80 to 120% of AMI)
- Above Moderate (above 120% of AMI)

Assurance shall be provided by the developer that the inclusionary parcels/units remain continually available to very low, low and moderate income, senior citizen or disabled households as provided in Cal. Gov't Code § 65915(c) and Section 12.03.160 (D) of this Code.

#### **C. Density Bonus and Incentives for Affordable Housing:**

The County shall offer a density bonus to a project applicant equal to the number of inclusionary parcels/units as well as other incentives as provided for in 12.03.160 to ensure that these projects are economically feasible. Whether or not to accept such bonus units shall be at the sole discretion of the applicant. (Ord. 2402. (12/08/2015); Ord. 2124. (07/22/2003); Ord. 1929. (01/07/1997); Ord. 2531. (10/24/2023))

## **TITLE 14: BUILDINGS**

### **CHAPTER 1: GENERAL**

#### **Sections:**

<b>Section 14.01.010</b>	<b>Purpose</b>
<b>Section 14.01.020</b>	<b>Applicability</b>
<b>Section 14.01.030</b>	<b>Definitions</b>
<b>Section 14.01.040</b>	<b>Codes and Regulations Adopted</b>
<b>Section 14.01.050</b>	<b>Filing of Copies of Codes</b>
<b>Section 14.01.060</b>	<b>Code Adoption Procedure</b>
<b>Section 14.01.070</b>	<b>Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit</b>
<b>Section 14.01.080</b>	<b>Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit</b>
<b>Section 14.01.090</b>	<b>Location of Property Lines</b>
<b>Section 14.01.100</b>	<b>Transfer of Permit</b>

#### **Section 14.01.010 Purpose**

This Chapter is enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction.

Nothing in the codes hereinafter adopted shall be construed to prevent any person from performing their own building, mechanical, plumbing or electrical work, when performed with permits in compliance with this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.020 Applicability**

This Chapter shall apply, to the extent permitted by law, to all construction in the unincorporated County of Nevada. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.030 Definitions**

Whenever any of the following names or terms are used herein or in any of the codes

adopted by reference by this Chapter, unless the context directs otherwise, such names or terms so used shall have the following meanings:

A. BUILDING OFFICIAL, ADMINISTRATIVE AUTHORITY, RESPONSIBLE OFFICIAL, and similar references to a chief administrative position shall mean the Building Official of the County of Nevada; provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Environmental Health Officer, said terms shall include the County Environmental Health Director; where such terms are used in connection with those duties imposed by statute or ordinance upon the Chief of a Fire Department or the County Fire Marshal, said terms shall include the Chief of the Fire Department or County Fire Marshal; and where such terms are used in connection with those duties imposed by ordinance upon the County Code Compliance Officer, said terms shall include the County Code Compliance Officer.

B. BUILDING DEPARTMENT, OFFICE OF ADMINISTRATIVE AUTHORITY, or HOUSING DEPARTMENT shall mean the Building Department of the County of Nevada.

C. CITY or JURISDICTION shall mean the County of Nevada when referring to a political entity, or an unincorporated area of said County when referring to area.

D. CLERK OF THIS JURISDICTION means Clerk of the Board of Supervisors.

E. GOVERNING BODY, LEGISLATIVE BODY or APPOINTING AUTHORITY means the Board of Supervisors of the County of Nevada.

F. BOARD OF APPEALS, HOUSING ADVISORY and APPEALS BOARD and any other reference to an appellate body in any of the uniform codes adopted by reference in this Chapter shall mean the Building and Accessibility Standards Board of Appeals provided for in Section 14.02.020 contained in this Chapter.

EXCEPTION: The appellate body for fire and panic safety regulations is within the jurisdiction of the County Fire Marshal/District Fire Chief.

G. TECHNICAL CODES refer to those codes and publications adopted by the County of Nevada containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance, of buildings and structures and building service equipment as enumerated in Section 14.01.040 below of the Nevada Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **Section 14.01.040 Codes and Regulations Adopted**

Subject to the modifications and amendments contained in this Chapter, the following codes and standards are hereby adopted and incorporated into the Nevada County Code by reference and having the legal effect as if their respective contents were set forth herein:

- A. Division II, Scope and Administration, 2022 California Building Code.
- B. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12 (California Referenced Standards Code), in whole thereof.
- C. The 2022 edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 (California Building Code), incorporating the International Building Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, including appendixes “C,” “H,” “I” and “J” and amendments set forth in 14.03, California Building Code Amendments, of this Chapter.
- D. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 9 (California Fire Code), incorporating the International Fire Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, save and except Article 86 thereof, including appendix chapters and amendments set forth in “Fire and Safety Standards” of this Chapter.
- E. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5 (California Plumbing Code), incorporating the Uniform Plumbing Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in 14.05, California Plumbing Code Amendments, of this Chapter.
- F. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4 (California Mechanical Code), incorporating the Uniform Mechanical Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in 14.08, California Mechanical Code Amendments, of this Chapter.
- G. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3 (California Electrical Code), incorporating the National Electrical Code, 2020 Edition, of the National Fire Protection

Association, the whole thereof with State amendments, including annex chapters and amendments set forth in 14.11, California Electrical Code Amendments, of this Chapter.

H. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5 (California Residential Code) incorporating the International Residential Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments, including appendixes “H,” “J,” “K,” “Q,” and “S” and amendments as set forth in 14.04, California Residential Code Amendments, of this Chapter.

I. The 2022 edition of the California Building Standards Code, known as the California Code of Regulation, Title 24, Part 11 (California Green Building Standards Code) in whole thereof, with State Amendments.

J. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 6 (California Energy Code) in whole thereof, with State Amendments.

K. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 8 (California Historical Building Code) in whole thereof, with State Amendments.

L. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 10 (California Existing Building Code), incorporating the International Existing Building Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments.

M. The 2021 International Property Maintenance Code, of the International Code Council.

N. The 1997 Uniform Code for the Abatement of Dangerous Buildings, of the International Conference of Building Officials.

O. The 1997 Uniform Housing Code, of the International Conference of Building Officials.

P. International Swimming Pool and Spa Code, 2021 edition with the amendments set forth in 14.09, International Swimming Pool and Spa Code Amendments, of this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.01.050 Filing of Copies of Codes**

The Building Department of the County of Nevada shall maintain on file copies of the Codes and Standards referred to in above in 14.01.040 of this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.01.060 Code Adoption Procedure**

A. The Building Official shall provide the Board of Appeals with copies of all statutes newly adopted by the State, pursuant to the State Housing Law and State Building Standards Law (Cal Health & Safety Code §§ 17910 and 18901 - 18919.).

B. The Building Official and Board of Appeals shall:

1. Provide technical review of the newly adopted codes.
2. Report such newly adopted codes to the Board of Supervisors and provide a draft recommendation for consideration by the Board to amend, add to, or repeal ordinances or regulations, to impose the same requirements as are contained in the new State laws, or to make changes or modifications in such requirements upon express findings because of local conditions or factors.
3. Request the Board of Supervisors to schedule a hearing not less than thirty (30) days from the date of their report and place one (1) copy of the codes to be considered by the Board in the office of the Building Department for review by the general public.

C. The Board of Supervisors shall, upon the request of the Building Official and Board of Appeals, schedule such public hearing to receive public testimony on the codes and any modifications thereto to be adopted by the Board.

D. The Clerk of the Board of Supervisors shall give notice of the time, place and subject matter of the public hearing scheduled on the matter before the Board. Notification shall be by publication in a newspaper of general circulation published and circulated within the County ten (10) days prior to the public hearing.

E. The Board of Supervisors shall hold such public hearing at the date and time scheduled and shall then act on the recommendation of the Board of Appeals. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.070 Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit**

- A. No building permit shall be issued for any building for which an individual sewage disposal and/or an approved water supply system must be installed, altered or added to, unless and until the Building Official is satisfied that adequate potable water and sewer disposal are available and that a permit is issued therefor.
- B. No building permit shall be issued for which an encroachment or grading permit is required, unless and until the requirements prerequisite to said encroachment or grading permit has been met.
- C. No building permit shall be issued unless and until the Building Official is satisfied that the construction authorized by the permit will not violate any existing law or ordinance.
- D. No building permit shall be issued unless the Building Official is satisfied that adequate electrical power is supplied. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.080 Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit**

- A. No grading permit shall be issued for which encroachment approval is required until an encroachment permit has been obtained from the appropriate enforcement agency.
- B. No grading permit shall be issued until the Building Official is satisfied that the work authorized by the permit will not violate any existing law or ordinance, including the County of Nevada Zoning Ordinance.
- C. No grading permit shall be issued until a land use permit pursuant to Zoning Ordinances in Title 12, of the Nevada County Code has been granted by the Nevada County Planning Agency.

EXCEPTION: Single family residential development and dams. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.090 Location of Property Lines**

Whenever the location of a property line or easement, or the title thereto, is disputed



during the building or grading permit application process or during a grading or construction operation, a survey by a registered Land Surveyor or appropriately registered Civil Engineer may be required by the Building Official, at the expense of the applicant, prior to the application being approved or the grading or construction operation resuming. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.100 Transfer of Permit**

Whenever a parcel of real property is conveyed and a building permit and/or a grading permit has been issued for work on the property which has been started but not completed, the new owner of the property shall request a transfer of the permit(s) to his/her name and shall assume full responsibility for the work authorized by the permit(s). The new owners upon application shall pay a transfer fee as specified by the latest fee Resolution of the Board of Supervisors for a permit transfer. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 2: DIVISION II ADMINISTRATION AMENDMENTS**

### **Sections:**

<b>Section 14.02.010</b>	<b>Amendments Adopted</b>
<b>Section 14.02.020</b>	<b>Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals</b>
<b>Section 14.02.030</b>	<b>Section 114: Violations (add the following)</b>
<b>Section 14.02.040</b>	<b>Section 105.2: Work Exempt from Permit; Building Permits (amend paragraph 1 to read)</b>
<b>Section 14.02.050</b>	<b>Section 105.2: Work Exempt from Permit; Building Permits (add the following)</b>
<b>Section 14.02.060</b>	<b>Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)</b>
<b>Section 14.02.070</b>	<b>Section 105.3.2: Time Limitation of Application (change to read)</b>
<b>Section 14.02.080</b>	<b>Section 105.5: Expiration (change to read)</b>
<b>Section 14.02.090</b>	<b>Section 109.2: Schedule of Permit Fees (change to read)</b>
<b>Section 14.02.100</b>	<b>Section 109.4: Work Commencing Before Permit Issuance (change to read)</b>
<b>Section 14.02.110</b>	<b>Section 109.6: Fee Refunds (change to read)</b>

### **Section 14.02.010 Amendments Adopted**

The Administrative Division II 2022 California Building Code as adopted by 14.01.040 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.02.020 Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals**

#### **113.1 Building and Accessibility Standards Board of Appeals**

A. In order to hear and decide appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of the provisions of the technical codes, there shall be, and is hereby, created a Building and Accessibility Standards Board of Appeals for the County of Nevada.

B. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of State mandated energy regulations contained in Title 24, California Code of Regulations and requirements of the Historical Building Code.

C. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the enforcement of the California Access to Public Accommodations by Physically Disabled Persons regulations (Cal. Health & Safety Code §§ 19955 – 19959.5).

D. The Board shall consist of seven (7) members who are qualified by experience and training to pass on matters pertaining to building construction, building service equipment and grading. Two (2) of the seven (7) members shall be physically disabled persons who are qualified by experience and training to pass on matters pertaining to California Disabled Access Regulations. Said Board members may not be employees of the County of Nevada. Each member of the County Board of Supervisors is entitled to appoint one member who will serve at the pleasure of that Supervisor. The remaining two (2) Board members may be appointed by any member of the Board of the Supervisors. The members may be selected from the County at large without regard for Supervisorial District.

E. The Building Official shall be an ex officio member and serve as secretary to the Board but shall have no vote upon any matter before the Board.

F. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board may recommend new legislation or comment on proposed legislation relating to building construction to the Board of Supervisors.

G. The Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall it be empowered to waive any requirements of this code or the technical codes. The written decision from the Board is final and conclusive.

H. Notwithstanding limitations in paragraph “G,” the Board may consider and authorize substitutions of materials, alternate methods, and types of construction to those specified in the Chapter governing “Building” of the Nevada County Code, provided that the material, method or work offered is, for the purpose intended, at least the equivalent of that specified in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Board shall require sufficient evidence or proof be submitted to substantiate claims of equivalency and may require tests as proof of compliance at appellant’s expense. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.030 Section 114: Violations (add the following)**

- A. Maintenance of any building, structure or building service equipment, which was unlawful at the time it was constructed or installed, if constructed or installed after January 1, 1962, shall constitute a continuing violation of this Code and the technical codes.
- B. Violations of any provisions of this Code and the technical codes shall constitute a public nuisance and said conditions may be abated in accordance with existing laws and ordinances.
- C. The issuance of a building permit, septic system, water well, or other permit may be withheld for property on which a violation of the provisions of this code and the technical codes exists, including work performed not in accordance with approved grading plans, until such violation has been corrected or mitigated. There shall be a connection between the violation and permit applied for.
- D. The processing of a tentative tract map, parcel map, zoning change, lot line adjustment, or discretionary use permit may be withheld for property on which a violation of the provisions of this Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated.
- E. **CRIMINAL ENFORCEMENT.** Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation of the same Section within a twelve-month (12) period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve-month (12) period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.
- F. In addition to the provisions of the Subsections above, a notice of violation of this Code or the technical codes may be recorded in the office of the County Recorder. A notice of expungement of the notice of violation shall be recorded with the County Recorder when it is determined that a permit is not required, or all remedial work has been completed and approved.
- G. **NONEXCLUSIVE REMEDIES.** The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.040 Section 105.2: Work Exempt from Permit; Building Permits  
(amend paragraph 1 to read)**

1. One-story detached accessory structures without electrical, mechanical or plumbing not intended for habitation, provided the projected floor area does not exceed 200 square feet, with a maximum of two (2) foot eaves One structure per parcel. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 242., (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.050 Section 105.2: Work Exempt from Permit; Building Permits (add the following)**

1. Detached trellis or arbor, provided the projected roof area does not exceed 200 square feet.
2. Agricultural accessory structures, not intended for habitation, in zoning districts “AG,” “AE,” “RA,” “FR” and “TPZ” that meet all of the following conditions:
  - a. Not a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. High and low tunnel greenhouses may be used by employees only related to cultivation of crops.
  - b. Of simple construction using conventional construction methods (concrete, steel frame, masonry and other technologies that generally require engineering are not exempt) or specifically approved manufactured structures.
  - c. No plumbing, electrical, or mechanical utilities installed.
  - d. Structures must meet the following limits:
    - 1) Pole Barns. Limited in size to 1,000 square feet maximum. One (1) pole barn per parcel or twenty (20) acres. Open from ground to eave on all sides. Distance to other structures must be equal to its height, minimum of twenty (20’) feet. Minimum of 100 feet from property line.
    - 2) Shade Structures. Cover limited to woven shade fabric.
    - 3) Animal Husbandry. Limited in size to 400 square feet maximum. One (1) per five (5) acres. Single wall construction. Dirt floor or gravel. Distance to other structures minimum of ten (10’) feet. Minimum of forty (40’) feet from property line. Minimum of 100 feet from all domestic wells.

- 4) Pump Houses. Limited in size to 120 square feet.
- 5) Greenhouses. Limited in size to 400 square feet. One (1) structure per parcel or ten (10) acres. Wood or PVC construction with rigid plastic or fiberglass cover. Dirt or gravel floor.
- 6) Storage Containers. Limited in size to 320 square feet. One (1) container per parcel or five (5) acres. Container is used for light nonhazardous agricultural storage and shall not be structurally modified or have any electrical, mechanical or plumbing utilities.
- 7) High and low tunnel greenhouses meeting the following criterion:
  - Easily moveable.
  - Constructed of metal or plastic tubing and covered with agricultural cloth, plastic film, or shade screening.
  - Exits are in compliance with the most recently adopted editions of the California Building and Fire Codes.
  - Structures meet vegetation management clearance requirements in accordance with the most recently adopted edition of the California Fire Code and Cal. Pub. Res. Code § 4291.
  - Setbacks and height limitations in accordance with Zoning Ordinances of the Nevada County Code.
    - i) Parcels three (3) acres or greater in size shall meet the following size and setback standards:
      - o 3,600 sq ft per acre maximum
      - o Thirty-Five (35') Feet in width maximum
      - o One story
      - o Five (5') feet separation between structures minimum
      - o Clustering of structures is allowed
    - ii) Parcels less than three (3) acres in size shall meet the following size

and setback standards:

- o 3,600 square foot maximum
- o Thirty-Five (35') feet in width maximum
- o One (1) story
- o Five (5') feet separation between structures minimum if multiple are proposed

All structures require site plan review and approval and a letter of exemption issued by the Building Official and Planning Director. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.060 Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)**

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the technical codes adopted by this jurisdiction or any other laws or ordinances of this jurisdiction including zoning setback requirements. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.070 Section 105.3.2: Time Limitation of Application (change to read)**

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend time for action by the applicant for a period not exceeding ninety (90) days upon request by the applicant in writing showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than twice. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.080 Section 105.5: Expiration (change to read)**

Every permit issued by the Building Official under the provisions of the technical codes

shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of one year at any time after the work is commenced. Before such work can be recommenced, the permit shall be renewed. The fee for renewal shall be a minimum of one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year. In order to renew action on a permit after the building or work has been suspended or abandoned or the permit has been expired for a period exceeding one year, the permittee shall pay a new full permit fee, submit plans meeting minimum standards per the most recent adopted versions of the California Building Standards Codes and obtain a new building permit.

Permits deemed to have expired shall be subject to all permit related fee increases and new fees in effect at the time of permit renewal as applicable subject to the discretion of the Building Official. The Building Official shall have discretion to adjust permit renewal fees when extenuating circumstances exist.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. Upon written request by the applicant, the Building Official may authorize an extension of up to an additional 180 days from the date the permit expiration date.

All building permits shall expire two (2) years after the issuance date. The permit may be extended beyond this period if the work authorized by the permit is being diligently pursued but only upon written request by the permittee. Review of the request and granting of an approved time extension beyond two (2) years shall be made by the Building Official. A maximum one-year extension of time may be granted in 180 day intervals when approved by the Building Official based on extenuating circumstances.

Permits may be issued with a limited time when necessary to abate dangerous, substandard or illegal conditions. The Building Official may establish the expiration date depending on the health/safety hazard. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.02.090 Section 109.2: Schedule of Permit Fees (change to read)**

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada



County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.100 Section 109.4: Work Commencing Before Permit Issuance (change to read)**

If work is done in violation of this Chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation, inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. This fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law. The applicant may appeal the assessment of a penalty to the Building and Accessibility Standards Board of Appeals.

Where work for which a permit is required by this Chapter is started or proceeded with prior to the obtaining of such permit, the fees set forth in the fee schedule adopted by the Board of Supervisors may be increased by the Building Official but shall not be more than double the fees specified for obtaining the permit for the first violation and not more than fourfold the fees specified for obtaining the permit for a second or subsequent violation by the same individual. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes in the execution of the work nor from penalties prescribed for Title 2, Continuing Violations, and 14.02030 above in this Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.110 Section 109.6: Fee Refunds (change to read)**

Upon request of the Applicant prior to the expiration of the building permit, the Building Official may authorize refunding the permit fee, less an administration fee established by Resolution of the Board of Supervisors, when no work has been performed under a permit issued in accordance with this Code.

The Building Official may authorize refunding the plan review fee paid, less a refund processing fee and the administration fee established by Resolution of the Board of Supervisors, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The refund of these separate and independent fees shall not exceed eighty percent (80%) of the

individual plan review or building permit fee.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than ninety (90) days after the date of fee payment. Refund amounts of less than twenty-five dollars (\$25.00), calculated after appropriate deductions, shall not be refunded. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 3: CALIFORNIA BUILDING CODE AMENDMENTS**

### **Sections:**

<b>Section 14.03.010</b>	<b>Amendments Adopted</b>
<b>Section 14.03.020</b>	<b>Division II Section 113: Board of Appeals, General (change to read)</b>
<b>Section 14.03.030</b>	<b>Division II, Section 105.2: Work Exempt from Permit (change to read)</b>
<b>Section 14.03.040</b>	<b>Division II, Section 105.3.2: Time Limitation of Application (change to read)</b>
<b>Section 14.03.050</b>	<b>Division II Section 105.5: Permit Expiration (change to read)</b>
<b>Section 14.03.060</b>	<b>Division Section 109.2 Schedule of Permit Fees (change to read)</b>
<b>Section 14.03.070</b>	<b>Section 202: R (add the following definition)</b>
<b>Section 14.03.080</b>	<b>Section 1505.1: Fire Classification (change to read as follows)</b>
<b>Section 14.03.090</b>	<b>Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams</b>
<b>Section 14.03.100</b>	<b>Section 1507.2.8.2: Valleys (add the following text)</b>
<b>Section 14.03.110</b>	<b>Section 1507.3.3: Underlayment (add the following)</b>
<b>Section 14.03.120</b>	<b>Section 1608.2: Ground Snow Loads (change to read as follows)</b>
<b>Section 14.03.130</b>	<b>Section 1608.2.1: Snow Loads (add subsection to read as follows): 1608.2.1: Ramadas</b>
<b>Section 14.03.140</b>	<b>Added Section 1608.4</b>
<b>Section 14.03.150</b>	<b>Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF</b>
<b>Section 14.03.160</b>	<b>Section 7.7.1: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)</b>
<b>Section 14.03.170</b>	<b>Table 7.3-1 Exposure Factor, Ce, ASCE 7-16 (change footnote ‘a’ to read as follows)</b>
<b>Section 14.03.180</b>	<b>Table 7.3-2 Thermal Factor, Ct, ASCE 7-16 (replace Table 7.3-2 Thermal Factor, Ct, with the following table)</b>
<b>Section 14.03.190</b>	<b>Section 1809.5 Frost Protection (change to read)</b>
<b>Section 14.03.200</b>	<b>Section 3109.2.1: Barrier Height and Clearances (change to read)</b>

### **Section 14.03.010 Amendments Adopted**

The California Building Code as adopted by 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.03.020 Division II Section 113: Board of Appeals, General (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.030. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.03.030 Division II, Section 105.2: Work Exempt from Permit (change to read)**

Work exempt from permit requirements shall be as set forth in the 2022 California Building Code, Section 105.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.03.040 Division II, Section 105.3.2: Time Limitation of Application (change to read)**

The time limitation of permit applications shall be as set forth in the California Building Code, Section 105.3.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.03.050 Division II Section 105.5: Permit Expiration (change to read)**

Permit expiration for every permit issued by the Building Official shall be as set forth in the California Building Code, Section 105.5, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.03.060 Division Section 109.2 Schedule of Permit Fees (change to read)**

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.070 Section 202: R (add the following definition)**

RAMADA is any freestanding roof, or shade structure, installed or erected above a mobile home, manufactured home, commercial coach, or any portion thereof. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.080 Section 1505.1: Fire Classification (change to read as follows)**

The roof covering or roofing assembly on any structure regulated by this Code, unless specifically exempted, shall be listed Class A, as classified in Section 1505.1.

The roof covering assembly includes the roof deck, underlayment, interlayment, insulation and covering, which is assigned a roof covering classification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.090 Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams**

UNDERLAYMENT ICE DAMS. An “ice dam” or “ice guard” is required on the roofs of heated buildings constructed at elevations above 4,000 feet above sea level. All roofs, regardless of covering, with a pitch of less than eight (8) in twelve (12) shall be protected against leakage (caused by ice and snow) by either: (1) a base sheet of felt solid cemented to the roof sheathing with an approved cementing material, or (2) an approved manufactured membrane installed per the manufacturer’s specifications. Application shall extend from the roof eave edge up the roof to a line five (5) feet horizontally inside the exterior wall line of the heated building and up thirty (30) inches along each side of a valley. Where there exists both conditioned space and unconditioned space, the required covering shall also extend horizontally to a point at least five (5) feet onto the unconditioned space. This “ice dam”/“ice guard” shall be in addition to any underlayment otherwise required. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.100 Section 1507.2.8.2: Valleys (add the following text)**

Above 4,000 feet elevation above sea level, valley flashing shall be installed to the

requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.110 Section 1507.3.3: Underlayment (add the following)**

Above 4,000 feet elevation above sea level, underlayment shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.120 Section 1608.2: Ground Snow Loads (change to read as follows)**

A. All of Nevada County is declared a snow area. Buildings and structures shall be designed to resist snow loads as set forth herein. Except as provided in this Section, snow load requirements shall be as shown in Tables 14.03.120-C-1 and 14.03.120-C-2.

**Table 14.03.120-C-1**

**Snow load requirements applicable west of the west section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.**

<u>Elevation</u>	<u>Snow Load</u>
0-2000 ft.	29 psf
2001-2500 ft.	43 psf
2501-3000 ft.	57 psf
3001-3500 ft.	71 psf
3501-4000 ft.	117 psf
4001-4500 ft.	157 psf
4501-5000 ft.	200 psf
5001-5500 ft.	257 psf
5501-6000 ft.	314 psf
6001-6500 ft.	371 psf
6501-7000 ft.	428 psf
7001-7500 ft.	485 psf
7501-8000 ft.	542 psf

**Table 14.03.120-C-2**

**Snow load requirements applicable east of the east section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.**

<u>Elevation</u>	<u>Snow Load</u>
0-5000 ft.	71 psf
5001-5500 ft.	129 psf
5501-6000 ft.	186 psf
6001-6500 ft.	243 psf
6501-7000 ft.	300 psf
7001-7500 ft.	357 psf
7501-8000 ft.	400 psf
8001-8500 ft.	443 psf

Intermediate values may be interpolated from Table 14.03.120-C-1 and Table 14.03.120-C-2 by proportion.

B. The snow loads for within Sections 5, 8, 17, 20, 29 and 32 R., 16 E., T. 17 and 18 N., M.D.B. and M. shall be on a straight line proportion between the values shown in Table 14.03.120-C-1 and Table 14.03.120-C-2 based on the distance of the site from the boundary of the transition zone.

C. Higher snow loading than those shown in Tables 14.03.120-C-1 and 14.03.120-C-2 may be required by the Building Official in local areas of known higher snow accumulation.

D. Deviations from the above set forth snow loading may be permitted by the Building Official, provided the snow load and conditions in each individual case are derived and certified by a registered or licensed design professional who can show proper experience in snow load evaluation. Snow load design procedure shall be as set forth in Section 1608.

E. In no case shall the design snow load be less than 20 psf. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.130 Section 1608.2.1: Snow Loads (add subsection to read as follows):**  
**1608.2.1: Ramadas**

1608.2.1 RAMADAS. Mobile homes or commercial coaches that do not meet the applicable snow load requirement of Title 25, California Code of Regulations, or Section 14.03.120 above for their location, shall be protected by a ramada designed for the loading. A registered or licensed design professional shall design such ramadas. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.03.140 Added Section 1608.4**

Depth of ground snow may be calculated by dividing the applicable snow load set forth in Section 14.03.120 above by twenty-five (25). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.03.150: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read)**

#### **Section 14.03.151: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF**

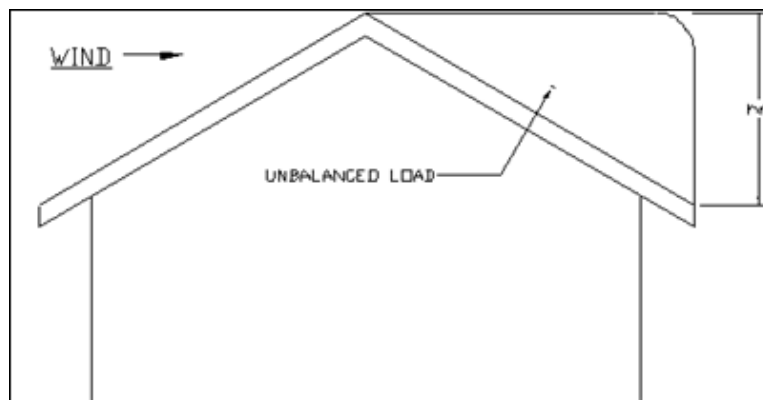
##### **Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF**

The following conditions are for the leeward side of a structure. The windward loading shall be in accordance with Section 14.03.150.

- 1.) For roof pitches of less than 6/12 (26.6 degrees) where the ground snow load ( $P_g$ ) exceeds 100 psf, the unbalanced snow load need not exceed:

0 psf at the ridge and  $(hr)y$  psf at the eave (see Figure 14.03.150.1-1)

Where:  $hr$  – Vertical distance between the eave and the ridge (ft)  $y$  – Density of snow (pcf)



**Figure 14.03.150.1-1**

- 2.) For roof pitches of 6/12 (26.6 degrees) and greater where the ground snow load ( $P_g$ ) exceeds 100 psf where the roof is partially exposed or sheltered in Terrain Category B and C, or sheltered in Terrain Category D, the unbalanced snow load need not exceed the sloped roof snow load ( $P_s$ ). Terrain Categories are those defined in Table 7.3-1. For areas not meeting the terrain category and exposure as described, the unbalanced snow load need not exceed the load as defined in 1.) above. (Ord.



2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.160: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)**

$$y = 25 \text{ pcf}$$

(in SI:  $y = 3.9 \text{ kN/m}^3$ )

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.170 Table 7.3-1 Exposure Factor,  $C_e$ , ASCE 7-16 (change footnote ‘a’ to read as follows)**

a. Definitions: Partially Exposed: all roofs except as indicated in the following text. Fully Exposed: roofs exposed on all sides with no shelter afforded by terrain, higher structures, or trees. Roofs that contain several large pieces of mechanical equipment, parapets that extend above the height of the balanced snow load ( $h_b$ ), or other obstructions are note in this category. Sheltered: roofs located where there are very tight conifer trees in very close proximity to a structure, r if an obstruction, such as a tall hill, is located within a distance of 10 times the height of the difference in height between the top of the roof and the top of the obstruction as noted in footnote “b.” (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.03.180 Table 7.3-2 Thermal Factor,  $C_t$ , ASCE 7-16 (replace Table 7.3-2 Thermal Factor,  $C_t$ , with the following table)**

**TABLE 7.3-2 THERMAL FACTOR,  $C_t$**

Thermal Condition <sup>a</sup>	$C_t$
All Structures except as indicated below	1.0
Structures kept just above freezing, structures with specifically designed cold roofs <sup>c</sup> and for enclosed portions of a completely unheated structure	1.1
Structures intentionally kept below freezing	1.2
Continuously heated greenhouses <sup>b</sup> with a roof having a thermal resistance (R-value) Less than $2.0^\circ\text{F} \cdot \text{hxft}^2/\text{Btu}$ ( $0.4 \text{ Kxm}^2/\text{W}$ )	0.85

- a. These conditions shall be representative of the anticipated conditions during winters for the life of the structure.
- b. Greenhouses with constantly maintained interior temperature of 50°F (10°C) or more at any point three (3') feet above the floor level during winters and having either a maintenance attendant on duty at all times or a temperature alarm system to provide warning in the event of a heating failure.
- c. A specifically designed cold roof is defined as a well vented (exceeding code minimum) roof with an insulation system intended to mitigate icing at the eaves, which creates an air-tight or nearly air-tight envelope below the well-ventilated space.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.03.190 Section 1809.5 Frost Protection (change to read)**

Unless erected on solid rock, to protect against frost and freezing, the minimum foundation depth is eighteen (18") inches below grade if between 4,001-7,000-foot elevation and twenty-four (24) inches below grade for 7,000-foot elevation and above.

Exception: Interior footings shall be a minimum of twelve (12") inches below grade.  
(Ord. 2515. (12/13/22); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.03.200 Section 3109.2.1: Barrier Height and Clearances (change to read)**

The top of the barrier shall be at least sixty (60") inches (1524mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2") inches (51mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4") inches (102mm).  
(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 4: CALIFORNIA RESIDENTIAL CODE AMENDMENTS**

### **Sections:**

<b>Section 14.04.010</b>	<b>Amendments Adopted</b>
<b>Section 14.04.020</b>	<b>Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)</b>
<b>Section 14.04.030</b>	<b>Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)</b>
<b>Section 14.04.040</b>	<b>Section R105.5: Expiration (change to read)</b>
<b>Section 14.04.050</b>	<b>Section R108.2: Schedule of Permit Fees (change to read)</b>
<b>Section 14.04.060</b>	<b>Section R108.5: Refunds (change to read)</b>
<b>Section 14.04.070</b>	<b>Section R108.6: Work Commencing Before Permit Issuance</b>
<b>Section 14.04.080</b>	<b>Section R301.2.3: Snow Loads (change to read)</b>
<b>Section 14.04.090</b>	<b>Section R301.2 &amp; Table R301.2(1) Climatic and Geographic Design Criteria</b>
<b>Section 14.04.100</b>	<b>Section R403.1.4.1 Frost Protection (change to read)</b>

### **Section 14.04.010 Amendments Adopted**

The California Residential Code as incorporated into this Code by Section 14.01.140 is adopted with following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.04.020 Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)**

Refer to 14.02.030, Work Exempt from Permit, (amend paragraph 1 to read)” regarding One-story detached accessory structures 2.3, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.04.030 Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)**

Refer to 14.02.040“Work Exempt from Permit; Building Permits (add paragraph to read)”2.5, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.040 Section R105.5: Expiration (change to read)**

Refer to 14.02.080 Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.050 Section R108.2: Schedule of Permit Fees (change to read)**

Refer to 14.02.090s (add paragraph to read) , Section 109.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.060 Section R108.5: Refunds (change to read)**

Refer to 14.02.110, Section 109.6. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/14); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.070 Section R108.6: Work Commencing Before Permit Issuance**

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.080 Section R301.2.3: Snow Loads (change to read)**

Refer to 14.03.120 – 14.03.180. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.090 Section R301.2 & Table R301.2 (1) Climatic and Geographic Design Criteria**

Table R301.2(1) changed to the read the following:

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHICAL CRITERIA**

	WIND DESIGN		SUBJECT TO	
GROU		SEISMI	DAMAGE FROM	WINT

<b>ND SNOW LOAD</b>	<b>Speed (mph) (e)</b>	<b>Topographic effects</b>	<b>Special wind region (d)</b>	<b>Windborne debris zone</b>	<b>C DESIGN CATEGORY</b>	<b>Weathering (a)</b>	<b>Frost line depth (b)</b>	<b>Termite</b>	<b>DESIGN TEMP (c)</b>
Per Site Elevation/ Location	95	NO	Yes	No	Specific Site Location	Specific Site Location	Specific Site/Elevation Location	YES	Specific Site Location

<b>ICE BARRIER UNDERLAYMENT REQUIRED</b>	<b>FLOOD HAZARDS</b>	<b>AIR FREEZING INDEX</b>	<b>MEAN ANNUAL TEMP (f)</b>	<b>MANUAL J DESIGN CRITERIA (g)</b>
Yes, Above 4,000ft elevation	PER FEMA MAPPING	2000	Specific Site Location	Specific Site Location

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

- a. Site elevations over 4,000ft have “Severe” weathering. Elevations at or below 4,000ft have “Negligible” weathering unless determined otherwise by the Building Official based on specific site conditions.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).
- c. Temperatures in accordance with the 2022 California Energy Code and National Climatic Center data table.
- d. The licensed California Design Professional must use local weather data to determine wind speed for projects that have site elevations over 4,000ft.
- e. Ultimate wind speed.
- f. Mean annual temperature based on specific site location per the National Climatic Data Center data table “Air Freezing Index – USA Method (Base 32 degrees F).”
- g. Design criteria based on specific site location in accordance with the joint appendices of the 2022 California Energy Code

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.04.100 Section R403.1.4.1 Frost Protection (change to read)**

Refer to Section 14.03.190 “Frost Protection”. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020; Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 5: FIRE SAFETY STANDARDS AND CALIFORNIA FIRE CODE AMENDMENTS**

### **Sections:**

<b>Section 14.05.010</b>	<b>Purpose</b>
<b>Section 14.05.020</b>	<b>Application</b>
<b>Section 14.05.030</b>	<b>Definitions</b>
<b>Section 14.05.040</b>	<b>Responsibility for Enforcement and Review</b>
<b>Section 14.05.050</b>	<b>Duties of County Fire Marshal</b>
<b>Section 14.05.060</b>	<b>Appointment of County Fire Marshal</b>
<b>Section 14.05.070</b>	<b>Fire Agency Appeals</b>
<b>Section 14.05.080</b>	<b>Code Adoption Procedure</b>
<b>Section 14.05.090</b>	<b>Permits for Burning Operations</b>
<b>Section 14.05.100</b>	<b>Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized</b>
<b>Section 14.05.110</b>	<b>Construction</b>
<b>Section 14.05.120</b>	<b>Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations</b>
<b>Section 14.05.130</b>	<b>Open Burning</b>
<b>Section 14.05.140</b>	<b>2022 California Code Adopted</b>
<b>Section 14.05.150</b>	<b>California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits</b>
<b>Section 14.05.160</b>	<b>California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps</b>
<b>Section 14.05.170</b>	<b>California Fire Code, Section 112.4: Violation Penalties (amend section to read)</b>
<b>Section 14.05.180</b>	<b>California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty</b>
<b>Section 14.05.190</b>	<b>California Fire Code, Section 113.4: Failure to Comply (amend section to read)</b>
<b>Section 14.05.200</b>	<b>California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)</b>
<b>Section 14.05.210</b>	<b>California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)</b>
<b>Section 14.05.220</b>	<b>California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification</b>
<b>Section 14.05.230</b>	<b>California Fire Code, Section 506.1: Key Box (add the following text)</b>
<b>Section 14.05.240</b>	<b>California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to</b>

<b>Section 14.05.250</b>	<b>read): 603.3.2 Auxiliary Generator Power</b>
<b>Section 14.05.260</b>	<b>California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)</b>
<b>Section 14.05.270</b>	<b>California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms</b>
<b>Section 14.05.280</b>	<b>California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)</b>
<b>Section 14.05.290</b>	<b>California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements</b>
<b>Section 14.05.300</b>	<b>California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances from the Elements</b>
<b>Section 14.05.301</b>	<b>California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One-and-Two- Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)</b>
<b>Section 14.05.302</b>	<b>Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System</b>
<b>Section 14.05.303</b>	<b>Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System</b>
<b>Section 14.05.304</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants</b>
<b>Section 14.05.305</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants</b>
<b>Section 14.05.306</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection</b>
<b>Section 14.05.307</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection</b>
<b>Section 14.05.308</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers</b>
<b>Section 14.05.309</b>	<b>Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds</b>



**Section 14.05.309**

**Appendix C: Fire Hydrant Location and Distribution  
(add a section to read as follows): C112 Water Supply  
Signage**

**Section 14.05.310**

**Appendix D, Section D101: General (add a paragraph  
to read as follows)**

**Section 14.05.010 Purpose**

This Section prescribing regulations governing fire prevention is enacted to provide increased protection from fire to residents and property within the County of Nevada. It is also intended to encourage a greater degree of uniformity between the local Fire Districts and outside districts in the imposition of fire safety regulations on new construction and existing buildings, while respecting the autonomy of the local fire protection districts. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.020 Application**

Notwithstanding any provision in the California Fire Code to the contrary, if any provisions of the California Fire Code, as amended by this Section, conflict with state law or County ordinances, the provisions of state law or County ordinances shall govern. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.030 Definitions**

As used in this Section and the California Fire Code, certain words and phrases are defined and shall be deemed to have the meaning ascribed to them herein.

A. COUNTY FIRE MARSHAL is the person appointed to said position pursuant to Section 14.05.060, acting directly or through the County Fire Protection Planner.

B. COUNTY FIRE PROTECTION PLANNER is the designee and authorized representative of the County Fire Marshal.

C. FIRE BREAK shall mean a continuous strip of land upon which all rubbish, weeds, grass, or other growth that could be expected to burn when dry, has been abated or otherwise removed in order to prevent the surface extension of fire from one area to

another. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.040 Responsibility for Enforcement and Review**

Except as otherwise required by controlling State law, enforcement of fire safety laws, standards and regulations and review of projects for compliance therewith shall be as follows in the unincorporated areas of the County of Nevada:

A. The California Fire Code, as amended and adopted in this Chapter, shall be enforced:

1. By the Chief of any Fire Department or the authorized representative thereof within its jurisdiction, and
2. By the County Fire Marshal outside the jurisdiction of a fire department providing fire protection services or within such boundaries as authorized by the Chief.

B. The building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations formally adopted by the State Fire Marshal for prevention of fire or for protection of life and property against fire or panic shall be enforced against all buildings and uses, including those owned or operated by the State or the County only to the extent State law expressly makes the same applicable and enforceable against such governmental entities:

1. By the State Fire Marshal as to State owned or operated buildings;
2. By the County of Nevada, through its Building Department or its authorized representative, throughout the unincorporated areas of the County:
  - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Health & Safety Code §13869.7 where enforcement is not otherwise delegated upon adoption or ratification, and
  - b. Those relating to R-3 occupancies, excluding adopted building standards relating to fire and panic safety applicable to Small and Large Daycare Centers, the enforcement of which shall be as provided in subsections B.3 and B.4 hereof;

3. By the Chief of any Fire Department or their authorized representative within its jurisdiction:
  - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Cal. Health & Safety Code § 13869.7 where enforcement is delegated to it; and
  - b. All other standards and regulations, except as provided in subsection B.1, B.2 or B.4 hereof; and

4. By the County Fire Marshal all standards and regulations applicable outside the jurisdictional boundaries of a fire department providing fire protection services or within such boundaries upon request of the Chief or governing body thereof with approval of the State Fire Marshal.

C. Whenever any application is made to the County for issuance of any discretionary land use permit or other land use entitlement, the County Fire Marshal, after consultation with any Fire Chief or other person with enforcement responsibility pursuant to this Section, shall have the final authority and responsibility for review of such application and preparation of comments and appropriate mitigation measures and/or conditions of approval to be requested to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall promptly be provided to the County Fire Marshal and to any Fire Chief or other person with enforcement responsibility. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.050 Duties of County Fire Marshal**

A. In addition to enforcement responsibilities provided for in subsections A and B and review responsibilities provided for in subsection C of Section 14.05.040 hereof, the duties of the County Fire Marshal shall include fire prevention, code inspection, and fire investigation for the unincorporated areas of the County of Nevada outside the jurisdictional boundaries of a fire department or within such boundaries as authorized by the Chief.

B. The County Fire Marshal may designate another qualified person, who shall be known as the County Fire Protection Planner, as or their authorized representative to carry out all or any part of their duties under this Section. The appointment of the Fire Protection Planner is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. Any fire department or fire department governing body may, by written request, delegate their authority to the County Fire Protection

Planner to review and determine appropriate mitigation measures and/or conditions of approval for any project in its jurisdiction. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.060 Appointment of County Fire Marshal**

The Nevada County Board of Supervisors shall appoint the County Fire Marshal. In a timely manner thereafter, the County Fire Marshal shall appoint their chief staff officers as Deputy Fire Marshals to operate under the authority of the Nevada County Board of Supervisors. Appointment of Deputy Fire Marshals is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.070 Fire Agency Appeals**

Appeals from decisions to approve or not to approve permits pursuant to this Section resulting from a dispute as to interpretation of any regulation between the County Fire Marshal or any Fire Chief, or authorized representatives of either, may be taken directly to the Nevada County Building and Accessibility Standards Board of Appeals. Such appeals shall be performed in accordance with 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.080 Code Adoption Procedure**

A. The County Fire Marshal, or their designee, shall review fire and panic safety regulations adopted by the State pursuant to Cal. Health & Safety Code §§ 13143 - 13147, and Cal. Pub. Res. Code §§ 4290 – 4290.5, and shall recommend to the Board of Supervisors for consideration the adoption of amendments and additions to, or deletions from, such regulations.

B. Upon receipt of the County Fire Marshal's report and recommendations, the Board of Supervisors shall set a public hearing to receive public testimony on the proposed changes. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.090 Permits for Burning Operations**

Residential open burning, consisting of burning materials originating from one or more single or multiple family dwellings on a premises including incinerator use, is allowed subject to the provisions of this Code as adopted by the County of Nevada:

A. Without a permit only during that period when fire danger is determined to be low enough as established from year-to-year by a proclamation of the local California Department of Forestry and Fire Protection (CAL FIRE) Director that burning is not prohibited and burn permits are not needed;

B. With a permit issued by CAL FIRE only during that period between open burn and no-burn periods when conditions are appropriate as established from year-to-year by CAL FIRE or its designated agency by a proclamation that burning is not prohibited but is allowed subject to a permit.

Notwithstanding the foregoing, there shall be no open burning, and no permits may be issued for burning, on days or at times determined to be unsafe by CAL FIRE, or unhealthy by the Northern Sierra Air Quality Management District (NSAQMD) or for open burning in violation of Section 1102.3. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.100 Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized**

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of all subsections of this Section, including, without limitation, the same authority as the chief to require discontinuance of burning. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.01.10 Construction**

Freestanding incinerators shall be constructed of bricks, concrete, hollow tile, heavy gauge metal or other approved non-combustible material. Incinerators shall be equipped and maintained with a spark arrest constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than 1/4-inch. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.05.120 Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations**

**FIRE-EXTINGUISHING EQUIPMENT.** A garden hose connected to an adequate water supply or other approved fire extinguishing equipment shall be available for use when incinerators are in operation.

**SUPERVISION OF INCINERATOR BURNING OPERATIONS.** When burn permits are required, incinerators, while in use, shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment required by Section 14.05.120 and familiar with permit limitations that restrict the use of incinerators. An attendant shall supervise the burning material until the fire has been extinguished.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.05.130 Open Burning**

**GENERAL.** Open burning shall be conducted in accordance with California Fire Code Cal. Code Regs. Tit. 24, Part 9, § 307. Open burning shall also be conducted in accord with requirements of other governing agencies regulating emissions.

**EXCEPTION:** Recreational fires shall be in accordance with California Fire Code, Cal. Code Regs. Tit. 24, Part 9, § 307.4.2.

**NOTIFICATION.** Prior to commencement of open burning, the resident must ensure that it is a permissive burn day.

**MATERIAL RESTRICTIONS.** Material to be burned must be properly dried and all open burning be conducted in a manner to minimize smoke and promote quick and complete combustion. Open burning of rubbish containing paper products is prohibited, as is open burning of garbage generally, cloth, plastics, petroleum products, metal, material soiled by food or fecal matter, animals or animal parts, or any similar smoke producing materials. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any flammable combustible material, including, but not limited to, treated wood, tires, tar, plastics, petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals or salvage of metals. All residential burning of leaves and pine needles shall utilize efficient burn management techniques and in Western Nevada County, as well as all unincorporated areas of the County of Nevada, (see shall be restricted to burning where the leaves or pine needles are dry and attached to branches or make up no more than twenty-percent (20%) by volume of any burn pile.

TIME AND ATMOSPHERIC RESTRICTIONS. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit or on a permissive burn day as determined by the Northern Sierra Air Quality Management District.

307.4 LOCATION: Open burning shall not be conducted within fifty (50') feet (15.25 meters) of any structure.

EXCEPTION: Clearance from structures is allowed to be reduced as follows:

1. Not less than fifteen (15') feet (4.5 meters) when burning is conducted in an approved burning appliance.
2. Not less than twenty-five (25') feet (7.6 meters) when the pile size is three (3') feet (one (1) meter) or less in diameter and two (2') feet (0.6 meters) or less in height.

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at open-burning sites.

SUPERVISION OF OPEN BURNING OPERATIONS. Burning material shall be constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment required by Cal. Code Regs. Tit. 24, Part 9, §307.5 and familiar with permit limitations that restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

DISCONTINUANCE. The chief or a duly authorized agent of the Northern Sierra Air Quality Management District is authorized to require that open burning be immediately discontinued if the chief or agent determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief or agent to constitute a hazardous condition. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.05.140 2022 California Code Adopted**

Adopt the 2022 California Fire Code as printed by International Code Council Inc. and amended by State Fire Marshal's Office and including Appendix Chapters B, BB, C, CC, D, F and H. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.150 California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits**

105.8 NEW MATERIALS, PROCESSES, OR OCCUPANCIES THAT MAY REQUIRE PERMITS. The Chief of each local fire protection district shall determine and specify, after giving affected persons the opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those enumerated in said code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.160 California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps**

105.6.52 CANNABIS OPERATIONS. An operational permit is required to operate a commercial cannabis facility or cannabis operation listed below when allowed by State law and the Nevada County Codes:

- a) Cultivation
- b) Distribution
- c) Manufacturing
- d) Testing/Laboratories

105.6.53 ORGANIZED CAMPS. An operational permit is required to operate an organized camp. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.170 California Fire Code, Section 112.4: Violation Penalties (amend section to read)**

A. 112.4 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment not exceeding ninety (90) days in the County Jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The application of the above penalty shall not be the exclusive remedy nor shall the penalty be held to prevent the enforced removal of prohibited conditions.



B. Any person who violates or fails to comply with a notice or order of the County Fire Marshal shall be guilty of a misdemeanor. (Ord. 2515. (12/13/2022); Ord. 2473.

(01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.180 California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty**

112.4.2 REDUCTION OF PENALTY. The Fire Chief, in their sole discretion, may reduce any violation from a misdemeanor set forth above to an infraction, publishable by a fine or not more than \$500.00. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.190 California Fire Code, Section 113.4: Failure to Comply (amend section to read)**

113.4 FAILURE TO COMPLY. Any person who shall continue work after having been served with the stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction and be liable to a fine of not less than \$500.00 or more than \$1,000.00 for each day the violation continues unabated. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.200 California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)**

107.2 SCHEDULE OF PERMIT FEES. The Chief of each local fire protection district may charge and receive such fees and charges for services and permits relating to activities of fire prevention pursuant to the Fire Code. Said fees and charges may be set by Resolution of each local fire protection district. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.210 California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)**

308.1.9 OUTDOOR OPEN FLAME APPLIANCES. Outdoor open flame appliances, including permanently installed outdoor fireplaces, fire pits, BBQs, pizza ovens and any

other open flame outdoor device that is connected to a residential or commercial gas line service shall be installed in accordance with the following:

1. All parts/assemblies to be tested and certified by UL, CSA, or ANSI.
2. A gas shut-off valve located shall be installed at the stub out and provided with ready access.
3. A second gas shut-off valve shall be located within three (3') feet (9,115 mm) to five (5') feet (1,524 mm) of device where the primary shut-off valve is further than six (6') feet (1829 mm) from the appliance.
4. The appliance shall include a timer device which allows a maximum operating time of three (3) hours. The timer shall require a manual reset.
5. A separation distance of ten (10') feet (3,048 mm) feet vertically and horizontally shall be provided to all combustible materials, not including the support structure. The separation distance shall be measured from the open flame.  
Exception: Where approved by the Fire Code Official, the separation shall be reduced provided the manufacturer's installation guidelines specify a lesser distance to combustible materials.
6. The surface supporting the appliance shall be of an ignition-resistant or fire-resistant material for a distance of two (2') feet (610 mm) in all directions from the appliance.
7. The appliance shall produce a maximum flame height of two (2') feet (610 mm). (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.220 California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification**

505.3 UTILITY IDENTIFICATION. Gas and electrical meters, services, switches, and shut-off valves in multi-unit commercial and residential buildings shall be clearly and legibly marked to identify the unit or space that it serves. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.230 California Fire Code, Section 506.1: Key Box (add the following text)**

A key box, approved by the responsible fire agency, shall be installed in buildings with

automatic fire sprinkler and/or fire alarm systems.

The owner or person in charge of the premises shall notify the responsible fire agency without delay when the required keys providing access to the facility have been changed. Proper keys shall be made immediately available. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.240 California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to read): 603.3.2 Auxiliary Generator Power**

604.3.2 AUXILIARY GENERATOR POWER. Any new structure or remodel that has electrical power supplied by a secondary or auxiliary power unit with automatic startup and/or automatic power transfer capabilities shall have an auxiliary power disconnect accessible to fire department personnel. The auxiliary power disconnect switch shall be located within three (3') feet of the main power disconnect switch and identified with a permanently mounted, weatherproof label marked "AUXILIARY POWER DISCONNECT." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.250 California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)**

903.2.8.1 GROUP R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies. An automatic sprinkler system shall be installed in new manufactured homes in excess of 1,600 square feet, as defined in Cal. Health & Safety Code §§ 18007 and 18009, and multiple family manufactured homes with two (2) dwelling units, as defined in Cal. Health & Safety Code § 18008.7, in accordance with Cal. Code Regs. Tit. 25. (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.260 California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms**

907.11 FALSE ALARMS. When any fire alarm system sounds an audible alarm or transmits an alarm to a remote location causing an emergency response by a fire district, when no emergency exists, for three (3) or more times in any six (6) month period, the owner, tenant, or lessee of the premises may be billed for the cost of the response in accordance with a fee that may be established by Resolution of said Fire District. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.270 California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)**

**EXCEPTIONS:**

1. Storage in conjunction with construction projects complying with Section 5706.2 of this Section for which the Chief has issued a permit.
2. Tanks used for agricultural purposes complying with Section 5706.2. where the need for on-site fuel is necessary for continued operations, and for which a permit has been issued by the Chief.
3. Existing installations where the Chief has issued a permit for continued use.
4. Service stations, repair garages, oil change facilities and commercial operations which accept the return of used crankcase oil, may be permitted to have one (1) aboveground storage tank of up to a five hundred (500 gal.) gallon capacity for the purpose of storing used crankcase oil. Section 2311.2 (Ord. 2515., (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.280 California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements**

6103.4 HIGH ELEVATION REQUIREMENTS. Above 4,000 feet elevation above sea level, a site plan that includes a liquefied petroleum gas tank shall be approved by the Fire Marshal of the affected Fire District or Fire Authority before issuance of any building permit therefor.

**Section 14.05.290 California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances From the Elements**

6107.5 PROTECTING APPURTENANCES FROM THE ELEMENTS. At above 4,000 feet elevation above sea level, a protective cover shall be installed over all gas meters, regulators, valves, and equipment so to provide protection against sliding, drifting, and impacts of snow and ice. The minimum design for the protective cover shall be equal to, or greater than the Building Design Load determined by the Building Department and shall be securely supported to the ground or diagonally to the building wall. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531.

(10/24/2023))

**Section 14.05.300 California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)**

**Table B105.2**

**Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses**

<b>AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)</b>	<b>MINIMUM FIRE-FLOW (GALLONS PER MINUTE)</b>	<b>FLOW DURATION (HOURS)</b>
Not automatic sprinkler system	Value to Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) <sup>b</sup>	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m

- a. The reduced fire-flow shall not be less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.301 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System**

**B107 AUTOMATIC FIRE ALARM SYSTEM.** Any structure with a required fire flow of 1,500 to 1,749 gallons per minute, shall have installed throughout an approved fully-supervised automatic smoke and/or heat detection fire alarm system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty-percent (50%) of the gross floor area.

**EXCEPTIONS:**

1. Single-family dwellings and related accessory outbuildings.
2. Buildings that have an automatic fire sprinkler system installed throughout the building. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.302 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System**

**B108 AUTOMATIC FIRE SPRINKLER SYSTEM.** Any structure with a required fire flow of 1,750 gallons per minute or more shall have installed throughout, an approved fully-supervised automatic fire sprinkler system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty-percent (50%) of the gross floor area.

**EXCEPTIONS:**

1. Single-family dwellings and related accessory outbuildings. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.303 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants**

**C106 LOCATION OF DRY HYDRANTS**

**C106.1 DRY HYDRANT LOCATION.** The dry hydrant shall be readily accessible by fire apparatus and shall be located not more than 1,000 feet from the parcel to be served and not less than fifty (50') feet from any structure to be served by the system.

**C106.1.1 ADJACENT TO ROADWAY.** The dry hydrant shall be located within ten (10) feet of the driveway or other approved access roadway.

**C106.1.2 SERVING SINGLE STRUCTURE.** If the dry hydrant is located along the

driveway serving a single structure, or along the primary access roadway serving multiple structures, the connection shall be located in such a manner that fire apparatus can utilize the hydrant without obstructing the access roadway.

**C106.2 TURNOUT CONSTRUCTION.** An approved turnout, consisting of a ten (10') foot wide driving surface for a distance of twenty-five (25') feet plus a twenty- five (25') foot taper on either end (total length of seventy-five (75') feet), shall be provided when the dry hydrant is placed adjacent to a single lane access roadway or where fire apparatus using the hydrant would obstruct the access roadway.

**C106.3 VEGETATION CLEARANCE.** All flammable vegetation within ten (10') feet of the dry hydrant shall be removed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.304 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants**

**C107 INSTALLATION OF DRY HYDRANTS**

**C107.1 DRY HYDRANT SUPPLY PIPING.** Pipe supplying the dry hydrant shall be not less than four (4") inches in diameter.

**C107.1.1 PVC PIPING.** If PVC piping is used, the piping shall be Schedule 40, or better.

**C107.2 ULTRAVIOLET PROTECTION.** Exposed PVC piping shall be primed and painted with epoxy paint, or otherwise protected from damage that could be caused by exposure to sunlight, in an approved manner.

**C107.3 CORROSION PROTECTION.** If galvanized steel piping is used, piping that is in contact with the soil shall be wrapped with two (2) layers of Mil Tape or otherwise protected from corrosion in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.305 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection**

**C108 DRY HYDRANT CONNECTION**

**C108.1 SIZE AND THREADS.** The connection for the dry hydrant shall consist of a four and one-half inch (4.5") threaded male fitting with National Standard Threads. The connection shall be provided with an approved cap to protect the threads and to protect

the water supply from contamination.

C108.2 HEIGHT. The connection for the dry hydrant shall be located between eighteen (18”) inches and thirty-six (36”) inches above the finished grade.

C108.3 SUPPORT BRACE. If PVC piping is used for the dry hydrant, an approved brace or support shall be provided to support the connection. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.306 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection**

**C109 FREEZE PROTECTION**

C109.1 CONTROL VALVE. If the dry hydrant connection is located lower than the water source, such as a storage tank, an approved valve at the base of the dry hydrant shall be provided to control the water flow.

C109.2 DRAINAGE. Provisions shall be made to drain any standing water from the piping above the valve.

C109.3 EXPOSED PIPING. Any exposed piping that contains water shall be protected from freezing in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.307 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers**

**C110 VENTING OF CLOSED CONTAINERS**

C110.1 TANK VENTING. Closed storage tanks shall be vented in an approved manner.

C110.1.1 SIZE. Vent piping shall be equal to, or larger than, the size of the piping serving the dry hydrant.

C110.1.2 PROTECTION. The vent opening shall be screened with an approved material to prevent obstruction of the vent or contamination of the water supply. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))



**Section 14.05.308 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds**

**C111 LAKES, RESERVOIRS, AND PONDS**

**C111.1 OPEN WATER SOURCES.** When the water supply consists of an open water source such as a lake, reservoir, or pond, the following shall apply:

1. If the distance between the water source and the dry hydrant is greater than 100 feet, a minimum six (6") inch piping shall be used to supply the dry hydrant.

2. The piping between the base of the dry hydrant and the water source shall be buried at least three (3') feet below the finished grade.
3. The end of the piping located in the water source shall be located a minimum of two (2') feet above the bottom surface of the water source and a minimum of two (2') feet below the lowest recorded level of the top surface of the water source.
4. The end of the piping located in the water source shall be fitted with a commercially manufactured dry hydrant strainer, a hand-made strainer consisting of a capped section of pipe with 1,000 holes that are 5/16 inch in diameter drilled along the length, or equal.
5. The distance between the lowest recorded level of the water surface and the connection for the dry hydrant shall not exceed ten (10') vertical feet. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.309 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage**

**C112 WATER SUPPLY SIGNAGE**

C112.1 SIGNS. Approved signs indicating the size, location, and access travel route to a fire protection water storage facility shall be provided in such a manner that all pertinent information relating to the facility is clearly identified.

C112.1.1 MOUNTING AND SIZE. All signs shall be mounted on noncombustible posts, shall be a minimum of eighteen (18") inch by twenty-four (24") in size, and shall be a minimum of 0.080 gauge metal.

C112.1.2 BACKGROUND AND LETTERING. The sign(s) shall have a reflective blue background with a minimum of three (3) high reflective lettering that sharply contrasts with the background.

C112.2 FIXED WATER SUPPLY. If the water supply consists of a fixed amount, such as an underground or aboveground storage tank, the sign shall be located on or adjacent to the facility. The sign shall be clearly visible and legible from the access roadway serving the facility. The lettering on the sign shall be arranged as shown in the following example:

6,000 Gallon
Fire
Protection
Water
Supply

C112.3 ACCESS ROUTE. If the water storage facility consists of a reservoir, pond, or similar facility, at least one sign shall be provided at the intersection of the primary access roadway serving the area and the access roadway serving the water storage facility. This sign shall be located in such a manner that it is clearly visible and legible from the primary access roadway serving the area. Additional signs shall be provided along the access roadway serving the water storage facility if the route of travel is not easily recognized. The lettering on the sign shall be arranged as shown in the following example:

<u>Access to</u>
<u>Fire</u>
<u>Protection</u>
<u>Water</u>
<u>Supply</u>

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.05.310 Appendix D, Section D101: General (add a paragraph to read as follows)**

The Jurisdiction having authority may allow alternative minimum standards as promulgated by the Cal. Pub. Resc. Code § 4290. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 6: PERMIT FEES AFTER DECLARATION OF EMERGENCY**

### **Section:**

#### **Section 14.06.100 Waiver of Fees; Declaration of Emergency**

##### **Section 14.06.010 Waiver of Fees; Declaration of Emergency**

- A. The provisions of this Section shall be retroactive to and effective as of August 8, 1994.
- B. Building permit fees shall be waived for the reconstruction of any building or improvement which is damaged or destroyed during a disaster for which the Board of Supervisors adopts a Resolution containing a declaration of emergency. The waiver of the building permit fees shall apply only as to the owner of any property at the time of the disaster. The waiver shall be effective for the rebuilding on the site damaged or destroyed by the disaster or, if the property owner suffering the loss so chooses, at such other site in the unincorporated territory of the County as the property owner selects for the reconstruction of their residence.
- C. The waiver of fees shall apply only for the original term (life) of the building permit and any renewal or transfer thereof shall be accompanied by the customary fees as established by the County.
- D. The waiver of fees shall be allowed only if (1) within one (1) year from the date of the declaration of emergency, the property owner files for a building permit to reconstruct a home or other structure, and (2) executes a certification that the property owner qualifies for a waiver of fees under the provisions of this Section in the form as approved by the County Counsel's Office.
- E. As used in this Section, "building permit fees" or "permit fees" include all County assessed fees relating to the reconstruction of a home or other structure including all Planning, Environmental Health, Department of Transportation, Landfill and Building Department fees. "Reconstruction" means the repair or replacement of a damaged or destroyed structure which was originally lawfully erected, not exceeding the total square footage (area) of the previously existing structure and includes, but is not limited to, damage to any electrical, mechanical, sewer or septic system or any similar system. If the property owner requests permits to build a larger home or structure than previously was lawfully erected, the building permit fees and all mitigation and development fees shall be assessed based upon the net increase in gross building area.
- F. Except as otherwise provided in this Section, no road development fees, fire mitigation fees, school mitigation fees or any other mitigation fees of any type shall be

assessed or collected by the County as a condition to the issuance of any building permit for the reconstruction of any property damaged or destroyed by a disaster for which there has been a declaration of emergency.

G. Whenever a Resolution containing a declaration of emergency is presented to the Board of Supervisors, the County Executive Officer shall include an estimate of the number of structures that were damaged by the disaster. Whenever the Board of Supervisors adopts a declaration of emergency which triggers the waiver of fees in accordance with the provisions of this Section, each fee department shall keep adequate records reflecting the amount of unfunded service that is provided pursuant to the waiver of fees which deficit should be made up by a transfer from the County's contingency fund. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 7: CALIFORNIA PLUMBING CODE AMENDMENTS**

### **Sections:**

<b>Section 14.07.010</b>	<b>Amendments Adopted</b>
<b>Section 14.07.020</b>	<b>California Plumbing Code</b>
<b>Section 14.07.030</b>	<b>Division II Administration Section 104.5: Fees (change to read)</b>
<b>Section 14.07.040</b>	<b>Division II Administration Section 104.3.2: Plan Review Fees (change to read)</b>
<b>Section 14.07.050</b>	<b>Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)</b>
<b>Section 14.07.060</b>	<b>Division II Administration, Section 104.4.3 Expiration (change to read)</b>
<b>Section 14.07.070</b>	<b>Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)</b>
<b>Section 14.07.080</b>	<b>Division II Administration, Section 107.0 Board of Appeals (change to read)</b>
<b>Section 14.07.090</b>	<b>Section 312.0: Protection of Piping, Materials, and Structures (add text to read)</b>
<b>Section 14.07.100</b>	<b>Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection</b>
<b>Section 14.07.110</b>	<b>Section 609.1: Installation (add text to read)</b>
<b>Section 14.07.120</b>	<b>Section 721.0: Location (change to read)</b>
<b>Section 14.07.130</b>	<b>Section 906.7: Vent Termination: Frost or Snow Closure (change to read)</b>
<b>Section 14.07.140</b>	<b>Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)</b>

### **Section 14.07.010 Amendments Adopted**

The California Plumbing Code as adopted by Section 13.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.07.020 California Plumbing Code**

Adopt the following Appendix Chapters from the 2019 California Plumbing Code: Appendices A, B, D, G and I. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.030 Division II Administration Section 104.5: Fees (change to read)**

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.040 Division II Administration Section 104.3.2: Plan Review Fees (change to read)**

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.050 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)**

Refer to 14.02.070, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.060 Division II Administration, Section 104.4.3 Expiration (change to read)**

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.070 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.080 Division II Administration, Section 107.0 Board of Appeals (change to read)**

Refer to 14.02.020, Section 113. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord.

2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.090 Section 312.0: Protection of Piping, Materials, and Structures (add text to read)**

Above 4,000 feet elevation above sea level, when structural conditions necessitate installation of water piping in exterior walls or above ceilings of buildings, the pipes shall be installed to the inside edge of the wall or ceiling framing and insulated, on the unheated side of the pipes, with at least R-19 insulation or equivalent.

Above 4,000 feet elevation above sea level all cold water piping shall be graded back to the water service. Hot water lines shall be sloped to a bleeder valve or valves that are readily accessible. Gravity drains or other approved devices may be used to satisfy this requirement. No part of such water lines shall be trapped. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.100 Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection**

Section 606.11 WATER SUPPLY VALVE FREEZE PROTECTION. Above 4,000 feet elevation above sea level the building water service line shall be equipped with a “stop and drain” valve located where the line daylights out of the ground within the building footprint. The drain port of the valve shall be protected from blockage by the use of a sleeve or box over the valve. The valve shall be protected from freezing with insulation material and fitted with a handle that is readily accessible. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.110 Section 609.1: Installation (add text to read)**

Above 4,000 feet elevation above sea level water supply yard piping shall be protected from freezing by a minimum of thirty-six (36”) inches of earth covering and shall be extended to within the building footprint before daylighting out of the ground. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.120 Section 721.0: Location (change to read)**

A. No building sewer or private sewage disposal system or part thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system or part thereof; nor shall any building sewer



or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table 14.07.21.1, except as provided in subsections B and C of this Section.

B. Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting or a separate lot to:

1. Provide access to connect a building sewer to an available public sewer when proper cause and legal easement not in violation of other requirements has first been established to the satisfaction of the County Environmental Health Department.
2. Provide additional space for a building sewer or a private sewage disposal system or part thereof, when proper cause and transfer of ownership, or change of boundary, or legal easement not in violation of other requirements has first been established to the satisfaction of the County. The instrument recording such action shall constitute an agreement with the County which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership and use of said properties and shall be binding on all heirs, successors, and assigns of such properties. A copy of the instrument recording such proceedings shall be filed with the County Environmental Health Department.

C. Nothing contained herein shall be construed to prohibit a private sewer line from crossing a public street providing, however, that such use of the public street shall be authorized by an encroachment permit which shall expressly state thereon that it is subject to revocation by the County by giving five (5) days' advance notice, and thereafter the encroachment shall be removed and the use of the property shall cease unless sewage disposal is authorized in some other manner as approved by law. Any such encroachment permit shall be recorded with the County Recorder as part of the agreement required hereinabove.

D. Use of an unabutting lot for a private sewage disposal system may be allowed by the County Environmental Health Department only if all of the following conditions exist:

1. Testing and observation as required by 15.01 of the Nevada County Codes clearly reveal that the lot(s) from which sewage will be generated does not meet the standards for conventional, special design or alternative/advanced wastewater disposal as defined therein; and
2. The applicant can demonstrate to the County Environmental Health Department that said lot would be unbuildable without utilization of an unabutting lot for sewage disposal; and

3. Only one (1) public or private street, highway or right-of-way is to be crossed by the sewer line from the subject lot; and
4. Only one (1) unabutting lot is to be crossed by the sewer line from the subject lot; and
5. The building or site to be served is no more than five hundred feet from the unabutting lot where sewage disposal is proposed; and
6. Compliance with 15.02 of the Nevada County Codes is ascertained, if appropriate; and
7. The parcels under consideration were created prior to the effective date of 11/05/1996.

E. Lots where sewage is to be generated and/or where sewage disposal is proposed that abut to each other or each to another shall be exempt from the requirements in subsection C above provided the proposed sewage collection, treatment and disposal system meets all other requirements of 15.01 of the Nevada County Codes and the California Plumbing Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.130 Section 906.7: Vent Termination: Frost or Snow Closure (change to read)**

Above 4,000 feet elevation above sea level all vent terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure.

EXCEPTION: Vent terminals which are made within thirty-six (36') inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.07.140 Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)**

The subsection shall apply to all new liquefied petroleum gas (LPG) installations and to existing installations when LPG service is reconnected after service is interrupted that are

above 4,000 foot elevation.

A. Two stage regulator/systems shall be installed on all LPG installations with approved steel or PE piping, installed in accordance with the California Plumbing Code and manufactures installation instructions and specifications.

B. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank. The atmospheric pressure aperture of the regulator shall be pointed downward. The first stage regulator shall be plumbed to the riser of the yard piping with soft copper tubing or schedule forty (40) steel pipe with two (2) ninety (90) degree elbow swing joints (one at the top and one below grade) to allow flexibility should tank shifting occur. The riser from the yard piping shall be located not more than three

(3) inches (horizontally) from the walls of the tank. The propane tank shall be placed on reinforced concrete supports and securely attached thereto.

C. The second stage regulator and riser pipe shall be installed on the gable end of the building at least twenty (20') feet from or out of the direct line of discharge of adjacent shedding roofs. The riser shall have swing joints below grade and be 1.5 - 3.5 inches from the wall surface and securely supported/braced to the wall approximately ten inches below the regulator so as to prevent bending of the pipe by lateral snow/ice loads. Second stage regulators installed on the front of a garage shall be protected by a bollard in conformance with the California Fire Code.

Exception 1: On round, octagon or similarly-shaped structures (without gable ends) the riser may be located under the eaves when approved by the Building Official.

Exception 2: On existing services that are reconnected after service is interrupted, where relocation of the riser is not possible due to structural or topographical constraints the riser may be located under the eave with the approval of the Building Official.

D. A protective cover, engineered for the snow load of the area, shall be installed over the second stage regulator and securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing for the supports shall be founded 18 inches below finished grade and the supporting posts shall be securely fastened to the footing and the cover to prevent dislocation of the supports. When supported diagonally to the wall, the supports shall extend from the drip edge of the cover back to the wall. The angle formed by the supports and the wall shall not exceed forty-five (45) degrees from vertical. Existing decks that are used to cover the second stage regulator shall be designed for the snow load.

E. The riser pipes for the yard piping shall not be imbedded in concrete. Concrete placed around such riser shall be held back at least one (1") inch from all sides

of the pipe.

F. Location of the shutoff valve at the LPG tank shall be permanently marked by the use of a color-coded snow stake identifying the gas supplier. This stake shall be placed direction adjacent to the tank at the center line of the valve cover and on all sides opposite the yard piping riser. Such stake shall be sufficient height to be visible through anticipated maximum snow depth at the respective location. Installation and maintenance of this snow stake in the responsibility of the LPG user. An LPG shutoff valve shall also be installed at the house under the regulator cover. This valve shall be identified by a placard on the wall directly over the regulator cover and above the anticipated depth of snow. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 8: CALIFORNIA MECHANICAL CODE AMENDMENTS**

### **Sections:**

<b>Section 14.08.010</b>	<b>Amendments Adopted</b>
<b>Section 14.08.020</b>	<b>California Mechanical Code</b>
<b>Section 14.08.030</b>	<b>Division II Administration Section: 107.0 Board of Appeals, General (change to read)</b>
<b>Section 14.08.040</b>	<b>Division II Administration Section 104.5: Fees (change to read)</b>
<b>Section 14.08.050</b>	<b>Division II Administration Section 104.3.2: Plan Review Fees (change to read)</b>
<b>Section 14.08.060</b>	<b>Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)</b>
<b>Section 14.08.070</b>	<b>Division II Administration, Section 104.4.3 Expiration (change to read)</b>
<b>Section 14.08.080</b>	<b>Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)</b>
<b>Section 14.08.090</b>	<b>Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances</b>
<b>Section 14.08.100</b>	<b>Section 802.2.6: Direct-Vent Appliances (add the following)</b>
<b>Section 14.08.110</b>	<b>Section 802.3.3.5 Exit Terminals (add the following)</b>
<b>Section 14.08.120</b>	<b>Section 802.6.1 Gas Vent Termination (add the following)</b>

### **Section 14.08.010 Amendments Adopted**

The California Mechanical Code as adopted by 14.01.140 is adopted incorporating the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.08.020 California Mechanical Code**

Adopt the following Appendix Chapters from the 2022 California Mechanical Code: Appendix B and Appendix C. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.08.030 Division II Administration Section: 107.0 Board of Appeals, General (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.020 of the Nevada County . (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.040 Division II Administration Section 104.5: Fees (change to read)**

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.050 Division II Administration Section 104.3.2: Plan Review Fees (change to read)**

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.060 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)**

Refer to 14.02.070, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.070 Division II Administration, Section 104.4.3 Expiration (change to read)**

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.080 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.090 Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances**

A three (3") inch gravity drain shall be provided at the low point of the space, installed so as to provide a one-quarter inch (0.25") per foot grade and terminate at an exterior point of the building protected from blockage. The opening shall be screened with a corrosion-resistant wire mesh with mesh openings of one-quarter inch (0.25") in dimension. Lengths of the gravity drains over ten (10') feet in length shall be first approved by the Building Official. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.100 Section 802.2.6: Direct-Vent Appliances (add the following)**

Vent terminals of direct-vent appliances shall terminate above the anticipated snow depth.

Direct vent appliance terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all direct vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Vent terminations which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.08.110 Section 802.3.3.5 Exit Terminals (add the following)**

Exit terminals and combustion air intakes shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all vent exit terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing

and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge. EXCEPTION: Exit terminals which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.08.120 Section 802.6.1 Gas Vent Termination (add the following)**

Gas Vents shall terminate above the anticipated snow depth.

Gas vent terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all gas vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Gas vent terminations which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))



## **CHAPTER 9: INTERNATIONAL SWIMMING POOL AND SPA CODE AMENDMENTS**

### **Sections:**

<b>Section 14.09.100</b>	<b>Amendments Adopted</b>
<b>Section 14.09.200</b>	<b>Division II Administration, Section 105.4 Time Limitation of Application (change to read)</b>
<b>Section 14.09.030</b>	<b>Division II Administration, Section 105.5.3 Expiration (change to read)</b>
<b>Section 14.09.040</b>	<b>Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)</b>
<b>Section 14.09.050</b>	<b>Section 105.6 Fees &amp; Section 105.6.2 Fee Schedule (change to read)</b>
<b>Section 14.09.060</b>	<b>Section 108 Means of Appeal (change to read)</b>

### **Section 14.09.010 Amendments Adopted**

The International Swimming Pool and Spa Code as adopted by 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.09.020 Division II Administration, Section 105.4 Time Limitation of Application (change to read)**

Refer to 14.02.070 of this Chapter, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.09.030 Division II Administration, Section 105.5.3 Expiration (change to read)**

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.09.040 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 14.02.1009, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020);

Ord.  
2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531.  
(10/24/2023))

**Section 14.09.050 Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.09.060 Section 108 Means of Appeal (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in 14.02.020 of the Nevada County Zoning Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 10 LANDFORM GRADING FOR AGRICULTURE**

### **Sections:**

<b>Section 14.10.010</b>	<b>Intent</b>
<b>Section 14.10.020</b>	<b>Applicability</b>
<b>Section 14.10.030</b>	<b>Criteria</b>
<b>Section 14.10.040</b>	<b>Procedure</b>
<b>Section 14.10.050</b>	<b>Fees</b>
<b>Section 14.10.060</b>	<b>Appeals</b>

### **Section 14.10.010 Intent**

In adopting this Section, it is the intent of the Board of Supervisors to adopt, in addition to the exemption for cultivation of land to raise crops, a more comprehensive exemption from grading permit requirements for other clearing and grading of land for agricultural operations, subject to criteria and procedures to avoid abuse. The purpose of this Section is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and to provide reasonable minimum standards that will prevent man-induced land failures while controlling erosion, drainage and sediment discharge. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.10.020 Applicability**

Clearing and grading of land for agricultural operations may be exempted from grading permit requirements by the Building Department upon verification that a bona fide agricultural project is involved and a permit exemption has been recommended by the Agricultural Commissioner. An exemption under this Section shall only be approved upon: (1) written verification by the landowner, which shall be deemed to be binding upon the landowner and any successors in interest; and (2) the permit-exempted lands shall be used for agricultural operations for a period of at least five (5) years following the granting of the exemption, provided all of the criteria established in this Section are met and there is full compliance with all of the procedures set forth in this Section 10. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.10.030 Criteria**

To qualify as other clearing and grading of land for agricultural operations that may be exempted from grading permit requirements pursuant to this Section, all of the following criteria must be met:

- A. The land to be cleared and/or graded is zoned for agricultural use as:

1. “AG” (General Agriculture), or
2. “AE” (Agricultural Exclusive), or
3. “RA” (Residential Agriculture) where the parcel is three (3) acres or more in size and the General Plan designation is Rural;

B. The clearing and/or grading is exclusively for agricultural purposes not associated with buildings that require a building permit;

C. Any vegetation removal or soil disturbance is outside any floodplain, watercourse, wetland or riparian area and any non-disturbance buffer for those areas as defined in the Section governing “Zoning” and “Comprehensive Site Development Standards, Resource Standards”;

D. The work occurs on slopes of thirty percent (30%) or less;

E. The work does not disturb cultural resources;

F. Any excavated material remains on site, without changing the natural terrain or drainage and without creating any cuts or fills, except as follows:

- 1 The work, if associated with construction or maintenance of a pond for livestock raised on site, aquaculture or irrigation, does not create a dam that exceeds two feet in height above grade, an excavation in excess of six (6') feet or a storage capacity of more than ten acre (10') feet and results in no adverse hydrological impacts upon surrounding properties that are not mitigated to a level of insignificance, or
2. The work, if associated with construction of a farm or ranch road, is solely for the purpose of providing on-site access to water supplies, storage areas, grazing/crop lands or fence lines, does not service a structure requiring a building permit, and does not create a cut or fill greater than two (2') feet in height;

G. Projects potentially impacting heritage oak groves or trees, as defined in 12.04.315 (.B and verified by a field inspection conducted by the Agricultural Commissioner or their agent, shall provide a management plan as defined in Section 12.04.315. A Management Plan to mitigate the impacts of the proposed project on landmark trees or groves shall be required.” An Agricultural Grading Exemption shall be denied to parcels or sites where these resources exist, and no mitigation and/or avoidance is available through the Management Plan process;

H. To the extent possible, all work will be conducted between April 15th and October 15th to avoid the rainy season. Any work before April 15th or after October 15th of any year shall be permitted only if disclosed in the application and approved in the Permit Exemption. To secure such approval, the applicant shall submit an erosion and

sediment control plan, including an effective re-vegetation program to stabilize all disturbed areas, expressly approved in writing by a State Certified Professional Erosion and Sediment Control (CPESC). If grading occurs, or if the land is left open and unplanted during the period from October 15th to April 15th, all projects over 2,500 square feet on slopes over fifteen (15%) in areas of moderate to high erosion potential as defined by the Soil Survey of Nevada County, shall have an Erosion and Sediment Control Plan expressly approved in writing by the State Certified Professional Erosion and Sediment Control (CPESC) and shall be implemented after October 15th, and maintained through April 15th;

I. Projects shall be in compliance with the RWQCB regarding Clean Water Act requirements, and all other applicable laws;

J. The following conditions of approval shall be applied to all projects approved through this agricultural grading exemption:

1. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of the proposed project.
2. Fugitive dust emissions resulting from site clearing shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved roads, etc. Control measures shall be noted on grading plans.
3. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended to prevent excessive windblown dust when winds are expected to exceed twenty (20 mph) miles per hour;

K. Verification of NSAQMD clearance shall be filed with the Agricultural Commissioner prior to any surface disturbance (including clearing and grubbing) associated with agricultural (or other) road construction in any of the sections listed in the table. Mapping of areas of ultramafic rock/serpentine occurrence within the project area shall be on file at the Agricultural Commissioner's office. In addition, if naturally occurring ultramafic rock/serpentine is discovered once grading for a road commences, the NSAQMD must be notified no later than the next business day and requirements in CCR, Title 17, Section 93105 must be implemented within 24 hours.

Sections Mapped as Containing Ultramafic Rock/Serpentine in Nevada County

Range—East	Township—North	Sections
6	14	23, 25, 26
7	14	1, 12, 13

8	14	4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32
	15	29, 32, 33
	16	4, 5, 8, 9, 10, 11, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27
	17	29, 30, 31, 32
9	16	19, 30, 31
	18	13, 24
10	16	13, 24
	17	1, 2, 11, 12, 13, 14, 16, 17, 23, 24
	18	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 26, 35, 36
11	16	5, 6, 7, 8, 17, 18, 19
	17	18, 19, 32
12	17	24, 25
13	17	19, 30

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.10.040 Procedure**

A. Exceptions pursuant to this Section must be applied for and a permit exemption may be granted hereunder only if each of the following procedures is fully complied with and completed in the order specified:

1. The applicant obtains, completes and submits to the Agriculture Commissioner:
  - a. An “Agricultural Clearing/Grading Permit Exemption Form” provided by the Building Department;
  - b. An Agricultural Project Plan acceptable in form and content to the Agricultural Commissioner; and
  - c. A binding commitment of five (5) years to continue use of the permit-exempted lands for agricultural operations acceptable in form and content to County Counsel.
2. The Agriculture Commissioner reviews the submitted “Agricultural Clearing/Grading Permit Exemption Form and Agricultural Project Plan and, based upon field verification of the information therein, determines that the clearing or

grading proposed is for a bona fide agricultural project and recommends approval of the requested exemption to the Building Department.

3. The Agricultural Commissioner shall review applications for positive occurrence of rare or threatened species. Applications within proximity to endangered, rare or threatened species as shown on the California Natural Diversity Database (CNDDB) shall provide biologist report to verify if occurrence or absence of resource. Applications with State or Federally listed species shall require permit through jurisdictional agency (USFWS or CDFG) prior to issuance of an exemption.
  4. To verify potential riparian resources for applicants for the agricultural grading exemption, all applications submitted to the Agricultural Commissioner shall include a mapping of the parcel or parcels for which the application is made, a map showing all Lakes, Rivers, FEMA Flood Zone on a background map of the USGS topographic maps, as provided by the County of Nevada GIS system public mapping resources. Mapping shall be verified during field inspection by staff biologist for other wetland habitats.
  5. The Building Department reviews the application and considers the recommendation of the Agriculture Commissioner, determines that the proposed project meets all of the criteria and satisfies all of the procedures required for exemption, and approves the exemption request, notifying the applicant in writing of a favorable decision.
  6. Notification of granting of the Agricultural Grading Exemption by the Building Department shall include the following statement: "Any person involved in any form of ground disturbance is advised of the remote possibility of encountering subsurface cultural or historic resources. If such resources are encountered or suspected, all subsurface work within 200 feet of the potential cultural or historic discovery shall be halted immediately, and the Planning Department and a professional archaeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment."
- B. Applications shall be processed by the Agriculture Commissioner within thirty (30) days of receipt of a complete application and by the Building Department within thirty (30) days of submittal to it of the approval by the Agriculture Commissioner.
- C. Any clearing or grading work done pursuant to a Permit Exemption shall be

subject to a site inspection upon completion of the work or prior to October 15th of each year, whichever first occurs, by a CPESC to determine compliance with the project plan and erosion control and stabilization of the site.

D. Permit Exemptions may be issued for up to two (2) years.

E. If it is determined during the term of the Permit Exemption that the actual clearing or grading is not for agricultural purposes as represented to and approved by the Agriculture Commissioner, all further work shall cease, the site shall be stabilized and revegetated in accord with recommendations of a CPESC, and a grading permit shall be required for any further work, provided, however that a grading permit shall not be granted earlier than five (5) years from the date of application for the exemption.

F. In the event that work is done on property pursuant to a Permit Exemption that is determined to be subject to the requirements of subsection E and application is made within the five (5) year period during which no grading permit can be granted for any development or project unrelated to agricultural operations or involving construction of a structure or structures for which a building permit is required, it may be required as a condition of approval that the site be restored to its original condition prior to such clearing or grading to the extent feasible, and to the extent full restoration is not possible, mitigation measures shall be imposed to remediate any damage caused. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.10.050 Fees**

The costs of providing the services of the Building Department, Agriculture Commissioner and CPESC required by this Section shall be paid by the applicant for an exception to the grading permit requirement. Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424, 12/13/16; Ord. 2374, (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.10.060 Appeals**

Appeals from discretionary orders, decisions or determinations pursuant to this Section shall be heard by the Building and Accessibility Standards Board of Appeals established pursuant to Section 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))



## **CHAPTER 11 CALIFORNIA ELECTRICAL CODE**

### **Sections:**

- Section 14.11.010 Amendments Adopted**
- Section 14.11.020 California Electrical Code Adopted**
- Section 14.11.030 Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)**
- Section 14.11.040 Annex "H," Section 80.19, E: Fees (changed to read)**
- Section 14.11.050 Annex "H," Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)**
- Section 14.11.060 Annex "H," Section 80.27, A-D: Inspector's Qualifications (changed to read)**

### **Section 14.11.010 Amendments Adopted**

The California Electrical Code as adopted by Section 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.11.020 California Electrical Code Adopted**

Adopt the following Annex Chapters from the 2022 California Electrical Code): Annex "H." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.11.030 Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.020 of this Code.

### **Section 14.11.040 Annex "H," Section 80.19, E: Fees (changed to read)**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.11.050 Annex “H,” Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)**

CRIMINAL ENFORCEMENT. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation within a twelve (12) month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.11.060 Annex “H,” Section 80.27, A-D: Inspector’s Qualifications (changed to read)**

Inspectors shall retain certifications as required in their job classification as adopted by the County of Nevada based on the job classification they are appointed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 12: GRADING**

### **Sections:**

- Section 14.12.010 Purpose**
- Section 14.12.020 Scope**
- Section 14.12.030 Permits Required**
- Section 14.12.040 Hazards**
- Section 14.12.050 Definitions**
- Section 14.12.060 Grading Permit Requirements**
- Section 14.12.070 Grading Fees**
- Section 14.12.080 Bonds**
- Section 14.12.090 Cuts**
- Section 14.12.100 Fills**
- Section 14.12.110 Setbacks**
- Section 14.12.120 Drainage and Terracing**
- Section 14.12.130 Road and Driveway Standards**
- Section 14.12.140 Erosion Control**
- Section 14.12.150 Grading Inspection**
- Section 14.12.160 Completion of Work**

### **Section 14.12.010 Purpose**

The purpose of this Section is to safeguard life, limb, property and the public welfare by regulating grading and construction activities that result in a land disturbance on private property. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.12.020 Scope**

A. This Section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes standards of required performance in preventing or minimizing water quality impacts from storm water runoff; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, drainage, and erosion and sediment controls at construction sites.

Vehicular ways shall conform to the grading requirements of this Chapter.

B. The standards listed below are recognized standard:

1. Testing.

- a. ASTM D 1557, Moisture-Density Relations of Soils and Soil Aggregate Mixtures.
- b. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method.
- c. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method.
- d. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method.
- e. ASTM D 6938, In Place Moisture Content and Density of Soils by Nuclear Methods. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.030 Permits Required**

A. Except as specified in subsection 3B below of this section, no person shall do any grading without first having obtained a grading permit from the Building Official.

- 1. No drainage culvert, piping, V-ditch or energy dissipater shall be installed, replaced, altered or repaired without first obtaining a permit from the Building Official.
- 2. No pond shall be installed, repaired or altered without first obtaining a permit from the Building Official.

EXCEPTION: Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

B. Except in flood plains as regulated in 12.0431 of this Code, a grading permit is not required for the following, provided no unstable or erodible slopes are created and no encroachment onto sewage disposal systems, water supply systems or hazardous material sites, areas or setbacks is created. NOTE: Owners/operators of sites may still need NPDES storm water permit coverage with the State if the construction activity is part of a larger common plan of development or sale that would result in a land disturbance of greater than or equal to one (1) acre.

- 1. When approved by the Building Official, grading which does not exceed 250 cubic yards in an isolated, self-contained area, with cuts, fills and erosion control conforming to the requirements of this Section, provided there is no danger to private or public property, it does not pose a significant erosion or sediment discharge hazard and is not intended to support a building or structure on fill.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5') feet (1,524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers, engineering geologists, or registered environmental health specialists limited to sewage disposal systems. Such work shall be backfilled and shaped to the original contour of the land after the investigation.
8. An excavation that is less than two (2') feet (610 mm) in depth, does not create a cut slope greater than five (5') feet (1,524 mm) in height and steeper than one (1) unit vertical in one and one half (1.5) units horizontal (66.7% slope) and does not exceed fifty (50) cubic yards.
9. A fill less than one (1') foot (305 mm) in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope), or less than three (3') feet (914 mm) in depth, not intended to support structures, that does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.
10. Land disturbance by plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or steeper or any amount of vegetation, up to one acre, on slopes flatter than ten percent.
11. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work to the extent required by this law.
12. Cultivation of land to raise crops, or other clearing and grading of land for agricultural operations pursuant to criteria enacted and codified in 14.10, Landform

Grading for Agriculture, of this Chapter.

13. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.
14. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities that are not exempt from the local regulation pursuant to Cal. Pub. Res. Code § 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
15. Clearing for fire protection purposes within 100 feet of a dwelling unit. Any additional clearing for fire prevention, control or suppression purposes is exempt when authorized or required in writing by a fire prevention or suppression agency.

C. The County may prepare and adopt a more comprehensive exemption for grading for agricultural operations than the existing exemption for cultivation of land to raise crops as part of 14.10 of this Chapter, provided that the exemption does not involve construction of any building or site preparation for any development project and that the purpose of such exemption is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and provide reasonable minimum standards that define desired performance in the prevention of man-induced land failures, and control erosion, drainage, and sediment discharge.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.040 Hazards**

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Adequate protection from hazards shall be provided at excavations. All pits, shafts, etc.

shall be barricaded or covered. Upon completion of exploratory excavations and other similar operations, temporary trenches, wells, pits, shafts, etc. shall be backfilled. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.050 Definitions**

A. For the purpose of this Section, the definitions listed hereunder shall be construed as specified in this section.

1. **AGRICULTURAL OPERATION** for grading purposes is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pit operations.
2. **AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)** is a membership society that is the foremost United States source of information on the specifications and testing of materials.
3. **APPROVAL** shall mean that the proposed work or completed work conforms to this chapter in the opinion of the Building Official.
4. **AS-GRADED** is the extent of surface conditions on completion of grading.
5. **BEDROCK** is in-place solid rock.
6. **BENCH** is a relatively level step excavated into earth material on which fill is to be placed.
7. **BORROW** is earth material acquired from an off-site location for use in grading on a site.
8. **BEST MANAGEMENT PRACTICES (BMPs)** are physical and managerial practices that, when used separately, or in combination, prevent or reduce erosion, sedimentation, or pollution of water. An example of a guide for BMPs is the State Water Resources Control Board Best Management Practices Construction Handbook.
9. **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)** is a recognized specialist in soil erosion and sediment control.
10. **CIVIL ENGINEER** is a professional engineer registered in the state to practice in the field of civil works.

11. CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
12. CLEARING is the destruction or removal of vegetative surface cover by manual, mechanical, or chemical methods resulting in exposed soils that may be subject to erosion. This does not include clearing techniques that retain vegetation and natural drainage patterns.
13. COMPACTION is the densification of a fill by mechanical means.
14. CONSTRUCTION ACTIVITIES include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas that receive run-off from the construction project such as discharge points into a receiving water. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
15. CUT. See Excavation.
16. DEPTH OF FILL is the vertical dimension from the exposed fill surface to the original ground surface.
17. DEPTH OF EXCAVATION (CUT) is the vertical dimension from the exposed cut surface to the original ground surface.
18. EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.
19. EMBANKMENT. See Fill.
20. ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.
21. ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
22. ENGINEERED GRADING PLAN is a plan prepared by registered design professional authorized to do so by the state of California, describing the vertical and horizontal alignment and/or arrangement of grading.



23. EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.
24. EXCAVATION is the mechanical removal of earth material.
25. EXPANSIVE SOIL is any soil which exhibits expansive properties in excess of index rating of 20 as determined by the procedures defined in the California Building Code.
26. FILL is a deposit of earth material placed by artificial means.
27. GEOLOGIC HAZARD is any condition in naturally occurring earth materials which may endanger life, health or property.
28. GEOTECHNICAL ENGINEER. See "Soils engineer".
29. GRADE is the vertical location of the ground surface.
30. GRADING PLAN See engineered grading plan.
31. EXISTING GRADE is the grade prior to grading.
32. FINISH GRADE is the final grade of the site that conforms to the approved plan.
33. ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.
34. GRADING is any excavating or filling or combination thereof.
35. GRADING WORK is grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.
36. KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
37. LAND DISTURBANCE is any activity that results in a change in the soil cover or the soil topography that may result in soil erosion from water or wind and the movement of sediments off site, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.
38. PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or

geologists and shall be sufficient to form an opinion relating to the conduct of the work.

39. RAINY SEASON is the period of the year during which there is a substantial risk of rainfall. For the purpose of this Chapter, the rainy season is defined as from October 15th to April 15th, inclusive.
40. REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (REHS) is an environmental health professional educated and trained within the field of environmental health who is registered with the State.
41. SEDIMENT is any material transported or deposited by water, including soil debris or other foreign matter.
42. SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
43. SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
44. SLOPE, DETERMINATION OF means the cross-slope of a parcel by measurement, at established intervals not crossing defined grade breaks, of the average slope perpendicular to the contour lines.
45. SOIL is naturally occurring superficial deposits overlying bedrock.
46. SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.
47. SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.
48. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) is a plan required for various construction and industrial activities pursuant to the Federal Clean Water Act and related State regulations.
49. TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
50. VEHICULAR WAY is any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

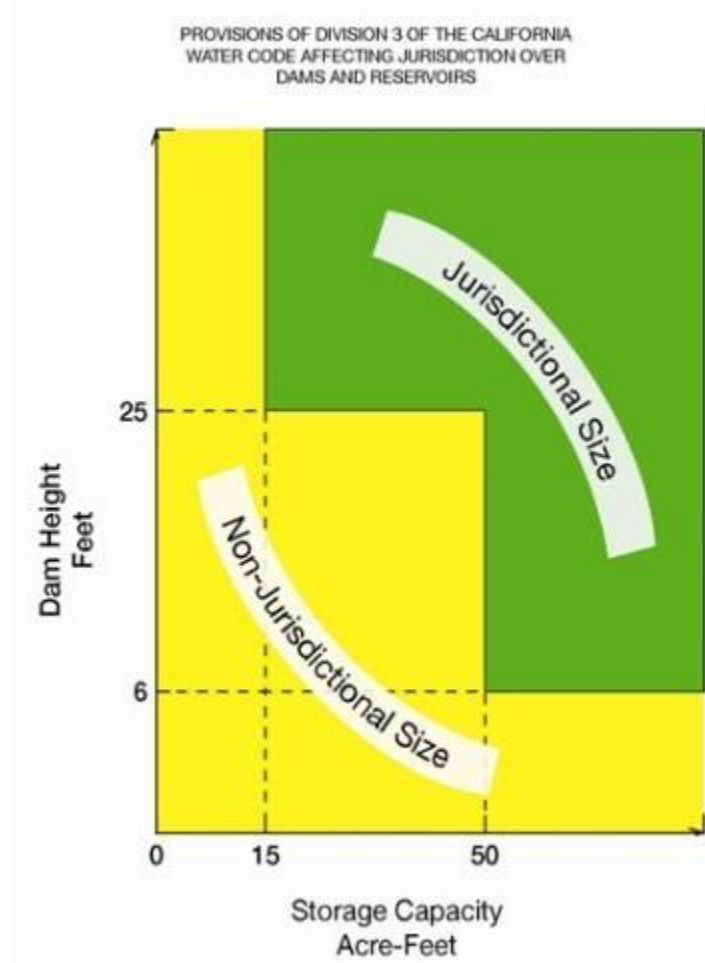
51. WATERCOURSE is any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the Building Official, the definition of natural Channel may be limited to those channels having a watershed area of 50 acres or more, and this definition will be commonly used in connection with the administration of this Chapter except for those cases in which the Building Official determines that the definition must be extended to a natural channel with a watershed smaller than 50 acres in order to prevent a condition which is a menace to life and limb, endangers property, is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses were the definition not extended to a particular natural channel with a watershed below Fifty (50) acres. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.060 Grading Permit Requirements**

- A. Except as exempted in 14.12.030 of this Code, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site and may cover both excavations and fills.
1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.
  2. No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to, these permit requirements.

Dam construction of “Jurisdictional Size” are regulated and permitted by the Department of Water Resources, Division of Dam Safety. Dam construction of “Non-Jurisdictional Size” are regulated and permitted by the Building Department” (See Figure A).

**Figure A**



The construction of dams and reservoirs in excess of five (5') feet in height but twenty-five (25') feet or less in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, regardless of storage capacity, or which have a storage capacity in excess of fifteen (15') acre feet but less than fifty (50') acre feet, regardless of height, shall be subject to County regulatory jurisdiction administered by the Building Department as part of this Chapter. Construction of all dams and reservoirs shall follow the current practices of the Department of Water Resources, Division of Safety of Dams, as dictated in the publication, "Guidelines for the Design and Construction of Small Embankment Dams" (with the exception of contact agency and application process).

3. Pond Construction and design shall be done in conformance with the most recent Conservation Practice Standard, "Pond" (Code 378) as published by the Natural

Resources Conservation Service.

B. The provisions of Section 105, Chapter 1, Division II, are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

C. Grading shall be performed in accordance with the approved grading plan prepared by registered design professional, and shall be designated "engineered grading" The Building Official may waive this requirement if the proposed grading is minor in nature and would not endanger the public health, safety and welfare. This grading shall be designated "regular grading."

D. Engineered Grading Requirements.

1. For engineered grading requirements applications for a grading permit shall be accompanied by three set of plans and two sets of specifications and supporting data. A soils/geotechnical engineering report shall be provided in accordance with the California Building Code.

a. When the proposed grading includes a cut or fill exceeding ten (10') feet in-depth at any point, or a cut or fill exceeding seven feet in depth at any point with the slope of the natural ground exceeding twenty (20%) percent;

b. When highly expansive soils are present; or

c. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

An engineering geology report shall be included with the supporting data when the proposed grading is in excess of 5,000 cubic yards. (See 14.12.060(F))

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

2. The plans shall include the following information:

a. General vicinity of the proposed site.

- b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
  - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
  - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
  - e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15') feet (4,572 mm) of the property or that may be affected by the proposed grading operations.
  - f. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
  - g. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
  - h. Cross sections (not less than two (2)) of existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills.
  - i. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
  - j. A detailed erosion and sediment control plan including specific locations, construction details and supporting calculations for temporary and permanent sediment control structures and facilities.
  - k. A landscaping plan, including temporary erosion control plantings, permanent drought-resistant slope plantings, replacement or temporary groundcover, and irrigation facilities.
  - l. The location of any borrow site or location for disposal of surplus material.
- E. The soils engineering report required by Subsection 13.12.060.6D shall

include:

1. An index map showing the regional setting of the site;
2. A site map that shows the topographic features of the site and locations of all soil borings and test excavations accompanied with a log for each soil boring and test excavation;
3. Classification of the soil types and data regarding the nature, distribution and strength of existing soils;
4. A suitable scaled map and cross sections showing all identified areas of land slippage;
5. A description of any encountered groundwater or excessive moisture conditions;
6. Conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary;
7. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

F. The engineering geology report required by Subsection 14.12.060.6D shall include:

1. An adequate description of the geology of the site and geology of the adjacent areas when pertinent to the site;
2. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;
3. Opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors; and
4. Recommendations for mitigation of geologic hazards.

G. The Building Official may require a geotechnical investigation in accordance with the California Building or Residential Code when, during the course of an investigation, any of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, fifty (50') feet (15,240 mm) or less;

2. Unconsolidated sandy alluvium;
3. Seismic Design Category C, D, E or F.

H. Regular Grading Requirements.

1. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- a. General vicinity of the proposed site;
- b. Limiting dimensions and depth of cut and fill;
- c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures with fifteen (15') feet (4,572 mm) of the proposed grading;
- d. Property limits and accurate contours of existing ground;
- e. Typical cross section(s) of the existing and proposed graded area(s) at locations of maximum cut and fill;
- f. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.

I. The provisions of those applicable sections of Division II of the California Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

J. The Building Official may require professional inspection and testing. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

K. In issuing a permit, the Building Official may impose conditions as prescribed by this Chapter necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings;



2. Improvement of any existing unstable grading affected by this permit to comply with the standards of this Section;
3. Protection of grading which would otherwise be hazardous;
4. Dust, erosion and sediment control, and season of work, weather conditions, sequence of work, access roads and haul routes;
5. Safeguard watercourses from excessive deposition of sediment or debris;
6. Safeguard areas reserved for on-site sewage disposal, water supply and hazardous material storage;
7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion;
8. Compliance with all applicable provisions of the Nevada County Codes.

L. If grading operations are commenced before first securing a proper permit, no permit will be issued until illegal grading has stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition to the extent feasible, and to the extent full restoration is not possible mitigation measures may be imposed to remediate any damage caused. Restoration shall be in conformity to an approved restoration plan.

M. Winter operations shall not be allowed if an immitigable high potential for accelerated erosion exists due to slope, rock or soil type, proximity to a stream or drainage course, magnitude or duration of disturbance, or other characteristics of the project and the site. Approval shall be obtained from the Building Official prior to any grading activity during the Rainy Season. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.070 Grading Fees**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **Section 14.12.080 Bonds**

A. As a condition for the issuance of a permit, the Building Official may require the deposit of improvement security in sufficient amount deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. The form of security shall be acceptable to County Counsel. Public agencies are exempted from this provision by law.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work and subdivision improvements as being complete or until the subdivider has entered into an agreement to complete all unfinished work and improvements and furnished improvement security pursuant to Section 14.12080, whichever first occurs.

C. For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work as being complete.

D. In addition to the improvement security, the Building Official may also require the deposit of maintenance security in a sufficient amount deemed necessary by them to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one (1) year after the date of expiration of the improvement security as designated in Subsections B and C above.

E. Any bond or deposit required by the Building Official pursuant to this Section shall be payable to the Nevada County Building Department.

F. Upon satisfaction of applicable provisions of this Section, the improvement and maintenance security deposits or bonds will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done, and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the County of the cost of the work. (Ord. 2515.

(12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.12.090 Cuts**

A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

B. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one (1) unit vertical in two (2) units horizontal (fifty (50%) percent slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTION: A cut surface may be at a slope gradient of one and one-half (1.5) horizontal to one (1) vertical (67 percent) provided that all of the following are met:

1. It is not intended to support structures or surcharges.
2. It is adequately protected against erosion.
3. It is no more than eight (8') feet in height.
4. The soil is not classified as CH, CL, or MH.
5. It is approved by the Building Official. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.12.100 Fills**

A. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this Section.

B. Where fill is intended to support any permanent structure, an engineered grading plan shall be required. The placement and compaction requirements shall be as stated in the engineering report.

1. Where fill is intended to support any paved surface, or is part of a fire access road or driveway, the requirements of this Section shall be followed.

2. The guidelines of this Section shall be followed for all other fills except compaction to a minimum of ninety (90%) percent of maximum density need not be provided for minor fills not intended as a buildable area. Lots with non-engineered fills or fills not compacted in compliance with Subsection 14.12.100 (D) shall be documented. Future development on the lots shall require a qualified person to determine the proposed work is not within the fill area or can adequately be built in the fill area.

C. Fill slopes shall not be constructed on natural slopes steeper than one (1) unit vertical in two (2) units horizontal (fifty (50%) percent slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope) and the height is greater than five (5') feet (1,524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope) shall be at least ten (10') feet (3,048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten (10') feet (3,048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

D. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than twelve (12") inches (305 mm) shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

E. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;

1. Rock sizes greater than twelve (12") inches (305 mm) in maximum dimension shall be ten (10') feet (3,048 mm) or more below grade, measured vertically;
2. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

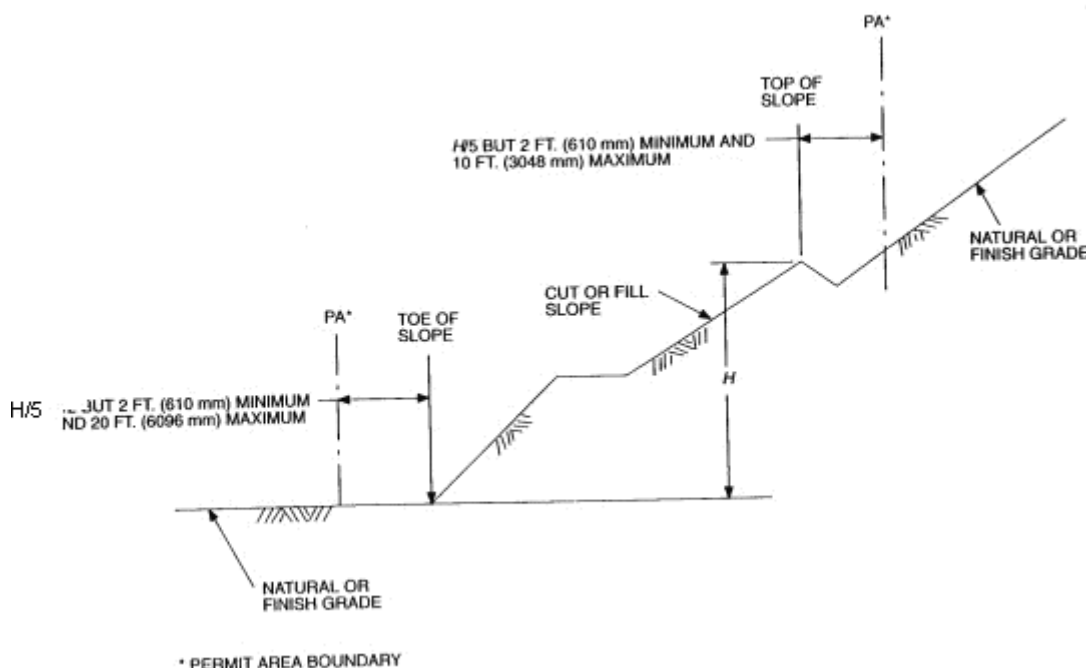
F. All fills shall be compacted to a minimum of ninety (90%) percent of maximum density.

G. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one (1) unit vertical in two (2) units horizontal (fifty

(50%) percent slope). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### Section 14.12.110 Setbacks

A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-33-1.



B. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of two (2') feet (610 mm) and a maximum of ten (10') feet (3,048 mm). The setback may need to be increased for any required interceptor drains.

C. The toe of fill slope shall be made not nearer to the site boundary line than one fifth the height of the slope with a minimum of two (2') feet (610 mm) and a maximum of twenty (20') feet (6,096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

1. Additional setbacks;
2. Provision for retaining or slough walls;
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
4. Provisions for the control of surface waters.

D. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.120 Drainage and Terracing**

A. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

EXCEPTION: Drainage facilities and terracing need not be provided where the ground slope is not steeper than three (3) horizontal to one (1) vertical (thirty-three (33%) percent).

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

Storm drainage and design standards not otherwise specified herein shall comply with 16.12.010 the County of Nevada Code.

B. Terraces at least six (6') feet (1,829 mm) in width shall be established at not more than thirty (30') foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid- height. For cut or fill slopes greater than sixty (60') feet (18,288 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-height shall be twelve (12') feet (3,658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five (5%) percent and must be paved with reinforced concrete not less than three (3") inches (76 mm) in

thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of five (5') feet (1,524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m<sup>2</sup>) (projected) without discharging into a down drain.

C. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of five (5%) percent toward approved drainage facilities, unless waived by the Building Official.

EXCEPTION: The gradient from the building pad may be two (2%) percent if all of the following conditions exist throughout the permit area:

E. No proposed fills are greater than ten (10') feet (3048 mm) in maximum depth.

1. No proposed finish cut or fill slope faces have a vertical height in excess of ten (10') feet (3,048 mm).
2. No existing slope faces steeper than one (1) unit vertical in ten (10) units horizontal (ten (10%) percent slope) have a vertical height in excess of ten (10) feet (3,048 mm).

When surface drainage is discharged onto any property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. A grading and discharge plan shall be required which includes the analysis of the effect of the discharge.

F. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty (40') feet (12,192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of three (3") inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12") inches (305 mm) and a minimum paved width of thirty (30") inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official.

G. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains and other devices. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.130 Road and Driveway Standards**

A. The construction and design of all roadways shall be done in conformance with 12.04.310 under this Code.

B. The construction and design of all driveways shall be done in conformance with 04.03 of this Code.

1. At no place along the length of a driveway shall the grade be in excess of the established grades in 04.03. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.140 Erosion Control**

A. The following shall apply to the control of erosion and sediment from grading and construction activities resulting in land disturbance:

1. Plans shall be designed with long-term erosion and sediment control as a primary consideration;
2. Grading and construction activities during the rainy season shall provide erosion and sediment control measures except upon a clear demonstration to the satisfaction of the Building Official that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;
3. Should land disturbance be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;
4. Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of land disturbance shall be clearly defined and marked to prevent damage by construction equipment;
5. Permanent drought-resistant vegetation and structures for erosion and sediment control shall be installed as soon as possible;



6. Provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation;
7. No topsoil shall be removed from the site unless otherwise directed or approved by the Building Official. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;
8. Runoff shall not be discharged from the site in quantities or at velocities substantially above those that occurred before land disturbance, or channeled, concentrated or redirected except into drainage facilities whose design has been specifically approved by the Building Official;
9. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

B. Should increase sediment discharge occur or become imminent, the permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal, or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this Chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the Building Official may take such actions as required to abate a hazardous public nuisance.

C. Erosion and sediment control plans prepared pursuant to this Chapter shall comply with all of the following:

1. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.
2. An erosion and sediment control plan shall be required for any grading project required to have a grading permit.

EXCEPTION: The Building Official determines that the grading and/or construction activity will not impose a significant erosion or sediment discharge hazard.

3. Erosion and sediment control plans shall include an effective re-vegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas

where construction activities have been completed between April 15th and October 15th shall be planted no later than November 1st. Land disturbance areas completed at other times of the year shall be planted within fifteen (15) days. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

4. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and construction activities from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.
5. Erosion and sediment control plans shall comply with the recommendations of any Civil Engineer, Geotechnical Engineer, Engineering Geologist, Architect, or Soil Erosion Control Specialist involved in preparation of the grading plans.
6. The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a Civil Engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.
7. Erosion and sediment control plans shall be designed to meet anticipated field conditions.
8. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season, and for specific sediment clean-out and vegetation maintenance criteria.
9. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the Erosion and Sediment Control Guidelines for Developing Areas of the Sierras published by High Sierra Resource Conservation and Development Council.
10. For projects subject to the State requirements to prepare a SWPPP (Storm Water Pollution Prevention Program) a preliminary SWPPP may be submitted in lieu of the erosion and sediment control plan required by these regulations.
11. Erosion control measures shall be installed in accordance with the issued grading

and/or construction plans prior to any rain event. Any grading completed between October 15th and April 15th shall have all erosion control materials that are required be installed in accordance with the issued construction and grading plans onsite. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.150 Grading Inspection**

A. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with Subsection E herein for engineered grading and as required by the Building Official for regular grading.

B. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the civil engineer.

C. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the civil engineer.

D. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such

change and shall provide revised plans for approval.

Periodic progress reports may be required to be rendered by the permittee at commencement and completion of major key grading and erosion and sediment control operations.

No permittee shall be deemed to have complied with this Section until the Building Official has made a final inspection of the work and has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit.

The permittee shall provide adequate access to the site for inspection by the Building Official during the performance of all work and for a minimum period of one (1) year after acceptance by the Building Official of all improvements pursuant to this Section.

F. The Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. If, in the course of fulfilling their respective duties under this Section, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official.

H. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

I. As a condition of the permit, the Building Official may require the permittee to provide, at permittee's expense, a Geotechnical Engineer or Civil Engineer to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that they have inspected the work and that in their professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a Geotechnical Engineer or Civil Engineer shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five (5') feet in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously

inspected when fills exceed ten (10') feet in height.

2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.
3. During the installation of subsurface drainage facilities.

Reports filed by the Geotechnical Engineer or Civil Engineer regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

The use of a Geotechnical Engineer or Civil Engineer for inspections shall not preclude the Building Official from conducting inspections using their own or other authorized inspectors as may be necessary. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.12.160 Completion of Work**

A. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 14.12.150(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 14.12.150(C) of this Section, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this Section.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 14.12.150(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this Chapter.

4. The grading contractor shall submit, in a form prescribed by the Building Official, a statement of conformance to said as-built plan and the specifications.

B. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion- control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER13: ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS**

### **Sections:**

**Section 14.13.010 Purpose**

**Section 14.13.020 Applicability**

**Section 14.13.030 Definitions**

**Section 14.13.040 Electric Vehicle Charging Station Requirements**

**Section 14.13.050 Application Standards**

**Section 14.13.060 Expedited Permitting Process and Permit Review**

### **Section 14.13.010 Purpose**

The purpose of the Section is to adopt an expedited, streamlined permitting process that complies with AB 1236 and Cal. Gov't Code § 65850.7 to achieve timely cost- effective installation of electric vehicle charging stations. This Section encourages the installation and use of electric vehicle charging stations by removing obstacles to and minimizing the cost of permitting for charging stations, and by expanding the ability of residential, agricultural and commercial property owners to install electric vehicle charging stations. This Section allows the county to achieve these goals while protecting the public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.13.020 Applicability**

This Section applies to the permitting of electric vehicle charging stations in the unincorporated area of the County of Nevada. Electric vehicle charging stations legally established or permitted prior to the implementation of this expedited permitting process are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging station in such a way as to require new permitting. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.13.030 Definitions**

A. “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, as it reads on the effective date of this Section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

B. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet; or
3. Facsimile.

C. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

D. “A feasible method to satisfactorily mitigate or avoid the specific adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit.

E. “Building Official” means the officer or other designated authority charged with the administration and enforcement of the Nevada County Code, or a duly authorized representative.

F. An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.13.040 Electric Vehicle Charging Station Requirements**

A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements of local, state and federal law.

B. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.13.050 Application Standards**

A. No later than September 30, 2017, the Building Official of Nevada County



or their designee shall implement an expedited permitting process, after consulting with the local fire department or district, that will allow the Building Official to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit.

B. The Building Official shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. The checklist and all required permitting documentation shall be published on the County of Nevada's Internet Website.

C. In developing the expedited permitting process and checklist, the Building Official may refer to the recommendations contained in the most recent version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" and/or the "Zero- Emission Vehicles in California: Community Readiness Guidebook" published by the State of California's Office of Planning and Research. The Building Official may modify the checklist and standards found in the Guidebook due to unique climatic, geological, seismological, or topographical conditions.

D. Electronic submittal of the required permit application and supporting documents shall be made available for all electric vehicle charging station permit applications. The method of electronic submittal shall be at the County's discretion. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.13.060 Expedited Permitting Process and Permit Review**

A. The applicant may submit the permit application and supporting documents to the Building Department by electronic submittal. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.

B. An application and supporting documents that satisfy the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information that is required to be eligible for expedited permit issuance.

C. Upon confirmation by the Building Official that the application is complete and meets the requirements of the checklist and is consistent with this Section, the Building Official shall administratively approve the application and issue all required permits or authorizations. The Building Official may establish a process to prioritize competing applications for expedited permits.

1. If the County makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, the County may require the applicant to apply for a use permit.
2. The County may withhold issuance of the permit or authorization if there is a violation on record for any structure associated with the application under review.
3. The County shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an “Association”, as that term is defined in Cal. Civ. Code § 4080.

D. The County shall not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

E. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific adverse impact upon the public health or safety at the lowest cost possible.

F. This expedited permitting process is intended to apply only to applications for permits for electric vehicle charging stations and will not expedite the review of any other permit applications.

G. The Building Official’s decision pursuant to Subsection C or D may be appealed to the Nevada County Building and Accessibility Standards Board of Appeals in accordance with Nevada County Code Section 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

## **CHAPTER 14: SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

### **Sections:**

**Section 14.14.010 Purpose**

**Section 14.14.020 Applicability**

**Section 14.14.030 Definitions**

**Section 14.14.040 Solar Energy System Requirements**

**Section 14.14.050 Duties of the Building Department and Building Official**

**Section 14.14.060 Permit Review and Inspection Requirements**

### **Section 14.14.010 Purpose**

The purpose of this Section is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Section encourages the use of solar systems by reducing costs to property owners and the County, and expanding the ability of property owners to install solar energy systems. This Section allows the County to achieve these goals while protecting public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.14.020 Applicability**

This Section shall apply to the permitting of all small residential rooftop solar energy systems in the County of Nevada as defined by Section 14.14..3(B).

Solar energy systems legally established or permitted prior to the effective date of this Section are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

### **Section 14.14.030 Definitions**

A. “Solar energy system” means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. A “small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than ten (10 kw) kilowatts alternating current nameplate rating, or thirty (30 kw) kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County and all state and County health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the County.

C. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet;
3. Facsimile.

D. An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

E. A “common interest development” means any of the following:

1. A community apartment project.
2. A condominium project.
3. A planned development.
4. A stock cooperative.

F. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety

standards, policies, or conditions as they existed on the date the application was deemed complete.

G. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

H. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten (10%) percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding ten (10%) percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten (10%) percent as originally specified and proposed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.14.040 Solar Energy System Requirements**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the California Building Standards Codes and Chapter 14, governing Building of the County Code.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.14.050 Duties of the Building Department and Building Official**

A. All documents required for the submission of an expedited solar energy

system application shall be made available on the publicly accessible County Website.

B. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's

Office of Planning and Research. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

#### **Section 14.14.060 Permit Review and Inspection Requirements**

A. The County Building Department shall adopt an administrative, non-discretionary review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the adoption on this Section. For permit applications submitted over-the-counter and electronically, the Building Department shall issue a building permit or other non-discretionary permit within five (5) business days of receipt. The time to issue a permit begins upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. All fees prescribed for the permitting of small residential rooftop solar systems must comply with Cal. Gov't Code § 66016 and Cal. Health & Safety Code § 17951.

B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.

C. The Building Official may deny the application if the Building Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such findings shall be made in writing based on substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Findings shall include a basis for the rejection of the potential feasible alternative for preventing the adverse

impact. Such decisions may be appealed to the Building and Accessibility Standards Board of Appeals in accordance with this 14.02.020, which may be further appealed to the Board of Supervisors.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Cal. Civ. Code §714, defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The County shall not condition approval of an application on the approval of an Association, as defined in Cal. Civ. Code § 4080.

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review unless additional inspections are determined necessary by the Building Official based on specific climatic, geographic and/or topographical conditions.

I. The inspection(s) shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and the applicant shall be provided with a two (2) hour inspection window.

J. Inspections.

1. All solar energy systems shall be inspected for compliance with the manufacturer’s installation requirements and the California Electrical Code.
2. The systems shall be ready for inspection with all electrical equipment/components accessible and in clear view.
3. The County’s Building Inspector shall have access to all parts of the system.

4. The permit, approved plans, and specifications shall be readily available on site at the time of inspection.
5. Any changes to approved plans must be reviewed and approved by the Building Department prior to scheduling the inspection.

If a small residential rooftop solar energy system fails inspection, a subsequent re-inspection is authorized and may include a re-inspection fee in accordance with the County's adopted fee schedule. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))



## **CHAPTER 15: : WOOD STOVES AND FIREPLACES**

### **Sections:**

**Section 14.15.010 Applicability**

**Section 14.15.020 Definitions**

**Section 14.15.030 Permit and Inspection Required**

**Section 14.15.040 Standards for Solid Fuel Burning Appliances**

**Section 14.15.050 Prohibited Fuels**

**Section 14.15.060 Fees**

**Section 14.15.070 Violations/Infractions**

**Section 14.15.080 Enforcement Official**

### **Section 14.15.010 Applicability**

The provisions of this Chapter shall apply to all unincorporated areas within the County of Nevada. (Ord. 2384. (09/9/2014); Ord. 2522. (04/18/2023))

### **Section 14.15.020 Definitions**

As used in this Chapter, the following words, phrases and abbreviations are defined as follows:

- A. “Dwelling” means a structure designed and used for long-term residential occupancy. “Dwelling Unit” means that portion of a dwelling designed or used for occupancy of one (1) family or living group separated from and living independently of others in the same dwelling, e.g. a duplex constitutes one (1) “dwelling” but two (2) “dwelling units”
- B. “EPA” means the United States Environmental Protection Agency.
- C. “EPA certified appliance” means any solid fuel burning appliance utilized for aesthetic, water heating or space heating purposes that has been certified by the EPA as meeting the performance and emission standards for new residential wood heaters (as set forth in Title 40 Code of Federal Regulations [C.F.R.] Part 60, Subpart AAA February 26, 1988).
- D. “EPA Phase II certified appliance” means an EPA certified appliance that meets the emission requirements of no more than 4.1 grams per hour particulate matter emission for catalytic and 7.5 grams per hour for non-catalytic appliances. Pellet fueled wood heaters, gas fueled appliances or fireplace inserts, as defined herein, shall be considered as meeting Phase II requirements. Any other solid fuel burning appliances, including fireplaces

not qualifying as factory-built fireplaces, shall be considered non-certified appliances that must be proven, based upon evidence including manufacturer's documentation, to be at least an equivalent alternative before use may be authorized.

- E. "Factory-built fireplace" means a prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a "wood heater" as defined in 40 C.F.R §60.531 (1988). It does not mean open masonry fireplaces, barbecue devices, gas-fired fireplaces or cook stoves.
- F. "Pellet fueled wood heater" means any heater designed to heat the interior of a building that operates only on pelleted wood fuel and has an automatic feed manufactured and included as an integral part of the unit.
- G. "Permanently inoperable" means modified in such a way that the appliance can no longer function as a solid fuel heater or easily be re-modified to function as a solid fuel heater. Conversion to other fuels, such as gas, is prohibited.
- H. "Gas fueled appliances" means any heater designed to heat the interior of a building that operates on either propane, natural gas or oil.

"Solid fuel burning appliance" means any fireplace, heater, stove or structure that burns wood, coal or any other non-gaseous or non-liquid fuels, or any similar device burning any solid fuel used for aesthetic, water heating or space heating purposes and includes pellet fueled wood heaters, fireplaces and factory-built fireplaces, airtight wood stoves and any other such appliance that is a "wood heater" or wood-fired "boiler" as defined in 40 C.F.R. §60.531 (1988). It does not mean a cook stove or a furnace as those terms are defined in 40 C.F.R. §60.531 (1988). (Ord. 2384. (09/9/2014); Ord. 2522. (04/18/2023))

#### **Section 14.15.030 Permit and Inspection Required**

No solid fuel burning appliance shall be installed without first obtaining a permit from the County Building Department. All installations shall require an inspection and approval by the County Building Inspector prior to operation. The Building Inspector shall verify that appliances comply with the required emissions standards and with this Chapter and such verification shall remain on file with the County Building Department. Effective January 1, 2003, where any project to be permitted involves installation of any solid fuel burning appliance, no building or installation permit may be issued for such project unless the plan indicates any new or replacement solid fuel burning appliance proposed complies with standards set forth in this code.

#### **Section 14.15.040 Standards for Solid Fuel Burning Appliances**

- A. All new solid fuel burning appliances shall be EPA Phase II certified appliances or such alternate appliances meeting or exceeding EPA clean air

emission standards as the Chief Building Inspector may approve. Additionally, whenever an existing solid fuel burning appliance installed prior to January 1, 2003, is voluntarily replaced, the replacement unit shall be an EPA Phase II certified appliance.

#### **Section 14.15.050 Prohibited Fuels**

A. Materials that are allowed to be burned in a solid fuel burning appliance are listed below:

1. Dried and untreated wood;
2. Uncolored paper;
3. Manufactured logs, pellets and similar manufactured fuels;
4. Cardboard;
5. Undyed organic cloth.

B. Burning of any other fuels or materials in a solid fuel burning appliance is prohibited within the unincorporated area of the County of Nevada. Burning of any fuels or materials other than those recommended by the manufacturer in pellet fueled wood heaters and gas fueled appliances is prohibited within the unincorporated areas of Western Nevada County.

#### **Section 14.15.060 Fees**

A fee shall be charged for the inspection and permitting services of the County pursuant to this Chapter, payable before a permit is issued. The fee shall be established and adopted by the Board from time to time by resolution.

#### **Section 14.15.070 Violations/Infractions**

Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine which increases for subsequent violations of the same section within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

#### **Section 14.15.080 Enforcement Official**

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of this Chapter along with the Chief Building Official of Nevada County, or their designee. To the extent violations are designated to be infractions, the Nevada County Code Compliance Manager is authorized to enforce the provisions of this Chapter.



## **CHAPTER 16: ART IN PUBLIC PLACES**

Sections:

<b>Section 14.16.010</b>	<b>Intent</b>
<b>Section 14.16.020</b>	<b>Construction of Public Buildings</b>
<b>Section 14.16.030</b>	<b>Funding</b>

### **Section 14.16.010 Intent**

In adopting this Chapter it is the intent of the Board of Supervisors to foster culture and the arts within the County of Nevada by acquiring art for public display within any new buildings that may hereinafter be built by the County.

### **Section 14.16.020 Construction of Public Buildings**

Whenever any new building is to be constructed by the County of Nevada, the Board of Supervisors shall determine whether the building layout and use are conducive to the public display of art, and in such cases as the Board finds to be suitable, the Board of Supervisors shall endeavor to provide funding in an amount up to one percent (1%) of the total estimated cost of construction thereof for the express purpose of acquiring and displaying art therein.

### **Section 14.16.030 Funding**

In order to establish a funding mechanism for art acquisitions, the County shall establish a separate budgetary account which shall be known as the "Art Acquisition Account". The Board of Supervisors shall annually during the budget adoption process allocate such funds to the account as the Board deems appropriate

## **TITLE 15: SANITATION**

### **CHAPTER 1: SEWAGE**

#### **Sections:**

- Section 15.01.010 Purpose**
- Section 15.01.020 Definitions**
- Section 15.01.030 Applicability of this Chapter**
- Section 15.01.040 Sewage Disposal**
- Section 15.01.050 System Permit Required**
- Section 15.01.060 Department Fees**
- Section 15.01.070 Connection to Public Sewer System**
- Section 15.01.080 Site Evaluation Required**
- Section 15.01.090 Soil Testing Required**
- Section 15.01.100 Site Approval Report**
- Section 15.01.110 Sewage Disposal System Construction Permit Application**
- Section 15.01.120 Action on Permit Application**
- Section 15.01.130 Inspections**
- Section 15.01.140 System Monitoring and Maintenance**
- Section 15.01.150 Sewage Disposal System Abandonment**
- Section 15.01.160 Variances**
- Section 15.01.170 Advisory Group Established**
- Section 15.01.180 Appeals**
- Section 15.01.190 Requirements for Land Use Projects**
- Section 15.01.200 Centralized Sewage Disposal Criteria**
- Section 15.01.210 Violations, Nuisances and Abatement**

#### **Section 15.01.010 Purpose**

The purpose of this Chapter is protection of public health through establishment of minimum standards for design, construction, installation, operation, maintenance, replacement, alteration, enlargement, repair and abandonment of facilities for disposal of sewage within the unincorporated area of the County of Nevada. The procedural and regulatory framework is contained in this Chapter. All work shall be done pursuant to this Chapter with the applicable permits in compliance with accepted engineering practice. The Board of Supervisors, by separate Resolution, may adopt per Assembly Bill 885 and State of California Water Resources Control Board a Local Area Management Plan (LAMP) and State Water Resources Control Board On-Site Wastewater Treatment System (OWTS) Policy, delineating in specific detail implementing standards and regulations reflecting acceptable practices and procedures. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

## **Section 15.01.020 Definitions**

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. **BLACKWATER** - Human or commercial kennel wastes including feces, urine, the carriage water generated through toilet usage, other extraneous substances of body origin, toilet paper and wastes discharged from kitchen sinks and dishwashers.
- B. **BOARD OF SUPERVISORS** - The Nevada County Board of Supervisors.
- C. **CENTRALIZED SEWAGE DISPOSAL SYSTEM** - Facilities for the collection, transportation, treatment and disposal of any sewage from two (2) or more sources by any method which meets State and local minimum standards.
- D. **CONSULTANT** - One of the following persons (exclusive of Department personnel):
  - 1. Certified Engineering Geologist;
  - 2. Certified Professional Soil Scientist;
  - 3. Registered Civil Engineer;
  - 4. Registered Environmental Health Specialist; or
  - 5. Registered Geologist.
- E. **CONTRACTOR** - A person who possesses an active Class A, B-1, or C-42 contractor's license in accordance with the provisions of the California Business and Professions Code.
- F. **DEPARTMENT** - The Nevada County Department of Environmental Health, it's director, and designated employees.
- G. **DIRECTOR** - The Director of the Nevada County Department of Environmental Health, or their designated employee.
- H. **GRAYWATER** - Untreated wastewater that has not come into contact with toilet wastes. It includes used water from bathtubs, showers, bathroom wash basins, and from clothes washing machines and laundry tubs. It does not include wastewater from kitchen sinks, dishwashers or laundry water from soiled diapers.
- I. **OWNER** - Any person who alone, or jointly, or severally with others:
  - 1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
  - 2. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or as the owner's authorized representative.
- J. **OWNER'S AUTHORIZED REPRESENTATIVE** - A person authorized in writing by an owner of or holder of an easement sufficient to authorize the work on the

land on which the system is to be installed, to represent the owner's or easement holder's interests, (e.g., consultant, contractor, real estate agent, etc.)

K.                **QUALIFIED PROFESSIONAL** - one of the following persons (exclusive of Department personnel)

1.        Certified Engineering Geologist;
2.        Certified Professional Soil Scientist;
3.        Registered Civil Engineer; or
4.        Registered Environmental Health Specialist.

L.                **PERSON** - Any individual, corporation, association, firm, organization, partnership, or company.

M.                **PUBLIC ENTITY** - A local agency, as defined in Cal. Gov't Code §§ 53090 – 54999.7 which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual sewage disposal systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from individual sewage disposal systems and to conduct any monitoring of surveillance programs as required for water quality control purposes.

N.                **PUBLIC SEWER SYSTEM** - Any sewer system constructed, installed, maintained, operated and owned by or for a municipality or taxing district established for sewage disposal purposes.

O.                **PUBLIC WATERS** - Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or underground waters, natural or artificial, public or private, which are wholly or partially within or bordering the County of Nevada or within its jurisdiction.

P.                **PUBLIC WATER SYSTEM** - A system for the provision of water for human consumption through pipes or other constructed conveyances that has fifteen (15) or more service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

Q.                **SEWAGE** - Blackwater, graywater, and/or any liquid contaminated with materials thereof.

R.                **SEWAGE DISPOSAL REGULATIONS** - The implementing standards and requirements of this Chapter developed by the Department and the community, and



subsequent amendments thereto, adopted by the Board of Supervisors by Resolution. The Sewage Disposal Regulations include specific detail on acceptable sewage disposal systems and permitting.

S. SOURCE - Point of origin of a wastewater discharge from any residential, commercial, or recreational building and/or establishment.

T. SYSTEM - A sewage disposal facility, including replacement area, commencing with the building sewer, designed for the collection, treatment and disposal of sewage, or sewage storage only, on a site. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.030 Applicability of this Chapter**

The requirements of this Chapter, as supplemented by LAMP and OWTS Policy, shall apply to all sewage disposal and for any division of land in Nevada County approved after the adoption of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.040 Sewage Disposal**

A. It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to treat or dispose of sewage in any manner other than by a sewer, septic tank and leaching system, centralized sewage disposal system, public sewer system or other method of sewage disposal meeting the standards set forth in this Chapter and LAMP and OWTS Policy.

B. A system shall be constructed, operated and maintained in compliance with all requirements of the permit allowing its installation and operation and so as not to permit sewage to rise to the ground surface or to discharge sewage onto the ground or into the groundwater or surface water. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.050 System Permit Required**

It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to construct, install, replace, alter, enlarge, abandon or repair a system, or any portion thereof, in or upon any property in the County without first having obtained a permit to do so from the Department, except as provided in this Chapter.

### **Section 15.01.060 Department Fees**

Fees for permits and other services of the Department required by this Chapter shall be established by resolution of the Board of Supervisors. The applicable fee shall be paid at

the time of filing a permit application or in advance of the service. In the event that a permit application is denied in writing by the Department, fees will be charged when a new application is made.

#### **Section 15.01.070 Connection to Public Sewer System**

A. Connection to a public sewer system shall be required for all new construction when the public sewer system is within two hundred (200') feet of any boundary of an existing property or within five hundred (500') feet of any boundary of a proposed parcel map or tentative map, as measured in a straight line, so long as a connection can be legally and physically achieved. A system permit shall not be required in said instance so long as connection is made in accordance with the rules and regulations of the public entity operating the public sewer system.

B. In the event that an existing on-site wastewater disposal system fails, the Department may compel connection to a public sewer system if the property boundary is within two hundred (200') feet of the public sewer system as measured in a straight line, so long as a connection can be legally and physically achieved.

#### **Section 15.01.080 Site Evaluation Required**

A site evaluation of the property, in conformance with LAMP and OWTS Policy, shall be conducted by the Department and the applicant's consultant prior to issuance of a system permit in order to provide sufficient information to prepare the site approval report as required in Section 15.01.110 of this Chapter. The property owner or owner's authorized representative shall make application for a site evaluation to the Department and pay the required fee before applying for a system construction permit. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

#### **Section 15.01.090 Soil Testing Required**

A. A minimum of two (2) soil test pits are required in an area proposed for sewage disposal prior to applying for a system permit, provided, however, that the Department may waive this requirement where sufficient information already exists. The soil test pits shall be witnessed by the Department and the applicant's consultant. All soil test pit excavations shall be adequately protected and backfilled following logging of the soil by a qualified professional.

B. "Wet weather testing" to determine the depth to water below the surface of the ground may be required by the Department prior to approving a site for a system. Wet weather testing will be performed during that time of year representative of soil saturation as determined by the Department according to LAMP and OWTS Policy.

C. System sizing shall be based on percolation tests or soil type. Where percolation tests are utilized for sizing the system, a minimum of three (3) percolation tests shall be performed in the area where a system is to be located. Percolation tests shall be conducted by the applicant's qualified professional.

D. For parcels tested after the effective date of this Chapter, the applicant's qualified professional shall prepare a site evaluation report for the site, including the results of all soil testing, in conformance with LAMP and OWTS Policy. The site evaluation report shall be submitted to the Department by the applicant's qualified professional within sixty (60) days of the date the site evaluation is completed on the property. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.100 Site Approval Report**

A site approval report in conformance with LAMP and OWTS Policy shall be prepared by the Department after receipt of the site evaluation report from the qualified professional or owner. The site approval report shall specify the type(s) of system(s), if any, that can be approved for the parcel. (Exception: a site approval report is not required where soils testing was conducted prior to the adoption of this Chapter and the Department finds that the site and prior test results are acceptable.) (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.110 Sewage Disposal System Construction Permit Application**

A. The property owner, qualified professional, or contractor shall make application for a system permit on a form provided by the Department for that purpose.

B. All information and documents required by LAMP and OWTS Policy, including a consultant's design and certification where required, shall be provided and completed at the time of application and shall, at a minimum, include:

1. The required number of site plans;
2. Results of all soils testing, if not on file at the Department;
3. A site approval report, unless not required; and
4. System design work and calculations for systems which are designed by a qualified professional. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.120 Action on Permit Application**

A. The Department will act on a system construction permit application to approve, conditionally approve, or deny it, based upon its compliance with the requirements of this Chapter and LAMP and OWTS Policy.

B. The Department may issue a permit only when all of the requirements of this Chapter and LAMP and OWTS Policy have been met. The permit may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. System construction permits shall expire and become void one (1) year from the date they are issued. Upon written request, an unexpired permit may be renewed for a maximum of one (1) year beyond the initial expiration date. An unexpired valid permit may be transferred to a new property owner. The new owner shall make a written request for transfer of the permit upon the change of ownership.

C. The Department shall deny any permit application that fails to comply in any regard with the requirements of this Chapter or LAMP and OWTS Policy.

D. The applicant or any person interested in the permit application may appeal any decision of the Department pursuant to Section 15.01.180 of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.130 Inspections**

A. The system components and construction shall be inspected by the Department as required by the construction permit for compliance with permit conditions, this Chapter and LAMP and OWTS Policy. Final approval of the construction permit shall only be granted after the Department has completed all necessary system inspections. Department inspection(s) of the system may be waived by the Department on a case-by-case basis for good cause as provided for in LAMP and OWTS Policy.

B. All special design system installations shall also be inspected by the applicant's qualified professional who shall certify in writing to the Department that the installation has met the design as approved by the Department. The final approval of the system by the Department cannot be given until this certification is received.

C. The Department shall issue a Certificate of Satisfactory Completion for a system upon determination that the system as constructed and installed complies with the requirements of the permit and this Chapter, as supplemented by LAMP and OWTS Policy. No system constructed after the effective date of this Chapter shall be placed into operation without a Certificate of Satisfactory Completion. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.140 System Monitoring and Maintenance**

A. Any system identified in LAMP and OWTS Policy or in conditions imposed upon permit approval as requiring ongoing monitoring and maintenance after being placed in operation shall be operated and maintained in compliance with all applicable requirements. All owners of such systems shall obtain and maintain a current annual operating permit for the system, issued by the Department. The Department may suspend or revoke an operating permit for failure to comply with the applicable monitoring and maintenance requirements in which event further operation of the system shall cease until the suspension is lifted or a new annual operating permit issued.

B. Monitoring, inspection and maintenance of these systems shall be performed by persons who possess a current registration, license, or certification in a related field by the State of California under the Business and Professions Code, and who demonstrate current knowledge and competency in the requirements of this Chapter and LAMP and OWTS Policy as provided for in LAMP and OWTS Policy.

C. The Department may make periodic quality assurance checks to ensure that certified service providers are adhering to the requirements of LAMP and OWTS Policy and specific permit conditions for monitoring and maintenance. The Department may suspend or revoke a person's certification for failure to comply with LAMP and OWTS Policy and this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.150 Sewage Disposal System Abandonment**

A system shall be abandoned if the Department has issued a notice or an order to abandon the system or shall be abandoned if the system will no longer be used because the facility served by the system has connected to another approved sewer system or the use requiring the system has permanently terminated. A system shall only be abandoned in accordance with LAMP and OWTS Policy. An abandoned system shall no longer be utilized for sewage disposal. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.160 Variances**

A. A variance from the requirements of this Chapter or LAMP and OWTS Policy may be granted as provided therein on a case-by-case basis with written approval of the Director under the following circumstances:

1. Because of special circumstances applicable to the specific parcel (e.g. size, shape, topography, soil characteristics, location, surroundings), a strict application of this Chapter and LAMP and OWTS Policy would otherwise cause the property owner

to suffer unique hardship or deprivation of property privileges enjoyed for other property in the vicinity and zoning district in which such property is located;

2. The hardship was not intentionally caused by the action of the applicant;
3. Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
4. Reduction of requirements would not present a health hazard or the pollution or degradation of public waters.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district.

B. Applications for variances shall be made in writing on a form provided by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a variance should be granted under the provisions of this Section. After conclusion of the investigation, the Director, or their designee, shall prepare a written order of specific findings of fact and reasons for granting or denying said variance.

C. The Director, or their designee, shall approve, conditionally approve or deny the variance in writing within fifteen (15) working days from the date a completed application is received, unless that time period is waived by the applicant due to the uniqueness, length, or complexity of the application or the issues raised.

D. The applicant, or any person interested in the variance, may appeal any decision of the Director or their designee pursuant to Section 15.01.180 of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.170 Advisory Group Established**

A. There shall be and is hereby created a Sewage Disposal Technical Advisory Group as established in LAMP and OWTS Policy by separate Resolution.

B. The purpose of the Sewage Disposal Technical Advisory Group shall be to review and recommend proposed revisions and additions to the sewage ordinance and LAMP and OWTS Policy in an advisory capacity; to review and recommend new methods, techniques and materials for on-site sewage disposal in an advisory capacity; and to serve as an appeal body pursuant to the provisions of Section 15.01.180. The Group shall not be empowered to waive requirements of either this Section nor of LAMP and OWTS Policy. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.180 Appeals**

A. Any decision of the Department or the Director or their designee pursuant to this Chapter and LAMP and OWTS Policy may be appealed to the Sewage Disposal Technical Advisory Group following the procedures set out in LAMP and OWTS Policy. Any appeal shall be filed with the Department within twenty (20) working days of the date of the decision, on forms provided by the Department with the appropriate fee.

B. A hearing of the Sewage Disposal Technical Advisory Group shall be scheduled within twenty (20) working days of receipt of a completed appeal application and appropriate fee. The Sewage Disposal Technical Advisory Group shall provide a written decision on the appeal that may affirm, modify, or reverse the Department's decision, within twenty (20) working days of the hearing.

C. The decision of the Sewage Disposal Technical Advisory Group may be appealed to the Nevada County Board of Supervisors. The application and fee for the appeal shall be submitted to the clerk of the Nevada County Board of Supervisors within ten (10) calendar days from the date of the Group's decision. A hearing will be scheduled, and a decision rendered according to the procedure established for land use appeals in Section governing Appeals in the Chapter on Administration and Enforcement of this Code. The decision of the Nevada County Board of Supervisors is final. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.190 Requirements for Land Use Projects**

A. Requirements of LAMP and OWTS Policy shall be utilized in determining the suitability of the site for proposed land use projects. Unless otherwise approved by the Department, the site evaluation process of 15.01.180 governing Prohibited Acts under Subdivisions in this Code shall be used to demonstrate sewage disposal feasibility for all land use projects. The written site evaluation report prepared by the applicant's qualified professional shall be submitted to the Department concurrently with the project application to the Nevada County Planning Department.

B. For subdivisions, all proposed parcels shall have a site approval report as specified in Section 15.01.110 above prior to recordation of the map. This requirement may be waived by the Department for creating parcels of forty (40) acres or greater as provided for in LAMP and OWTS Policy. For subdivisions with on-site systems proposed, a minimum usable disposal area shall be delineated on each lot of the map to be recorded. Minimum usable sewage disposal area requirements for subdivisions proposing centralized systems will be considered on a case-by-case basis in accordance with the Centralized System Design Package and Centralized Wastewater Collection, Treatment and Disposal Systems in this Chapter.

C. An experimental system shall not be permitted for the creation of parcels or additional building sites and no variance may be granted to allow utilizing an experimental system. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

### **Section 15.01.200 Centralized Sewage Disposal Criteria**

Centralized systems shall be authorized only under the provisions of 15.02, Centralized Wastewater Collection, Treatment and Disposal Systems, of this Chapter.

### **Section 15.01.210 Violations, Nuisances and Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.



## **CHAPTER 2: CENTRALIZED WASTEWATER COLLECTION TREATMENT AND DISPOSAL SYSTEM**

### **Sections:**

<b>Section 15.02.010</b>	<b>Purpose</b>
<b>Section 15.02.020</b>	<b>Definitions</b>
<b>Section 15.02.030</b>	<b>Centralized Wastewater Collection, Treatment &amp; Disposal Systems</b>
<b>Section 15.02.040</b>	<b>Centralized Wastewater System Construction and Operation</b>
<b>Section 15.02.050</b>	<b>Centralized Wastewater System Permit Fee and Certificate of Operation</b>
<b>Section 15.02.060</b>	<b>Sewage Entity Approval Required for Small or Large Systems</b>
<b>Section 15.02.070</b>	<b>Centralized Wastewater Disposal Permit Application Process</b>
<b>Section 15.02.080</b>	<b>Location of Treatment System and any Soil Absorption Fields</b>
<b>Section 15.02.090</b>	<b>Percolation Test and Soil Mantle</b>
<b>Section 15.02.100</b>	<b>Centralized Wastewater System Design</b>
<b>Section 15.02.110</b>	<b>Applicable Standards</b>
<b>Section 15.02.120</b>	<b>Responsibilities and Administrative Authority</b>
<b>Section 15.02.130</b>	<b>Environmental Health Director's Responsibility</b>
<b>Section 15.02.014</b>	<b>Relationship to a Regional Water Quality Control Board of the State of California</b>
<b>Section 15.02.150</b>	<b>Inspections and Performance Monitoring</b>
<b>Section 15.02.160</b>	<b>Violations, Nuisances, Abatement</b>
<b>Section 15.02.170</b>	<b>Conflict of Interest</b>

### **Section 15.02.010 Purpose**

The purpose of this Chapter on is to establish minimum standards for the protection of public health for the design, construction, maintenance and operation of centralized wastewater collection, treatment and disposal systems when such methods of collection, treatment and disposal have been approved for use by the Board of Supervisors.

This Section shall apply to all sewage entities whether public or private which are located in the unincorporated areas of the County of Nevada; provided, however, that where any public agency which functions as a sewage entity has adopted its own standards and regulations by ordinance for the disposal of sewage through the operation of a centralized wastewater system, the provisions of this Chapter shall not apply as to such public agency.

## **Section 15.02.020 Definitions**

For the purposes of this Chapter and in addition to the definitions provided in Sections 15.01) of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

- A. **CENTRALIZED WASTEWATER SYSTEM** means a system of conduits, treatment and disposal facilities in which wastewater is collected and transported to a central area where treatment and/or final disposal is affected. **TYPES:**
  - 1. **Cluster Wastewater Collection, Treatment and Disposal System (CWCTDS)** means a system for the collection, transportation, treatment and disposal of any wastewater from at least two (2) but no more than five (5) sources (source shall be defined as a wastewater discharge from any single-family residential, commercial unit, recreational, institutional building and/or establishment with a maximum of 2500 gallons per day wastewater discharge) by any method which meets State and local minimum standards.
  - 2. **Small Wastewater Collection, Treatment and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from at least six (6) but no more than ninety-nine (99) single-family residential sources or the equivalent flow.
  - 3. **Large Wastewater Collection, Treatment, and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from more than ninety-nine (99) single-family residential sources or the equivalent flow.
- B. **APPLICANT** means any person, firm, company, corporation, association, public agency, sewage entity or organization that proposes to design, construct, maintain, and operate a centralized wastewater collection, treatment and disposal system.
- C. **COMMUNITY SERVICES DISTRICT** means any District formed in an unincorporated territory to construct and operate works for the collection, transportation, treatment, and disposal of sewage in accordance with procedures, rules and regulations of the California Government Code.
- D. **COUNTY SANITATION DISTRICT** means a District organized within an incorporated or unincorporated territory empowered to build and operate sewers and sewage disposal or treatment plants for the collection, transportation and disposal of wastewater within or without the District. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

- E. COUNTY SERVICE AREA means an area in an unincorporated territory within the County that has been designated by the Board of Supervisors in accordance with the procedures, rules and regulations of the California Government Code for the collection, transportation, treatment, and disposal of sewage within that County service area.
- F. PUBLIC SEWER means any sewer constructed, installed, maintained, operated, and owned by a municipality or taxing District established for that purpose.
- G. PUBLIC UTILITY DISTRICT means a District organized in an unincorporated territory to acquire, construct, own or operate revenue producing utilities for the disposition of sewage in accordance with the procedures, rules and regulations of the California Public Utilities Code.
- H. SANITARY DISTRICT means a District organized within any territory empowered to acquire, construct and operate works for the collection, transportation, treatment and disposal of wastewater. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.
- I. SANITARY SEWER means a sewer which carries sewage and into which storm, surface, and groundwaters are not intentionally admitted.
- J. SEWER means a pipe or conduit for carrying sewage.
- K. SEWAGE ENTITY means a public District or private organization responsible for the collection, transportation, treatment and disposal of sewage under one (1) administrative authority.
- L. OTHER DISTRICTS means any other lawful entity formed under California law for the collection, transportation, treatment, and disposal of sewage either as of the date of this act or in the future.

### **Section 15.02.030 Centralized Wastewater Collection, Treatment & Disposal Systems**

The Environmental Health Director shall allow centralized wastewater collection, treatment and disposal systems where the requirements of this Section, the California Environmental Quality Act, and the California Subdivision Map Act and all other provisions of law have been satisfied. This applies to repairs or new construction. The Environmental Health Director shall adopt and modify as conditions warrant a Centralized Wastewater Collection, Treatment and Disposal Design Package to accomplish the purposes of this Section and ensure the protection of the public health and safety. Centralized systems shall require special application and permit provisions. If a sewage entity exists in the proposed project area, inclusion in that entity must be assured before a permit can be issued for the system. Such systems shall require performance review, monitoring, and sampling. The additional cost of design review, monitoring and sampling shall be borne by the owner or an administrative authority responsible for the operations and maintenance of said centralized system. Centralized systems shall be divided into three categories. Said categories are:

- A. Cluster Wastewater Collection, Treatment and Disposal Systems (CWCTDS)
- B. Small Wastewater Collection, Treatment and Disposal Systems (SWCTDS)
- C. Large Wastewater Collection, Treatment and Disposal Systems (LWCTDS)

### **Section 15.02.040 Centralized Wastewater System Construction and Operation**

It shall be unlawful for any person, whether as principal, servant, agent or employee, owner or tenant, to construct or operate a centralized wastewater collection, treatment and/or disposal system, sanitary sewer, public sewer, or sewage entity without meeting the standards set forth in this Chapter and approved by the Environmental Health Director and without first having obtained a permit to do so from the Environmental Health Department.

### **Section 15.02.050 Centralized Wastewater System Permit Fee and Certificate of Operation**

For each centralized wastewater disposal permit application a fee shall be charged. Said fee shall be based upon the man hours spent on design review and field time by staff of the Nevada County Environmental Health Department (NCDEH), plus overhead expenses. An initial fee shall be paid to the Environmental Health Department at the time an application for a centralized permit is filed. Said initial fee shall be set by the Board of

Supervisors.

The subsequent design review and field time shall be paid before a permit is issued. An estimate of the costs for design review and field time shall be provided to the applicant prior to the Environmental Health Department commencing said process. In the event a permit is denied for a centralized system, such fees shall still be due and payable and the Environmental Health Department may seek such remedies as are necessary to receive such costs including, but not limited to, placing a lien on the property. When an application for a centralized permit is denied in writing by the Environmental Health Director fees will be charged when a new application is made. The minimum design review fee for a centralized system shall be set by the Board of Supervisors. For each centralized collection treatment and disposal system a certificate of operation shall be required in accordance with 06.03, Environmental Health Certificate of Operation. A certificate of operation shall be issued upon completion and approval of each system. Annual renewal and fee provisions shall apply.

#### **Section 15.02.060 Sewage Entity Approval Required for Small or Large Systems**

No application shall be accepted for a centralized wastewater system containing six (6) or more connections, until the property to be served thereby is accepted for inclusion into public entity as required by Section 15.02.120.

#### **Section 15.02.070 Centralized Wastewater Disposal Permit Application Process**

The property owner, or their designated representative, must make application for a centralized wastewater disposal permit on a form provided by the Nevada County Department of Environmental Health (NCDEH) for that purpose. A completed Design Package completed by a qualified Septic Design Professional, pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package, shall be submitted to the NCDEH at the time of application. Said design package shall contain the following information and/or documents:

- A. Current Site Evaluation Report (SER) within accepted date parameters of NCDEH. Past and present conditions including but not limited to, all prior soil mantles, soils work, percolation tests, previous proposals, existing wastewater treatment, collection and disposal systems.
- B. Completed Design Package including, but not limited to, proposed dwelling structures, flow projections, topography, hydraulic design factors, materials, manholes, inspection chambers and well pumps and pressure pipes, objectives and standards, the design basis for the sewage treatment and final disposal, and the predicted quality and quantity of the final effluent. Note: Two copies of all documents are required for hard copy submittal.

C. Scaled Site Plan, no less than 1 (1”) inch equals fifty (50’) feet.

1. Proposed location of all components for the Centralized System, including the disposal field and 100% repair area defined in the SER.
2. Location of all wells, water service connections, water distribution systems, or other water source.
3. All required setback distances(wells, including on adjacent parcels; property lines; easements; deed restrictions; pools; structures etc).
4. Location of ponds, creeks, springs, cut banks, rock out-croppings, grading, mining features, etc.
5. Direction and percent of slope in the wastewater disposal areas.
6. Location and description of all proposed or existing structures, driveways, roads, etc.

D. Completed Design of the Centralized System view drawing of all components of the system conforming to American Standard drawings and drafting room practice. The view drawings must be sufficient to clarify all component design.

E. Full calculations showing the system type and size.

F. A statement of justification, alternative analysis and certification of the proposed system by the designer.

G. A contingency plan, which outlines the immediate actions to be taken should a failure occur and an action plan for repairs, expansion or replacement of the system as is appropriate.

H. Monitoring and Maintenance Program, which provide brief and simple guidance regarding the operation, maintenance, and monitoring of the system to be done by the Certified System Service Provider (CSSP) or Public Utility Worker (PUW) .

I. Grant easement for access by Nevada County Department of Environmental Health (NCDEH)and Regional WaterBoard personnel and agents for periodic inspection as necessary.

J. For sites that have shared ownership a legal body must be formed with the

recorded document submitted for final approval of the Centralized System such as a Homeowners Association (HOA). Any change to this document must be reviewed by NCDEH before recording. The Association cannot be dissolved without forming another such entity in its place. At minimum the following will be included:

1. Individual property owner responsibility with clause that if the components of the system have an issue that is not being addressed that the Association has the right to access and repair if warranted.
2. Outline of the requirement to obtain a Certificate of Operation with Right of Entry for the Centralized System through NCDEH and requirements of the permit including payment of fees.
3. Requirement to notify NCDEH of any contact changes.
4. Requirement to maintain a current contract with a CSSP or Public Utility and obtain an annual monitoring and maintenance report that is submitted to NCDEH for review.

#### **Section 15.02.080 Location of Treatment System and any Soil Absorption Fields**

Those distances as prescribed in 15.01 shall apply as follows:

- A. For any primary/secondary treatment system or pumping well, location requirements shall be the same as for a septic tank.
- B. Non-acceptable areas shall be the same as 15.01 of this Chapter.

#### **Section 15.02.090 Percolation Test and Soil Mantle**

Minimum of six (6) percolation test holds and two (2) soil mantles are required in any proposed absorption field and the same in the proposed repair expansion area for the initial design review. Additional soils testing may be required to demonstrate soil consistency throughout the disposal area. Percolation tests shall be performed in a manner as prescribed by the Environmental Health Director. Any alternative percolation test procedure may be utilized only with the written approval of the Environmental Health Director. All mantle excavations must be adequately protected under applicable regulations and backfilled following logging of the soil profile by a registered civil engineer, registered engineering geologist, or registered sanitarian.

## **Section 15.02.100 Centralized Wastewater System Design**

A. The standards for design of centralized wastewater systems shall be adopted by the Environmental Health Director so as to ensure protection of the public health and safety. All centralized systems shall be designed and certified by a registered civil engineer, registered sanitarian, or registered engineer geologist. All such system designs shall be submitted to the Environmental Health Department prior to the issuance of the sewage disposal permit. Each centralized system design will be considered on an individual case-by-case basis in accordance with the latest sewage disposal Centralized System Package as adopted by the Environmental Health Department. Such consideration may result in additional mitigating requirements or denial.

B. All centralized system installations shall be directly supervised by the designer who shall certify in writing to the permit file upon completion that the installation has met the design criteria as approved by the Environmental Health Department. The final approval by the Environmental Health Department of the sewage disposal system cannot be given until this certification is received.

C. Each centralized system design shall be reviewed in accordance with the following:

1. Cluster systems shall be directly reviewed and evaluated by Environmental Health Department staff on a man hour costs plus overhead basis. External technical consultants may be retained by the Health Department for evaluation of the system if necessary. The cost of such consultants shall be borne by the applicant or owner. An estimate of the costs for said evaluation shall be borne by the applicant or owner.

2. Small systems may be reviewed and evaluated by the Environmental Health Department staff or by an engineering consultant in accordance with the rules for selection of consultants established by the Board of Supervisors and included in this Chapter as Appendix I. The cost of such consultants shall be borne by the applicant or owner.

3. Large systems shall be reviewed and evaluated by the appropriate regional office of the State Water Quality Control Board.

## **Section 15.02.110 Applicable Standards**

All construction performed under this Section shall be performed under the direct supervision of the designer and in accordance with the Centralized System Design Package and the standards set forth in the approved design. The systems design and parcel/sewage disposal site maps as approved by the Environmental Health Department shall remain on the job site during construction.



## **Section 15.02.120 Responsibilities & Administrative Authority**

After the date of enactment of this document the following responsibilities and administrative authority requirements shall apply to centralized wastewater collection, treatment and disposal systems.

A. For Centralized Systems all owners of dwellings or commercial establishments attached to said system shall be required to accept responsibility for operation and maintenance of said system collectively. Said obligations shall be recorded on the deeds of parcels connected to the system. Easements shall be granted and recorded between each and every parcel to allow for repairs, maintenance and inspection of said system. Easements shall be granted and recorded by the owners allowing access to the property by the organization conducting any required monitoring. This easement must allow representatives of the Nevada County Department of Environmental Health (NCDEH) to accompany representatives of the monitoring organization onto the property. (Ord. 1486. (03/15/1988); Ord. 2531. (10/24/2023))

a. For sites that have shared ownership a legal body must be formed with the recorded document submitted for final approval of the Centralized System such as a Homeowners Association (HOA). Any change to this document must be reviewed by NCDEH before recording. The Association cannot be dissolved without forming another such entity in its place. At minimum the following will be included:

1. Individual property owner responsibility with clause that if the components of the system have an issue that is not being addressed that the Association has the right to access and repair if warranted.
2. Outline of the requirement to obtain a Certificate of Operation with Right of Entry for the Centralized System through NCDEH and requirements of the permit including payment of fees.
3. Requirement to notify NCDEH of any contact changes.
4. Requirement to maintain a current contract with a Certified System Service Provider (CSSP) or Public Utility and obtain an annual monitoring and maintenance report that is submitted to NCDEH for review

B. Notwithstanding the above provisions of this Section, any properties connected to a clustered system which system was developed prior to April 1982, shall not be required to be collectively responsible for the maintenance and operation of the system, provided, however, that any such property shall have been an easement recorded in its favor authorizing the disposal of the sewage effluent from the property in the

clustered wastewater system. No new parcels (property) may be connected to a clustered system unless easements are provided in the form required by Section 15.02.012.A.1.. (Ord. 1486. (03/15/1988); Ord. 2531. (10/24/2023))

C. For small and large wastewater collection treatment and disposal systems, either a public entity must be formed or the system must be approved for inclusion in an existing public entity. As of the date of the enactment of this Chapter, the following public entities exist for the collection, treatment and/or disposal of wastewater. They are:

1. County Sanitation District;
2. Sanitary District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. Sewer Maintenance District;
7. Other Districts.

The formation of or approval for inclusion in a public entity must be assured before a permit can be issued for a centralized wastewater collection treatment and disposal system requiring such an entity.

#### **Section 15.02.130 Environmental Health Director's Responsibility**

In individual cases, the Environmental Health Director may be required to make more stringent requirements than these standards where such higher requirements are essential to maintain and protect public health and safety.

#### **Section 15.02.140 Relationship to a Regional Water Quality Control Board of the State of California**

When a large, centralized wastewater system (100 connections or more) is proposed and a discharge permit may be issued by a Regional Water Quality Control Board, review by the Nevada County Environmental Health Department may not be required.

#### **Section 15.02.150 Inspections and Performance Monitoring**

A. An On Site Soils Evaluation (OSSE) shall be conducted pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package with subsequent Findings Report issued by Nevada County Department of Environmental Health (NCDEH).

B. A completed Design Package, pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package, shall be submitted to the NCDEH by a qualified Septic Design Professional. A permit application will be denied if the Environmental Health Specialist determines the centralized disposal system could not be expected to function in a manner that will protect the public health and safety.

1. Changes to a permitted Centralized System must be submitted by application by a qualified Septic Design Professional and permitted by NCDEH.

C. Trenches may be required to be inspected prior to placement of any filter media.

D. Final inspection of each installation shall be made by the Environmental Health Specialist along with the Septic Design Consultant before any portion of the subsurface system is backfilled or covered. Annual inspections may be required.

E. Each Centralized System is required to have the following completed:

1. Certificate of Installation submitted by the Design Consultant.

2. Notarized and recorded Right of Entry document for Monitoring and Maintenance.

3. Certificate of Operation for Centralized System and annual Fee.

4. Signed contract with a Certified System Service Provider (CSSP) approved by Nevada County Department of Environmental Health (NCDEH) or with a Public Utility.

a. CSSP or Public Utility contract for Centralized Systems must include the full scope of Monitoring and Maintenance required by the centralized design. Changes to the monitoring program must be submitted by a qualified professional and approved by NCDEH before being implemented. NCDEH can assign additional monitoring requirements to protect public health and safety.

5. Accurate septic as-built.

6. Electrical components to receive final sign off by the Building Department for the jurisdiction.

7. Additional documentation may be required by NCDEH and/or the Septic Design Professional.

F. As part of the centralized septic design package the Septic Design Professional shall include a monitoring and maintenance program for the specific Centralized System, which shall be conducted by the contracted CSSP or Public Utility. Said monitoring shall be performed to ensure that the centralized wastewater collection, treatment, and disposal system is functioning satisfactorily to protect the public health and safety. The specific requirements will be based primarily upon recommendations of the Septic Design Professional and the NCDEH. Monitoring requirements will normally be expected to include:

1. Water usage or waste flow metering be recorded in a log book at determined intervals.
2. Effluent level measurements in the disposal system.
3. Water quality sampling (bacterial) at least quarterly in monitoring wells or drainages, to be conducted by a qualified CSSP or Public Utility Worker (PUW) and delivered to the laboratory under a chain of custody.
4. Systems that accept high-strength wastewater from commercial food service buildings shall perform a BOD analysis of the combined waste stream of the centralized system to show that the system meets the requirements of the LAMP. Wastewater that exceeds 900 mg/L BOD must provide documentation that the Regional Water Board has been contacted and that the subsequent Regional Water Board requirements have been met.
5. Systems that accept high-strength wastewater from commercial food service buildings shall include a properly sized and functioning oil/grease interceptor (a.k.a grease trap). Annual monitoring and maintenance reports by a County and State licensed commercial Inedible Kitchen Grease (IKG) pumper must be provided with the annual CSSP or Public Utility report.
6. Systems that require holding for waste including, but not limited too, high-strength wastewater from commercial food service buildings, must provide annual disposal receipts from a licensed septic pumper.

G. All centralized sewage disposal systems shall possess a valid annual certificate of operation issued by NCDEH. Said certificate permit may be revoked for due cause. The permit fee will cover annual review of the CSSP or Public Utility report,

which is to be submitted annually to NCDEH. .

H. Nevada County Code Administration, Department of Environmental Health, directs the Nevada County Department of Environmental Health (NCDEH) to charge and collect fees for services and enforcement provided by NCDEH to parties responsible for these sites at the hourly rate; additional time and expense relating to NCDEH services, outside of the annual review of the CSSP or Public Utility report, will be billed to the permit holder. This will include time spent for correspondence, travel, inspections, enforcement, report review and issuance, and any other work related to this site.

#### **Section 15.02.160 Violations, Nuisances, Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance, and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

#### **Section 15.02.170 Conflict of Interest**

County personnel performing any work covered by this Ordinance shall comply with the latest conflict of interest policy adopted by the Nevada County Board of Supervisors.

## **CHAPTER 3: GRAYWATER SYSTEMS**

### **Sections:**

<b>Section 15.03.010</b>	<b>Definitions</b>
<b>Section 15.03.020</b>	<b>Graywater Use Permitted</b>
<b>Section 15.03.030</b>	<b>Standards of Graywater Use</b>
<b>Section 15.03.040</b>	<b>Capturing and Storing Graywater</b>
<b>Section 15.03.050</b>	<b>Prohibited Uses of Graywater</b>
<b>Section 15.03.060</b>	<b>Alternate Disposal of Graywater</b>
<b>Section 15.03.070</b>	<b>Revocation of Graywater Discharge Permit</b>
<b>Section 15.03.080</b>	<b>Permit Fees</b>

### **Section 15.03.010 Definitions**

For the purpose of this Chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

- A. BLACKWATER means liquid and solid human body waste and the carriage waters generated through toilet usage.
- B. DWELLING means any housing unit constructed for the purpose of housing one or more families and includes mobile homes, trailers, etc.
- C. GRAYWATER means that wastewater from a dwelling which does not contain human or animal excreta, offal, or food matter and includes waste from sinks, washing machines, and other plumbing fixtures but not toilets, bidets, and kitchen sinks.
- D. ENVIRONMENTAL HEALTH DEPARTMENT means the Environmental Health Department of the County of Nevada.
- E. ENVIRONMENTAL HEALTH DIRECTOR means the Environmental Health Director of the County of Nevada, or their duly authorized representative.
- F. PERSON means any person, firm, association, organization, partnership, business, corporation or company.
- G. SEPTIC TANK means a watertight receptacle which receives the discharge of a drainage system or part thereof designed and constructed so as to retain solids, digest organic matter during a period of detention, and allow the effluent to drain into an absorption system.
- H. SEWAGE means any and all waste substances, liquid or solid, associated

with human habitation, which contain or may be contaminated with human or animal excreta or excrement, offal or any feculent matter and includes all liquid waste from toilets, bidets and kitchen sinks.

I. SEWAGE DISPOSAL SYSTEM means any sewer system, sewage disposal plant, septic tank, drainage system, seepage pit, chemical toilet, privy or any other facility constructed for the purpose of receiving sewage or its effluent. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

### **Section 15.03.020 Graywater Use Permitted**

Graywater may be utilized for purposes of irrigation of plants if the owner of the building has in their possession a current valid graywater discharge permit from the County. Such a permit is revocable for noncompliance with standards of graywater use as outlined in this Section. Graywater usage shall not be permitted if plumbing fixtures have been utilized for the purposes of cleaning Sections contaminated with feculent matter, such as diapers, animal bedding, incontinent garments, and related. Additionally, graywater shall not be discharged onto the ground if it is contaminated with hazardous chemicals, such as resulting from changing vehicle oils, photographic developing, degreasing, drain cleaners, and related materials. (Ord.1802. (09/08/1992); Ord. 2531. (10/24/2023))

### **Section 15.03.030 Standards of Graywater Use**

A. PLUMBING: Graywater may be collected and disposed of as allowed for under this Section if, at the time of installation of plumbing in the building, a dual waste water plumbing system was installed in such a way that no waste water from kitchen sinks, toilets, or bidets can, under any circumstances, intermingle with the other waste water system (graywater system). No cross connection between the two systems shall be allowed.

Alternatively, a building may be retrofitted with plumbing to allow the reuse of some graywater by directing wastewater from the washing machine, sinks other than kitchen sink, bathtub, shower, or other fixture excluding toilets, bidet and kitchen sink.

In the case of both approaches above, the Nevada County Building Department must attest to the Environmental Health Department at the time for which the graywater discharge permit is applied that the separate graywater plumbing system conforms to these requirements.

B. GRAYWATER TREATMENT SYSTEMS: Treatment of graywater before it is applied as irrigation to plants may be accomplished in a number of ways at the discretion of the owner of the building. These may include, but shall not be limited to the following:

1. Direct application with no treatment.
2. Sand filtration with subsequent application.
3. Disinfection with chlorine or other substance, and subsequent application.
4. Settling and biological treatment in a buried septic tank which is not contaminated by untreated sewage (blackwater), with subsequent application.
5. Filtration with some method other than sand filter.
6. Some other method as proposed by the owner of the building and acceptable to the Environmental Health Department.

C. APPLICATION METHODS: Graywater may be applied in irrigation of plants by any of the following methods:

1. Distribution through a drip irrigation system under the pressure of gravity alone.
2. Distribution through a drip irrigation system under pressure generated by a pump, pressure tank, or elevated holding tank.
3. Subsurface distribution by way of buried perforated pipes or leaker hose, or trenches and beds specifically designed for that purpose.
4. Episodic application into irrigating wells consisting of pipes installed vertically into the ground and filled with gravel to allow a temporary reservoir within the pipe which oozes out and is absorbed into the soil from the bottom of the pipe. This method is usually utilized for irrigating large trees.

D. The following application methods will not be allowed:

1. Spraying or sprinkling into the air.
2. Flooding of an area in such a manner that standing water accumulates for a period of time to contribute to nuisances such as odors and insect breeding.
3. Discharge to the surface which can run off into seasonal streams, or any other geological formation which could allow the graywater to come to flow directly into surface water.
4. Application by any method within the setback distances applicable to sewage as



referenced in the rules and regulations for private sewage systems pursuant to 15.01.

5. Application which would lead to graywater flowing onto the surface of adjacent property. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

#### **Section 15.03.040 Capturing and Storing Graywater**

Graywater may be collected in a reservoir as it leaves the building through a separate graywater plumbing system and may then be discharged to the irrigation system or be pumped to another reservoir for subsequent discharge to the irrigation system.

Reservoirs in which graywater is collected and stored shall be maintained in such a way that bacterial growth will not reach levels such that nuisances including odors and insect breeding will develop, and shall be designed in such a way that accidental drowning or human contact with the water in the reservoir is prevented.

Stored graywater may be reserved for use in fire protection but must be maintained to prevent nuisance as discussed above and must be labeled “used water - do not drink”. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

#### **Section 15.03.050 Prohibited Uses of Graywater**

The following uses of graywater shall be prohibited:

- A. Drinking.
- B. Bathing.
- C. Used as swimming pool or wading pool water.
- D. Irrigation of edible crops where the irrigating water will have routinely come into contact with the edible vegetation such as root crops. Crops where the edible portion grows on the surface of the ground and surface application methods were used. Examples of root crops are carrots and potatoes; examples of crops growing on the surface of the ground include lettuce and strawberries.
- E. Discharge through a garden hose which might be inadvertently picked up by someone and either drunk or sprayed at another human being.
- F. Returning the graywater to the building for utilization in any way including use in the tank of the toilet for flushing, unless specifically approved by the County Building Department. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

### **Section 15.03.060 Alternate Disposal of Graywater**

The plumbing of the graywater system exterior to the house shall be such that the graywater can be immediately diverted to an approved sewage disposal system by the process of simply turning some valves. In cases of ground saturation during rainy season, revocation of the graywater discharge permit, malfunction of the graywater accumulation or distribution system, or need to work on the graywater application distribution system, the graywater should be able to be diverted into the sewage disposal system. The calculation of leachfield size for the approved sewage disposal system shall be performed in such a way that all water discharged from the building, both blackwater and graywater, shall be able to be accommodated by the leachfield. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

### **Section 15.03.070 Revocation of Graywater Discharge Permit**

A permit to discharge graywater in the County of Nevada may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the graywater system.
- C. Determination by the Environmental Health Department that graywater systems of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed elsewhere.
- D. Determination by the Environmental Health Director that continued functioning of the graywater system poses an imminent health hazard.

### **Section 15.03.080 Permit Fees**

Fees for a graywater discharge permit may be set by the Board of Supervisors from time to time by ordinance. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

## **CHAPTER 4: WATERLESS TOILET SYSTEMS**

### **Section:**

<b>Section 15.04.010</b>	<b>Definitions</b>
<b>Section 15.04.020</b>	<b>Waterless Toilet Use Permitted</b>
<b>Section 15.04.030</b>	<b>Standards of Waterless Toilet Use</b>
<b>Section 15.04.040</b>	<b>Alternate Disposal of Waterless Toilet Waste</b>
<b>Section 15.04.050</b>	<b>Sewage Disposal System Sizing</b>
<b>Section 15.04.060</b>	<b>Revocation of Waterless Toilet Permit</b>
<b>Section 15.04.070</b>	<b>Permit Fees</b>

### **Section 15.04.010. Definitions**

For the purpose of this Chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

- A. **BLACKWATER** means human body waste, toilet paper, water used to flush human body waste, and any other material intended to be deposited in a receptacle designed to receive urine and/or feces.
- B. **COMMUNICABLE DISEASE TRANSMITTED BY BLACKWATER** means that group of pathogenic bacteria, viruses, protozoans and helminths which transmit diseases such as Hepatitis, Giardiasis, Dysentery, Salmonellosis, Shigellosis, Diarrhea or any other pathogenic illness transmitted through blackwater.
- C. **COMPOSTING TOILET** means a device specifically designed for holding and processing blackwater and/or graywater. Composting devices employ the process of biological degradation, in which organic material is converted into a compost-like substance through action of microorganisms.
- D. **GRAYWATER** is defined in “Graywater Systems” of this Chapter.
- E. **GRAYWATER DISPOSAL SYSTEM** means any approved disposal system for the disposal of graywater including associated piping, tanks, pumps, disposal field or area, or any other facility constructed for the purpose of receiving graywater.
- F. **INCINERATING TOILET** means a device specifically designed to reduce blackwater and/or graywater material to ashes through the process of incineration.
- G. **NATIONAL SANITATION FOUNDATION, or NSF,** means the listing agency incorporated under the laws of Michigan which develops standards and criteria

for products that bear upon health.

H. **WATERLESS TOILET** means a composting toilet or incinerating toilet as defined in this Section, or some other device as may be approved in the future for the holding and processing of blackwater and/or graywater.

#### **Section 15.04.020 Waterless Toilet Use Permitted**

A waterless toilet may be utilized for purposes of treatment and disposal of blackwater and/or graywater if the owner of the property has in their possession a current valid waterless toilet permit from the Department of Environmental Health. Said permit is revocable for noncompliance with standards of waterless toilet use as outlined in this Section. Disposal of waterless toilet waste shall not be permitted if the waste has been contaminated with any material other than blackwater or graywater waste.

#### **Section 15.04.030 Standards of Waterless Toilet Use**

A. Any waterless toilet proposed for use under this Section shall be a commercially manufactured unit, installed in accordance with the manufacturer's recommendations or instructions, and accepted by any other governmental agency for a similar application.

B. The structure to be served by the waterless toilet shall also contain rough plumbing which will enable the installation of a conventional water flushing toilet as otherwise required by the Uniform Plumbing Code. In the case of connection of a graywater disposal system to the waterless toilet, all applicable provisions of "Graywater Systems" of this Chapter shall be observed. The Nevada County Building Department must attest to the Environmental Health Department that the plumbing system conforms to these requirements.

EXCEPTION (For HCE 1): Limited density owner-built rural dwellings served by waterless toilets in compliance with this Section as the sole means of disposal of blackwater and graywater shall not be required to also contain rough plumbing pursuant to this subsection.

C. A waterless toilet shall only receive wastes for which it has been designed.

D. **Waterless Toilet Treatment Systems:** The treatment of waterless toilet wastes shall be conducted in strict observance of the manufacturer's specifications, including the addition of any materials, the turning of drums, and the utilization of heating elements and timers. Adequate access to service and maintenance of all necessary components of the waterless toilet and its accessories shall be provided.

E. Composting Toilet Waste Disposal Methods: Disposal of the waste from composting toilets shall be disposed of only after such time as the material is thoroughly and completely decomposed and rendered noninfectious. Total and fecal coliform organisms shall not exceed the levels specified in the NSF Standard Number 41. The composted material may be disposed of as follows:

1. At an approved solid waste disposal facility capable of accepting human waste.
2. By an approved licensed septic tank pumper.
3. On the property containing the waterless toilet. Said disposal shall be performed in a manner which prevents contamination of humans, animals, surface waters or groundwaters. The process of removing the waste material shall be done with care for personal safety, with protective non-permeable gloves worn. Disposal methods permitted are:
  - a. Direct burial under a minimum of twelve inches (12") of compacted soil.
  - b. Shallow subsurface tilling or a similar technique approved by the Department. Sites proposed for shallow subsurface disposal shall have access restricted to the operator of the waterless toilet system, excluding children, pets, and persons not associated with the compost disposal, by fencing or other method approved by the Environmental Health Department. Surface distribution of end product prior to tilling shall be a maximum thickness of one-half inch (1/2"). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.
4. Disposal of the waste on the property shall not be carried out by methods designated in subsections 3.a or 3.b of subparagraph E above whenever an individual with a communicable disease transmittable by blackwater is utilizing the system.

F. Incinerating Toilet Waste Disposal Methods: Disposal of the material from an incinerating toilet shall be permitted by any of the methods listed above for the composting toilet, but shall also include disposal directly on the ground surface, so long as the waste has been completely reduced to an ash, and no odor is present.

G. The waterless toilet shall be maintained and operated in a sanitary condition. Screening, mechanical parts and structural soundness shall be kept in working order.

H. The following waste disposal methods for composting toilets are prohibited:

1. Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

2. Any disposal in areas subject to seasonal water runoff or areas seasonally inundated by water, or any other application which could permit the discharge to come to flow into surface or subsurface water.
3. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to 15.01.170 of this Section.
4. Application which would lead to runoff from the composed material or ash flowing onto an adjacent property.
5. Any other manner which would otherwise result in a potential public health hazard or nuisance as determined by the Department of Environmental Health.

#### **Section 15.04.040 Alternate Disposal of Waterless Toilet Waste**

The plumbing of the structure serving the waterless toilet shall be such that the waterless toilet can be discontinued from use and the structure converted to a conventional flush toilet, or other methods of disposal approved by the Environmental Health Director. Disposal of the wastes from a waterless toilet shall be prohibited under the following circumstances:

- A. During periods of ground saturation.
- B. When the waterless toilet is inoperative or malfunctioning.
- C. Upon revocation of the operating permit for the waterless toilet.

Waterless toilet waste shall be disposed of pursuant to subsections E.1 and E.2 of 15.04.030 under these circumstances.

#### **Section 15.04.050 Sewage Disposal System Sizing**

The calculation of the sewage disposal system sizing, including a 100% repair area, shall not be reduced or downsized as a result of the use of a waterless toilet.

Exception: When an approved waterless toilet is used with an approved graywater and kitchen waste disposal system as permitted in other sections of this Chapter, no other type of septic system is required. The waterless toilet shall be sized for the maximum potential occupancy of the structure to be served.

### **Section 15.04.060 Revocation of Waterless Toilet Permit**

A permit to utilize a waterless toilet in Nevada County may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the waterless toilet to meet design or operating specifications.
- C. Determination by the Environmental Health Department that waterless toilets of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed.
- D. Determination by the Environmental Health Department that continued functioning of the waterless toilet poses an imminent health hazard.
- E. Excessive odors generated by either the waterless toilet or the application of the by-product. (Ord. 181., (01/12/1993); Ord. 2531. (10/24/2023))

### **Section 15.04.070 Permit Fees**

Fees for a waterless toilet permit shall be set by the Board of Supervisors by Resolution. (Ord. 1817. (01/12/1993); Ord. 2531. (10/24/2023))

## **CHAPTER 5: WATER SUPPLY AND RESOURCES, GENERAL PROVISIONS**

### **Sections:**

<b>Section 15.05.010</b>	<b>Definitions and Interpretation</b>
<b>Section 15.05.020</b>	<b>Connection Required</b>
<b>Section 15.05.030</b>	<b>Permit Required</b>
<b>Section 15.05.040</b>	<b>Minimum Yield</b>
<b>Section 15.05.050</b>	<b>Determination of Yield</b>
<b>Section 15.05.060</b>	<b>Storage Requirements</b>
<b>Section 15.05.070</b>	<b>Potability</b>
<b>Section 15.05.080</b>	<b>Surface Water Uses</b>
<b>Section 15.05.090</b>	<b>Pressure</b>
<b>Section 15.05.100</b>	<b>Issuance of Building Permit</b>
<b>Section 15.05.110</b>	<b>Inspection</b>
<b>Section 15.05.120</b>	<b>Fees</b>
<b>Section 15.05.130</b>	<b>Right of Entry and Inspection</b>
<b>Section 15.05.140</b>	<b>Protection of Water Supply</b>
<b>Section 15.05.150</b>	<b>Enforcement - Generally</b>
<b>Section 15.05.160</b>	<b>Applicable Standards</b>
<b>Section 15.05.170</b>	<b>Effect of Partial Invalidity</b>
<b>Section 15.05.180</b>	<b>Appeal Procedures</b>
<b>Section 15.05.190</b>	<b>Criminal Enforcement</b>
<b>Section 15.05.200</b>	<b>Notice of Violation</b>
<b>Section 15.05.210</b>	<b>Civil Enforcement - Nuisance</b>
<b>Section 15.05.220</b>	<b>Remedies Cumulative</b>
<b>Section 15.05.230</b>	<b>Notification of Licensing Agencies</b>

### **Section 15.05.010 Definitions and Interpretation**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

- A. **ABANDONED WELL** means any of the following:
1. A well, other than a monitoring well, which has been in continuous disuse for one (1) year or more, unless such disuse is attributable to removal of the pump for repair or replacement and efforts to repair or replace the pump are being diligently pursued;
  2. A monitoring well from which no monitoring data has been taken for a period of three (3) years;
  3. A well which is in such a state of disrepair, that it cannot be made functional for its original use or any other use regulated by this Chapter.
- B. **ADMINISTRATIVE AUTHORITY** means the private or public entity operating a water production, conveyance, and/or distribution system. As of the date of the enactment



of this Chapter, the following public entities exist for the production, conveyance and/or distribution of water. They include but are not limited to:

1. Irrigation District;
2. Municipal Utility District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. County Water District;
7. California Water District;
8. Municipal Water District;
9. County Water Works District;
10. Reclamation District;
11. Water Storage District.

C. AN APPROVED WATER SUPPLY means any of the following:

1. A public water system under permit from the State Department of Health Services.
2. A public water supply approved by the Nevada County Environmental Health Department as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§ 116760 – 116762.60).
3. An approved individual water supply system.

D. ANNULAR SPACE means the space between an excavation and the casing of a well or the space between two (2) concentric casings.

E. BENTONITE means bentonite chips which are naturally mined, non-pelletized sodium montmorillonite and listed by the National Sanitation Foundation.

F. BOARD means the Nevada County Board of Supervisors.

G. CONCRETE “Class A” means concrete with six (6) ninety-four (94) pound sacks of Portland cement per yard; “Class B” shall mean concrete with five (5) ninety-four (94) pound sacks of Portland cement per yard.

H. CONCRETE GROUT means a mixture composed of not more than two (2) parts of sand and one part of Portland cement, and not less than four and one-half (4.5) nor more than six and one-half (6.5) gallons of water per sack of cement (ninety-four (94) lbs) pounds).

I. CONTAMINANT means any physical, chemical, biological, or radiological substance or matter in water.

J. CONTAMINATION means an impairment of the quality of water by waste to a degree which creates a hazard to the public health.

K. DIRECTOR means the Nevada County Director of Environmental Health or their authorized representative.

L. DISINFECTION means a chemical or physical process which kills or inactivates all pathogenic microorganisms. The type of disinfectant must be approved for domestic water usage.

M. DISTRIBUTION SYSTEM means system of conduits and their appurtenances by

which a water supply is distributed to the users.

- N. DRY HOLE means a well that produces less than one (1 gal.) gallon per minute.
- O. ENFORCEMENT AGENCY means the Nevada County Department of Environmental Health.
- P. HEALTH OFFICER means the Public Health Officer of the County of Nevada.
- Q. INDIVIDUAL WATER SUPPLY SYSTEM means a source of water consisting of a well, spring, treated surface water, storage facilities, equipment or distribution system which is not a public water supply.
- R. NEAT CEMENT means a mixture composed of one sack of Portland cement (ninety-four [94] lbs.) to not less than four and one-half (4.5) nor more than six and one-half (6.5) gallons of water.
- S. PERSON means any individual, firm, corporation, partnership, or governmental agency, to the extent authorized by law.
- T. PLANNING AGENCY means Nevada County Planning Department.
- U. POLLUTION means an alteration of the quality of water by waste to a degree which unreasonably affects: (1) such waters for beneficial uses or; (2) facilities which serve beneficial uses. Pollution may include contamination.
- V. POTABLE GROUNDWATER means water below the surface of the ground at a depth such that it has been protected from surface pollution or contamination by impervious soil stratum, or which has received an acceptable degree of natural treatment by filtration through a considerable amount of soil, and which is free from contaminants injurious to health.
- W. PUBLIC ENTITY means a local agency, as defined in Cal. Gov't Code §§ 53090 – 53097.5, which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any water system or expansion of any water system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual water systems within a land development; and to design, finance, construct, operate and maintain any facilities necessary for the production, conveyance, and distribution of water pumped from water sources; and to conduct any monitoring or surveillance programs as required for water quality control purposes.
- X. PUBLIC WATER SUPPLY means a system for the provision of piped water to the public for human consumption which has five (5) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.
- Y. SANITARY SURVEY means an on-site review of an individual water supply system for the purpose of evaluating the adequacy of the water source, facilities, equipment operations, and maintenance for providing and distributing safe drinking water.
- Z. SANITARY WELL SEAL means a device placed into the topmost part of a well casing which, by means of an expanding gasket, excludes foreign material from entering the top of the well casing or a device producing an equivalent effect, and is equipped with a pipe or plug through which disinfecting agents may be introduced directly into the

well. Such a device shall be leakproof to prevent the entrance of surface water to the well.

- AA. SEALING MATERIAL means neat cement grout, sand-cement grout, concrete, special quick-setting cement, or bentonite clay as defined in this Chapter or, if not defined in this Chapter, as defined in Bulletin 74-81 of the Department of Water Resources.
- BB. SERVICE CONNECTION means any connection or arrangement, physical or otherwise, between a potable water source from an approved public water supply and any plumbing fixture, tank, receptacle equipment, or device.
- CC. SEWAGE DISPOSAL SYSTEM means a septic tank and subsurface disposal field or other type of system or appurtenance thereto, whether public or private, receiving domestic or industrial sewage waste. Sewage disposal system does not include a sewer pipeline.
- DD. SEWER LINE means a pipe conveying sewage waste matter from any building or premises to a point of disposal such as to a septic tank or sewage treatment or disposal plant.
- EE. SHALLOW WELL means any well thirty (30') feet or less in depth.
- FF. SMALL PUBLIC WATER SYSTEMS shall be as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60).
- GG. SPRING means a naturally occurring flow of groundwater reaching the surface of the ground.
- HH. STATE SMALL WATER SYSTEM means a public water system which meets one of the following criteria: (1) serves from five to fourteen (5-14) service connections and less than twenty-five (25) individuals any part of the year; (2) serves fifteen (15) or more service connections and any number of non-resident individuals less than sixty (60) days per year;  
(3) serves five to fourteen (5-14) service connections and twenty-five (25) or more individuals less than sixty (60) days per year.

II. SURFACE WATER means all those waters found on or immediately below the surface of the earth and that have not been filtered through any considerable amount of soil, and which normally do not meet California drinking water standards and are not protected so as to exclude real or potential sanitary hazards. In the event that a conflict of opinion arises as to whether or not any waters are “surface waters” within the meaning of this Chapter, the burden and expense of proving that said waters are not surface waters shall be upon the person or persons making such claim, and in the absence of finding to the contrary, the opinion and/or findings of the Director shall be final.

JJ. TEST HOLE means any excavation constructed in the earth exceeding a depth of fifteen (15') feet below the ground surface for the purpose of exploration of the earth.

KK. TRIMMIE means a tube, device or pipe which may be used to place sealing material into the annular space.

LL. WATER WELL OR WELL is defined as any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground.

This does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.

MM. WATER WELL DRILLER'S REPORT means Department of Water Resources Report Form DWR 188, or any subsequent form adopted by the Department of Water Resources.

NN. WELL COVER means a device to cover the topmost part of a well casing. The device must be so constructed as to be resistant to tampering, structurally sound, impervious, and prevent the entrance of foreign material.

OO. WELL DESTRUCTION means certain work done to an existing water well, the intent of which is to effectively seal the entire well up to the surface in such a manner that each intersected water stratum is sealed and isolated from every other stratum and from surface water.

PP. WELL RECONSTRUCTION means certain work done to an existing water well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include hydrofracking, developing, the cleaning out of sediments, surging or work related to the well pump.

QQ. AS DEFINED IN OTHER DOCUMENTS: Except as otherwise required by the context of this Chapter, the terms used in this Chapter should have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

RR. SECTION HEADINGS, when contained in this Chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SS. TENSE OR GENDER: Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and plural includes the singular. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.020 Connection Required**

Every habitable building or structure shall be connected to an approved water supply in accordance with the provisions of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.030 Permit Required**

No construction, reconstruction, or destruction of a water treatment system, well or individual or public water supply system shall be commenced on any property until a permit to do such work shall have first been obtained from the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.040 Minimum Yield**

If the source of the individual water supply system is a well or spring, then there shall be flow of not less than one (1) gallon per minute per service connection. Individual wells may be combined to provide the minimum flow requirement. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.050 Determination of Yield**

The determination of yield shall be made by a licensed well driller, licensed pump installer, registered civil engineer, registered engineering geologist, or registered environmental health specialist.

A. The procedure for testing the yield of wells for an individual water supply system with yields of less than three (3 gal.) gallons per minute shall be to draw down the water in the well until the water level stabilizes. The well shall then be pumped continually for a minimum of four (4) hours or longer, if needed, to produce a minimum of seven hundred and twenty (720 gal.) gallons of water as registered by an accurate meter or other approved method.

B. The procedure for testing the yield of wells for an individual water supply system with yields of three (3 gal.) gallons per minute or more shall be in accordance with the standards specified in Bulletin 74-81 of the Department of Water Resources and its supplements or by an alternate method approved by the enforcement agency.

C. The procedure for testing the yield of wells for public water systems shall be, as a minimum, the requirements specified in 15.05050.(B) above, and for an amount of time as determined by the enforcement agency. Information regarding sustained yield and recovery rate shall be provided in a report and submitted to the enforcement agency.

D. The yield of a spring shall be tested in August or September. The period may be extended into October by decisions of the enforcement agency, depending on seasonal conditions. Yield shall be determined by pumping down and calculating recovery rate or by measuring an existing discharge flow rate from the spring. Historical data may be utilized for determination of production rates during the dry season on a case-by-case basis.

E. No release shall be given for issuance of a building permit for new construction of a building which requires a potable water supply until an adequate quantity of water is determined as follows:

1. The yield specified on the Water Well Driller's Report shall be valid for a period of one (1) year from the "Date of Completion" noted on the report. A well without a valid Water Well Driller's Report shall be tested by a pump test in accordance with Section 15.05.050.A, B or C, as appropriate. The pump test report shall bear the original signature of the tester and shall be valid for one (1) year from the date inscribed on the

report. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.5.060 Storage Requirements**

A water supply system consisting of a well or spring having a yield of less than three (3 gal.) gallons per minute per service connection shall have a water storage tank of construction and materials approved by the enforcement agency of the following size:

A. INDIVIDUAL WATER SUPPLY SYSTEM - a 1,000-gallon storage tank shall be required for each habitable structure.

B. PUBLIC WATER SUPPLY SYSTEM - storage shall be determined by a California registered civil engineer or environmental health specialist and shall take into consideration population served, fire flow requirements, and the quantity of water available, and shall comply with California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.070 Potability**

An individual water supply system shall provide water which is pure, wholesome, potable, and does not endanger the lives or health of human beings as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60).

The determination of bacteriological potability shall be by means of a bacteriological test conducted by a water laboratory approved by the State Department of Health Services.

Where the enforcement agency deems necessary, an analysis for contaminant(s) shall be conducted to demonstrate that the water supply meets the standards as set forth in California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60)).(Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.080 Surface Water Uses**

Use of surface water for drinking and domestic purposes shall be authorized only under the provisions of 15.07. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.090 Pressure**

The individual domestic water system shall be capable of providing an adequate supply of potable water under a minimum pressure of 15 p.s.i. at all times. Where pressure exceeds 80 p.s.i., the provisions of the Uniform Plumbing Code latest adopted edition shall apply. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.05.100 Issuance of Building Permit**

No building permit shall be issued for any building for human habitation until compliance with this Chapter is ascertained. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.110 Inspection**

Prior to final occupancy of a building for which a plumbing permit was issued, the enforcement agency may perform a sanitary survey, obtain water samples and approve the individual water supply system. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.120 Fees**

Fees will be set by Resolution of the Board for plan review, inspection, sampling of water sources and supply system, variance, permit to construct, destruction permit, surface water treatment permit, sanitary survey, and reinspection. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.130 Right of Entry and Inspection**

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of enforcement and administration of this Chapter. If any such premises are occupied, they shall first make a reasonable effort to locate the owner and any person having charge or control of same and demand entry. If such entry is refused, they shall have recourse to such remedies as are provided by law to secure entry. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.140 Protection of Water Supply**

No person shall install or maintain a well or test hole in any manner that will result in the pollution or contamination of groundwater or which allows the entrance of surface waters into the well. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.150 Enforcement - Generally**

The enforcement agency shall be empowered to enforce the provisions of this Chapter and of Bulletin 74-81 of the Department of Water Resources, including the amendments herein or hereafter adopted. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.160 Applicable Standards**

All approved water supplies shall comply with standards as set forth in the most recently Board adopted edition of the Uniform Plumbing Code. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.170 Effect of Partial Invalidity**

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code provision enacted by any ordinance-making body within the limits of the County of Nevada, California on July 12, 1991, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. If any provision of this Chapter should for any reason be declared invalid, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect, and to this end the provisions of this Chapter are hereby declared to be

severable.

### **Section 15.05.180 Appeal Procedures**

A. **RIGHT OF HEARING:** Any person whose application for a permit has been denied or granted conditionally, or whose permit has been suspended or revoked, or whose Well Permit Completion has been denied, or whose application for variance has been denied, may appeal to the Health Officer, in writing, within fifteen (15) calendar days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken and shall be accompanied by the appropriate fee. The Health Officer shall set such appeal for hearing within fifteen (15) calendar days.

B. **ACTION BY THE HEALTH OFFICER:** After such hearing, the Health Officer may affirm, reverse wholly or partly, or modify the order or determination appealed from.

C. **APPEAL TO THE BOARD OF SUPERVISORS:** Any person shall have a right to appeal an adverse decision of the Health Officer to the Board of Supervisors within ten (10) calendar days of the adverse decision.

An appeal shall be filed with the Clerk of the Board of Supervisors on the required form. Any such appeal shall be accompanied by a fee, the sum of which shall be the same as that for appeals of land use matters under 12.05.120 and which shall be paid to the Clerk of the Board of Supervisors. The purpose of a statement on the appeal is to facilitate the Board's initial determination as to the propriety and merit of the appeal as per subsection D below.

D. An appeal shall only be filed on the official form to be provided by the Clerk of the Board of Supervisors, together with such additional pages as may be necessary. A statement of appeal shall include:

1. Identification of the project and the decision of the enforcement agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the appellant.
6. Identification of the appellant.

E. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present any such appeal to the Board of Supervisors at their next regular meeting. At that time, the Board shall determine if the appeal was filed within the applicable time limits and shall summarily reject any appeal which is filed beyond the time limits. Further, the Board shall determine if the appeal contains sufficient information as required by "D" above. If the Board determines that the information as supplied in the appeal is incomplete, it may:

1. Summarily reject the appeal for any such insufficiency of statement on appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.



F. Upon presentation of the Notice of Appeal, together with the required statement on appeal to the Board of Supervisors, the Board may summarily reject the appeal if it finds that the matter being appealed is a requirement of law or if, by unanimous vote, it finds the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on its agenda permits, and in accordance with any other time requirements of law.

G. **DECISION BY BOARD:** The Board may reverse or affirm, wholly or in part, or modify the decision and may make such order as should be made. Such action shall be final. (Ord. 1717, (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.05.190 Criminal Enforcement**

A. The Director shall be the person primarily responsible for enforcing the provisions of this Chapter. To the extent any violation is designated to be an infraction, the Code Enforcement Division of the County of Nevada is also authorized to enforce such provisions and both shall have the authority to issue citations for infractions.

B. Any act in violation of the terms of this Chapter and the standards established pursuant thereto is hereby declared to constitute a public nuisance which shall be punishable as an infraction as provided for in 12.05.120. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.05.200 Notice of Violation**

A. **NOTICE OF VIOLATION RECORDATION:** Whenever the enforcement agency determines that a well (1) has not been completed in accordance with a well permit or the plans and specification relating thereto, or (2) has been constructed without the required permit, or (3) is abandoned and has not been destroyed in accordance with this Chapter, the enforcement agency may record a notice of violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner(s) or authorized agent disagree with the determination, they may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the Health Officer in accordance with the provisions of 15.05.180..

B. **REMOVAL OF VIOLATION NOTICE:** The enforcement agency shall submit a removal of notice of violation to the County Recorder when (1) it is determined by the enforcement agency or the Health Officer, after review, that no violation of this Chapter exists; or (2) all required and corrective work has been completed and approved by the enforcement agency; or (3) when so directed by the appeal decision of the Health Officer or the Board. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.210 Civil Enforcement - Nuisance**

A. Any well dug, bored, drilled, deepened, modified, reconstructed, repaired or maintained contrary to the provisions of this Chapter or conditions attached to any permit or variance is unlawful and a public nuisance and the duly constituted authorities of the County of Nevada may commence any action or proceeding for the abatement, removal or injunction thereof in the manner provided by law.

B. Failure to comply with the conditions attached to a permit or variance to dig, bore, drill, deepen, modify, reconstruct, repair or maintain a well, or operate, monitor or maintain an approved water supply may result in the revocation of the permit by the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.220 Remedies Cumulative**

The remedies available to the enforcement agency to enforce this Chapter are in addition to any other remedies available under ordinance or statute and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.05.230 Notification of Licensing Agencies**

The enforcement agency shall notify licensing agencies of any contractor that performs unauthorized work that violates this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

## **CHAPTER 6 WATER WELLS**

### **Sections:**

- Section 15.06.010 Classes of Well Permits
- Section 15.06.020 Permit Application
- Section 15.06.030 Permit Application Procedure
- Section 15.06.040 Permit Conditions
- Section 15.06.050 Permit - Denial
- Section 15.06.060 Permit - Expiration
- Section 15.06.070 Permit Issuance and Renewal
- Section 15.06.080 Permit Suspension, Revocation and Stop-Work Order
- Section 15.06.090 Building Permits
- Section 15.06.100 Well Location
- Section 15.06.110 Protection
- Section 15.06.120 Well Standards
- Section 15.06.130 Casings
- Section 15.06.140 Sealing of the Annular Space
- Section 15.06.150 Well Pits
- Section 15.06.160 Access Openings into Well Casings
- Section 15.06.170 Special Groundwater Protection
- Section 15.06.180 Inspections
- Section 15.06.190 Inspection of Well Seal
- Section 15.06.200 Completion
- Section 15.06.210 Final Inspection
- Section 15.06.220 Completion Reports
- Section 15.06.230 Well Permit Completion
- Section 15.06.240 Disinfection
- Section 15.06.250 Pump Installation
- Section 15.06.260 Abandoned Wells
- Section 15.06.270 Wells Constructed After July 12, 1991
- Section 15.06.280 Destruction Methods
- Section 15.06.290 Variances

### **Section 15.06.010 Classes of Well Permits**

Well permits shall be classified as follows:

A. Class I Permits shall be issued for the installation of a well where such well location conforms with the minimum distances set forth in Table 1 of Section 15.06.100 below and where the enforcement agency deems conditions do not exist that would result in pollution or contamination of the potable groundwater.

As I Well shall be constructed with a minimum annular seal depth of twenty (20') feet below ground surface and shall be required for individual domestic wells, agricultural

wells, observation and monitoring wells, and other wells if so determined by the enforcement agency. Class I Wells shall meet all minimum distances as set forth in 15.05.010. Permits shall be required and issued for the installation of a well where such well location is closer than the minimum distances set forth in Table 1 of Section 15.06.100 below or where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination unless special construction features are included in the well construction.

A Class II Well shall be constructed with a minimum annular seal depth of fifty (50') feet below ground surface and into an impervious stratum and shall be required for public water supply wells, industrial wells, and other wells where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination.

B. Class III permits shall be issued for a shallow well which conforms with the minimum distances set forth in Table 1 of Section 15.06.100 below and where the enforcement agency deems that conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class III shallow well shall be sealed to the top of the water-bearing stratum and in no case less than ten (10') feet below ground surface.

C. A reconstruction permit shall be required for any well reconstruction as defined in Section 15.05.010.

D. A destruction permit shall be required for any well destroyed in accordance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.020 Permit Application**

A. WHEN REQUIRED: No person shall dig, bore, drill, deepen, modify, reconstruct, repair, or destroy a water well, cathodic protection well, observation well or monitoring well without first obtaining a permit as provided in this Chapter exempted by law.

B. EMERGENCY WORK: The above provisions shall not apply to emergency work required to maintain drinking water or agricultural supply systems. For the emergency work, when County offices are closed, a permit may be issued after such work has begun, provided all of the following conditions are met:

1. The permit application is made the first day County offices are open following said work; and
2. The well system serves an existing structure or facility or agricultural operation; and
3. The person responsible provides written documentation to the enforcement agency that such work was urgently necessary; and
4. The permittee can demonstrate that all work performed was in conformance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.030 Permit Application Procedure**

A. A permit shall be issued only to a person licensed under State law as per 1506.040.B of this Chapter.

B. Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this Chapter. The application shall be accompanied by the required filing fee.

C. The application for permit shall be deemed to be received by the enforcement agency only when the form is complete as detailed in subsection E below.

D. If the enforcement agency finds the application contains all necessary information and that the proposed work will comply with this Chapter, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purpose of this Chapter.

E. An application is complete only when the form (on its face) is completed in full, is signed by the licensed well driller and is accompanied by all required exhibits and fees. The exhibits shall include all of the following:

1. A vicinity map and clear directions to the property and well site.
2. Plans and specifications for the proposed work, including method of sealing the annular space.
3. Two (2) copies of an accurate site plan drawn to scale showing the proposed well location and all features of potential contamination (e.g., on-site sewage systems, sewer lines, animal feed lots, etc.) and property lines within 150 feet of the proposed well site. A scaled assessor's plot map may be used for this purpose.
4. Copy of assessor's plot.
5. Location of any restrictions such as easements on the property.
6. Any other information the enforcement agency finds necessary to complete the permit application.
7. Submission of appropriate permit filing fee.

F. **DRY HOLES:** In the event the primary well site results in a dry hole, one or more alternative sites may be drilled. The permittee shall advise the enforcement agency by submitting a revised site plan prior to the reinspection. A resulting abandoned well must be destroyed in accordance with Section 15.06.280 and so indicated by the permittee on the revised site plan. Said abandoned well destruction shall be performed under a separate permit and shall be the responsibility of the property owner. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.040 Permit Conditions**

A. **LIMITATIONS:** When the enforcement agency issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of this Chapter. Conditions may include, but are not limited to, such quantity and quality testing methods as the enforcement agency finds necessary.

B. **PERSONS PERMITTED TO WORK ON WELLS:** All construction,

reconstruction, or destruction work on wells shall be performed by a person who possesses a valid C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, or their designated employees.

C. ABANDONED WELLS: As a condition of a construction or modification permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.050 Permit - Denial**

A. The enforcement agency shall deny, in writing, a permit when, in its judgment, issuance of a permit is not in the public interest. Upon receipt of a completed application, the enforcement agency shall deny the permit if:

1. The application contains false information.
2. The proposed work would not comply with this Chapter.
3. There are abandoned wells on the property and no application for permits has been made to destroy such wells.
4. The proposed construction will contaminate or put groundwater at a risk of contamination.

B. The enforcement agency shall either issue or deny the permit within seven (7) calendar days after receipt of the completed application. Unless the permit is issued or denied within seven (7) calendar days, it shall be deemed approved.

C. Denied permits may be appealed pursuant to 15.05.080 of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.060 Permit - Expiration**

The permittee shall complete the work authorized by the permit within one year of permit issuance. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received a new permit or renewal of the permit. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.070 Permit Issuance and Renewal**

A. A permit issued pursuant to this Chapter shall be effective for one (1) year from the date of issuance for the authorized work. The permit is non-transferable. Once a well is installed pursuant to the permit, conditions imposed as requirements for permit issuance shall continue in force as long as the well is used.

B. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for permit renewal shall conform to the requirements 15.06.030. The permit shall be renewed or denied consistent with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.080 Permit Suspension, Revocation and Stop-Work Order**

A. CIRCUMSTANCES FOR SUCH ACTION: The enforcement agency may suspend or revoke any permit issued pursuant to this Chapter whenever it finds that the permittee has violated any of the provisions of this Chapter or has misrepresented any material fact in their application or any supporting documents for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the Director. An appeal within fifteen (15) calendar days may be made as set forth in 15.05.080 of this Chapter.

B. STOP-WORK ORDER: In addition to suspension and revocation, the enforcement agency may issue a stop-work order.

C. CONSEQUENCES: No person whose permit has been suspended or revoked or for which a stop-work order has been issued shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency or, in the case of a stop-work order, the order has been released, in writing, by the enforcement agency.

D. ORDERED ADDITIONAL WORK: Upon issuance of a stop-work order, suspension or revocation of any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the groundwaters from pollution or contamination if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the groundwater. No permittee or person who has held any permit issued pursuant to this Chapter shall fail to comply with any such order. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.090 Building Permits**

A. The enforcement agency shall not issue a release for building permit issuance if wells drilled on the property are not in compliance with this Chapter.

B. The enforcement agency shall not issue a release for building permit issuance if there are any abandoned wells on the property that have not been destroyed or permitted to be destroyed pursuant to this Chapter.

C. The enforcement agency shall not issue approval for a Certificate of Occupancy or temporary occupancy for a building on property whereupon a well has been drilled unless the well is in compliance with this Chapter. Wells drilled prior to the effective date of this Chapter shall be exempt from the requirements of 15.06180. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.100 Well Location**

All wells shall be located as prescribed in Table 1.

**TABLE 1**  
**Minimum Distance\***

From property line**	50 feet
From easements	5 feet
From septic tank and septic system sumps	100 feet
From public or private sewer pipe line of approved water-tight piping and joint materials	25 feet
From other public or private approved sewer line	50 feet
From individual sewage disposal field	100 feet
From community sewage disposal field	200 feet
From pit privy	150 feet
From animal or fowl enclosures (pasturage excluded)	100 feet
From seepage pit	150 feet
From sanitary landfill	As approved by the enforcement agency
From water storage tank	10 feet

\*For Class I, II, and III Wells where, in the opinion of the enforcement agency, adverse conditions exist (e.g., petroleum storage or pipelines, hazardous materials storage or pipelines, etc.) these distances may be increased as determined by the enforcement agency.

\*\*1. A five (5') foot minimum setback shall be permitted for a Class I well if the adjoining property(s) meets one or more of the following:

- a. Is three (3) acres or greater in size.
- b. Has a developed or approved sewage disposal system (including repair area) that is 100 feet or more from the proposed well location.
- c. Has features that would preclude the development of a sewage disposal system (including repair area) within 100 feet of the proposed well location.
- d. Has a well which precludes development of a septic system within 100 feet of the proposed well location.

2. A five (5') foot minimum setback shall be permitted for a Class II well.

If the property cannot comply with either 1 or 2 above, then a fifty (50') foot setback shall be required.

(Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))



**Section 15.06.110 Protection**

At all times during construction, the well shall be protected in such a manner as to prevent tampering with the well, accidents to persons, the entrance of foreign matter into the well or the entrance of drilling mud into streams, etc. Water and drilling mud used in drilling shall be free from contamination. (Ord. 1717. (06/11/1991))

**Section 15.06.120 Well Standards**

Except as otherwise specified, the standards for the construction, modification or destruction of wells shall be as set forth in the California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California," as modified by subsequent revisions or supplements. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.06.130 Casings**

A. All metal casing used in well construction shall be new and shall have a minimum thickness of twelve (12) gauge for wells up to and including eight (8") inches in diameter, and a minimum thickness of ten (10) gauge for wells ten (10") inches in diameter or over. Casings shall be placed to a sufficient depth to insure well integrity and to prevent well-collapse.

B. All casings shall be placed with sufficient care to avoid damage to casing sections or joints. The uppermost perforation shall be at least five (5') feet below the annular seal.

C. All concrete pipe casing used in well construction shall be new, free of defects, and shall conform to California Department of Water Resources Bulletin 74-81, as modified by subsequent supplements or revisions.

D. All polyvinylchloride casing used shall be new, free of defects, and shall meet ASTM standard F480.

E. The casing shall extend at least eight (8") inches above the ground surface or at least two (2") inches above the surface of the concrete slab.

F. Any well construction utilizing a pitless adapter shall only be constructed with steel casing meeting standards specified in Bulletin 74-81 and its supplements.

G. Other casing materials may be approved by the enforcement agency when such materials are approved for use by the Department of Water Resources. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.06.140 Sealing of the Annular Space**

A. The annular space shall be effectively sealed with a sealing material to prevent surface or sub-surface pollution entering the well through casing joints or flowing down the outside of the casing and into the well at the lower end.

B. In unconsolidated formations the annular space shall be filled with sealing material having a minimum thickness of two (2") inches, except in the case of a concrete pipe cased well, which shall have a minimum thickness of three (3") inches.

C. Prior to sealing, a packer of cement, concrete, steel or other approved material shall be installed at the bottom of the annular space to be grouted. The seal shall be applied in one continuous process either by pressure or by gravity in accordance with proper construction practice and in such a manner as to exclude surface and other undesirable water from the well.

D. If bentonite clay is used as the sealing material, the uppermost two (2') feet of the annular space shall be sealed with cement. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.150 Well Pits**

Well pits or below ground discharge pipes may be permitted at the discretion of the enforcement agency. Where the well casing terminates in a pit below the ground surface, the pit shall be constructed so as to be drained with a minimum three (3") inch diameter pipe discharging water by gravity to the ground surface. The drain shall be screened at both ends. The casing shall be carried at least eight (8") inches above the pit floor. The well pit shall be so constructed and protected that floodwaters cannot enter the pit. Pits shall have easy access for proper operation, maintenance and inspection of the equipment. Doorways or hatches shall at all times effectively keep water out of the pit. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.160 Access Openings into Well Casings**

Access openings into the well casing or conductor pipe for addition of gravel to a gravel packed well, for sounding the well, for air release, for disinfection, and for any other purpose necessary for maintenance and operation of the well are required but must terminate above flood and high water levels or have a watertight seal. These openings shall be protected against entry of small animals, insects, floodwater, drainage or pump drippage, and other contaminating matter, by caps. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.170 Special Groundwater Protection**

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require special well seal(s) in these designated areas to prevent mixing of water from several aquifers. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.180 Inspections**

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site prior to the issuance of a well permit, an inspection at the completion of the work, and inspections at such other times as

it deems appropriate. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.190 Inspection of Well Seal**

The enforcement agency shall inspect the annular space grout depth prior to the sealing.

A. **REQUIRED NOTICE:** The well driller shall notify the enforcement agency a minimum of two (2) hours prior to sealing the annular space of a well. Notification consists of submitting:

1. A valid Assessor's Parcel Number;
2. Date and specific time of well sealing;
3. Location of well sealing;
4. Permittee name.

B. **SHOULD ENFORCEMENT AGENCY FAIL TO BE PRESENT:** If the enforcement agency fails to be present at the requested seal inspection time, the driller shall seal the well in accordance with the standards of this Chapter and any permit conditions.

C. **FAILURE OF WELL DRILLER TO APPEAR:** If the well driller fails to appear and perform the well construction work as specified by the required confirmation notice indicating date and time, after fifteen (15) minutes the enforcement agency may leave the site. The well driller shall notify the enforcement agency of the need for reinspection for any future inspection of the work. The well driller shall pay a reinspection fee within two (2) working days following the reinspection.

D. **FAILURE OF THE WELL DRILLER TO BE READY:** The well driller may postpone the seal time without any consequences, providing the driller notifies the enforcement agency at least one (1) hour prior to the previously arranged well seal inspection time. If the notification is less than one (1) hour and the enforcement agency appears at the well site, the well driller may be required to proceed as in subsection C above.

E. **AFTER THE FACT INSPECTIONS:** In the event that reliable technology exists, then the enforcement agency may, at its option, waive inspection of the sealing of a well's annular space. It may choose to inspect such seal installations after the fact, using such means as will determine the presence of a seal and not damage the well. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.200 Completion**

Upon completion of a well, the driller shall be responsible for the sanitary well seal or a well cover. The driller shall also submit a completed water well driller's report or photocopy of same, completed in detail on the State Department of Water Resources reporting form, to the Health Department. Said photocopy shall contain the assessor's parcel number of the subject property and permit number. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.210 Final Inspection**

If requested by the enforcement agency, the driller shall notify the enforcement agency within seven (7) calendar days of the completion of their work at each drilling site. The enforcement agency may make a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.220 Completion Reports**

A. SUBMITTAL OF STATE “WATER WELL DRILLER’S REPORT”: A copy of the Water Well Driller’s Report shall be submitted by the permittee to the enforcement agency within ninety (90) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards as set forth in the Department of Water Resources Bulletin 74-81 and all additional permit conditions. This Section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

B. CONFIDENTIALITY OF REPORT: In accordance with Cal. Water Code § 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. OTHER AGENCY’S REQUIREMENTS: Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of Cal. Water Code §§ 13750.5 - 13755 relating to notices and reports of completion or any other federal, state, or local reporting regulations.

D. Well drillers that fail to comply with this Section shall not be issued any future well construction permits. Permits may be issued once all required reports are on file with the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.230 Well Permit Completion**

A. No person shall connect to or use any well subject to this Chapter for which a Well Permit Completion has not been issued. The enforcement agency shall issue a Well Permit Completion only if, upon inspection of the work, the work complies with this Chapter and the conditions of the permit.

B. If inspected work does not comply with this Chapter and the conditions of the permit, the permittee shall be notified in writing. Work deficiencies shall be explained and satisfactory well completion or well destruction required. A Well Permit Completion shall be issued upon satisfactory completion.

C. A Well Permit Completion shall only be issued where the enforcement agency has the Water Well Driller's Report.

D. Denial of a Well Permit Completion may be appealed in accordance with Section 15.05. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.240 Disinfection**

Newly constructed or repaired wells shall be adequately treated with chlorine to a strength of at least fifty (50) PPM of available chlorine, in such a manner as to disinfect all parts of the well before or as the pump is set, and shall not be pumped for at least eight (8) hours. Prior to use for domestic purposes, the well shall be pumped sufficiently to eliminate the disinfectant residual. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.250 Pump Installation**

All pumps shall be installed so as to prevent contamination of the water supply by surface water or other contaminants. The pump shall be mounted through a sanitary well seal. There shall be access for introduction of chlorine into the well and gravel pack as needed. A faucet shall be provided on the discharge line, ahead of the storage tank, constructed so that a representative sample of the water in the well may be obtained. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.260 Abandoned Wells**

The owner of any property shall be responsible for destroying any uncapped or abandoned well, test hole, monitoring well or exploratory well located thereon. The well will not be considered abandoned if the owner declares their intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well a) has no defects in construction which would cause pollution or contamination of the potable groundwater by surface water; b) is covered with a well cover, c) is so marked as to be clearly seen; and d) the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.270 Wells Constructed After July 12, 1991**

Wells constructed after July 12, 1991, and which are not in compliance with this Chapter shall be made to comply with this Chapter or destroyed pursuant to this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.06.280 Destruction Methods**

Prior to destroying a well, a detailed evaluation and report on the well shall be submitted to the enforcement agency by a licensed well driller. Such report shall indicate the type of well to be destroyed, all known geological conditions and the methods and material to be used in the destruction process. The methods and materials used in destroying wells and test holes shall be such that the potable or usable groundwater is protected from pollution

or contamination or the entrance of surface water thereto. All abandoned wells shall be destroyed as follows:

- A. Any obstruction in the well shall be removed when possible.
- B. As much casing or lining in dug wells shall be removed as is physically possible.
- C. Where necessary (depending on the type of casing) the remaining casing shall be ripped or perforated to fill any annular space or nearby voids.
- D. The well shall be entirely filled with impervious material such as class B concrete, concrete grout, neat cement or puddled clay.
- E. The placement of the material shall be done in such a way as to assure a dense seal, free of voids, in order to exclude surface water.
- F. Other methods of destroying wells and test holes may be approved by the enforcement agency if an equivalent effect will result, and no contamination or pollution to the potable or usable groundwater will occur. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.06.290 Variances**

A. The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced within this Chapter and to prescribe alternative requirements in their place. Any variance from the requirements of this Chapter shall be granted only with written approval of the Director.

B. **SPECIAL CIRCUMSTANCES:** Variances from any requirements of this Chapter shall be granted in specific cases only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application and enforcement of the requirements of this Chapter would involve practical difficulties or unnecessary hardship depriving such property of privileges enjoyed by other similar property in the vicinity. In these instances, a variance may be granted by the enforcement agency only if, in the opinion of the Director, no public health or water quality hazard would be created. Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity.

1. An application for a variance shall be submitted to the enforcement agency by the property owner or licensed well driller on forms provided by the enforcement agency and accompanied by the appropriate filing fee. Upon receipt of the application and filing fee, the enforcement agency shall make an investigation to determine whether a variance should be granted under the provisions of this Chapter. After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying the variance. The enforcement agency shall respond to the filing of a completed application for a variance within fifteen (15) calendar days. If the enforcement agency fails to respond to the filing within fifteen (15) calendar days, the variance shall be deemed denied.
2. A representative from the enforcement agency must be present to witness the drilling,

casing, and sealing of the annular space of any well constructed pursuant to this variance procedure.

3. Where setback requirements are reduced pursuant to this variance procedure, the Director may require larger and/or deeper annular seals, special casings, or other construction features to protect the public health and the groundwater quality.
4. For any well constructed pursuant to this variance procedure, the enforcement agency may require the submittal of samples to a State licensed laboratory for analyses as determined by the enforcement agency. The results of these tests shall be submitted to the enforcement agency within fifteen (15) calendar days of the completion of the test.
5. The enforcement agency, at its discretion, may sample any well constructed pursuant to this variance procedure for chemical and/or bacteriological quality for a period not to exceed twenty-four (24) months from date of completion. Should such sampling reveal contamination or pollution of the well or groundwater, appropriate repairs or destruction of the well shall be required by the enforcement agency.
6. The decision of the Director regarding a variance request may be appealed by any interested party to the Health Officer within fifteen (15) calendar days of the variance decision pursuant to Section 15.05.180.
7. A variance shall not be granted to allow the creation of substandard or nonconforming lots or parcels.

C. INTENT OF CHAPTER NOT COMPROMISED: The granting of a variance shall be consistent with the purposes of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

## **CHAPTER 7: TREATMENT OF SURFACE WATER FOR DOMESTIC PURPOSES**

### **Sections:**

**Section 15.07.010 Use of Surface Water for Domestic Purposes**

**Section 15.07.020 Prohibitions**

**Section 15.07.030 Treated Surface Water Availability**

**Section 15.07.040 Surface Water Treatment Permit**

**Section 15.07.050 Surface Water Treatment Requirements**

**Section 15.07.060 Disinfection**

**Section 15.07.070 Monitoring**

**Section 15.07.080 Alternative Surface Water Treatment Systems**

**Section 15.07.090 Surface Water Connection to an Existing Dwelling**

### **Section 15.07.010 Use of Surface Water for Domestic Purposes**

#### **A. GENERAL**

Treated surface water supplies used for domestic purposes must meet the provisions of: (1) The laws, standards and regulations of the California Safe Drinking Water Act; (2) California Domestic Water Quality Monitoring Regulations relating to certification of water treatment facility operation as excerpted from the California Health and Safety Code, California Code of Regulations, and the California Water Code. Surface water used for domestic purposes must be under administrative authority of a private or public entity formed for the purpose of collecting, treating, storing and distributing water for human consumption. All such entities treating surface water for drinking or domestic use shall be required to possess a valid Certificate of Operation issued by the enforcement agency and pay an annual inspection fee set by the Board of Supervisors or possess a Domestic Water Permit issued by the California Department of Health Services.

#### **B. CONDITIONS**

A surface water source with treatment may be utilized for domestic use on a case-by-case basis if the following conditions are fulfilled:

1. For existing developed parcels where there is a legal residence and wells or springs:
  - (a) yield less than one (1 gal.) gallon per minute, (b) are contaminated, or (c) setback requirements from the waste water disposal system prohibits the use of a well or spring; and
2. A raw water source approved by the enforcing agency for treatment is available from a public or private entity either existing or to be created; and
3. An affidavit stating a raw water service connection will be provided to the user is received by the enforcement agency from the Administrative Authority of said entity; and
4. Compliance with Sections 15.07.030 through 15.07.080 of this Chapter is ascertained.



The drilling and testing of a well as specified in Section 15.07.010.B.(1) above may be waived by the enforcement agency on a case-by-case basis provided that valid historical data are available as provided by a well driller, geologist, civil engineer, or enforcement agency records. Said data must show that groundwater resources are minimal or nonexistent and/or groundwater is contaminated. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.07.020 Prohibitions**

After the effective date of this Chapter, it shall be unlawful for a person or persons to utilize untreated surface water for domestic purposes for any new construction other than as allowed under the provisions stated herein. No building permit shall be issued for a dwelling proposing to use treated surface water as its source of domestic water. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.07.030 Treated Surface Water Availability**

For an existing dwelling proposing to use treated surface water as its source of domestic water, the treatment system and source shall be approved by the enforcement agency and the California State Department of Health Services. Before any water availability affidavit is issued by a private or public entity and can be approved by the enforcement agency, the water treatment system, all equipment specifications and design must meet the provisions of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.07.040 Surface Water Treatment Permit**

A. The property owner or their designated representative must make application for a Surface Water Treatment System permit on a form provided by the enforcement agency. Said application shall include, as a minimum, the following:

1. A certificate bearing the original signature from a California registered civil engineer or a registered environmental health specialist stating that the proposed water treatment system, when properly installed and maintained, will produce water continuously meeting the California Safe Drinking Water Act, California Water Works Standards, and this Chapter. Said system shall be installed under the supervision of the designer signing the Certificate who, after the system is installed, shall certify in writing that the water treatment system has been installed in conformance with the approved design;
2. The reason and substantiation for request (e.g., hardship, less than one gallon per minute yield on well, well is contaminated, etc.), along with supporting data. Said reason shall be provided on a “request for waiver” form;
3. A Facilities Plan and Project Report prepared by a California registered civil engineer or environmental health specialist. Said report shall include, as a minimum, a detailed equipment plan, materials and specifications, flow calculations, retention time, treatment method, top and side views, and other information as is necessary to justify

- the treatment system;
4. Analyses of raw source water samples collected and tested by a State licensed laboratory;
  5. A contract agreement between the property owner and the designer or installer certifying that the contractor will maintain the system according to the approved system design.
- B. All documents, information, designs, analysis reports and plans required in subsection A above shall be submitted in triplicate. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.07.050 Surface Water Treatment Requirements**

- A. The treatment plant, piping, and appurtenances shall be designed, located, constructed, and composed of materials sufficient to withstand the physical stresses imposed during normal operation and during all weather conditions. All portions of the treatment facilities shall be readily accessible for maintenance and operation.
- B. The treatment system is to be designed and installed so that there is disinfection at all times to provide potable water for domestic use.
- C. In systems with media-type filters, a proportional feed pump shall be used to add effective coagulation chemicals prior to filtration and filter in proportion to the rate of water flow. A suitable coagulant solution container shall be provided.
- D. An accurate pressure gauge shall be provided on both the inlet side and on the outlet side of the filter to provide a visual assessment of pressure loss due to filter clogging and thereby facilitate proper filter backwash frequency.
- E. All filters shall be constructed and installed so that the design filtration rate cannot be exceeded.
- F. Filters shall be constructed so that they can be backwashed only with clear, filtered, and chlorinated water meeting drinking water standards. Backwash flow rates shall effectively clean the filter media. Piping shall be valved so that filters can be isolated for repairs while the other units are functioning. Initial filter runs, after backwash, are to be directed to waste. There shall be no bypass or leakage of untreated or partially treated water to the point of use. Other approved methods of backwash may be approved on a case-by-case basis. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.07.060 Disinfection**

Disinfection is to be by chlorination or other approved methods.

#### **A. WHEN USING CHEMICAL DISINFECTION**

1. A contact tank or tanks shall be provided to allow for a minimum of thirty (30)

minutes retention time to accomplish adequate disinfection during periods of peak water flow through the treatment plant. The chlorine contact facilities shall be installed in a manner which will effectively maximize retention time and reduce “short circuiting”.

2. Disinfectant Solution Storage Container. A container constructed of materials resistant to corrosion by the disinfectant shall be provided for the storage of the prepared solution being supplied to the proportional disinfectant feeder. The container shall be sized to provide at least a one (1) week supply of disinfectant solution during normal demand, but not more than a two (2) week supply.
3. When using chlorine, a DPD free chlorine residual test kit with appropriate reagents shall be supplied as part of each water treatment plant installation.

B. **SAMPLING TAP.** A faucet or other suitable fixture shall be provided immediately upstream and downstream from the contact facilities to permit collection of water samples for bacteriological, turbidity, and disinfectant residual measurements. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.07.070 Monitoring**

A. For any installation of a surface water filtration and treatment system constructed after the effective date of this Chapter, monitoring shall be required to determine that the water system is performing satisfactorily as per the design. Monitoring shall be accomplished by any one of the following:

1. A contract agreement between the property owner and the designer or installer for sample collection and analysis by a State certified laboratory, or
2. By the enforcement agency on a fee for service basis.

B. The owner or contractor shall provide the enforcement agency a report of monitoring on a quarterly basis. Said monitoring shall include, as a minimum, quarterly bacteriological sample analysis, daily turbidity analysis, and daily chlorine residual.

C. If sample results demonstrate that the treatment system is not achieving minimum water quality requirements, the designer shall submit new plans and specifications to the enforcement agency, as per Section 15.07.040, to bring the treatment system performance within minimum potability standards. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.07.080 Alternative Surface Water Treatment Systems**

Use of alternative surface water treatment systems may be considered on a case-by-case basis only. Said proposed systems must provide assurance of meeting minimum potability standards and equipment reliability and otherwise conform to this Section. The State Department of Health Services shall also approve of a proposed alternative surface water treatment system. Additional testing and monitoring requirements may be imposed as a result of approval of an alternative surface water treatment system. (Ord. 1717.

(06/11/1991); Ord. 2531. (10/24/2023))

**Section 15.07.090 Surface Water Connection to an Existing Dwelling**

No new hookup of an existing dwelling to an untreated surface water source shall be permitted after July 12, 1991, other than by the provisions of Section 15.06.290.

## **CHAPTER 8: WATER AVAILABILITY FOR DIVISION OF LAND**

### **Sections**

<b>Section 15.08.010</b>	<b>Applicability of this Chapter</b>
<b>Section 15.08.020</b>	<b>Water Studies Required for Land Use Projects</b>
<b>Section 15.08.030</b>	<b>Connections to Public Water Supply</b>
<b>Section 15.08.040</b>	<b>Creation of Public Entity</b>

### **Section 15.08.010 Applicability of This Chapter**

The requirements of this Chapter shall apply to the determining of adequacy of water supply for any division of land in the County of Nevada approved as a tentative map after the adoption of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

### **Section 15.08.020 Water Studies Required for Land Use Projects**

For any proposed division of land where water is to be supplied by individual wells, the following standards shall be applicable as conditions of approval of the tentative and the final map:

A. For any division of land, the subdivider shall drill wells on a percentage of the lots and submit a Water Well Driller's Report indicating water availability in a quantity and quality adequate for domestic purposes. For purposes of this Section, quantity adequate for domestic purposes is a minimum of three (3 gal.) gallons per minute, as determined under procedures in Section 15.05.050 Water Well Driller's Reports for existing wells on the land to be divided may be used as part of this percentage where the "Date of Completion" disclosed on the Water Well Driller's Report is dated within one (1) year of the submittal of the land use application to the planning agency. Where the Water Well Driller's Report does not meet the aforementioned requirement or where a Water Well Driller's Report is not available, a valid report from a pump test conducted in accordance with Section 15.05.050 may be submitted. Such pump test report shall be accompanied by the Water Well Driller's Report if the driller's report is available.

In the event that the number of parcels in the subdivision is not evenly divisible by ten (10), an additional well shall be required for any remaining fractional requirement. When test wells are drilled, they shall be dispersed throughout the site in a manner approved by the enforcement agency in order to give a representative sample of groundwater availability on the lots.

The percentage of parcels requiring studies and wells are as follows:

### **WITH PLANNING AGENCY APPLICATION**

1. Submit a licensed geologist's report to the enforcement agency certifying that groundwater adequate in amount to meet this Chapter for domestic water supply is

- available to every parcel in the subdivision; or
2. Drill wells on ten percent of the parcels and submit a Water Well Driller's Report indicating water availability.

#### PRIOR TO RECORDATION MINIMUM PARCEL SIZE

5 acres or less	50% of parcels
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5.1-10 acres	30% of parcels
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10.1-20 acres	10% of parcels
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For divisions of land creating parcels of more than twenty (20) acres, proof of availability of groundwater shall only be required where the enforcement agency deems it necessary based on evidence of groundwater shortages in the area of the proposed subdivision.

B. For any division of land where water supply is to be by individual wells, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that water is available on any lot or parcel on the recorded map.

C. **CONDITIONAL USE PERMIT, SITE PLAN, GENERAL PLAN AMENDMENT AND ZONE CHANGE.** The information required will be on a case-by-case basis. With the Planning Agency application, the results of water resource studies representative of the area shall be provided as required by the enforcement agency.

D. **AREA VARIANCE:** The information required will be on a case-by-case basis.

E. **ENVIRONMENTAL IMPACT REPORT:** If drilled wells are proposed, water resource information on each and every parcel of the project shall be provided at the time of application. This requirement may be waived if the enforcement agency has determined it possesses adequate information on said water resources.

F. For any land use project proposing to create a public water system, a Preliminary Basis of Design shall be submitted at the time of application to the planning agency. Said design shall include as a minimum the following information:

1. Information on source availability, including total quantity and quality of water available.
2. Projected water quantity demands, including peak flows, fire flows, and other

- applicable flows.
3. Storage requirements.
  4. Specifications on well construction demonstrating compliance with this Chapter.
  5. Proposed treatment facilities, if any.
  6. Proof of financial responsibility in accordance with the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60). (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.08.030 Connections to Public Water Supply**

For any division of land where an approved public water supply system is available within 200 feet of the parcels, said parcel shall be connected to the approved system unless water meeting California Drinking Water Standards is proven to be available from other sources. A “will serve” letter from an approved water supply system shall be provided with the application to the planning agency. Proof of service from an approved water supply system shall be provided before final approval of the map can be given. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

#### **Section 15.08.040 Creation of Public Entity**

For any division of land where a public water system is to be created for the supply of water, either a public entity shall be formed, or the system must be approved for inclusion in an existing public entity. Said entity shall comply with the provisions of the California Health and Safety Code, California Code of Regulations, and/or Government Code for the creation of such entities. The formation of said entity shall be a condition of approval for the tentative map. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

## **CHAPTER 9: SEPTAGE HAULERS**

### **Sections**

<b>Section 15.09.010</b>	<b>Liquid Waste (Septage, greywater and leachate) Hauler Registration Required</b>
<b>Section 15.09.020</b>	<b>Grease Hauler Requirements</b>
<b>Section 15.09.030</b>	<b>Cash Security Deposit</b>
<b>Section 15.09.040</b>	<b>Application Fee</b>
<b>Section 15.09.050</b>	<b>Duration of Registration</b>
<b>Section 15.09.060</b>	<b>Renewal</b>

### **Section 15.09.010 Liquid Waste (Septage) Hauler Registration Required**

It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless they or it shall hold an unrevoked registration issued by the local health officer or their duly authorized representative of the city, town, county, or city and county for the carrying on of the business in accordance with Cal. Health & Safety Code § 117405.

### **Section 15.09.020 Grease Hauler Requirements**

A Septage/Grease Hauler is required to have valid California Department of Public Health (CDPH) registration and permit with Nevada County Department of Environmental Health (NCDEH). All provisions of state and federal law and regulations apply, including but not limited to Cal. Penal Code § 374.5.

### **Section 15.09.030 Cash Security Deposit**

As a condition to the issuance of liquid waste (septage) registration (license), the septage hauler shall be required to state the site which will receive the septage, the septage hauler shall state the site that will receive the septage and show proof from the facility that they have been approved to unload waste.

Any hauler who disposes of septage through facilities owned and/or operated by the Sacramento Regional County Sanitation District may be required to post a cash security deposit in the amount equal to the fees to be paid to the Sacramento Regional County Sanitation District for septage disposal at their facilities for a ninety (90) day period or such lesser period of time that the District may agree to, with the Nevada County Environmental Health Department. The amount of the security deposit shall be subject to the approval of the Sacramento Regional County Sanitation District and shall be used solely to guarantee the hauler's timely payment of fees to this disposal facility. The Board



of Supervisors shall be authorized to pay to the Sacramento Regional County Sanitation District from the security deposit, the amount due to the disposal facility upon a hauler's failure to pay such amount. Upon approval by the Board of Supervisors, and acceptance thereof by the Sacramento Regional County Sanitation District, the septage hauler may be allowed to substitute a performance bond in lieu of a cash security deposit. Within thirty (30) days of the date of the adoption of this ordinance, all septage haulers which are presently licensed by the County and who dispose of septage at the facilities owned and/or operated by the Sacramento Regional County Sanitation District shall post such security as would be required for the issuance of a new license, with the County Environmental Health Department. Failure to post the required security deposit within this time limit shall render any existing registration (license) issued by the County, null and void.

#### **Section 15.09.040 Application Fee**

The Environmental Health Department is hereby authorized to charge and collect a fee for the processing of an application for a septage hauler registration which amount shall be set by resolution of the Board of Supervisors.

#### **Section 15.09.050 Duration of Registration**

Registration shall be only for the unexpired portion of the fiscal year in which the application is made, and at the end of such fiscal year, the registration shall become void and of no effect.

#### **Section 15.09.060 Renewal**

At the expiration of the septage hauler registration, if there is a cash security deposit, it may be returned to the hauler unless the hauler specifies in their application for renewal that such amount be carried over to the registration for the next fiscal year.

## **CHAPTER 10: DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS**

Sections:

**Section 15.10.010 Definitions**

**Section 15.10.020 Threshold**

**Section 15.10.030 Diversion Requirements**

**Section 15.10.040 Diversion Requirement Exemption**

**Section 15.10.050 Compliance with the Diversion Requirement**

### **Section 15.10.010 Definitions**

For the purposes of this Chapter, the following definitions apply:

- A. “Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, contractor, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for applicable permits to undertake any construction, demolition, or renovation project within the unincorporated area of the County of Nevada.
- B. “Contractor” means any person or entity holding, or required to hold, a contractor’s license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures within the unincorporated area of the County of Nevada.
- C. “Construction” means all building, remodeling, addition, removal or destruction.
- D. “Construction and Demolition Materials” includes:
  - 1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, wood, concrete, asphalt, masonry, metals, cardboard, roofing, gypsum drywall, and inerts (rock, soil, and fines) from the construction, renovation, remodel or destruction of a commercial, agricultural or residential structure.

2. Small amounts of other non-hazardous wastes that are generated at construction or demolition projects.
- E. “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- F. “Department” means the Department of Public Works for the County of Nevada.
- G. “Divertible Materials” includes:
1. Masonry building materials generally used in construction including, but not limited to, rock, stone, tile, mortar, and brick.
  2. Wood materials including dimensional lumber, cabinetry, fencing, form wood, scrap wood, plywood, and engineered lumber. Painted and stained wood materials are currently divertible.
  3. Concrete materials including foundations, pier posts, blocks, and other structural concrete materials.
  4. Metals including all metal scraps such as, but not limited to, pipes, siding, window frames, doorframes, and fences.
  5. Roofing materials including wood shingles, asphalt composition shingles, tiles, and metal roofing.
  6. Inerts including rocks, soil, and fines that are not contaminated by controlled or hazardous materials.
  7. Cardboard including boxes, flats, cartons, and containers.
- H. “Divert” means to prevent material from being disposed in a landfill, through eventual recycling or reuse.
- I. “Project” means any activity involving construction, demolition or renovation, and which requires issuance of a permit from the County of Nevada.
- J. “Recycling” means the material will be processed and made into new products or materials.
- K. “Renovation” means any change, addition, or modification to an existing structure.
- L. “Reuse” means the material will be used again in its original form.
- M. “Structure” means anything constructed or erected.

### **Section 15.10.020 Threshold**

A. Covered Projects: All construction, demolition, and renovation projects within the unincorporated area of the County for which a building or demolition permit is required shall comply with this Chapter if a project exceeds 600 square feet or if such project's cost estimates are greater than \$50,000. If a project exceeds either threshold value, it shall be considered covered by this Chapter. For the purposes of determining whether a project meets the foregoing threshold, all phases of a project and all related projects taking place on a single or adjoining parcel(s) shall be deemed a single project.

B. Non-Covered Projects: Construction, demolition, and renovation projects within the unincorporated area of the County that do not meet the established thresholds for "Covered Projects." Non-Covered Projects will still be encouraged to divert as much material as possible.

C. County-Sponsored Projects: All County-sponsored construction, demolition, and renovation projects shall comply with the same threshold values as non-government projects.

### **Section 15.10.030 Diversion Requirements**

A. Applicants shall sign a Statement of Intent, as stated on the Nevada County Building Permit Application form, agreeing to use the Construction and Demolition Materials Recycling Facility at the McCourtney Road Transfer Station (MRTS), Construction Materials Recovery Facility sort line at the Eastern Regional Landfill in Truckee Region, use Construction and Demolition materials recycling services provided by franchise waste hauler agreement, or another Construction and Demolition recycling facility.

B. Materials that cannot immediately be salvaged or reused shall be transported by the contractor or by County-designated franchise waste hauler to the MRTS, where it will be deposited at the Construction and Demolition Area separate from the Solid Waste Area. Materials dropped at the MRTS Construction and Demolition Area will be further sorted and/or processed to achieve the maximum diversion that is feasible. Applicants from eastern Nevada County (Truckee region) may transport construction and demolition materials to the Eastern Regional Landfill Construction and Demolition Materials Recovery Facility outside of Truckee.

C. Although it may not be an explicit condition of the building or demolition permit, Contractors or property owners working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent feasible.

D. All Applicants are encouraged to contact their waste service provider or

the Department for suggestions about how to minimize disposal costs and maximize diversion. Applicants shall be familiar with other requirements governing the disposal of solid waste in California, including identification of materials that are prohibited from disposal in landfills.

#### **Section 15.10.0400 Diversion Requirement Exemption**

A. If an Applicant for a Covered Project experiences unique circumstances that the Applicant believes makes it infeasible to comply with established Diversion Requirements, the Applicant may request, in writing, an exemption from one or all of the waste diversion requirements during the building or demolition permit process.

B. The Department of Public Works shall review all exemption request information supplied by the Applicant and may meet with the Applicant to assess alternative ways of meeting waste diversion requirements. Based on the information supplied by the Applicant, the Department of Public Works shall determine whether it is possible for the Applicant to meet any or all of the Diversion Requirements of the project.

C. If it is determined that it is not feasible for the Applicant to meet all of the diversion requirements specified herein, the Department of Public Works shall determine alternative requirements and will inform the Applicant, in writing, of any such alternative requirements.

#### **Section 15.10.050 Compliance with the Diversion Requirement**

The Department may review the information submitted by Applicant and determine whether the Applicant has fully complied, made a good faith effort, or failed to comply with the diversion requirement. The Department's determination regarding compliance may be provided to the owner in writing.

A. "Full compliance" means the Applicant fully complied with the requirements of this Chapter.

B. "Good faith effort compliance" means the Applicant did not fully comply with the requirements of this Section but has made a good faith effort to comply. In making this determination, the Department shall consider the availability of markets for the specific construction and demolition materials disposed, the documented efforts of the Applicant to comply with this Chapter, and other relevant factors.

C. "Failed to comply" means the Applicant did not fully comply with the requirements of this Chapter and did not make a good faith effort to comply. An Applicant's failure to comply may be considered an infraction, and upon conviction thereof there may be a potential maximum fine of \$100 imposed (see

Cal. Gov't Code § 25132).

## **CHAPTER 11: PROHIBITION OF RADIOACTIVE WASTE DISPOSAL**

Sections:

### **Section 15.11.100 Prohibition of Radioactive Waste Disposal**

#### **Section 15.11.010 Prohibition of Radioactive Waste Disposal**

- A. No person shall dispose of radioactive waste within the County of Nevada.
- B. As used herein, “radioactive waste” shall mean such amount of radioactive waste as poses a potential hazard to human health and safety and is more particularly defined in Federal EPA regulations contained in Title 40, Part 191, Subpart A, Section 191.02 of the Code of Federal Regulations.  
Violation of this Section shall be a misdemeanor, punishable by a fine of up to \$1,000 for each violation and/or six (6) months imprisonment in county jail.

## **CHAPTER 12: RESPONSIBILITY FOR REPORTING DISCHARGES OF HAZARDOUS WASTES**

Sections:

**Section 15.12.010 Duty of County Health Officer**

**Section 15.12.020 Duty of Director of Environmental Health**

### **Section 15.12.010 Duty of County Health Officer**

For purposes of compliance with the reporting and disclosure requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, and in particular, Cal. Health & Safety Code § 25180.7, the official to whom illegal discharge or threatened illegal discharge of hazardous wastes shall be reported is the County Environmental Health Officer. The County Environmental Health Officer shall be responsible for notifying local news media and making such information available to the public. In addition, the County Environmental Health Officer shall have the further obligation of reporting any such discharge or threat of discharge of hazardous wastes to the Director of Environmental Health, or their designee, immediately and shall continue to inform the Director of Environmental Health on a regular basis of any changes in a previously reported discharge or of any preventive or corrective measures taken, or to be taken, by any person, business or entity.

### **Section 15.12.020 Duty of Director of Environmental Health**

The Director of Environmental Health shall have the obligation of reporting any discharges or threats of discharges of hazardous wastes that they become aware of to the County Health Officer immediately and to keep the County Health Officer informed of any preventive or corrective measures taken or to be taken by any person, business or entity.



## **CHAPTER 13: SOLID WASTE**

### **Sections:**

<b>Section 15.13.010</b>	<b>In General</b>
<b>Section 15.13.020</b>	<b>Collection—Mandatory Subscription and Payment Required</b>
<b>Section 15.13.030</b>	<b>Collection—Containers, Participation and Separation Required by all Generators.</b>
<b>Section 15.13.040</b>	<b>Commercial Education and Outreach Requirements</b>
<b>Section 15.13.050</b>	<b>Waste Removal Time Periods</b>
<b>Section 15.13.060</b>	<b>Pre-Collection and Storage Practices</b>
<b>Section 15.13.070</b>	<b>Waste Ownership and Responsibility</b>
<b>Section 15.13.080</b>	<b>Waivers</b>
<b>Section 15.13.090</b>	<b>Commercial Edible Food Generator Requirements</b>
<b>Section 15.13.100</b>	<b>Food Recovery Organizations and Services Requirements</b>
<b>Section 15.13.110</b>	<b>Franchised Collector Requirements</b>
<b>Section 15.13.120</b>	<b>Requirements for Facility Operators and Community Composting Operations</b>
<b>Section 15.13.130</b>	<b>Self-Hauler Requirements</b>
<b>Section 15.13.140</b>	<b>Waste Collection</b>
<b>Section 15.13.150</b>	<b>Convenience Station Services</b>
<b>Section 15.13.160</b>	<b>Waste Disposal</b>
<b>Section 15.13.170</b>	<b>Hazardous Wastes</b>
<b>Section 15.13.180</b>	<b>Financing and Fees</b>
<b>Section 15.13.190</b>	<b>Inspections and Investigations</b>
<b>Section 15.13.200</b>	<b>Enforcement of All Provisions of this Section Except Enforcement of Transfer Stations</b>
<b>Section 15.13.210</b>	<b>Enforcement of Transfer Stations</b>
<b>Section 15.13.220</b>	<b>Nuisance and Abatement</b>
<b>Section 15.13.230</b>	<b>Severability</b>
<b>Section 15.13.240</b>	<b>Trespass at Any County Waste Disposal or Treatment Facility</b>
<b>Section 15.13.250</b>	<b>Parcel Charges—Western Nevada County</b>
<b>Section 15.13.260</b>	<b>Parcel Charges—Eastern Nevada County</b>
<b>Section 15.13.270</b>	<b>Statue of Limitations</b>

### **Section 15.13.010 In General**

*A. Purpose.* As part of the State of California program for solid waste management and resource recovery and for the preservation of health, safety, and wellbeing of the public, the Board of Supervisors of the County of Nevada declares that it is in the public interest that the County make provision for solid waste handling services.

The reduction of solid waste landfilling, through waste prevention, reuse, recycling, and composting is a statewide mandate (California Integrated Waste Management Act of 1989). In addition, reduction of solid waste is a key component of meeting the statewide climate protection mandate (California Global Warming Solutions Act of 2006). Furthermore, AB 341, the Jobs and Recycling Act of 2011, and AB 1826, the Mandatory Commercial Organics Recycling Act of 2014, require businesses and Multi-Family property owners to arrange for recycling and organics services.

Additionally, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, seeks to reduce organics in landfills, as a means to reduce methane emissions and to increase edible food recovery to reduce human food insecurity. To that end, the State of California's Department of Resources Recycling and Recovery (CALRecycle) developed regulations that place requirements on multiple entities, many of which are contained herein. Therefore, in order to protect the public peace, health, safety, and general welfare, to reduce the solid waste stream, to reduce methane emissions from landfills, and to comply with state regulations, the County deems it necessary to regulate the separation, collection, disposal and recovery of recyclable materials, organic waste, and other solid waste as set forth in this Chapter.

*B. Administration and Enforcement.* The Public Works Department and the Environmental Health Department are the responsible agencies for administering and enforcing respectively the provisions of this Section. The Environmental Health Department shall be the principal enforcement agency of health provisions by direction of the State Solid Waste Management Board. Administrative aspects of any solid waste service agreement shall be performed by the Public Works Department.

*C. Definitions.* For the purpose of this Chapter, the following terms, words and phrases, and their derivative shall have the meanings respectively described to them by this Section:

1. *Act* means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including, but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CALRecycle.

2. *Board* shall mean the Nevada County Board of Supervisors.

3. *California Code of Regulations* or *CCR* means the State of California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

4. *Calrecycle* means California's Department of Resources Recycling and Recovery, which is charged with implementing and enforcing the Act.
5. *Certificate of Operation* shall mean an annual certificate issued by the Nevada County Environmental Health Department in accordance with Cal. Health & Safety Code § 510, Nevada County Ordinance No. 951, and Nevada County Resolution No. 82-201.
6. *Chemical Wastes* means the chemical by-product of any action, industry, application, or operation, whether performed by an individual or corporate body, which may be hazardous to public health or the environment.
7. *Collection* shall mean the operation of gathering together and Transporting to the point of disposal any garbage or refuse.
8. *Commercial Business* or *Commercial* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.
9. *Commercial Edible Food Generator* includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Sections 18982(a)(73) and (a)(74).
10. *Commercial Solid Waste* means all types of solid waste generated by stores, institutions, offices, trailer parks, hotels, apartment buildings, restaurants, multiple residential units per parcel, and other commercial sources excluding single-family residences.
11. *Community Stops* means a common location that community members collectively designate as an alternative collection location for garbage, recyclable materials and organic waste.
12. *Construction and Demolition Wastes* means waste building materials, packaging, and rubble resulting from construction or demolition of buildings and/or other structures.
13. *Container* means a durable, corrosion-resistant, non-absorbent, leak-proof, watertight, odor-proof, rodent-resistant box, barrel, canister, or other approved device with a fly-tight cover.
14. *Contractor* shall mean that person granted a contract, franchise, or permit by the County Board of Supervisors to collect, remove or dispose of garbage, rubbish or refuse.

15. *Convenience Station* shall mean an established station containing receptacles for household refuse and litter in rural County locations having a valid certificate of operation issued by the Environmental Health Department.

16. *County* shall mean the County of Nevada and its Departments or officers.

17. *Designee* means a person or entity that the County designates, contracts with, or otherwise arranges to carry out any of the County's responsibilities of this Chapter authorized in 14 CCR Section 18981.2. A Designee may be a government employee or entity, a private entity, a Franchised Collector, or a combination of those entities.

18. *Disposal* shall mean the complete operation of treating and/or disposing of the accumulation of collected refuse and the product or residue arising from such treatment.

19. *Edible Food* means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not solid waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, or this Code requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

20. *Enforcement Action* means an action of the relevant Enforcement Agent to address noncompliance with this Chapter, including, but not limited to, issuing abatement notices, administrative citations, fines, penalties, or using other remedies as authorized by the Nevada County Code.

21. *Enforcement Agent* means a person or entity the County designates to enforce part or all of this Chapter. Enforcement Agents may carry out inspections and enforcement activities pursuant to this Chapter. The County has enforcement responsibility for all sections of this Chapter. The County may choose to additionally delegate Enforcement Agent responsibility for certain sections, to other public entities or joint powers authority. Nothing in this Chapter authorizing an entity to enforce its terms, or shall require that entity to undertake such enforcement except as agreed to by that entity and the County. In addition to any other powers conferred upon them by this code or by any other law, an Enforcement Agency shall have the authority to issue a notice to appear, (per Cal. Penal Code § 948), or issue a notice of violation, as described in this Code, if the Enforcement Agency has cause to believe that a violation of this code was, or is being, committed or that any nuisance conditions exist.

22. *Excluded Waste* means hazardous substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the County and its Generators, reasonably believe(s) would, as a result of

or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including land use restrictions or conditions, including but not limited to: waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in the reasonable opinion of the County, or its designee, would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the County, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Cal. Pub. Res. Code §§ 41500 and 41802. Excluded Waste does not include used motor oil and filters, or other materials defined as allowable materials for collection through the County's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the County or the Franchised Collector providing service to the Generator.

23. *Food Facility* has the same meaning as in Cal. Health & Safety Code § 113789.

24. *Food Recovery Organization* means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 18982(a)(25), including, but not limited to:

- a. A food bank as defined in Cal. Health & Safety Code § 113783;
- b. A nonprofit charitable organization as defined in Cal. Health & Safety Code § 113841; and
- c. A nonprofit charitable temporary food facility as defined in Cal. Health & Safety Code § 113842.

25. *Food Recovery Service* means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR § 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12.

26. *Food Scraps* means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

27. *Food Service Provider* is a Tier 1 Commercial Edible Food Generator and means an entity primarily engaged in providing food services to institutional, governmental,

Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR § 18982(a)(27).

28. *Franchised Collector* means such persons, firms or corporations collecting and delivering for disposal, recycling or processing solid waste (other than solid waste generated by a permitted building project) originating in the County and doing so under a franchise agreement with the County.

29. Garbage includes those elements of the solid waste stream designated for the "Garbage Container", and excludes hazardous waste, Excluded Waste, materials designated for the "Organics Container" or "Recycling Container" or materials which have been separated for reuse.

30. Garbage *Container* has the same meaning as "Gray Container" in 14 CCR § 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.

31. *Environmental Health Department* shall mean the Director of the Nevada County Environmental Health Department (Public Health Officer) or their duly authorized agent.

32. *Household Waste* consists of garbage generated in residences with the exception of large objects such as refrigerators, washing machines, dryers, couches, chairs and tables.

33. *Industrial Wastes* means all solid, semi-solid, or liquid wastes which result from industrial processes or manufacturing operations.

34. *Infectious Wastes*:

- a. Utensils, equipment, instruments, and fomites from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must be isolated.

- b. Laboratory wastes, including pathological specimens, (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto.

- c. Surgical operating room pathologic specimens and disposable materials from out-patient areas and emergency rooms.

35. *Generator* means a person or entity that is responsible for the initial creation of Garbage, Organic Waste or Recyclable Materials.

36. *Grocery Store* is a Tier 1 Commercial Edible Food Generator and means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store

where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR § 18982(a)(30).

37. *Hazardous Waste* means hazardous or extremely hazardous waste as defined by Cal. Health & Safety Code §§ 25115 and 25117 or otherwise a waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to employees, property, neighbors, general public, or to the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

38. *High Diversion Organic Waste Processing Facility* means a facility that is in compliance with the reporting requirements of 14 CCR § 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent (50%) between January 1, 2022 and December 31, 2024, and 75 percent (75%) after January 1, 2025, as calculated pursuant to 14 CCR § 18815.5(e) for Organic Waste received from the "Mixed Waste Organic Collection Stream" as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).

39. *Inspection* means a site visit where an Enforcement Agent reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR § 18982(a)(35)

40. *Liquid Waste* means a waste material which is not spadable.

41. *Litter* means trash, garbage, solid waste, refuse.

42. *Littering* means the willful or negligent throwing, dropping, placing or depositing of litter on land or water in other than appropriate storage containers or areas designated for such purposes.

43. *May* shall be permissive.

44. *Multi-Family Residential Dwelling or Multi-Family* means for the purpose of implementing this Chapter, of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing SB 1383 requirements. Consistent with SB 1383 Regulations, residential premises that consist of fewer than five (5) units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this

Chapter. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses that are not Multi-Family Residential Dwellings.

45. *Nuisance* means any act or omission which:

- a. Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; or
- b. Shall offend public decency; or
- c. Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct or render dangerous for passage or use a lake, navigable river, bay, stream, canal, ditch, millrace, or basin, or a public park, square, street, alley, bridge, causeway, or highway or other thoroughfare; or
- d. Shall have a natural tendency to cause injury or damage to business or property.

46. *Organics Container* has the same meaning as "Green Container" in 14 CCR § 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste designated for Compost processing, including Food Waste and landscape and pruning waste accepted in the County's Organic Waste Collection program, and other organic materials as determined by the County as acceptable for the Organics Container

47. *Organic Waste* means solid waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Scraps, food soiled paper, landscape and pruning waste, organic textiles and organic carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR § 18982(a)(46). Organic Waste does not include Rigid Compostable Plastic.

48. *Organic Waste Generator* means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR § 18982(a)(48).

49. *Person* shall include any individual, firm, company, corporation, or public entity or other organization.

50. *Premises* includes any real property or estate which may be devised or granted by deed.

51. *Prohibited Container Contaminant* includes all of the following: (a) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the County's Recycling Container; (b) materials placed in the Organics Container that are not identified as acceptable Source Separated



Organic Waste for the County's Organics Container; (c) materials placed in the Garbage Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Organic Waste that can be placed in the County's Organics Container and/or Recycling Container; and (d) Excluded Waste placed in any container.

52. *Property Owner* means the owner of real property.

53. *Public Works Department* shall mean the Director of the Nevada County Department of Public Works or their duly authorized deputy.

54. *Putrescible Waste* means wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions. Food wastes, offal, and dead animals are examples of putrescible solid wastes.

55. *Recycling Container* has the same meaning as "Blue Container" in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

56. *Recyclable Materials* has the same meaning as Source Separated Recyclable Materials below.

57. *Residence* shall mean a single-family home or dwelling.

58. Refuse shall include garbage, industrial, construction, and other solid wastes.

59. Rubbish shall include, but not be limited to, the following: All non-putrescible waste such as paper, cardboard, grass clippings, tree trimmings, shrub trimmings, wood, bedding, crockery, rubber tires, or construction waste.

60. *Salvaging* shall mean the controlled removal of waste material for utilization.

61. *SB 1383* means Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016.

62. *SB 1383 Regulations* means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

63. *Self-hauler* means a generator who transports its own solid waste by using a vehicle owned by that generator and driven by the generator or the generator's employees, rather than the Franchised Collector. Self-hauler also includes a person or entity who back hauls waste, or as otherwise defined in 14 CCR § 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the

Generator using the Generator's own employees and equipment, or as otherwise defined in 14 CCR § 189881(a)(66)(A).

64. *Single-Family* means of, from, or pertaining to any residential premises with fewer than five units for the purposes of implementing this Chapter.

65. *Scavenging* means the uncontrolled and/or unauthorized removal of solid waste materials.

66. *Septic Tank Pumpings* means sludge and wastewater and other materials removed from septic tanks and includes other anaerobic wastes.

67. *Shall* shall be mandatory.

68. *Sludge* means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

69. Solid Waste means Garbage, Recyclable Materials, and Organic Waste and has the same meaning as defined in Cal. Pub. Res. Code § 40191, which defines solid waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, C&D wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

a. Hazardous waste, as defined in the Cal. Pub. Res. Code § 40141.

b. Radioactive waste regulated pursuant to the State Radiation Control Law Cal. Health & Safety Code §§ 114960 - 115273.

c. Medical waste regulated pursuant to the State Medical Waste Management Act (Cal. Health & Safety Code §§ 117600 – 117615). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Cal. Pub. Res. Code § 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the California Public Resources Code.

70. *Source Separated* means materials that have been kept separate from other materials in the solid waste stream, at the point of generation, for the purpose of additional sorting or processing in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards

necessary to be used in the marketplace, or as otherwise defined in 14 CCR § 17402.5(b)(4).

71. *Source Separated Organic Waste* means those organics that can be placed in an Organics Container for Compost processing, including Food Scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the County.

72. *Source Separated Recyclable Materials* means the same thing as "Recyclable Materials" and includes those Recyclable Materials that can be placed in the Recycling Container including, but not limited to, glass and plastic bottles, aluminum, tin and steel cans, metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the County.

73. *Supermarket* is a Tier 1 Commercial Edible Food Generator and means a full-line, self-service retail store with gross annual sales of \$2,000,000.00, or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR § 18982(a)(71).

a. *Tier 1 Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

- i. Supermarkets with gross annual sales of \$2,000,000.00 or more, or as defined in 14 CCR § 18982(a)(71).
- ii. Grocery store with a total facility size equal to or greater than 10,000 square feet, as defined in 14 CCR § 18982(a)(30).
- iii. Food Service Provider which means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR § 18982(a)(27).
- iv. Wholesale food vendor which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR § 18982(a)(76).
- v. Food Distributor which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores or as otherwise defined in 14 CCR § 18982(a)(22).

b. *Tier 2 Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

- i. Restaurant which means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR § 18982(a)(64) and which has 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- ii. Hotel with an on-site food facility and 200 or more rooms or as otherwise defined in 14 CCR Section 18982(a)(74)(B).
- iii. Health facility with an on-site food facility and 100 or more beds, or as otherwise defined in 14 CCR Section 18982(a)(73)(C).
- iv. Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- v. Large Event, as defined in 14 CCR Section 18982(a)(38) means an event that serves an average of more than 2,000 individuals per day of operation of the event and either: (1) charges an admission price; or (2) is operated by a local agency.
- vi. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- vii. A local education agency, which means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40), and which has an on-site food facility.

74. *Tourist Litter* means litter produced or brought in by non-residents of eastern Nevada County (east of Highway 20/Interstate 80 interchange).

75. *Vector* means a living insect or other arthropod, or, used or leftover substance including, but not limited to, a lighted or non-lighted cigarette, cigar, match, or any flaming or flowing material, or any garbage, trash, refuse, paper, container, packaging or

construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard. (Ord. 2504. (02/22/2022))

**Section 15.13.020 Collection—Mandatory Subscription and Payment Required**

A. Every Single Family dwelling unit or Commercial Business, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this Chapter, or Commercial Business Owners that receive a waiver as set forth in this Section, (throughout this Section, Commercial Business includes Multi-Family Residential Dwellings of five (5) or more units, unless otherwise excluded) in the County shall be required to subscribe with the Franchised Collector(s) for Garbage Container, Recycling Container and Organics Container collection; comply with the relevant sections of this Chapter, state law and local ordinances; and to pay for the collection and disposal of such containers.

B. The County's designated Enforcement Agent is authorized to administer an SB 1383 permit system to monitor compliance with the requirements of this Chapter. Generators are required to obtain a SB 1383 permit and pay associated application or enforcement fees, should such fees be incurred. The Board of Supervisors may, by resolution or a Memorandum of Understanding, place a limit on the permit rates, fees and charges.

C. No provision of this Chapter shall be construed to prevent any person from self-hauling their own waste in their own vehicles or composting in the rear yard of their residence, provided that such composting does not constitute a nuisance to neighboring property because it is injurious to health or is offensive to the senses. Nor shall any provision of this Chapter limit the right of any person to donate or sell Recyclable Materials. (Ord. 2504. (02/22/2022))

**Section 15.13.030 Collection—Containers, Participation and Separation Required by all Generators.**

Generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act.

A. Generators, including Single-Family and Multi-Family and Commercial Businesses, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this Chapter, or Commercial Business Owners that receive a waiver as set forth in this Chapter, shall:

1. Maintain for such residence or business, separate Garbage, Organics and Recycling Containers, supplied by the Franchised Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage,

Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for collection. The County shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the County in order to meet the standards set forth in this Chapter. Generators may manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.

2. Participate in the collection services provided by the County's Franchised Collector(s), by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Organic Waste, including food waste, in the Organics Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. Generators shall not place materials designated for the Garbage Container in the Organics Container or the Recycling Container.

3. Place Garbage Containers, Recycling Containers, and Organics Containers on the curb on the day specified for collection, unless a waiver has been granted by the Public Works Director pursuant to this Chapter. Containers shall be placed in front of the Premises in a location reasonably convenient for semi-automated or automated collection. The only exception would be if Generator has reached an agreement with Franchised Collector for an alternative collection location.

4. Maintain Garbage Containers, Recycling Containers and Organics Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.

5. Cover containers, unless covers are waived by the Environmental Health Department.

6. Ensure that storage containers not exceed thirty-two gallon (32 gal.) capacity or weigh more than sixty pounds (60 lbs) when filled, except where mechanical systems are approved by the County or the owner collects and hauls the containers.

7. Not deposit garbage, recyclable material or organic waste in a container that is owned and/or under the control of another person unless permission to deposit said waste has been obtained from the owner or controlling person.

8. All operations and/or any person, public or private, selling, providing, giving, or through any means catering to any public or private person any goods or services shall provide adequate garbage, recyclable materials and organic waste storage containers on-site and shall regularly empty such containers.

9. Provide and maintain complying on-the-spot containers for containment and storage of garbage, recyclable materials and organic waste, excluding construction work, when conducting out-of-doors business operations that would by their nature produce such materials.

10. Store and maintain Containers so as to prevent upset and spillage.

11. The person providing containers for garbage, recyclable materials and organic waste storage shall insure the container meets the requirements in these regulations. Containers provided for individual or noncommercial domestic waste storage that do not meet the requirements of this Section shall be replaced with containers conforming with said requirements.

12. Not tamper with, modify, remove from or deposit solid waste in any container which has not been provided for their use without the permission of the container owner.

13. Not place containers out for collection more than twenty-four (24) hours prior to collection day and remove containers within twenty-four (24) hours of collection.

B. In addition to the requirements in Section A above, Commercial Businesses shall also:

1. Commercial Business Owners including Multi-Family, shall provide or arrange for Garbage Container, Organics Container and Recycling Container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in subsections (2)(a) and (2)(b) below or, if self-hauling, in compliance with self-hauling requirements set forth in this Chapter.

2. Commercial Business that are not Multi-Family Residential Dwellings shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the premises ("User Disposal Containers"). Such User Disposal Containers do not need to be provided in restrooms. If a Commercial Business does

not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:

- a. A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for Garbage, blue containers for Source Separated Recyclable Materials, and green containers for Organics Containers. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or
- b. Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022. (Ord. 2504. (02/22/2022))

#### **Section 15.13.040                      Commercial Education and Outreach Requirements**

All Commercial Business Owners are required to:

- A. Excluding Multi-Family Residential Dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Organics Container, and Garbage Container collection service.
- B. Excluding Multi-Family Residential Dwellings, periodically inspect Recycling Containers, Organics Containers, and Garbage Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- C. Including Multi-Family Residential Dwellings, annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the Public Works Director or Designee, upon request.



D. Including Multi-Family Residential Dwellings, provide information before or within fourteen (14) days of new occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep Organics Container Organic Waste and Recyclable Materials separate from each other and from Garbage, the location of containers, and the rules governing their use at the premises.

E. Including Multi-Family Residential Dwellings, prominently post and maintain one (1) or more signs where Recyclable Materials and/or Organic Waste are collected and/or stored that set forth what materials are required to be Source Separated, in addition to collection procedures for such materials. (Ord. 2504. (02/22/2022))

#### **Section 15.13.050                      Waste Removal Time Periods**

A. Garbage and organic waste shall be removed for disposal from any premises or property not less than once every seven (7) days, except for remote isolated areas including but not limited to the Graniteville Convenience Station. Recyclable materials shall be removed for recovery not less than once every fourteen (14) days. Where it is deemed necessary, the Environmental Health Department may require a removal time of less than seven (7) days for removal of garbage and organic waste when conditions exist that would result in:

1. The propagation of vectors;
2. The harborage of vectors and/or vermin;
3. The creation of a nuisance; and
4. A clear and present danger to public health.

Where garbage is stored with other waste matter, the removal time shall be not less than once every seven (7) days unless the other waste requires a more frequent removal time. After notification by the Environmental Health Department, the following wastes shall be removed within:

Waste Types	Time Limits
Garbage and Organic Waste	24 Hours
Rubbish	24 Hours
Dead animals — residential rural	6 Hours
Animal wastes (household pet)	24 Hours
Farm animal wastes	24 Hours
Industrial, institutional and commercial and bulky wastes	48 Hours
Infectious pathologic, pathogenic and hazardous wastes	12 Hours
Waste materials disposed in unauthorized area	24 Hours
All other solid waste	24 Hours

B. These time limits may be extended by the Environmental Health Department when:

1. Serious health hazard would not result by a time extension;
2. The volume of waste is such that the time limit is considered to be excessive; and
3. Other circumstances merit the extension. (Ord. 2504. (02/22/2022))

### **Section 15.13.060                      Pre-Collection and Storage Practices**

#### **A. Solid Waste *Management Practices, General Provisions.***

1. All garbage, recyclable materials and organic waste shall be stored, collected, utilized, treated, processed, and/or disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. All solid wastes shall be disposed of at disposal site approved by the County.

2. All garbage, recyclable materials and organic waste shall be handled in such a manner so as not to be conducive to the breeding, sheltering, or harboring of insects and rodents or to the support of any disease vector.
3. All garbage, recyclable materials and organic wastes processing and disposal systems shall be operated in such a manner so as not to substantially contribute to pollution or degradation of the atmosphere, watersheds, surrounding lands, or constitute a fire hazard.
4. Liquid wastes and sludges shall not be accepted or disposed at a disposal site without written approval of the Public Works Department.
5. No system for garbage, recyclable materials or organic waste handling, processing, storage, recovery, salvage, or disposal shall be placed in operation until proper licenses and/or permits are obtained.
6. All garbage, recyclable materials or organic waste management systems or operations involved in collection, storage, hauling, processing, recovery, salvage, or disposal shall be in accordance with the Environmental Health Department and Public Works Department specifications.
7. No infectious, chemical, or hazardous waste will be accepted at any disposal site in the County unless authorized by the Board.
8. It is unlawful, in the County, for any person, public or private, to place, deposit, or dump, or cause to be placed, deposited, or dumped, or allow to accumulate, any solid or liquid waste matter in or upon any public or private highway, street, alley, or road, waterway, lake, stream, or any lot or parcel of land, whether public or private other than a disposal site approved by the County.

**B. Garbage, *Recyclable Materials and Organic Waste Storage.***

1. No solid waste storage shall:
  - a. Cause health hazards;
  - b. Attract or propagate vectors, vermin or pests;
  - c. Create unpleasant odors;
  - d. Create a nuisance.
2. The person who is an owner, operator and/or occupant of any premises, business establishment, industry, or other public or private property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste accumulated on the premises or property, until it is legally removed.

3. Bulky wastes or other non-putrescible wastes unsuitable for storage containers which are to be hauled by a private garbage collector shall be stored in a nuisance-free manner and shall be boxed, bundled, tied, or contained in such a manner that the waste is protected from scattering and is collectable and is not conducive to harboring or breeding of vectors and shall be no longer than forty-eight inches (48”), not over twenty-four inches (24”) in diameter, nor to exceed sixty (60) pounds.

C. *Composting*. Composting on a noncommercial individual homeowner basis shall be accomplished in a nuisance-free, vector-free manner. Household garbage shall be handled in such a manner that breeding and harborage areas are eliminated. This operation shall include only those garbage wastes generated from the person's own domestic residence. All other garbage wastes are prohibited.

D. *Tires*. The disposal of tires at areas not recognized by the County as a disposal site is prohibited. Use in erosion control projects shall be exempted.

E. *Animal Waste—Manure*. Storage or disposal of manure shall not create a nuisance.

F. *Commercial Compaction*. Compactors located in any area accessible to the public shall be equipped in such a manner that only personnel authorized by the County or owners of said equipment are able to operate the compactor. Compactors shall be located upon an impervious surface such as finished concrete or asphalt.

G. *Construction or Demolition*.

1. The contractor shall properly store all wastes and litter, and remove it periodically from the construction site to an approved disposal site.
2. Any wash water and concrete residues shall be contained upon the construction site and/or upon the concrete mix plant site for later disposal. In no case will disposal be allowed to flow to streams.
3. Demolition wastes shall be watered, wet down, or controlled in such a manner that there shall be no spillage or escape of any waste material during loading, transporting, or unloading operations.

H. **PLACING FOR COLLECTION**: Garbage, recyclable materials and organic waste containers shall be placed for collection at ground level on the property, or within the public right-of-way of a road so as not to interfere with traffic, maintenance, access, parking, or drainage. (Ord. 2504. (02/22/2022))

### **Section 15.13.070                      Waste Ownership and Responsibility**

A. The person generating or producing any garbage, recyclable materials or organic waste shall be responsible for the proper storage, removal, transport, and disposal of such materials.

B. The person generating or producing any garbage, recyclable materials or organic waste shall insure those materials are collected and transported by a Contractor unless, where allowed, said wastes are legally removed and transported on a self-haul basis, or recyclables are donated or sold.

C. In those instances where a person rents or leases to another, the underlying property owner or their agent shall be ultimately responsible for garbage, recyclable materials or organic waste generated and/or stored on those premises should said waste remain on the premises beyond the tenant term.

D. Except as provided hereinabove, all garbage, recyclable materials or organic waste are the property of the person generating them until:

1. The materials are legally deposited in a disposal site approved by the County; or
2. The materials are legally deposited at a County approved organic waste recovery, recycling, or other waste processing facility such as a convenience station; or
3. The materials are picked up by a Contractor or recycler.

E. Garbage, recyclable materials and organic waste legally placed for processing, recovery, or disposal become the property and responsibility of the Contractor or other appropriate operator upon receipt of the waste.

F. No person shall remove garbage, recyclable materials or organic waste placed for collection other than the person generating the waste or a Contractor. Properly licensed recycling organizations may be allowed to remove pre-sorted materials.

G. If solid or liquid waste is found dumped or deposited in violation of this Chapter, the person responsible under this Chapter for said waste shall, in addition to any other penalty or remedy provided for in this Chapter, be responsible for all fees and charges associated with its pickup and disposal. Letters, correspondence, receipts or other items traceable to a person found in said waste shall constitute prima facie evidence of ownership or responsibility for said waste. (Ord. 2504. (02/22/2022))

### **Section 15.13.080                      Waivers**

A. *De Minimis Waivers*. The Public Works Director or Enforcement Agent may waive Commercial Business' obligation to comply with some or all of the Organic Waste and Recycling collection service requirements of this Chapter if documentation is provided

demonstrating that the Commercial Business generates below a certain amount of Organic Waste material, (de minimis) as described below.

A Commercial Business requesting a de minimis waiver shall:

1. Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the County. Applicants are subject to one (1) or more site inspection(s) prior to approval of a waiver.
2. Provide documentation with the de minimis waiver application that either:
  - a. The Commercial Business' total solid waste collection service is two (2) cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than twenty (20) gallons per week per applicable container of the business' total waste; or
  - b. The Commercial Business' total solid waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than ten (10) gallons per week per applicable container of the business' total waste.
3. For the purposes of subsections (2)(a) and (b) above, total solid waste shall be the sum of weekly Garbage, Source Separated Recyclable Materials, and Source Separated Organics Container Organic Waste measured in cubic yards.
4. If the de minimis waiver is granted, notify the Public Works Director or Enforcement Agent granting the waiver if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.
5. If the waiver is granted, provide written verification of continued eligibility for de minimis waiver to the Public Works Director or Enforcement Agent every five (5) years.

**B. *Physical Space Waivers.*** The Public Works Director or Enforcement Agent may waive a Commercial Business' obligation to comply with some or all of the Organic Waste collection service requirements of this Chapter if the Enforcement Agent has evidence from a licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection service requirements set forth in this Chapter.

A Commercial Business requesting a physical space waiver shall:

1. Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver.
2. Provide documentation with the application for a physical space waiver that the premises lacks adequate space for Recycling Containers and/or Organics Containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent.
3. If the waiver is granted, Commercial Business shall notify the Public Works Director granting the waiver if the Commercial Business' physical space configurations or amounts of solid waste generation change, in which case the waiver may be rescinded.
4. If the waiver is granted, Commercial Business shall provide written verification to the Public Works Director of continued eligibility for a physical space waiver every five (5) years.

C. Change of ownership of a premises automatically revokes a waiver and the new owner must comply with this Chapter or obtain its own waiver.

D. Upon the determination of the Public Works Director or Enforcement Agent a written notification of the approval or denial of a waiver shall be issued to the applicant. (Ord. 2504. (02/22/2022))

#### **Section 15.13.090                      Commercial Edible Food Generator Requirements**

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3, or such later deadline established by State law or regulations.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
2. Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (a) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (b) acceptance of Edible Food

that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.

4. Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

5. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

6. Allow the Enforcement Agent to review records upon request, including by providing electronic copies or allowing access to the premises.

7. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

a. A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

b. A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Chapter.

c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

iii. The established frequency that food will be collected or self-hauled.

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

8. If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Service, a record that describes (a) its direct donation of Edible Food to end recipients (including employees); and/or (b) its



food waste prevention practices that result in it generating no surplus Edible Food that it can donate.

9. Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agent that includes the information in subsection (C)(7)(c) above. Entities shall provide the requested information within sixty (60) days of the request.

D. Nothing in this Chapter shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017; or (2) otherwise applicable food safety and handling laws and regulations.

E. Nothing in this Chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Cal. Health & Safety Code § 114432(a). (Ord. 2504. (02/22/2022))

#### **Section 15.13.100 Food Recovery Organizations and Services Requirements**

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
4. The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and contract with or have written agreements with one or more Commercial Edible Food Generators shall report to the County, or its Enforcement Agent, the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with (regardless of whether those Generators are located in the County) according to the following schedule:

1. No later than August 15, 2022, submit an initial report covering the period of January 1, 2022, to June 30, 2022; and

2. No later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

D. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the County shall provide, upon request, information and consultation to Nevada County regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the County and Commercial Edible Food Generators in the County. A Food Recovery Service or Food Recovery Organization contacted by an Enforcement Agent shall respond to such request for information within sixth (60) days, unless a shorter timeframe is otherwise specified by the Enforcement Agent. (Ord. 2504. (02/22/2022))

#### **Section 15.13.110 Franchised Collector Requirements**

A. A Franchised Collector providing Single-Family, Commercial, Organic Waste collection service to Generators within the County shall meet the following requirements and standards in connection with collection of Organic Waste and Recyclables:

1. Through written notice or written report to the County annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.

2. Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the County to haul Organic Waste, which can be through a franchise agreement with the Franchised Collector, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

B. The collection of Garbage, Recyclable Materials and Organic Waste shall be performed by the Franchised Collector selected by the County in a manner and frequency which protects public health and safety.

C. A Franchised Collector shall carry, convey or haul solid waste on or along the streets, alleys, highways or waterways of the County in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets, alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands.

D. The Board of Supervisors may, by resolution or an approved contract with any Franchised Collector, place a limit on the rates, fees and charges, including those for garbage container, recycling container and organics container collection. No Franchised Collector shall impose any rate, charge, or fee that is greater than the maximum permitted by the Board of Supervisors, unless otherwise authorized in this Chapter. (Ord. 2504. (02/22/2022))

#### **Section 15.13.120 Requirements for Facility Operators and Community Composting Operations**

A. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from County or Designee, provide within 60 days, information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. The operator should also contact the solid waste division of the Environmental Health Department to ensure compliance with all LEA regulations pertaining to organic recycling operations.

B. Community Composting operators shall, upon request from County or Designee, provide within sixty (60) days, information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. (Ord. 2504. (02/22/2022))

### **Section 15.13.130 Self-Hauler Requirements**

Self-Haulers shall:

A. Source Separate their Recyclable Materials and Organic Waste generated on-site from solid waste in a manner consistent with this Section or haul Organic Waste to a High Diversion Organic Waste Processing Facility.

B. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a solid waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a High Diversion Organic Waste Processing Facility; and haul their Garbage to a fully permitted solid waste facility.

C. Self-Haulers, which are Commercial Businesses including Multi-Family Residential Dwellings, shall keep a record of the amount of Organic Waste delivered to each solid waste facility, operation, activity, or property that processes or recovers Organic Waste for a minimum of five (5) years; this record shall be subject to inspection by the County.

1. The records shall include the following information:

a. Delivery receipts and weight tickets from the entity accepting the waste.

b. The amount of material in cubic yards or tons transported by the Generator to each entity.

c. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses including Multi-Family Residential Dwellings shall provide these records, upon request, to the Public Works Director or Designee. Self-Haulers shall provide the requested information within sixty (60) days.

E. Landscapers, who self-haul Organic Waste generated at a customer's site, must also meet the requirements in this Section.

F. A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.

G. It is unlawful for any person to carry, convey or haul solid waste on or along the streets, alleys, highways or waterways of the County except in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets,

alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands. (Ord. 2504. (02/22/2022))

### **Section 15.13.140 Waste Collection**

*A. Requirement for Certificate of Operation.* The following persons or business enterprises which transport or cause to be transported any refuse along and upon the public streets, roads and highways of the County shall be required to obtain a Certificate of Operation from the Environmental Health Department:

1. Haulers of septic tank pumpings;
2. Commercial haulers of garbage and/or putrescible waste; commercial haulers of garbage and or putrescible waste must also meet Franchised Collector requirements in this Chapter; and
3. Business establishments which haul garbage and/or putrescible waste. Businesses that haul garbage and/or putrescible waste must meet requirements in Self Hauler Section of this Chapter.

Any vehicle used for such hauling shall be inspected and approved by the Environmental Health Department. The contents of such vehicle shall be thoroughly and securely covered by canvas or other suitable covering in order to keep the contents of such vehicle securely contained therein and to prevent such contents from spilling upon the public streets, roads and highways. Nothing in this Section shall require a Certificate of Operation or vehicle inspection for a person transporting from their residence, refuse produced thereon or construction and demolition wastes, to a proper place of disposal so long as no nuisance is created thereby.

*B. Requirement for Covering Loads.*

1. Any vehicle loaded with garbage, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous or offensive matter being transported to a dump site for disposal shall arrive at and/or enter a disposal site with the load covered or tied down in a manner which will prevent the load or any part of the load from spilling or falling from the vehicle. Loads which by sheer weight and placement cannot fall out shall be exempt from the covering and tying requirement. Loads of brush may be tied down in lieu of complete covering. Haulers shall also meet all applicable requirements of the State of California Vehicle code. (Ord. 2504. (02/22/2022))

### **Section 15.13.150 Convenience Station Services**

*A. General.* County may, at its discretion, provide convenience stations or small volume transfer station facilities at rural locations within the County. The purpose of these stations is to provide public bulk containers for deposit of household waste and tourist litter in the more remote rural areas to avoid litter along public and private roads and lands and are not to be used for yard, construction or demolition waste. The stations are not to be used for deposit of commercial solid waste except by special fee as provided in Section 18 of this Chapter. Residents, that are not exempt from SB 1383 requirements, using convenience stations or small volume transfer station facilities for their garbage and recyclables, shall self-haul organic waste to McCourtney Road Transfer Station. Some residents in a high elevation or low population census tract meeting specific criteria may be exempted by CALRecycle, from the SB 1383 requirement to separate recyclables and organic waste from garbage.

*B. Use.* Convenience stations provided by County shall be subject to the following provisions:

1. The refuse containers shall be used only for disposal of normal household waste;
2. No automobiles, or portions thereof, large appliances, mattresses, bedsprings, large furniture, refrigerators, washing machines, commercial, agricultural, yard, construction, or industrial wastes, nor any item prohibited in this Chapter from disposal at a disposal site will be allowed to be deposited at the convenience stations;
3. Allowable refuse shall be neatly placed in the containers provided at the convenience stations;
4. Scavenging or salvaging by the public is prohibited;
5. The station shall have a valid Certificate of Operation issued by the Environmental Health Department; and
6. No person shall deposit any refuse at or in a convenience station without paying the gate fee established therefor under Section G-IV 8.17 of this Code.

*C. Tourist Garbage Bins.* Garbage bins with signs noting that their usage is for tourist litter only shall not be used by local residences or contractors for solid waste disposal. (Ord. 2504. (02/22/2022))

### **Section 15.13.160 Waste Disposal**

*A. General.*

1. Notwithstanding any other provision of a County ordinance to the contrary, all garbage which is generated in or brought into the unincorporated territory of the County of Nevada shall, to the extent that such waste is suitable for disposal through the County's waste disposal system or such other facilities of the County's solid waste disposal system as the County may from time to time direct. This Chapter shall not prohibit the composting or burning of yard waste if conducted in accordance with other applicable laws and Air District regulations. (As used herein, "garbage, recyclable materials or organic waste which is generated in or brought into the unincorporated territory of the County" shall refer to all such materials which comes from the use or manufacture of any other material or product, by any person, firm, corporation or entity living, staying or doing business in Nevada County. This term shall not be deemed to include solid waste and/or recyclable material which is generated outside of the County and is merely being transported through the County.)

2. It is the intent of the Board of Supervisors in adopting this provision to secure a continuous flow of garbage to be disposed of through the County solid waste disposal system in order to provide a source of revenue which will be utilized to pay for the capital improvements which the County has and will be making to the solid waste disposal system. The Board further finds that such a commitment is necessary to secure the funding for the capital improvements to the solid waste disposal system and that such capital improvements are necessary to provide an adequate solid waste disposal system which is required to provide for the public health, safety and general welfare.

3. Exceptions:

a. The County may, but shall not be required to, allow the disposal of garbage at other than a facility which is part of the County's solid waste disposal system by the granting of a license therefor to the person, entity, firm or corporation proposing such alternative waste disposal. Any such license shall require the licensee to pay a license fee for such alternative disposal which is calculated to, at a minimum, compensate the County for the fees that such diverted waste would have paid as and for debt service under any financing previously secured by the County for the solid waste disposal system.

b. This section shall not apply to residents who personally haul their own refuse for disposal.

4. Any violation of the provisions of this Section (ordinance) shall constitute a nuisance which shall be subject to abatement in accordance with the applicable provisions of law.

B. *Responsibility*. The responsibility for compliance with disposal site standards shall rest with both site owner and site operator. Where a site operator is a specifically designated operator by contract or written agreement, said operator shall have prime responsibility for compliance; however, this does not relieve County, as owner, of duty to take all reasonable steps to assure compliance with standards and any assigned conditions.

C. *Disposal Areas and Convenience Stations*. No person shall dump, deposit, or otherwise dispose of any hazardous waste at disposal sites, convenience stations or any container to be collected and ultimately deposited at a disposal site, unless otherwise approved by the Board.

D. *Bringing Garbage Into County Unlawfully Without Permission*. No person shall transport or cause solid waste, liquid waste, construction waste, or agriculture waste to be brought into the County, or deposit same, at a County disposal site or convenience station unless granted specific permission by the Board.

E. *Salvaging*. Salvaging of materials such as metal, paper, glass, and wood will be permitted under controlled conditions and as approved by the Public Works Department. Materials to be salvaged shall be deposited at controlled areas such as a recycle center or other locations. Salvaging shall not interfere with other aspects of site operation. Salvaging of wood shall be permitted only in the Class 3, (stump and brush dump) area at the McCourtney Sanitary Landfill. Public salvaging or scavenging in the active landfill refuse dumping area involving contact with garbage or interfering with operations is prohibited.

F. *Scavenging*. Scavenging shall be prohibited at any disposal sites including landfills and convenience stations unless approved by the Board. (Ord. 2504. (02/22/2022))

### **Section 15.13.170 Hazardous Wastes**

#### **A. Standards.**

1. No person whether as principal, servant, agent, or employee shall handle, transfer, transport, process, use, store, dispose of, or recover resources from hazardous, extremely hazardous, or infectious wastes in a manner that may be injurious or harmful to the public health, to domestic livestock, or to wildlife and other than by meeting the standards set forth in this Section and approved by the Environmental Health Department.

2. The standards shall consist of any statute, order, quarantine, rule, or regulation prescribed by a State officer or department relating to public health and in



accordance with Chapter 6.5 Hazardous Waste Control of the Cal. Health & Safety Code of the State of California, and Title 22, Division 4, [Chapter 30](#) "Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes," California Administrative Code.

*B. Notification to Environmental Health Department.* Any person who is producing a material or intends to produce a material which they may reasonably consider to be a hazardous, or extremely hazardous waste, shall notify the Environmental Health Department of said production.

1. No hazardous or extremely hazardous waste produced within or outside of the County may be transported, treated, stored or disposed of without prior processing to remove its harmful properties and without written notification to the Environmental Health Department.

*C. Permit or Registration Required.*

1. No person shall establish, operate, or maintain a hazardous waste facility that treats, disposes of, stores in excess of ninety (90) days without first obtaining a hazardous waste facility permit from the State Department of Health Services in accordance with Article IV of Title 22, Division 4, Chapter 30 of the California Administrative Code.

2. No person shall establish, operate, or maintain a facility that generates hazardous wastes without first obtaining a hazardous waste facility generation permit from the Environmental Health Department. Said permit shall be designated a "Certificate of Operation" and any person requesting such a permit shall comply with this Chapter and pay applicable fees as set by the Board.

3. No person shall carry on or engage in the business of hauling hazardous waste, or the hauling of hazardous waste as a part of, or incidental to, any business, unless he holds a valid California State registration from the Department of Health Services in accordance with Cal. Health & Safety Code § 25163. (Ord. 2504. (02/22/2022))

### **Section 15.13.180 Financing and Fees**

*A. General.* Solid waste services are mandatory in nature and shall be operated and financed in such a manner to be as cost-effective and equitable as possible. Various fees and parcel charges shall be levied as required to meet the costs of providing necessary services.

*B. Landfill and Convenience Station.*

1. Fees shall be in accordance with the latest fee schedule adopted by the Board.

2. County may levy an additional parcel charge on any commercial industrial or agricultural enterprise that chooses to use the convenience stations for disposal of garbage instead of subscribing to commercial service with their own container(s) at the business site. These charges will be equal to the estimated costs to the County of providing the service as determined by the Public Works Department. (Ord. 2504. (02/22/2022))

**Section 15.13.190 Inspections and Investigations**

A. The County shall designate an Enforcement Agent for purposes of enforcing this Chapter. Said Enforcement Agent may deputize one (1) or more employees of the department to carry out the duties of Enforcement Agent.

B. The County's Enforcement Agent or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this Chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection. For the purposes of inspecting Commercial Business containers for compliance, the County's designee may conduct container inspections for Prohibited Container Contaminants using remote monitoring, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.

C. Enforcement Agent(s) shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire.

D. A person subject to the requirements of this Chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the County's designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Chapter, Inspection of County-run transfer stations, McCourtney Road landfill and any other landfills that the County may establish or acquire. Failure to provide or arrange for: (1) access to the premises; (2) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (3) access to records for any Inspection or investigation is a violation of this Chapter.

E. Any records obtained by the County or designee during inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable

disclosure exemptions of the California Public Records Act as set forth in Cal. Gov't Code §§ 7920 – 7931.

F. The County, or designee, shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Chapter. (Ord. 2504. (02/22/2022))

**Section 15.13.200 Enforcement of All Provisions of this Section Except Enforcement of Transfer Stations**

A. Violation of all provisions of this Chapter, with the exception of Transfer Station violations, which are addressed in subsection 21 of this Section 15.13.210 , shall constitute an infraction and shall be subject to penalties of \$100.00 for a first violation; \$200.00 for a second violation of the same provision within a twelve-month (12) period and \$500.00 for a third or subsequent violation of the same provision within a twelve-month (12) period. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

B. Any section of this Chapter may be enforced by the County, or, if agreed to, by another Enforcement Agent designated by the County.

C. In addition to the remedies set forth above, the County may pursue civil actions in the California courts to enforce this Chapter and seek costs, fines and penalties. (Ord. 2504. (02/22/2022))

**Section 15.13.210 Enforcement of Transfer Stations**

A. The Director of Public Works shall be designated as the Nevada County Enforcement Agent for purposes of enforcing this Chapter. Said Enforcement Agent may deputize one (1) or more employees of the department to carry out the duties of Enforcement Agent. Said Officer(s) shall be responsible for the enforcement of this Chapter and shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire. The Enforcement Agent(s) is empowered to arrest any person reasonably believed to be violating this Chapter for the purpose of issuing a written notice to appear, all in accordance with the provisions of Cal. Penal Code § 836.5. The Enforcement Agent shall not be entitled to carry firearms in the performance of their duties.

B. The Enforcement Agent shall be authorized to determine whether any load brought to the County landfill or transfer station contains hazardous waste, chemical waste, commercial solid waste, construction and demolition waste, household waste, industrial waste, liquid waste, putrescible waste or yard waste.

After making such determination, said officer(s) shall be authorized to determine the appropriate site at the landfill or transfer station for disposal of such waste or any

individual items or to reject such waste as improper for disposal at any site at the landfill or any transfer station.

A regularly up-dated list of what is deemed by County to be hazardous waste shall be available at the entry point to the landfill and at all transfer stations. Such list shall serve as guidance to persons entering the landfill or transfer station but shall not be considered to be an all-inclusive and exhaustive list. County retains the right to reject any materials it deems to be hazardous or suspects might be hazardous even if such material is not itemized on said list.

C. Enforcement Agent(s) is authorized to require valid and current identification of each party requesting to dispose of waste at a landfill or transfer station and shall reject any load sought to be disposed of by a person who cannot show proof of residency in the County of Nevada.

D. Enforcement Agent(s) shall reject any load sought to be disposed of if such load is subject to a charge or fee and the person seeking to dispose of such load refuses to pay such charge or fee.

Where such charge or fee is based on the size of the load sought to be disposed of, said employees are authorized to measure the quantity of refuse or waste. Said officer shall reject any load where the person seeking to dispose of that load refuses to allow said employees to measure the load.

E. Enforcement Agent(s) shall reject any load sought to be disposed of by a commercial hauler who is more than ninety (90) days in arrears on payment of past disposal charges.

F. Waste Disposal Enforcement Agent(s) are authorized to require a person attempting to dispose of or who has already disposed of a hazardous waste product to pick up such material and remove it from the premises. Any Hazardous Waste disposal or hauling requires specific handling permitting and certification. Haulers of such materials must contact the Environmental Health Department's Hazardous Materials Division. Disposing of hot ashes or other materials which will cause fires is prohibited.

G. Any person who interferes with, delays or obstructs the Enforcement Agent(s) in the performance of their duties under this Section shall be subject to the punishment set forth in Cal. Penal Code § 148.

H. Any violation of this Section, other than the provisions of subsection G, above, shall constitute a misdemeanor; provided, however, that any violation shall be an infraction subject to the procedures of Cal. Penal Code §§ 19c and 19d when:

1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor; or
2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint. (Ord. 2504. (02/22/2022))

#### **Section 15.13.220 Nuisance and Abatement**

The storing, hauling, or disposal of solid wastes in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law. (Ord. 2504. (02/22/2022))

#### **Section 15.13.230 Severability**

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code enacted by any ordinance-making body within the limits of Nevada County, California, and existing on the effective date of this Chapter, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code existing within the limits of Nevada County, California, on the effective date of this Chapter which establishes a lower standard for the promotion and protection of the health of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable. (Ord. 2504. (02/22/2022))

#### **Section 15.13.240 Trespass at Any County Waste Disposal or Treatment Facility**

No person shall enter upon any County waste disposal or treatment facility property without first obtaining County's consent. Consent may be obtained by:

- A. Entering the landfill for the purpose of disposing of waste or in accordance with County ordinance or state and federal law;
- B. Logging in with the County department employee(s) responsible for the operation of the facility each time that entry for the purpose of inspection is requested. A person or persons making an inspection or touring the facility in this manner may do so only when

accompanied by an authorized employee. Reasonable notice shall be given to the Department so that arrangements can be made for an employee to be present;

C. Obtaining the permission of the Department of Public Works for repeated visits. The permission shall be in writing from the Department head and shall contain conditions and restrictions as to its use, and the visitor shall execute a signed and witnessed hold-harmless agreement.

For reasons of health and safety, no single person shall be permitted to exercise the provisions of this Section unless directly accompanied by another adult person.

The Department of Public Works is authorized by this Section to place perimeter signs on the landfill property placing all persons on notice of this Section.

Violation of this Section shall be a misdemeanor. (Ord. 2504. (02/22/2022))

### **Section 15.13.250 Parcel Charges—Western Nevada County**

#### ***A. Charges Established—Western Nevada County.***

1. Parcel charges are hereby established effective July 9, 2010, for the use of and/or disposal of refuse at the McCourtney Road Transfer Station and/or any authorized convenience station, as to all improved real property within Western Nevada County. The property benefiting from the use or the availability of the Western Nevada County Solid Waste Disposal System is generally all of that property that lies within the following County Service Areas (CSA) and tax rate areas:

CSA 1A ZONE 1: 72007; CSA 1A ZONE 2: 62024, 72042; CSA 1A ZONE 3: 62069, 72041; CSA 2: 62025; CSA 12 ZONE 1: 72012; CSA 12 ZONE 2: 72043; CSA 13 ZONE 1: 72013; CSA 13 ZONE 2: 72044; CSA 13 ZONE 3: 72045; CSA 14 ZONE 1: 72014; CSA 14 ZONE 2: 72032, 72047; CSA 14 ZONE 3: 57013, 72033; CSA 14 ZONE 4: 57014, 72034; CSA 14 ZONE 5: 57008, 57021, 72015; CSA 16: 56000, 56002, 57001, 57002, 57005, 57006, 57012, 57015, 57017, 57019, 57023, 62006, 62009, 62015, 62018, 62019, 62020, 62022, 62023, 62026, 62028, 62032, 62034, 62037, 62038, 62040, 62041, 62043, 62057, 62061, 62062, 62075, 62077, 68001, 68005, 68006, 68007, 68010, 68012, 68013, 68026, 68038, 72001, 72003, 72004, 72005, 72006, 72009, 72028, 72030, 72036, 73000, 73001, 73002, 73003, 73005, 73009, 73010, 73012, 73013, 74000, 74001, 74002, 74004, 74005, 74007, 74009, 74012, 74014, 78001, 78002, 78005, 78007, 78008, 79000, 79001, 79002, 79005, 79006, 79008, 79011; CSA 18: 57010, 57024, 72019; CSA 21: 57009, 57016, 72020, 72038, 74006, 74010; CSA 22 ZONE 1: 62045; CSA 22 ZONE 2: 62063; CSA 24 ZONE 1: 62051, 62078; CSA 24 ZONE 2: 62066, 62079; CSA 32: 01051, 01054, 01056, 01061, 01072, 01073, 01100; CSA 33: 02002, 02005, 68032

2. All improved property that uses, or for which the solid waste disposal system is available for their use, shall pay a parcel charge effective July 9, 2010:

Single-Family Residential	\$59.40 per year
Multifamily Residential (i.e., apartments, duplexes, per residential granny houses and guest unit houses)	\$46.28 per year
Mobile Homes Spaces (in mobile home parks)	\$41.44 per year per mobile home

All other developed parcels ("nonresidential parcels"): These parcels shall be charged a parcel charge at the rate of \$54.38 per ton per week based upon the actual or estimated volume (weight) of the refuse generated on the property, which volumes shall be established for each such parcel by the Department of Sanitation based upon information as may accurately establish the amount of refuse generated from the property (including but not limited to use of the records provided by the franchised hauler serving the property showing the waste disposal for the property for the current and/or preceding fiscal year). The Director of the Department of Sanitation shall set a minimum billing charge based on the cost per account to administer the billing system which is \$59.40.

3. Any nonresidential parcel which exceeds the amount of refuse that is established for the property as the basis for the calculation of the parcel charge shall be subject to the imposition of an additional charge at the rate of \$54.38 per ton per week for any additional refuse that is generated on the property. The Department of Sanitation shall be authorized and instructed to perform random reviews of the waste generation of property in order to ensure that the amount of the refuse has been appropriately and fairly determined for the property. An additional charge shall be imposed at the rate of \$54.38 per ton per week for any additional refuse generated on the property that is over the amount which was used as the basis for establishing the parcel charge.

4. Any parcel that is used for a home occupation (as that term is defined in the Nevada County zoning ordinances) that disposes of more than 1.02 tons of refuse a year shall pay an additional charge at the rate of \$54.38 per ton. Those individuals that generate both residential and commercial waste at their residential location exceeding 1.02

tons, will pay the business rate and will receive a residential credit on their nonresidential parcel charge.

5. For the purpose of this Section, a residence shall be deemed to exist and a parcel charge shall be assessed as to each residential unit on real property upon which one or more persons lives or stays thereon for thirty (30) days or more (consecutively or in the aggregate) during a twelve-month (12) period.

6. Any parcel containing a single-family residential unit as a separate structure or unit and one or more other residential units (such as a "granny" or handicapped unit, or any other structure or shelter in which people live on the property) shall pay a parcel charge for the single-family unit at the rate of \$59.40 and an additional amount of \$46.28 for each additional unit.

7. For the purpose of this Section, a parcel shall be deemed to be improved if the property is used for a purpose that customarily generates refuse and/or recyclable material during the period when the property was in use. A parcel shall also be deemed to be improved if at any time during the year a building permit exists authorizing construction on the property, or there is any construction on the property which would require the issuance of a building permit. Whenever a building permit has been issued and/or construction is undertaken for other than a single-family residence, the property shall be deemed to be improved with a nonresidential use, and the parcel charge shall be based upon an estimate of the volume of the construction and such other waste that may come from the property during the portion of the fiscal year during which the property was in use.

*B. Low-Income Credits.* Any owner of residential property which is situated in Western Nevada County whose personal or family income is less than or equal to the amounts established herein shall, upon application, receive a credit against the parcel charges assessed against their primary residence in the amount equal to \$59.40, said credit to be paid from solid waste parcel charge revenues. The applicant shall attest under oath as to the number of people living on the property, that he and/or she is the owner and occupier of the property for which the application is submitted, and that the applicant's income (including the income to all family members living on the property) is at or below levels which are equal to 125 percent of the federal poverty levels.

Any application made under the above provisions shall be made no later than April 30, 2011. The application shall be filed with the Director of Sanitation who shall promptly review same and determine its completeness and qualifications under the above provisions. Upon proof of payment of the parcel charge, the Director of Sanitation shall authorize the payment of the low-income credit to the qualifying property owner. In no



event shall the Director authorize any such payment until the property owner has paid in full the parcel charge on their property.

A maximum of 631 applications shall be approved effective July 9, 2010, under the provisions of this Section. The Board of Supervisors reserves the right to reduce or to eliminate the low-income credits in the event that the Board reduces the amount of the parcel charges effective July 9, 2010.

*C. Adjustments to Parcel Charges.*

1. Any parcel charge shall be adjusted where, upon application filed by the property owner or upon discovery by the Director of the Department of Sanitation of any erroneous calculation or classification. Applications shall be filed on or before April 14th of the fiscal year in which the parcel charge was assessed.

*D. Levy and Collection.*

1. The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of July 9, 2010. If any real property is improved (as defined herein) after July 9, 2010, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.
2. Upon the issuance of a building permit or such other activity constituting the "improvement" of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Sanitation shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within thirty (30) days of the date of the mailing thereof. Any such bill which is not paid within the allowed thirty (30) days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.
3. Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

*E. Alternative Collection.* As an alternative to the provisions of subsection (D)(3) above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill. Bills issued under the provisions of this subparagraph may be issued on a semi-

annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within sixty (60) days of the date of issuance thereof. Failure to pay any such bill when due shall result in a ten percent (10%) administrative fee attaching thereto with interest due thereon at the rate of one percent (1%) simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

*F. Parcel Charges for Governmental Agencies.* Parcel charges (as a form of service charges) shall be imposed as to all improved or occupied real property owned or used by any governmental agency, based upon the actual volume of refuse generated thereon that is disposed of through the County's Solid Waste Disposal System at the rate of \$54.38 per ton. As used herein, occupied real property shall include but not be limited to all parks and campgrounds. The parcel charges for governmental agencies shall be billed in two (2) installments, the first on October 1, 2010, and the second on February 1, 2011.

*G. Authority to Reduce Parcel Charges and Gate Fees.* In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder.

*H. Exchange of Services.* Notwithstanding anything to the contrary in this Section, the Board of Supervisors may allow a reduction or elimination of the disposal fees as to any public agency where said agency provides services to the County of Nevada. Any such reduction or elimination of disposal fees shall be accompanied by a mutual service agreement between the County and the other public agency reciting the service and its actual value to the County and the manner by which the services are to be delivered. If the services are not rendered for the benefit of the facility, the service agreement shall require that the Board transfer funds to the solid waste disposal budget in an amount that corresponds to the proposed reduction or elimination.

*I. Authority to Reduce Parcel Charges and Gate Fees.* In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder. (Ord. 2504. (02/22/2022))

**Section 15.13.260 Parcel Charges—Eastern Nevada County**

A. Parcel charges are hereby established effective, per the table listed below, for solid waste disposal services as provided (in whole or in part) by the County of Nevada for all real property located in County Service Area 7 (CSA 7) and tax rate areas 77004, 77005, 77007, 77009, 77014, 77025, 77029, 77030, 77032, 77034, 77043, 77038, and 77063 as follows:

Improved Single-Family/Multi-Family Residential Parcels within the unincorporated area of Eastern Nevada County:

Effective Dates	Proposed Total Parcel Charge
1/8/2016 — 6/30/2016	\$123.59 for six months
7/1/2016 — 6/30/2017	\$254.60 annually
7/1/2017 — 6/30/2018	\$262.23 annually
7/1/2018 and all future years thereafter	Annual rate to be calculated based on the producer price index for solid waste with three percent minimum and five percent maximum.

B. Any parcel for which a parcel charge has been levied under this Section and which is permanently undevelopable or unusable under the provisions of the Nevada County Zoning Ordinance may, upon application for an adjustment following the procedures set forth in Section 15.13.160 C.1, Adjustments to Parcel Charges of this Chapter, be classified as a "no use" parcel and the parcel charge shall be removed therefrom.

C. The Board of Supervisors shall review the status of the parcel charges at least every five (5) years and may adjust such charges as necessary to align revenues and expenditures.

*D. Levy and Collection.*

1. The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of January 8, 2016. If any real property is improved (as defined herein) after January 8, 2016, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.

2. Upon the issuance of a building permit or such other activity constituting the "improvement" of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Public Works shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within thirty (30) days of the date of the mailing thereof. Any such bill which is not paid within the allowed thirty (30) days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.

3. Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

*E. Alternative Collection.* As an alternative to the provisions of subparagraph B.3 above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill.

Bills issued under the provisions of this subparagraph may be issued on a semi-annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within sixty (60) days of the date of issuance thereof. Failure to pay any such bill when due shall result in a ten percent administrative fee attaching thereto with interest due thereon at the rate of one percent simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

*F. Authority to Reduce Parcel Charges and Gate Fees.* In the event that the Board of Supervisors is able to reduce the cost of the eastern county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the

parcel charges levied hereunder. (Ord. 2403. (12/08/2015); Ord. 2412. (06/14/2016); Ord. 2504. (02/22/2022))

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or any other County ordinance establishing charges and/or fees for the landfill shall be commenced within thirty-five (35) days of the date of the adoption thereof, or from the date of any subsequent amendment thereto. (Ord. 1715. (06/04/1991); Ord. 2504. (02/22/2022))

**Section 15.13.270- Statute of Limitations.**

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or any other County ordinance establishing charges and/or fees for the landfill shall be commenced within 35 days of the date of the adoption thereof, or from the date of any subsequent amendment thereto.

(Ord. 1715. (06/04/1991); Ord. 2504. (02/22/2022))

**TITLE 16: ROADS, STREETS, VEHICLES and TRAFFIC**  
**CHAPTER 1: UNIFORM SYSTEM FOR ADDRESSING**

**Sections:**

<b>Section 16.01.010</b>	<b>Purpose and Intent</b>
<b>Section 16.01.020</b>	<b>Uniform System Established</b>
<b>Section 16.01.030</b>	<b>Base Lines Established and Numbering Relative Thereto</b>
<b>Section 16.01.040</b>	<b>Addresses Assigned</b>
<b>Section 16.01.050</b>	<b>Exemptions of Certain Communities and Developments</b>
<b>Section 16.01.060</b>	<b>Address Standards</b>
<b>Section 16.01.070</b>	<b>Posting Required for Building Permits</b>
<b>Section 16.01.080</b>	<b>Duty of Property Owners</b>
<b>Section 16.01.090</b>	<b>Penalty for Failure to Post Addresses</b>

**Section 16.01.010 Purpose and Intent**

It is the purpose and intent of this Section to provide a uniform and consistent system of numbering primary buildings and properties within the unincorporated County to facilitate the location of property for emergency service providers, property identification and mail service purposes. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

**Section 16.01.020 Uniform System Established**

There is hereby established a uniform system for numbering all separate buildings developed on land and all primary and secondary houses fronting on all streets, avenues and public ways in the unincorporated area of the County of Nevada. All such buildings shall be numbered in accordance with the provisions of this Chapter. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

**Section 16.01.030 Base Lines Established and Numbering Relative Thereto**

For the purpose of this Section, there are hereby established base lines for the numbering of buildings for the western and eastern parts of the County of Nevada.

All numbering shall commence and increase in magnitude to the north, south, east and west of the intersection of the base line.

**A. WESTERN NEVADA COUNTY**

1. State Highway 49 shall constitute the north/south base line and roads extending east and west of that highway shall carry address numbers indicating location east or west of that base street.

2. State Highway 20 shall constitute the east/west base line and roads extending north and south of that highway shall carry address numbers indicating location north and south of the base street.

**B. EASTERN NEVADA COUNTY**

1. State Highway 267 and State Highway 89 (north of Interstate 80) shall constitute the north/south base line for numbering.
2. Donner Pass Road from Soda Springs to Bridge Street in downtown Truckee shall constitute the east/west base line. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

**Section 16.01.040 Addresses Assigned**

- A. The numbering of all buildings or parcels on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand numbers per mile, or one (1) number for every 5.28 feet.
- B. All address numbers assigned within the unincorporated portion of the County shall consist of five (5) digits except as exempted in Section 16.01.050 of this Chapter.
- C. All buildings on the south and east sides of a street shall bear odd numbers. All buildings on the north and west sides of each street shall bear even numbers.
- D. Addresses shall be assigned on the basis of the driveway access location.
- E. Where any building has more than one entrance serving separate occupants, separate numbers shall be assigned to each entrance serving a separate occupant.
- F. Where only one number can be assigned to any house or building, and the owner, occupant or agent of such building desires distinctive numbers for any portion of the building fronting on any street or public way, suffixes (A), (B), (C), etc., may be assigned.
- G. The Planning Department shall be responsible for the assigning of address numbers within the unincorporated territory of the County of Nevada. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

**Section 16.01.050 Exemptions of Certain Communities and Developments**

The Board of Supervisors may recognize communities or developments having established separate and distinct numbering systems and, upon a majority vote, may

authorize alternative numbering systems for such communities or developments. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

### **Section 16.01.060 Address Standards**

- A. Address identification shall be provided pursuant to the Cal. Code Regs. Tit. California Fire Code, Part 9, Chapter 5 Fire Service Features, Section 505 Premises Identification.
- B. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.
- C. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out.
- D. All address signs shall have minimum four (4”) inch high numerals with a minimum one-half (0.5”) inch stroke and be mounted or placed on a background with contrasting colors.
- E. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- F. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
- G. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- H. Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- I. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, as provided in Sec. 16.01.070 below. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

### **Section 16.01.070 Posting Required for Building Permits**

All new building permits of any kind will require the posting of street signs in accordance with Section 16.02 of this Chapter, and addresses in the following manner:



A. The address shall be posted at the building site as part of the framing inspection, and on the main building or on the property in the vicinity of the main building prior to final inspection.

B. If the structure and/or address sign is not visible from the driveway intersection with the access road, the number shall be posted at that intersection. When posted at the driveway intersection it shall be visible from both directions of travel. Address signs for one-way roads shall be visible from the direction of travel. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

#### **Section 16.01.080 Duty of Property Owner**

In order to preserve the continuity and uniformity of numbering of houses, buildings and structures, it shall be the duty of the owner or their agent to procure the correct number or numbers for such property, as designated by the County Planning Department or responsible agency. Once assigned, they shall be installed and maintained pursuant to the standards contained in 16.01.060 and 16.01.070. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

#### **Section 16.01.090 Penalty for Failure to Post Addresses**

Any person, whether as principal, agent or employee, failing or refusing to display proper numbers after notice of such has been given in accordance with this Section, or willfully displaying or permitting to be displayed any improper number after aforesaid notice shall be subject to an infraction pursuant to the provisions contained in this Code. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

## **CHAPTER 2: UNIFORM SYSTEM FOR ROAD NAMING**

### **Sections:**

**Section 16.02.010 Purpose and Intent**

**Section 16.02.020 Definitions**

**Section 16.02.030 Uniform System Established**

**Section 16.02.040 Road Naming Standards**

**Section 16.02.050 Posting of Named Roads**

**Section 16.02.060 Changing a Road Name**

### **Section 16.02.010 Purpose and Intent**

The purpose and intent of this Section is to provide a uniform system for the naming of public and private roads within the County of Nevada consistent with road naming standards of the incorporated cities and town located within the County of Nevada.

This Chapter is intended to provide clarification of road naming policies and procedures and to assist emergency providers in locating properties. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

### **Section 16.02.020 Definitions**

- A. Driveway: Vehicular access constructed pursuant to, Title 4, Fire Safety Regulations, of this Code that serves no more than two (2) parcels with no more than two (2) dwelling units on each and any number of accessory buildings.
- B. Public Road: Vehicular access constructed pursuant to Title 4, Fire Safety Regulations, that serves more than two (2) parcels or connects two (2) or more roads, whether providing access or not, and is within the County maintained road system.
- C. Private Road: Vehicular access constructed pursuant to Title 4, Fire Safety Regulations, of this Code that serves more than two (2) parcels or connects two (2) or more roads, whether providing access or not, and is not within the County maintained road system.
- D. Standard Drawings: The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

### **Section 16.02.030 Uniform System Established**

- A. The County Planning Department shall maintain records of all public and private roads within the County and shall process such names in accordance with procedures established in this Chapter.
- B. The Planning Commission of the County shall report and recommend to the Board of Supervisors the naming of new County-maintained roads within the County.

- C. Tentative maps approved by the Planning Agency shall contain conditions of approval which require the naming and posting of new roads, pursuant to the provisions established for the naming of roads in this Chapter.
- D. All Roads as defined above shall be named. (Ord. 2474. (01/14/2920); Ord. 2531. (10/24/2023))

#### **Section 16.02.040 Road Naming Standards**

- A. Road names should be no longer than fourteen (14) letters (exclusive of street, avenue, road, etc.) and preferably in one word.
- B. Road names shall have simple spelling and easy pronunciation.
- C. Numbers or letters used as road names are to be avoided.
- D. Inappropriate or offensive names will not be permitted.
- E. Road names identical, or sounding similar (“Karry” and “Carrie”), to others within the County will not be permitted.
- F. Road names will be deemed duplicates even if they have a different suffix such as boulevard, lane, avenue, street, etc.
- G. Road names which would be geographically misleading in regards to physical location, place or landmark are to be avoided (i.e., Lakefront Drive should be located along a lake front).
- H. A road having a continuous alignment shall bear the same name.
- I. Road extensions shall bear the same name as the existing road.
- J. Roads intersecting each other or forming an angle of less than 110 degrees shall generally have different names.
- K. Prefixes such as north and south, east and west, upper and lower, etc., should be avoided.
- L. Dead end roads or cul-de-sacs that are less than 800 feet shall be known as “Courts” or “Places.”
- M. All roads which come off a named road and re-access onto that named road may be known as “Loops” or “Circles.” (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

#### **Section 16.02.050 Posting of Named Roads**

- A. County maintained roads shall be posted by the Department of Public Works, pursuant to the County’s Standard Drawings.

- B. It shall be the responsibility of the property owner(s) to post non-County or State-maintained road names.
- C. Road name signs shall be located so as to be visible from the street. Such signs shall be located at the convergence of the road with another named road. Posts shall be set six (6) to twelve (12) feet off the traveled way or two (2) feet from curb or dike face. The base of the street sign shall be a minimum of seven (7) feet above the plane level with the edge of the traveled way.
- D. All non-County or non-State-maintained roads/driveways requiring a name shall be posted as a requirement of the issuance of any building permit for any use taking access from that road/driveway.
- E. All addresses and road name signs shall be inspected for proper installation at the framing inspection of the subject building permit by the Building Inspector. The type, style and size of the private road name signs shall be in accordance with the County's Standard Drawings.
- F. As a condition of approval of any tentative map, a road or driveway providing access to two or more lots shall be named and posted prior to map recordation.
- G. Where two (2) to four (4) existing lots are served by an existing, common road or driveway identification may be provided by one of the following methods:
  - 1. Name and post the access driveway or road, or
  - 2. Post the addresses for all lots at the common intersection of the driveway and the road providing access to said driveway. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

#### **Section 16.02.060 Changing a Road Name**

- A. County road name changes shall require a public hearing before the Planning Commission.
- B. Non-County road name changes shall be reviewed and approved by the Planning Department.
- C. Any decision of the Planning Department or Planning Commission may be appealed to the Board of Supervisors pursuant to 12.05.120 of this Code.
- D. A road name change may be approved for any of the following reasons:
  - 1. An existing road name is a duplication of another road name within either the Eastern or Western portion of the County.
  - 2. The location or direction of a named road changes or is shown incorrectly on County maps.
  - 3. An existing road name is determined to be contrary to road naming procedures established in this Chapter. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

## **CHAPTER 3: MOTOR VEHICLES AND TRAFFIC: SPEED LIMITS, PARKING AND CONTROL OF VEHICLES**

### **Sections:**

- Section 16.03.010 Fifteen Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16. 03.020 Twenty Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16. 03.030 Twenty-five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16.03.040 Thirty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.050 Thirty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16.03.060 Forty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.070 Forty-Five Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.080 Fifty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.090 Parking Prohibitions**
- Section 16.03.100 Erection of Signs Prohibiting Parking**
- Section 16.03.110 Bus Zones - “Bus” Defined**
- Section 16.03.120 Bus Zones - Established**
- Section 16.03.130 Parking Prohibitions - Erection of Signs Giving Notice Thereof**
- Section 16.03.140 Snow Emergency Routes - Generally**
- Section 16. 03.150 Parking During Snow Removal Operations Prohibited**
- Section 16.03.160 Authority for the Removal of Parked Vehicles**

- Section 16.03.170    Parking During Snow Removal Prohibited - Penalty**
- Section 16.03.180    Parking at the Grass Valley and Nevada City Veterans' Buildings**
- Section 16.03.190    Skateboard Prohibitions**
- Section 16.03.200    Skateboard Prohibitions - Erection of Signs**
- Section 16.03.210    Skateboard Prohibition Penalty**
- Section 16.03.220    Prohibiting the Parking or Storing of Vehicles in Excess of Seventy- Two (72) Consecutive Hours on County Roads**
- Section 16.03.230    Traffic Control Regulations and Devices on County Roads**
- Section 16.03.240    Speed Limits Where Persons at Work**
- Section 16.03.250    Reserved Parking - Jurors**
- Section 16.03.260    Golf Carts on County Roads**
- Section 16.03.270    Traffic Signs in Lake of the Pines and Lake Wildwood Subdivisions**
- Section 16.03.280    Parking Restrictions on County Property**
- Section 16.03.290    Prohibition of Parking in No Parking Zones**
- Section 16.03.300    Ten Miles Per Hour Speed Limit in County Parking Facilities**
- Section 16.03.310    Enforcement of Parking Regulations**
- Section 16.03.320    Tow Away Procedures for Parking Violations**

**Section 16.03.010    Fifteen Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be fifteen miles per hour; and such prima facie speed limit of fifteen (15) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Washington Road, 1 mile segment at town.

#### **Section 16.03.020 Twenty Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be twenty (20) miles per hour; and such prima facie speed limit of twenty (20) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this Section, giving notice of the prima facie speed limit as declared and established by this Section. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

Within the Grand View Terrace Subdivision as listed below:

Pleasant Valley Road from 2.41 miles north of Bitney Springs Road to 4.02 miles north of Bitney Springs Road (1.61 miles).

#### **Section 16.03.030 Twenty-five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**

The prima facie speed limits on certain portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be twenty-five (25) miles per hour. Furthermore, the Director of Public Works of the County is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this Section, giving notice of the prima facie speed limit as declared and established by this Section. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

Roads and highways affected include:

1. Banner Lava Cap Road extending from 0.8 miles east to 1.3 miles east of Idaho-Maryland Road.
2. Banner Quaker Hill Road from 300 ft. westerly of Pasquale Rd. (West) to 200 feet easterly of Summit Ridge Drive (East).
3. Polaris Drive from 0.3 mile South of McCourtney Road to 1.45 miles South of McCourtney Road.

4. Cement Hill Road from 0.1 mile northwest of Highway 49 to 0.5 mile northwest of Highway 49. {not in Willaura Acres subdivision}
5. Alta Sierra Drive from Highway 49 to 500 east of Little Valley Road.
6. Walker Drive (including a portion of Alpine Lane) from Squirrel Creek Road to Butler Road.
7. Gold Hill Drive, entire length.
8. Footwall Drive, entire length.
9. Silver Way, entire length.
10. Copper Drive, entire length.
11. Hanging Wall Drive, entire length.
12. Mercury Drive, entire length.
13. Partridge Drive, entire length.
14. Terrace Pines, entire length.
15. Grass Valley Avenue, entire length.
16. Nevada City Avenue, entire length.
17. Charles Drive, entire length.
18. Gold Country Drive from Pleasant Valley Road to Lodestone Court (0.68 miles).
19. Alta Vista Avenue, entire length.
20. Adams Avenue from Squirrel Creek Road northerly to Rough and Ready Highway.
21. Bragg Avenue, entire length.
22. Wheeler Acres Road, entire length.
23. Mount Olive Road from Highway 174 to Miranda Drive.
24. Rough and Ready Highway and Adam Avenue along the frontage with 10085 Adam Avenue, a school zone when children are present. (Ord. 2469. (08/27/2019); Ord. 2443. (Adopt. 10/10/2017, Eff. 11/09/2017); Ord. 2440. (09/12/2017); Ord. 2400. (10/27/2015); Ord. 2387. (10/28/2014); Ord. 2378. (04/10/2014); Ord. 1680. (11/13/1990); Ord. 2526. (06/13/2023))
25. Pasquale Road from the intersection of Red Dog Road on the west to the first intersection with Banner Quaker Hill Road on the east.
26. Soda Springs Road from Donner Pass Road to the Placer County line between November 1 and April 1.
27. Squirrel Creek Road from Rough and Ready Highway to Shockley Road.
28. Pittsburg Road, entire segment. of Pittsburg Road.
29. Willow Valley Road, City limits to 0.85 miles east of the city limits.
30. Meadow Drive for its entire length south from Highway 174.
31. Entire length of Crystal Wells Road.
32. Red Dog Road from Cedar Springs Road east 1.1 miles.
33. Boulder Street from the easterly city limits of the City of Nevada City to its intersection with Red Dog Road.
34. Red Dog Road from its intersection with Boulder Street to the intersection of Park Avenue Extension (formerly known as Murchie Road).



35. East Empire Street from the Grass Valley City Limit to State Highway 174.  
(Length 0.82 mile).
36. Lake Vera-Purdon Road from North Bloomfield Road to Rock Creek Road(0.5 miles).

Within the Alta Sierra Subdivision as listed below:

37. Tammy Way
38. Gary Way
39. Agnes Way
40. Aileen Way
41. Alexandra Way
42. Anona Court
43. Alice Way
44. Alioto Drive
45. Angelina Way
46. Annie Drive
47. Avern Way
48. Lower Circle
49. Betty Way
50. Barde Court
51. Bernadine Court
52. Carrie Drive from Dog Bar to Gary Way.
53. Cathy Drive
54. Upper Circle
55. Crotty Court
56. Charles Way
57. Curtis Court
58. Connie Drive
59. Darlene Court
60. David Way
61. Dennis Way
62. Ernest Court
63. Elizabeth Way
64. Edward Drive
65. Francis Drive (from west intersection with Alta Sierra Drive to Ball Road)
66. Fay Road
67. Geneva Court
68. George Way
69. Grace Court
70. Hensen Way
71. Horace Drive
72. Hanley Drive
73. Hackett Court

- 74. Joann Way
- 75. Joey Court
- 76. Judith Court
- 77. Jamie Lee Court
- 78. Joseph Court
- 79. Juanita Court
- 80. Janet Way
- 81. Jody Court
- 82. Jon Eric Court
- 83. John Way
- 84. Lawrence Way
- 85. Low Court
- 86. Laurrine Way
- 87. Iola Way
- 88. Lorie Drive
- 89. Lena Court
- 90. Michael Way
- 91. Marion Way
- 92. Meyer Way
- 93. Marilyn Court
- 94. Nancy Way
- 95. Names Drive
- 96. Norager Way
- 97. Norvin Way
- 98. Oscar Drive
- 99. Pamela Drive
- 100. Pammy Way
- 101. Penny Court
- 102. Patricia Way
- 103. Ragan Way
- 104. Robert Court
- 105. Ricky Court
- 106. Ruth Court
- 107. Rainbow Road
- 108. Shana Way
- 109. Sharon Way
- 110. Sandra Court
- 111. Sunset Way
- 112. Sean Way
- 113. Sky Pines Way
- 114. Scott Way
- 115. Stinson Drive
- 116. Tony Court

117. Troy Court
118. Tina Court
119. Thiel Way
120. Tippy Way
121. Terren Court
122. Thorncroft Way
123. Timothy Way
124. Virginia Way
125. Wallis Drive
126. West View Way
127. Alta Sierra Drive between a point 500 feet east of Little Valley Road to Ball Road.

Within the Cascade Shores Subdivision as listed below:

128. Aurora Close
129. Gaston Drive
130. Spanish Lane
131. Cascade Drive
132. Summit Ridge Drive
133. Sargent and Jacobs Dr.
134. Mountain View Drive
135. China Close
136. Baltic Close Drive
137. Lake Lane
138. Sadie D. Drive
139. Arctic Close
140. Little York Close
141. Nugget Street
142. Gas Canyon Road
143. Cascade Loop
144. Banner Quaker Hill Road from 300 ft. westerly of Pasquale Rd. (West) to 200 feet easterly of Summit Ridge Drive (East).

Within the Willaura Acres Subdivision as listed below:

145. Vintage Drive, the County maintained portion which extends from the intersection with Lime Kiln Road West to Harvest Way and North to Autumn Way.
146. Autumn Way, entire length.
147. Harvest Way, entire length.
148. Brewer Road from Gary Way to Sandra Court (length of 3,000 feet).
149. Burma Road, entire length (0.93).

### **Section 16.03.040 Thirty Miles Per Hour Prima Facie Speed Limit Established**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be thirty (30) miles per hour; and such prima facie speed limit of thirty (30) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Alta Sierra Drive from Ball Road to the East Intersection of Francis Drive. (Length 1.9 miles).
2. You Bet Road from State Highway 174 to the Greenhorn Bridge.
3. Norlene Way from Alta Sierra Drive to Tammy Way and from 800 feet south of Lawrence Way to 6,950 feet south of Lawrence Way.
4. Cement Hill Road from 2.1 miles northwest of Highway 49 at Gochine Drive 0.5 miles northwest to 2.6 miles northwest of Highway 49 at Applewood Lane.
5. Little Valley Road (north) from Alta Sierra Drive to Highway 49.
6. Scotts Flat Road from Highway 20 to 1.82 miles southwest to the end of pavement just east of Scotts Valley Road.
7. Banner Ridge Lava Cap Road from Nevada City Highway to 1 mile southeast.
8. Rattlesnake Road from 1.8 miles south of Highway 174 to Wheeler Cross Road (1.2 miles).
9. North Bloomfield Road from Lake Vera-Purdon Road to 0.8 miles north of Cooper Road (3.5 miles).
10. Allison Ranch Road from the Grass Valley City limits to Highway 49.
11. Cement Hill Road from Applewood Lane to end of the road.
12. Rattlesnake Road extending from Dog Bar Road to Wheeler Cross Road.
13. Donner Pass Road between November 1 and April 1 from Placer/Nevada County Line to Brennan Avenue (0.9 miles).
14. Mount Olive Road from Miranda Drive to Rolphholm Road. (Ord. 2443. (Adopt. 10/10/2017, Eff. 11/09/2017); Ord. 1721. (06/25/1991); Ord. 2526. (06/13/2023))

### **Section 16.03.050 Thirty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be thirty-five (35) miles per hour; and such prima facie speed limit of thirty-five (35) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

County roads and highways which are affected by this Section include the following:

1. Ridge Road from 0.34 mile east of Rough & Ready Hwy to Hughes Rd. (1.11 miles) and from Grass Valley City Limits (0.52 mile east of Hughes Rd.) to Nevada City Hwy (1.62 miles).
2. Alta Street from the city limits of the City of Grass Valley, northwesterly to the intersection of Alta Street with Ridge Road.
3. Donner Pass Road from the easterly end of the Soda Springs Interchange at Interstate 80 to a point 2.9 miles easterly.
4. Rough and Ready Rd. from Rough and Ready Highway to 1.4 miles northwesterly.
5. Penn Valley Drive from a point approximately 800 feet easterly of the Spenceville Rd. intersection with Penn Valley Drive to a point approximately ten (10) feet west of the eastern intersection of Easy St. and Penn Valley Drive.
6. Greenhorn Rd. from Brunswick Rd. to a point four miles east of Brunswick Road.
7. Alta Sierra Drive from the east intersection of Francis Drive to Dog Bar Road.
8. Norlene Way from Tammy Way to 800 feet south of Lawrence Way and from 6,950 feet south of Lawrence Way to Patricia Way.
9. Banner Ridge Lava Cap Road from 1 mile southeast of Nevada City Highway to 0.8 miles east of Idaho-Maryland Road.
10. Entire segment of Ball Road.
11. McCourtney Road, city limits to Auburn Rd. (.35 mile).
12. East Bennett Street, city limits to 0.4 miles east.
13. Willow Valley Rd., 0.85 miles east of city limits to 1.85 miles east of city limits.
14. Nevada City Highway from the city limits of Grass Valley to the city limits of Nevada City.
15. Magnolia Rd. from intersection with Combie Rd. to 0.1 miles east.
16. Francis Drive from Ball Road to Alta Sierra Drive at its easterly intersection.
17. Red Dog Road from Park Avenue Extension to Cedar Springs Road.
18. Prosser Dam Road from 1.3 miles east of Highway 89 to 2.0 miles east of Highway 89.
19. Loma Rica Drive from Brunswick Road to the end of the County maintained portion of the road (length 1.4 miles).
20. LaBarr Meadows Road from State Highway 49 to Dog Bar Road. (Length 1.25 miles).
21. Idaho-Maryland Road from 1.0 miles east of Brunswick Road to Banner Lava Cap Road.
22. Quaker Hill Cross Road from Red Dog Road to Banner Quaker Hill Road.

23. Polaris Drive from McCourtney Road to 0.3 mile south of McCourtney Road.
24. Gracie Road from Banner Mountain Trail 0.4 mile to the Nevada City Limit (450 feet south of Gold Flat Road).
25. Cement Hill Road from the NID Ditch at West Piper Lane 0.5 miles northwest of Highway 49 1.6 miles northwest to 2.1 miles northwest of Highway 49 at Gochine Drive.
26. North Bloomfield Road from 0.8 miles north of Cooper Road to 0.2 miles south of Rock Creek Road (1.8 miles).
27. North Meadow View Drive, entire length (0.57).
28. Lake Vera-Purdon Road from Rock Creek Road to New Rome Road (1.0 miles).
29. Banner Quaker Hill Road from Quaker Hill Cross Road to 0.3 miles east of Quaker Hill Cross Road.
30. Rough and Ready Highway from Grass Valley City Limits to 225 feet west of Squirrel Creek Road; from 650 feet east of Mills Road to 600 feet west of West Drive; and from 900 feet west of Ponderosa Way to Rex Reservoir Road.
31. East Bennett Road from Brunswick Road to 0.4 miles east of Grass Valley city limits.
32. Lime Kiln Road from Highway 49 to 2.1 miles west; curve warning signs to be installed.
33. Pleasant Valley Road from 1.85 miles north of Bitney Springs Road to 2.41 miles north of Bitney Springs Road (0.56 mile).
34. Dog Bar Road from Carrie Drive to Taylor Crossing Road (3.46 miles).
35. Red Dog Road from Hornbrook Road to Banner Quaker Hill Road.
36. Jones Bar Road from Newtown Road to Yuba Crest Drive.
37. Lower Colfax Road extending from Powerline Road to Laws Ranch Road.
38. East Lime Kiln Road from Highway 49 to Karen Drive (0.28 mile).
39. Lake Vera Purdon Road from New Rome Road to Round Mountain Ranch Road (1.44 miles).
40. Dalewood Way from Braemer Way to 0.14 miles south.
41. Golden Star Road from Alison Ranch Road to Norambagua Lane.
42. Squirrel Creek Road from Shockley Road to Toad Lane.
43. Rough and Ready Highway from Rex Reservoir Road to Valley Drive.
44. Oak Tree Road from Tyler Foote Crossing Road to Wampum Way (1.2 miles).

(Ord. 2493. (06/22/2021); Ord. 2457. (12/11/2018); Ord. 2449. (05/22/2018); Ord. 2440. ((Adopt. (09/12/2017), Eff. (10/12/2017))); Ord. 2372. (12/10/2013); Ord. 2369. (11/07/2013); Ord. 2342. (09/13/2011); Ord. 1811. (11/24/1992); Ord. 1780. (05/26/1992); Ord. 1729. (07/16/1991); Ord. 2526. (06/13/2023))

### **Section 16.03.060 Forty Miles Per Hour Prima Facie Speed Limit Established**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be forty (40) miles per hour.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on portions of the various County roads and highways described in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Duggans Road, entire length (Lime Kiln Road to Wolf Road 1.89 miles).
2. Bitney Springs Road from Rough and Ready Highway to 3.0 miles north.
3. Lime Kiln Road from 2.1 miles west of Highway 49 to McCourtney Road; curve warning signs to be installed.
4. Brewer Road from Sandra Court to the end of the County maintained portion.
5. Rattlesnake Road from Highway 174 to 1.8 miles south.
6. Indian Springs Road from Penn Valley Drive to Spenceville Road (1.95 miles).
7. Pleasant Valley Road from 7.12 miles north of Bitney Springs Road to Highway 49 (1.8 miles).
8. Auburn Road from McCourtney Road 2.05 miles south.
9. Spenceville Road from Penn Valley Drive to Indian Springs Road (1.6 miles).
10. Tyler Foote Crossing Road from Old Mill Road to Lake City Road.
11. Dog Bar Road extending from Lodestar Drive to Magnolia Road.
12. Wolf Road extending from Highway 49 to Duggans Road.
13. Lower Colfax Road extending from Laws Ranch Road to Rattlesnake Road.
14. Newtown Road extending from Highway 49 to Bitney Springs Road.
15. McCourtney Road from Banner Grange Hall (1.25 miles) to South Ponderosa Way.
16. McCourtney Road Wolf Mountain Road to Indian Springs Road.
17. McCourtney Road 1.3 miles south of Indian Springs Road to 2.2 miles south of Indian Springs Road.
18. Magnolia Road from 0.10 miles east of Combie Road to 1.78 miles east of Combie Road.
19. Combie Road from Magnolia Road to Robles Road (2.8 miles).
20. Combie Road from State Highway 49 to Magnolia Road (0.82 miles).
21. Spenceville Road from Indian Springs to the end of the County maintained portion (1.74 miles). (Ord. 2493. (06/22/2021); Ord. 2375. (01/14/2014))

### **Section 16.03.070 Forty-Five Miles Per Hour Prima Facie Speed Limit Established**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be forty-five (45) miles per hour.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on portions of the various County roads and highways described in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Mooney Flat Road, from the intersection of State Highway 20 to Northerly U.S. Army Corps of Engineers, Englebright Marina Entrance.
2. LaBarr Meadows Road from Grass Valley city limits to the intersection with Dog Bar Road.
3. Dog Bar Road from LaBarr Meadows to Alta Sierra Drive. (Ord. 1874. (09/27/1994))
4. Pleasant Valley Road from State Highway 20 to 5.1 miles north.
5. Prosser Dam Road from Highway 89 to 1.3 miles east of Highway 89.
6. Ridge Road from Rough and Ready Highway to 0.34 mile East (0.34 mile).
7. Penn Valley Drive from the eastern intersection with Highway 20 to 800 feet east of Spenceville Rd.
8. Penn Valley Drive from the intersection with Pleasant Valley Road to the west side of the eastern intersection of Easy Street.
9. McCourtney Road starting at 2.2 miles south of Indian Springs Road and extending to Lime Kiln Road (a length of 2.9 miles).
10. Gracie Road from Banner Lava Cap Road 1.06 mile to Banner Mountain Trail.
11. Rough and Ready Highway from 225 feet west of Squirrel Creek Road to 650 feet east of Mills Road; and from 600 feet west of West Drive to 900 feet west of Ponderosa Way.
12. Karen Drive from East Lime Kiln Road to Alexandra Way (0.73 miles).
13. Oak Tree Road from Wampum Way to State Route 49 (1.6 miles).
14. Washington Road extending from Highway 20 to 1.4 miles north.
15. Donner Pass Road between April 2 and October 31 from Placer/Nevada County Line to Brennan Avenue (0.9 miles).
16. Brunswick Road from Towntalk Road to 0.28 miles to the south.
17. Rough and Ready Highway from Valley Drive to State Route 20.
18. McCourtney Road from South Ponderosa Way to Wolf Mountain Road.
19. McCourtney Road from its intersection with Indian Springs Road to 1.3 miles south of Indian Springs Road.
20. McCourtney Road from Auburn Road to Banner Grange Hall.

(Ord. 2493. (06/22/2021); Ord. 2457. (12/11/2018); Ord. 2449. (05/22/2018); Ord. 2526. (06/13/2023))



### **Section 16.03.080 Fifty Miles Per Hour Prima Facie Speed Limit Established**

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be fifty (50) miles per hour, and such prima facie speed limit of fifty (50) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Brunswick Road from 0.1 miles northwest of Loma Rica Road to State Route 174.
2. Tyler Foote Road from Highway 49 to Oak Tree Road.

### **Section 16.03.090 Parking Prohibitions**

A. No vehicle shall be parked at any time upon the traveled portion being approximately twenty-four (24) feet wide, of the Soda Springs Road from the southerly end of the bridge crossing the spillway from Van Norden Lake thence southerly to the Nevada-Placer County boundary.

B. No vehicle shall be parked at any time upon the County right-of-way used for Dog Bar Road for a distance of one thousand five hundred feet from the bridge crossing Bear River.

C. No vehicle shall be parked at any time upon the traversed portion of Newtown Road from State Highway 49 to 500 feet southwest on Newtown Road.

D. The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect or cause to be erected, appropriate signs on various County roads and highways described in this Code, giving notice of the prohibition of parking as declared and established by Section 16.03.070.

E. No vehicle shall be parked at any time upon the County right-of-way from 1,200 feet south of the Yuba River Bridge on Pleasant Valley Road at the South Yuba State Park to 500 feet north of the Yuba River Bridge on Pleasant Valley Road at the South Yuba State Park. No vehicle shall be parked at any time upon County right-of-way in designated no parking zones on Purdon Road, both sides of Purdon Bridge, nor on North Bloomfield-Graniteville Road, both sides of the Edwards Crossing Bridge.

F. No vehicle shall be parked between the hours of 8 a.m. and 4 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive.

G. No vehicle shall be parked at any time upon the County right-of-way in designated no parking zones, and between 10p.m.-5a.m. where indicated by “NO PARKING 10p.m.-5a.m.” signs, on Old Downieville Highway from Cedro Road to the Nevada City limit and Champion Road from Newtown Road to Old Downieville Highway. (Ord. 2451. (06/26/2018); Ord. 2446. (01/23/2018); Ord. 2497. (10/12/2021); Ord. 2526. (06/13/2023))

### **Section 16.03.100 Erection of Signs Prohibiting Parking**

The provisions of the preceding section shall be effective when appropriate signs giving notice thereof are erected upon such street.

The Road Commissioner of the County is hereby authorized and directed to erect and maintain or cause to be erected and maintained appropriate signs on such street giving notice of the provisions of this and the preceding section and in accordance with the requirements of the California Vehicle Code.

### **Section 16.03.110 Bus Zones - “Bus” Defined**

The word “bus” as used in Sections 16.03.100 and 16.03.110, shall mean any motorbus, motor coach or passenger stage used as a common carrier of passengers.

### **Section 16.03.120 Bus Zones - Established**

A bus zone for the purpose of loading or unloading buses or common carriers of passengers is hereby established and described as follows:

- A. Beginning at the intersection of the northerly line of Commercial Row (State Highway Road III-Nev-38-A) with the easterly property line of Bridge Street (State Highway Road III-Nev-83-A); thence easterly along said northerly line of Commercial Row 180 feet to a point Town of Truckee.
- B. No person shall stop, stand by or park any vehicle except a bus in a bus zone.
- C. Sections 16.03.100 and 16.03.110 shall be of no force or effect unless the locality described herein is either signposted or appropriately marked in the manner provided in Cal. Veh. Code § 21458 to give warning of the prohibition against such stopping, standing or parking, there is not a violation of this Code.

### **Section 16.03.130 Parking Prohibitions - Erection of Signs Giving Notice Thereof**

The Road Commissioner of the County is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on the street referred to

in the preceding section, giving notice of the provisions of such section and in accordance with the requirements of the California Vehicle Code.

#### **Section 16.03.140 Snow Emergency Routes - Generally**

It is necessary and for the health, safety and welfare of the people of the County that the County roads as defined in Cal. Sts. & High. Code § 25 within the County be kept clear of snow and other obstructions.

Vehicles parked on the rights-of-way of said highways during the process of snow removal by the County cause an obstruction and an impediment to such operations of snow removal resulting in delays, expenses and inconvenience to the County.

#### **Section 16.03.150 Parking During Snow Removal Operations Prohibited**

It shall be unlawful for any person to park or leave unattended any vehicle as defined in Cal. Veh. Code § 670 upon the right-of-way of any County road in the County of Nevada, outside of an incorporated city, at any time or in any manner which will obstruct, hinder, delay or otherwise inconvenience any County officer, employee, or County contractor during snow removal operations, or which will leave the vehicle in such a position that it is subject to damage by County officers, employees, or County contractors engaged in snow removal operations.

#### **Section 16.03.160 Authority for the Removal of Parked Vehicles**

Any public officer of the County of Nevada and any member of the Department of Public Works of the County of Nevada, or any agency under contract with the County of Nevada which is actively involved in providing snow removal upon County roads and highways within the unincorporated territory within the County of Nevada shall have the right and responsibility during snow removal operations, or in preparing for snow removal, to remove or to cause to be removed, any vehicle which is disabled or abandoned or unattended or which obstructs or interferes with traffic or with the snow removal operations on any such County road or highway in accordance with the provisions of the Cal. Veh. Code § 22654 as it presently exists or may from time to time hereinafter be amended. All costs and expenses incurred in the removal and/or storage of any such vehicles shall be the responsibility of the registered owner of the vehicle.

### **Section 16.03.170 Parking During Snow Removal Prohibited - Penalty**

Any violation of Section 16.03.150 shall be punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) or by imprisonment in the County jail for not less than five (5) days nor more than thirty (30) days or both.

### **Section 16.03.180 Parking at the Grass Valley and Nevada City Veterans' Buildings**

A. No vehicle shall be parked in the parking areas located adjacent to the Grass Valley or Nevada City Veterans Building between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday, for more than one (1) hour for any purpose unrelated to County business unless the vehicle displays a County parking permit.

B. Parking permits shall be issued by the Department of General Services on a first come, first served basis. Permits shall be issued for a specific parking space. Permits shall be valid solely for the vehicle displaying the permit and for the parking space assigned.

C. Parking permits shall be issued on a calendar quarterly basis. The fee for any permit issued after the beginning of a calendar quarter shall be prorated from the date of issuance to the end of the quarter. The fee for the parking permit shall be established by resolution of the Board of Supervisors. There shall be no refund of any portion of a permit fee for any time during which the permit is not required by the permittee.

D. County employees whose assigned duty location is the Grass Valley Veterans Building, the Nevada City Veterans Building, or the Nevada County Courthouse and Annex shall be issued a permit without cost, except as may be modified by a subsequent labor agreement. Jury members and persons attending events or having business in the Grass Valley Veterans' Building or Nevada City Veterans' Building are exempt from these permit requirements.

E. Notwithstanding any other provisions contained in the County of Nevada Code, the Director of General Services, the Nevada County Sheriff, the Grass Valley Police Department and the Nevada City Police Department are authorized to issue parking violation citations as prescribed by Cal. Veh. Code §§ 40202, 4020. The Sheriff of Nevada County shall be authorized to order the removal of vehicles in violation of this Section pursuant to Cal. Veh. Code §§ 22850 – 22856.

F. The fine for parking in violation of this Section shall be that amount adopted by resolution of the Board of Supervisors.

G. A permittee shall save and hold harmless the County of Nevada, its officers, employees, contractors and consultants for liability or damages sustained while parked on County property and shall provide evidence of automobile insurance coverage in the amount required by law.

### **Section 16.03.190 Skateboard Prohibitions**

- A. Persons are prohibited from riding or propelling skateboards on the roadways of all County maintained roads and highways. As used in this Section, roadways shall mean that portion of the road or highway improved, designed or ordinarily used for vehicular traffic.
- B. Persons are prohibited from riding or propelling skateboards on any public parking facility or private parking facility open to the public if the facility is posted with a sign stating that skateboarding is prohibited. For the purpose of this Section, public parking facility or private parking facility open to the public include sidewalks adjacent to or within such parking facilities.
- C. Persons are prohibited from willfully riding, propelling or operating a skateboard on any sidewalk, road not regulated by the Vehicle Code, or private property open to public access in such a manner as to endanger the property, safety or well-being of any person. (Ord. 1694. (02/26/1991); Ord. 2526. (06/13/2023))

### **Section 16.03.200 Skateboard Prohibitions - Erection of Signs**

- A. The Director of Public Works of the County of Nevada is hereby authorized and instructed to erect and maintain, or cause to be erected and maintained, appropriate signs on County roads or highways giving notice of provisions of 16.03.190 (A) where deemed necessary.
- B. Notwithstanding any other County ordinance to the contrary, the provisions of this Ordinance shall only apply to public parking facilities, private property generally open to the public or to business premises if said property or premises is posted with signs expressly forbidding skateboarding. Such posting shall be located at all clearly defined entry ways and shall not be required on any property not generally open to the public. Appropriate wording on such signs would be "No Skateboarding. Violators may be cited. (Ord. 1694. (02/26/1991); Ord. 2526. (06/13/2023))

### **Section 16.03.210 Skateboard Prohibition Penalty**

- A. Every person convicted of a violation of Section 16.03.190 (A) shall be punished by a fine not exceeding fifty dollars (\$50.00).
- B. Every person convicted of a violation of Section 16.03.190 (B) is guilty of an infraction.
- C. Every person convicted of a violation of 16.03.190 ( C) is guilty of a misdemeanor.

### **Section 16.03.220 Prohibiting the Parking or Storing of Vehicles in Excess of Seventy- Two (72) Consecutive Hours on County Roads**

A. No person who owns or has custody or control of any vehicle, as the term is defined in the California Vehicle Code, shall park, store, or otherwise leave standing any such vehicle upon any highway, street or county road which is publicly maintained and open to the use of the public, for more than seventy-two (72) consecutive hours. Any peace officer, as defined in Chapter 4.5 of Cal. VVeh. Code Code (commencing with section 830) or any regularly employed County employee who enforces parking laws and regulations may remove any vehicle that is parked in violation of this Section.

B. Any person convicted of violation of this Section shall be punished by a fine of not less than \$100 and shall provide proof to the Court that the cost of removal and disposition of the vehicle have been paid.

C. Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine of \$100 for a first violation; \$200 for a second violation of the same ordinance (section) within a twelve (12)-month period and \$500 for a third or subsequent violation of the same ordinance (section) within a twelve (12)-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

### **Section 16.03.230 Traffic Control Regulations and Devices on County Roads**

The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to adopt traffic regulations and to place and maintain, or cause to be placed and maintained, official traffic control devices, when they are required or authorized by State law and when it is determined, on the basis of a traffic and engineering survey, that such regulations and/or devices are necessary in order to provide for the safe and efficient movement of vehicles on County roads or highways. Such regulations and devices may pertain to:

1. Parking
2. Delineation, and
3. Such other traffic signs, signals and traffic control devices as outlined in Division 11 of the California Vehicle Code; except that the Director shall not control or regulate with regard to speed limits, weight limits, multi-ways stop signs and traffic signals.

### **Section 16.03.240 Speed Limits Where Persons at Work**

The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to cause the designation of restricted speed zones on any portion of any road or highway maintained by the County where officers or employees of the County, or any contractor of the County or their employees, are at work on the roadway or within the right-of-way so close thereto, in the opinion of the Director as to be endangered by passing traffic. The Director shall cause the erection and maintenance of appropriate signs within 400 feet of each end of each restricted zone, indicating the boundaries of the zone and the speed limit applicable thereto. The signs shall display figures indicating the applicable speed limit, which shall not be less than twenty-five (25) miles per hour and shall indicate the purpose of the restriction.

Nothing in this Section shall relieve any operator of a vehicle from complying with the basic speed law.

### **Section 16.03.250 Reserved Parking - Jurors**

The parking area located on the northeast corner of the intersection of Main Street and Washington Street in Nevada City shall contain parking spaces designated as reserved, Tuesday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. for the vehicles of persons serving during that time as jurors in the Nevada County Courthouse. The twelve (12) parking spaces adjacent to Washington Street and nearest the intersection of Main Street and Washington Street shall be so reserved. It shall be unlawful for any person not actively answering a summons to serve as a juror to park or leave unattended any vehicle as defined by Cal. Veh. Code § 670 in said parking spaces during the periods when this restriction applies and when posted as provided herein.

Any vehicle found parked during the restricted hours in the reserved parking spaces by anyone not actively answering a summons to serve as a juror may be removed and stored at the expense of the owner or person in charge thereof. Towed vehicles may be stored at the nearest garage designated by the County for this purpose and may be reclaimed by paying the bill for towing and storage. The restricted parking spaces shall be posted with a sign immediately adjacent thereto and visible from each restricted parking space. The sign shall be not less than 17 by 22 inches in size with lettering not less than one (1") inch in height providing notice of the parking restriction, vehicle removal, and information as to how and where towed vehicles may be reclaimed.

### **Section 16.03.260    Golf Carts on County Roads**

Golf carts may be driven on the following specified County roads, or parts thereof, between the hours of sunrise and sunset, daily:

1. Agnes Way
2. Alioto Drive
3. Angelina Way
4. Avern Way
5. Barde Court
6. Bernadine Court
7. Betty Way
8. Brewer Road from Gary Way to Nancy Way (South)
9. Cathy Way
10. Charles Way
11. Dennis Way
12. Edward Way
13. Elizabeth Way
14. Fay Road from Rainbow Road to Janet Way
15. Francis Drive from its westerly intersection with Alta Sierra to its intersection with Ball Road
16. Gary Way
17. Hanley Drive
18. Hansen Way
19. Horace Drive
20. Iola Way
21. Janet Way
22. Joey Court
23. John Way
24. Juanita Court
25. Lawrence Way from Brewer Road to David Way
26. Lorrie Way
27. Lower Circle
28. Marilyn Court
29. Marion Way
30. Michael Way
31. Names Drive
32. Nancy Way
33. Pamela Way
34. Pammy Drive
35. Ragan Way
36. Rainbow Road from Carrie Drive to Pamela Way
37. Ricky Court



- 38. Robert Court
- 39. Scott Way
- 40. Sean Way
- 41. Sharon Way
- 42. Tammy Way
- 43. Terren Court
- 44. Thiel Way
- 45. Timothy Way
- 46. Upper Circle
- 47. Carrie Drive
- 48. Pleasant Valley Road, just for crossing from the Lake Wildwood subdivision to the shopping center to the west.

#### **Section 16.03.270 Traffic Signs in Lake of the Pines and Lake Wildwood Subdivisions**

A. The Board of Directors of the Lake of the Pines Association, as the entity owning and maintaining the private roads located within the Lake of the Pines Subdivision, is hereby authorized, pursuant to the provisions of Cal. Veh. Code § 21107.7, to erect such traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the California Department of Transportation for the roads owned and maintained by the Association located within the Lake of the Pines Subdivision. As a condition of the exercise of the authority granted by this Ordinance, the Association shall maintain a comprehensive policy of public liability and property damage insurance for the subject roads in an amount not less than \$2 million.

B. The Board of Directors of the Lake Wildwood Association, as the entity owning and maintaining the private roads located within the Lake Wildwood Subdivision, is hereby authorized, pursuant to the provisions of Cal. Veh. Code § 21107.7, to erect such traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the California Department of Transportation for the roads owned and maintained by the Association located within the Lake Wildwood Subdivision. As a condition of the exercise of the authority granted by this Ordinance, the Association shall maintain a comprehensive policy of public liability and property damage insurance for the subject roads in an amount not less than \$2 million.

#### **Section 16.03.280 Prohibition of Parking in No Parking Zones**

A. No vehicle shall be parked for any purpose on County roads which are designated as no parking zones and/or with curbs painted red.

B. The provisions of the preceding paragraph shall be effective when appropriate signs giving notice thereof are erected upon such street. The Director of the Department of Public

Works of the County of Nevada is hereby authorized and instructed to erect and maintain, or cause to be erected and maintained, appropriate signs on such streets giving notice of the provisions of this and the preceding paragraph and in accordance with the requirements of the Vehicle Code.

C. The Sheriff of the County of Nevada, California Highway Patrol, or their designee, is hereby authorized to enforce the parking regulations contained in this Section. The Sheriff shall comply with all of the procedural requirements contained in Cal. Veh. Code §§ 40200 - 40230.

(Reference: Cal. Veh. Code § 22507.)

### **Section 16.03.290 Ten Miles Per Hour Speed Limit in County Parking Facilities**

A. No vehicle shall travel at a speed in excess of ten (10) miles per hour on any of the following listed County property, including but not limited to the driveways, access roadways and parking lots thereof:

1. Eric Rood Administrative Center;
2. Truckee Government Center;
3. Truckee Government Center Annex;
4. Truckee Library;
5. HEW Building;
6. Grass Valley Veterans Building;
7. County Corporation Yard, 12548 Loma Rica Drive, Grass Valley;
8. Nevada City Veterans Building; and
9. Nevada County Airpark.

B. The provisions of the preceding paragraph shall be effective when appropriate signs giving notice thereof are erected at the entrance to each parking area delineated herein. The Director of General Services of the County is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on such public property giving notice of the provisions of this and the preceding paragraph and in accordance with the requirements of the California Vehicle Code.

(Reference: Cal. Veh. Code § 21113.)

### **Section 16.03.300 Enforcement of Parking Regulations**

- A. The Director of General Services, or their designee (hereinafter “Director”), is authorized to enforce parking restrictions contained in Section 2.18.020, Parking Restrictions on County Property.
- B. If a vehicle is unattended during the time of the violation, the Director shall securely attach to the vehicle a notice of parking violation setting forth the violation. The notice shall contain all information required by Cal. Veh. Code § 40202. The notice of parking violation shall be accompanied by a written notice of parking penalty due pursuant to Cal. Veh. Code § 40203.
- C. Once the Director has prepared the notice of parking violation and has attached it to the vehicle, the Director shall file a copy of the notice with the Municipal Court of the County of Nevada.
- D. If the person appears and contests the parking violation or the parking penalty is not otherwise paid, further proceedings as outlined in Cal. Veh. Code §§ 40206-40230, inclusive, shall be followed.

(Reference: Cal. Veh. Code § 40200.)

### **Section 16.03.310 Tow Away Procedures for Parking Violations**

- A. The Director of General Services (hereinafter “Director”), shall have the authority to remove a vehicle from a County road or public property for violation of this Chapter. Whenever the Director, or their designee, removes a vehicle from a County Road or public property for violation of this Chapter, they shall take the vehicle to the nearest garage, or other place of safety, or to a garage maintained by the County where the vehicle shall be placed in storage. The Director shall comply with all requirements specified in Cal. Veh. Code § § 22850 – 22856.
- B. Pursuant to Cal. Veh. Code § 22851, the County and the garage owner shall have a lien for compensation for towing and for storage of the vehicle. The amount of the lien shall be established by resolution of the Board of Supervisors.
- C. Whenever the Director directs the storage of a vehicle, they shall provide the vehicle’s registered and legal owner of record, or their agent, with the opportunity for a post-storage hearing to protest the storage.
- D. A notice of the storage shall be mailed or personally delivered to the registered and legal owner within forty-eight (48) hours of the storage. The notice shall contain all of the information required by Cal. Veh. Code § 22852.
- E. Upon request of the registered or legal owner, the post-storage hearing shall be conducted before the County Administrative Officer, or their designee, no later than forty-eight (48)

hours after the request, excluding weekends and holidays. The Director may not serve as the hearing officer. The County of Nevada shall be responsible for the costs incurred for towing and storage if it is determined by the County Administrative Officer, or their designee, at the post-storage hearing that reasonable grounds for the storage are not established.

F. A post-storage hearing shall not be required if the vehicle was towed and stored under circumstances described in Cal. Veh. Code § 22852(g).

G. If the Director removes a vehicle for storage under this Chapter, and the Director is unable to ascertain the name of the owner or otherwise give notice to the owner, the Director shall immediately notify the Department of Justice, Stolen Vehicle System. The notice and any subsequent reports, if any, shall comply with the provisions of Cal. Veh. Code § 22853.

(Reference: Cal. Veh. Code § 22651).

## **CHAPTER 4: MOTOR VEHICLES AND TRAFFIC: WEIGHT LIMITS, INTERSTATE TRUCKS, NON-LEGAL LOADS AND PERMITS**

### **Sections:**

<b>Section 16.04.010</b>	<b>Load Limit of Roads and Bridges Established</b>
<b>Section 16.04.020</b>	<b>Authority of Peace Officer to Require Weighing</b>
<b>Section 16.04.030</b>	<b>Weight Limits for Commercial Vehicles</b>
<b>Section 16.04.040</b>	<b>Interstate Trucks</b>
<b>Section 16.04.050</b>	<b>Requirement of Permit for Non-Legal Load</b>
<b>Section 16.04.060</b>	<b>Application</b>
<b>Section 16.04.070</b>	<b>Definitions</b>
<b>Section 16.04.080</b>	<b>Bond Required</b>
<b>Section 16.04.090</b>	<b>Fees</b>
<b>Section 16.04.100</b>	<b>Permits Non-Transferrable</b>
<b>Section 16.04.110</b>	<b>Display of Permit</b>
<b>Section 16.04.120</b>	<b>Revisions</b>
<b>Section 16.04.130</b>	<b>Term of Permit</b>
<b>Section 16.04.140</b>	<b>Notice of Completion</b>
<b>Section 16.04.150</b>	<b>Movement of Vehicles</b>
<b>Section 16.04.160</b>	<b>Disclaimer of Liability</b>
<b>Section 16.04.170</b>	<b>Violations/Infractions</b>
<b>Section 16.04.180</b>	<b>Nuisance Abatement</b>
<b>Section 16.04.190</b>	<b>Non-Exclusive Remedies</b>
<b>Section 16.04.200</b>	<b>Enforcement Official</b>

### **Section 16.04.010 Load Limit of Roads and Bridges Established**

No motor or other vehicle shall be operated on or over any County road or bridge of the County, nor shall any object be moved over or upon any County road or bridge, on wheels, rollers or otherwise in excess of a total weight, including load, of eighty thousand pounds, except when transported in or upon vehicles running exclusively on stationary rails or tracks.

### **Section 16.04.020 Authority of Peace Officer to Require Weighing**

Any peace officer making the arrest of the owner or driver of any vehicle violating the provisions of weight restrictions of this code may require the owner or driver to drive any such vehicle to the nearest public scales to be designated by such peace officer, for the

purpose of establishing the weight and the load of any such vehicle or combination of vehicles.

#### **Section 16.04.030 Weight Limits for Commercial Vehicles**

All commercial vehicles exceeding a gross weight of 14,000 pounds are prohibited from using any and all streets and highways, or portions thereof, specified herein as affected by this section. An alternate route remaining unrestricted by local weight regulation as to commercial vehicles shall be designated herein for the streets and highways affected by this section. The Director of the Department of Public Works of the County is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on the County roads or highways specified in this section giving notice of the closures established herein.

This section shall not be effective with respect to:

- A. Any vehicle which is subject to the provisions regarding Passenger Stage Corporations as per Cal. Pub. Util. Code §§ 1031 – 1046.
- B. The operation of ambulances or hearses.
- C. Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

D. Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of an unincorporated residential subdivision area affected by this section.

E. Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

F. Any commercial vehicle using any County highway by direct route to or from a State highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

The meaning of all terms used in this section, if defined by the Vehicle Code of the State of California, shall be governed by that definition.

Streets and highways affected include:

1. Rattlesnake Road from its southerly intersection with Brooks Road to Dog Bar Road. State Highway 174 and LaBarr Meadows Road are designated as an alternate route.

#### **Section 16.04.040 Interstate Trucks**

A. Definitions: The following words and phrases shall have the meanings set forth, and if any word or phrase used in this Chapter is not defined in this section, it shall have the meanings set forth in the California Vehicle Code; provided that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

1. "Terminal" means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored or manufactured.
2. "Interstate truck" means a truck tractor and trailer or doubles with unlimited length as regulated by the Vehicle Code.

3. "Director of Public Works" means the Director of the Department of Public Works of the County of Nevada or their authorized representative.

4. "Caltrans" means the State of California Department of Transportation or its successor agency.

B. Purpose: The purpose of this chapter is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on a federally designated highway system and to promote the general health, safety and welfare of the public.

C. Application:

1. Any interested person requiring terminal access from the federally designated highway system shall submit an application, on a form as provided by the county, together with such information as may be required by the Director of Public Works and appropriate fees to the County of Nevada.

2. Upon receipt of the application, the Director of Public Works will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon their approval of that designation, they will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of Caltrans.

3. Should the requested route pass through the County of Nevada to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction's application process. Coordination of the approval of the route through the County will be the responsibility of the entity which controls the terminal's land use.

D. Fees and Costs:

1. The applicant shall pay a non-refundable application fee, as established by the County by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.

2. Upon the approval of the terminal designation and route by the County and by Caltrans, the applicant shall deposit with the County of Nevada sufficient funds as estimated by the Director of Public Works to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the County en route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the



estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place.

E. Retrofitting:

1. If all feasible routes to a requested terminal are found unsatisfactory by the Director of Public Works, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the County or by a contractor acceptable to it.

2. When the work is to be done by the County, the applicant shall deposit with the County of Nevada the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the Director of Public Works, on a form satisfactory to the Director of Public Works, a statement detailing the actual costs of retrofitting.

3. If at any time within five (5) years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicant's fee may include that applicant's proportionate share of the retrofitting, as determined by the Director of Public Works, which fee shall be disbursed by the County of Nevada to the applicant who paid for the retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the Director of Public Works required by subsection 2 above.

F. Revocation of Route: The Director of Public Works may revoke any approved terminal or route if the terminal or route becomes a traffic hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians.

G. Appeal Process:

1. If the Director of Public Works denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten (10) days following the date of receipt of the decision of the Director of Public Works may appeal said decision to the Board of Supervisors in writing. An appeal shall be made on a form prescribed by the Department of Public Works and shall be filed with the Clerk of the Board. The appeal shall state specifically wherein there was an error or abuse of discretion by the Director of Public Works or wherein its decision is not supported by the evidence in the record. Within five (5) days of the filing of an appeal, the Director of Public Works shall transmit to the Clerk of the Board the

terminal application, the sketches of the revoked route and all other data filed therewith, the report of the Director of Public Works, the findings of the Director of Public Works and his decision on the application.

2. The Clerk of the Board shall make copies of the data provided by the Director of Public Works available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the Board of Supervisors.

3. If Caltrans and not the Director of Public Works denies or revokes terminal access from federally designated highways, no appeal may be made to the Board of Supervisors but must be made to Caltrans as may be permitted by Caltrans.

#### **Section 16.04.050 Requirement of Permit for Non-Legal Load**

No person, firm, company, corporation, association, public agency nor organization shall move over the surface of any highway, or over any bridge, viaduct, or other structure maintained by the County, any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the highway, without first obtaining a permit therefor, and complying with all conditions thereof, and all applicable provisions of this Code. .

#### **Section 16.04.060 Application**

Applications for a permit pursuant to 16.04.050 of this code, for a non-legal load shall be made in writing upon forms furnished by the Department and approved by the Director of the Department. The form shall be filed with the Department and shall set out in detail where applicable the all required information. Application to move non-legal vehicles shall also provide the following information:

- A. Weight, height, width, length.
- B. Route to be taken.
- C. Number of axles of the vehicle or vehicles hauling the non-legal load.

### **Section 16.04.070 Definitions**

For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this Section.

- A. Applicant: Any person making written application for an encroachment permit hereunder is an applicant.
- B. Highway: The term “highway” includes all or any part of the entire width of right-of-way of a County owned or maintained street, highway street, road or alley and the space over it and the ground under it, whether or not such entire area is actually used for highway purposes. If right-of-way is by prescription, a highway includes the area from the center line to the top of the cut, tow of fill, or 10 feet from the edge of traveled way, whichever is farther on both sides of the road, except that it does not include the area behind the fence having existed for more than five years.
- C. Encroachment: The term “encroachment” used in this particular section specifically means travelling on the right-of-way by any vehicle or combination of vehicles or objects of dimension, weight or other characteristic prohibited by law.

### **Section 16.04.080 Bond Required**

Before granting a permit under the provisions of this Ordinance, the Department may require the applicant to file with the Board security in the form of cash or a satisfactory bond payable to the County of Nevada in such an amount as the Department deems sufficient to reimburse the County for costs of restoring the right-of-way to its former condition.

The Department may require a new or additional bond or cash deposit at any time that evidence indicates the amount of the bond or cash deposit previously made is insufficient to cover the cost of restoring the right-of-way to its former condition. Any bond or cash deposit required by the Department under this Section shall be payable to the County and shall be filed with the Department on satisfactory completion of the move over the surface of any highway or over any bridge, via-duct or other structure maintained by the County of the vehicle or combination of vehicles or other objects requiring the permit. Upon the fulfillment of all of the conditions of the permit, the Board of Supervisors will release the bond or cash deposit on the expiration of 90 days. The Department of Public Works may waive the provisions of this Section relating to cash deposit or security bond for permits required under this Ordinance upon satisfactory proof by Certificate of Insurance that permittee is adequately insured to assure reimbursement to the County for repair of any damage caused to the County property.

In the event any applicant shall refuse to pay any fees, costs, or charges due under this Ordinance, the Department may, at its discretion, proceed against the surety or bond posted by the applicant pursuant to this Ordinance to collect such fees, costs or charges. The

Department may, in addition, refuse to issue any new permits to an applicant with unpaid fees, costs or charges due on any job. (Ord. 1589. (09/06/1989); Ord.2238. (05/29/2007); Ord. 2530. (10/24/2023))

#### **Section 16.04.090 Fees**

A. The schedule of fees will be those recommended by the Department and established and adopted by the Board from time to time by Resolution.

B. Before a permit is issued, the applicant shall deposit with the Department for payment to the Treasurer of the County cash or check in sufficient amount to cover the fees for the issuance of a permit, charges for field investigation, and fee for necessary inspection, all in accordance with the schedules established or adopted by the Board.

#### **Section 16.04.100 Permits Non-Transferrable**

Transportation and encroachment permits issued pursuant to this Ordinance are non-transferrable.

#### **Section 16.04.110 Display of Permit**

The permittee shall keep any permit issued under this division in a cab of the vehicle when its movement on a public highway is involved and the permit must be shown to any authorized representative of the Department or law enforcement officer on demand.

#### **Section 16.04.120 Revisions**

No changes shall be made in the location, dimension, character or duration of the encroachment or use granted by the permit except on written authorization by the Department.

The Department may revise any permit as it deems necessary or according to a request by the permittee for a revision acceptable to the Department by written notice. Such revision becomes effective 48 hours after deposit in the United States mail or upon personal service.

#### **Section 16.04.130 Term of Permit**

The permittee shall complete the use authorized by a permit within the time specified in the permit. If, at any time, the Department finds that delay in beginning, prosecuting or completing the use is due to lack of diligence by the permittee, it may cancel the permit

and restore the right-of-way to its former condition. The permittee shall reimburse the County for all expenses incurred by the Department in restoring the right-of-way, plus 15% as administrative costs. If the use is not begun within the time stated in the permit, then the permit shall become void, unless before its expiration the time for beginning has been extended in writing by the Department.

#### **Section 16.04.140 Notice of Completion**

Upon completion of any act for which a permit has been granted, the permittee shall notify the Department in writing on a form prescribed by the Department. No work shall be deemed completed without such notice.

#### **Section 16.04.150 Movement of Vehicles**

When authorized by a permit to move a vehicle or combination of vehicles or loads of dimension, height or other characteristics generally prohibited by law, the permittee, unless exempt by a special permit, shall comply with the general law regulating travel over any road or highway, including:

- A. Posted signs or notices which limits speed or direction of travel;
- B. Weight which may be placed on a structure;
- C. The width or height that may be moved; or
- D. Other restrictions or control of traffic on a road or highway.

The permittee shall at all times conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public and to keep safe and preserve the road or highway over and on which movement is being made. Any violation of this section shall automatically cancel the permit issued to the permittee. The permittee shall comply with all applicable provisions of California law, including restoration of the highway, placement of mailboxes, etc.

#### **Section 16.04.160 Disclaimer of Liability**

This Chapter shall not be construed as imposing upon the County or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which the permit is issued hereunder, nor shall the County or any official or employee thereof be deemed to have assumed any liability or responsibility by reason of inspections authorized hereunder.

#### **Section 16.04.170 Violations/Infractions**

Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine of one hundred dollars (\$100) for a first violation; Two hundred dollars (\$200) for a second violation of the same ordinance (section) within a twelve (12)-month period and Five hundred dollars (\$500) for a third or subsequent violation of the same ordinance (section) within a twelve (12)-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

#### **Section 16.04.180 Nuisance Abatement**

Any act in violation of any provision of this Chapter is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.

#### **Section 16.04.190 Non-Exclusive Remedies**

Remedies provided hereunder are not exclusive and are in addition to any other remedy or penalty provided by law.

#### **Section 16.04.200 Enforcement Official**

The Director of Public Works shall be the person primarily responsible for enforcing the provisions of this Chapter. In addition, the Nevada County Sheriff shall also be responsible for enforcing the provisions of this Chapter and, to the extent any violation is designated to be an infraction, the Code Compliance Division of the Nevada County Planning Department is also authorized to enforce the provisions of this Chapter.

## **CHAPTER 5::REGULATING ROADWAY ENCROACHMENTS**

### Sections:

Section 16.05.010 Definitions

Section 16.05.020 Work Requiring Permit

Section 16.05.030 Application

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Section 16.05.160 Appeals

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Section 16.05.190 Suspension and Revocation of Permit

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Section 16.05.400 Nuisance Abatement

Section 16.05.410 Non-Exclusive Remedies

Section 16.05.420 Enforcement Official

Section 16.05.430 Cost of Enforcement

## **Section 16.05.010 Definitions**

For the purpose of this Section, the following words and phrases have the meanings respectively ascribed to them by this Section.

A. APPLICANT means any person, firm corporation or entity and includes any property owner and contractor, if applicable, who makes written application to the Department of Public Works for an excavation or encroachment permit hereunder.

B. BOARD means the Board of Supervisors of the County of Nevada.

C. COUNTY HIGHWAY: The term “county highway” includes all or any part of the entire width or right-of-way of a county-owned, controlled and/or maintained highway, street, road or alley and the space over it and the ground under it, including, but not limited to, bridges culverts, curbs, and drains and all works incidental to such construction,



improvement, and maintenance, whether or not such entire area is actually used for vehicular, bicycle, or pedestrian purposes. The term “county highway” shall also include all County Service Area (“CSA”) roads which are owned and/or maintained by the CSA. If right-of-way is by prescription, a highway encompasses that area which has historically been used for the public travel including any shoulders, drainage ditches and/or facilities and any turnouts.

D. DEPARTMENT means the Department of Public Works of the County of Nevada.

E. ENCROACHMENT means any tower, pole, poleline, pipe, pipeline, driveway, private road, fence, sign, billboard, stand or building, or tree within the county highway, or any activity that can obstruct the free use of the county highway by the public. The term shall also include any excavation or other construction or work activity within the County highway or the placement of any structure or object in, under or over any portion of the county highway, or any activity which may cause water to back onto any portion of the county highway, or which may obstruct maintenance of or travel on the county highway.

F. EXCAVATION means the removal of material and any opening in the surface except an opening into a lawful structure below the surface, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the county highway.

1. PERMITTEE means any person, firm, company, corporation, association, public agency or organization that proposes to do work or encroach on a county highway as defined in this section and has been issued a permit for encroachment by the Department. All obligations, responsibilities and other requirements of the permittee as described in this Chapter shall be binding on subsequent owners of the encroachment. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

### **Section 16.05.020 Work Requiring Permit**

No person, firm, company, corporation, association, public agency or organization shall do or cause to be done any of the following without first obtaining an encroachment permit (hereinafter referred to as a “permit”) therefor from the County and complying with all conditions thereof and all provisions of this Section:

- A. Fill or excavate a county highway.
- B. Install, construct, cut into, improve, or remove any sidewalks, driveways, curbs, gutters, walls, culverts, road approaches, or road surfacing, or install, repair or remove any facilities or substructures in, on, over, or under any county highway. Notwithstanding the above, routine repair, asphalt overlays or sealing of an existing, previously permitted driveway serving a single-family residence does not require an encroachment permit when such driveways are pre-existing and the access onto the county highway is basically the same and creates no new drainage or traffic hazard.
- C. Place, change or reconstruct an encroachment.
- D. Place or display in any county highway any kind of sign or device. Any such sign or device placed or displayed contrary to the provisions of this Section is a public nuisance, and the Department of Public Works may immediately remove it. The provisions of this Section shall not prohibit the posting of any notice required by law or by the order of any court of this State.
- E. Plant, remove, trim, injure or destroy any tree or shrub in a county highway.
- F. Obstruct travel on or public use of the county highway.

### **Section 16.05.030 Application**

Applications for encroachment permits shall be made in writing or electronically upon forms furnished by the Department and approved by the Director of the Department. The form shall be filed with the Department and shall set out the following in detail, where applicable:

- A. Name and residence or business address and phone number of the applicant.
- B. Name and residence or business address and phone number for person to be hired by applicant to do the proposed work. If this information is not known at the time of application, the permittee shall provide said information to the Department prior to the start of work by the person hired to do the work.
- C. Location, dimensions, purpose, extent and nature of the proposed encroachment.

- D. Such other information as may be needed by the Department such as engineering calculations, cross-sections, profiles, etc.
- E. The applicant shall also enclose with, attach to, or add to the application copies of the written order or consent to any work under the permit required by law of the Public Utilities Commission, sanitary districts, water districts, or any other public body having jurisdiction. A permit shall not be issued until the order or consent, if required, is first obtained and evidence of it filed with the Department. All permits shall constitute a revocable license to use the county highway and may be revoked on five (5) days' notice, and the encroachment must be removed or relocated as may be specified by the Department in a notice revoking the permit and within the time specified by the Department, which time shall not be less than five (5) days, unless the permit so provides.
- F. The permittee at all times shall comply and shall cause all their agents and employees to comply with all such laws, ordinances and regulations, decisions and orders of the court or similar authoritative orders.
- G. The applicant shall enclose with, attach or add to the application for a permit a map, plat, sketch, diagram, or similar exhibit, when required by the Department, of a size and in the quantity that it may prescribe, on which shall be plainly shown all information necessary to locate, delineate, illustrate or identify the proposed use or encroachment and the right and necessity of the applicant to cause an encroachment. If necessary, changes, corrections and notes will be made on the map, plat, sketch, diagram or similar exhibit, and these items will become an integral part of the permit.
- H. As a condition to the issuance of an encroachment permit, the permittee shall be required to indemnify and defend the County and all of its officers, agents and employees against any loss, liability, claims, demands, actions or suits of any and every kind and description arising or resulting from or in any way connected with or proximately caused by the permittee's encroachment activity and/or the result of violation by them or their agents or employees of any law, ordinance, regulation, or order issued under police power and in accordance with the law.

#### **Section 16.05.040 Prohibited Activities**

It shall be unlawful to construct or maintain a loading platform within the county highway or to erect, use or maintain any post, pole, column or structure for support for any sign or structure, including any advertising sign, political sign, real estate sign, event sign, private sign or to make any marking within the county highway, other than temporary survey or construction markings.

### **Section 16.05.050 Security Required**

Unless waived pursuant to this Section, before granting a permit under the provisions of this Chapter, the Department shall require the applicant to post with the Department adequate security, in the form of cash or a satisfactory bond payable to the County of Nevada, in such amount as the Department deems sufficient to reimburse the County for costs of restoring the county highway to its former condition.

The Department may require a new or additional bond or cash deposit at any time that evidence indicates the amount of the bond or cash deposit previously made is insufficient to cover the cost of restoring the county highway to its former condition or when, in the Director's judgment, there is a need for a bond. Any bond or cash deposit required by the Department under this Section shall be payable to the county and shall be filed with the Department. On satisfactory completion of all work authorized in the permit and fulfillment of all conditions of the permit, the Department of Public Works shall release the bond or cash deposit on the expiration of ninety (90) days.

The Department of Public Works may waive the provisions of this Chapter relating to cash deposit or surety bond for permits required under this Chapter upon satisfactory proof by certificate of insurance that the permittee is adequately insured to assure reimbursement to the County for repair of any damage caused to County property.

In the event any applicant shall refuse to pay any fees, costs or charges due under this Chapter, the Department may, at its discretion, proceed against the surety to collect such fees, costs or charges. The Department may, in addition, suspend any permit or refuse to issue any new permits to an applicant with unpaid fees, costs or charges due on any job.

### **Section 16.05.060 Exemption from Bond for Public Agency or Utility and Exception**

A bond shall not be required of any public agency or public utility having lawful authority to occupy the county highways which is authorized by law to establish or maintain any works or facilities in, under or over any county highway, nor shall the application of any such public agency or public utility for a permit be denied; however, the Department may require a bond in an amount to be set, from time to time, by Resolution of the Board of Directors, if such public utility or public agency has previously failed to comply with this Chapter or with the provisions of a previous permit.

### **Section 16.05.070 Exemption from Bond for City, Municipal Utility or Water District**

Any city, municipal utility district or public utility having authority to occupy the county highways is entitled to a blanket permit issued by the Department and renewable annually for the installation of its service connections and for ordinary maintenance of its facilities

located or installed in county highways; however, the Department may revoke any such blanket permit if the permittee fails to comply with the provisions of this Chapter. When any such permit is revoked, an encroachment permit may be issued only upon the furnishing of a bond as provided in 16.05.050this Code.

#### **Section 16.05.080 Issuance of Written Permits**

The Department may issue a single permit for any number of encroachments which are part of a single project or single job.

#### **Section 16.05.090 Refusal to Issue Permit**

The Department may refuse to issue a permit including to any applicant who is in default of any terms or conditions of any prior permit issued by the Department.

#### **Section 16.05.100 Exemption from Special Events Permit Process for State Agencies**

An encroachment permit shall not be required of the State of California Department of Transportation (aka Caltrans) provided that the Sheriff, the California Highway Patrol, local emergency services and the Department of Public Works for the County of Nevada are all notified two (2) weeks in advance, and they do not object to the same.

#### **Section 16.05.110 Fees**

- A. Fees shall be paid for all applications for and upon the issuance of any encroachment permit in such amounts as set out in the latest adopted Resolution by the Board of Supervisors.
- B. Fees will not be required for encroachment permits, provided placement is first approved by the Board of Supervisors, authorizing the placement of:
  - 1. Historical markers, or
  - 2. Bus stops installed as a community service by a non-profit or service organization.

#### **Section 16.05.120 Permits Non-Transferable**

Encroachment permits issued pursuant to this Chapter shall be deemed to be a personal entitlement and are nontransferable; provided, however, that any permit issued for the work

associated with the development of any real property shall be allowed to be transferred to the subsequent owner of the real property, provided adequate security (as otherwise required by this Chapter) is provided before the work is commenced.

#### **Section 16.05.130 Display of Permit**

The permittee shall keep any permit issued under this Chapter at the site of work, and the permit must be shown to any authorized representative of the Department or law enforcement officer on demand.

A permit issued for continuing use or maintenance of an encroachment may be kept at the place of business of the permittee; provided, however, that a copy thereof shall be kept at the site of the work and shall be shown to any authorized representative of the Department or law enforcement officer within a reasonable time after demand.

#### **Section 16.05.140 Compliance with Laws and Encroachment Standards**

- A. Unless otherwise noted on the permit, all encroachment work performed on any county highway shall conform to the County standard plans and specifications. In the absence of established County standard plans and specifications, the encroachment work shall conform to the standard plans and specifications of the State of California issued by the State Department of Transportation. In the absence of County or State standard plans and specifications, all encroachment work shall conform to recognized standards of construction and approved practices.
- B. All encroachment work above shall be subject to approval of the County Department of Public Works.
- C. The permittee shall comply with all State and federal laws and local ordinances and regulations which affect the permit.
- D. No person shall prevent or obstruct any officer or employee of the Department from making any inspection, taking any sample or making any test pursuant to this Chapter.

#### **Section 16.05.150 Revisions and Revocation**

No changes shall be made in the location, dimensions, character, or duration of the encroachment or use granted by the permit except on written authorization by the Department.

The Department may approve a revision only upon the written request by the permittee or, on its own initiative, the Department may revise or revoke any permit as it deems necessary

in order to protect the interest of the County or for the convenience or safety of the public. Such revision shall become effective immediately upon personal service or two (2) days after deposit in the United States mail.

### **Section 16.05.160 Appeals**

Any applicant or permittee may appeal any decision denying the issuance of an encroachment permit or any decision to revise, suspend or to revoke a permit to the Board by filing a notice of appeal with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of any such decision by the Department, on a form to be provided by the county, and by paying any applicable fees. Any such appeal shall be scheduled and decided in accordance with the procedure established for Appeals in Section 12.05.120 in the Nevada County Code. The appeal shall be denied where the Board finds that the encroachment adversely affects the interest of the County or the convenience or safety of the public.

### **Section 16.05.170 Term of Permit: Completion of Work**

The permittee shall complete the work or use authorized by a permit within the time specified in the permit. If, at any time, the Department finds that delay in beginning, prosecuting or completing the work or use is due to lack of diligence by the permittee or is otherwise adversely affecting the interest of the County or the convenience or safety of the public, the Department may cancel the permit and order the permittee to immediately restore the county highway to its former condition. In the event that the permittee fails to immediately and properly restore the county highway to its former condition, the county may undertake such work and the permittee shall be responsible for all expenses incurred by the Department in restoring the county highway, plus an additional fifteen percent (15%) as administrative costs.

If the work or use is not completed and accepted by the Department within the time stated in the permit, the permit shall become void unless before its expiration the time for completion has been extended, in writing, by the Department. Where the permit authorizes the construction of any encroachment within the county highway, following the completion of the construction and inspection and approval by the Department, the permit shall be valid for a continuing encroachment until revoked by the County and shall be subject to the terms of maintaining a valid permit pursuant to 16.05.300.

The permittee, or successor in interest thereto, shall be responsible for the cost of relocation or removal or any encroachment.

### **Section 16.05.180 Notice of Completion**

Upon completion of any work or act for which a permit has been granted, the permittee shall notify the Department in writing on a form prescribed by the Department. No work shall be deemed completed without such notice.

### **Section 16.05.190 Suspension and Revocation of Permit**

Whenever the Department finds that there has been a failure to comply with any of the provisions of this Chapter or any of the terms and conditions contained in any permit or that the encroachment adversely affects the interest of the County of Nevada or the convenience or safety of the public, the Department may suspend or revoke the permit by notifying the permittee in writing, which shall be personally delivered to the permittee or deposited in the United States mail, addressed to the permittee at the address shown on the application form. The suspension or revocation shall be effective immediately upon personal delivery to the permittee or their representatives, employees, agents or contractors at the work site or their place of business. Alternatively, the suspension or revocation shall be effective two (2) days after deposit in the mail. No work may be performed under any suspended or revoked permit unless it is reinstated by the Department.

### **Section 16.05.200 Emergency Work Authorization**

This Chapter shall not prevent any person from performing emergency maintenance on any pipe, pipeline, or conduit or electrical line lawfully existing within the county highway or from making an emergency use or encroachment necessary to preserve life or property when an urgent necessity arises. Whenever any such emergency work is performed within the county highway, the person(s), firm, entity or contractor responsible for such work shall apply for a written permit on the next business day the county offices are open. Any person requiring an emergency use or encroachment shall first notify the Department. During the hours the county offices are closed, notice shall be given to the Sheriff's Office.

### **Section 16.05.210 Traffic Safety**

The permittee shall take appropriate measures to assure that during the performance of the work, traffic conditions shall be maintained at all times as near normal as practical so as to minimize inconvenience to the occupants of the abutting property and to the general public. The Department may permit the closing of the county highway for specific periods of time if it is necessary, and the Department may require the permittee to give notification to any interested persons before such closing. The permittee shall provide safe access for each road and to each parcel of land. The permittee shall provide watchpersons, signs,



barricades, railings, lights, and other safety devices as specified by the California Manual on Uniform Traffic Control Devices (CA MUTCD) and any other safety devices necessary for the safe passage of persons or vehicles using the County highway. Any omission on the part of the Department to specify in the permit that protective measures or devices shall be provided, erected or maintained by the permittee or the fact that the Department may not specify sufficient protective measures or devices shall not excuse the permittee from complying with all requirements of law and appropriate regulations for adequately protecting the safety of the traveling public, or from taking such action as may be necessary to reasonably safeguard the public. If, at any time, the Department finds that suitable safeguards are not being provided, the Department may direct the permittee to immediately take additional steps to safeguard the site of the encroachment and the public's use of the right-of-way or, where in the Department's judgment it is necessary for the Department to take immediate steps to provide any such safeguards, the Department may provide, erect, maintain or relocate the safeguards deemed necessary or may cancel the permit and restore the right-of-way to its former condition, all of which shall be at the expense of the permittee.

#### **Section 16.05.220 Aids to Visibility**

Whenever the Department determines that the location or position of a pole or other obstruction requires accentuation of its visibility to vehicular traffic, the Department may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the Public Utilities Commission or the Department of Transportation of the State of California, at the expense of the permittee. No pole shall be allowed closer than eight (8') feet from the edge of the traveled way without the express written permission from the Department of Public Works.

#### **Section 16.05.230 Storage of Material**

No material shall be stored within eight (8') feet of a county highway. Excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is backfilled or other work is carried forward unless otherwise approved, in writing, by the Department.

#### **Section 16.05.240 Dust and Debris**

Each permittee shall conduct and carry out work permitted hereunder in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce noise, dust, mud and unsightly debris to the fullest extent practicable in the performance of the work.

### **Section 16.05.250 Protection of Adjoining Property**

The permittee shall protect adjoining property from injury by providing proper foundations and shoring or such other action as may be prudent. The permittee shall not enter upon or do any work on private property without first obtaining the express written consent of the property owner. The permittee shall be responsible for all damage to any roads or other public or private property, real and personal, resulting from the performance of the permittee's work.

### **Section 16.05.260 Preservation of Monuments**

Any survey or other monument set for the purpose of locating or preserving the lines of any county highway or property subdivision, or a precise survey reference point, or a permanent survey bench marker within the county shall not be removed or disturbed or caused to be removed or disturbed without first obtaining written permission from the Department. Before monuments, reference points and bench markers are disturbed or removed, they shall be tied out by a licensed surveyor or Registered Civil Engineer or under the directions of same. After completion of the work, the monuments, reference points and benchmarks shall be accurately reset at the expense of permittee.

### **Section 16.05.270 Poles and Transmission Line Carriers**

All poles located within the county highway shall maintain the clearances set out in and shall be constructed in accordance with the rules, regulations, and orders of the Public Utilities Commission and other public agencies having jurisdiction over any such poles.

No new pole or replacement pole shall be set in such a manner that it creates a traffic hazard or is within the clear recovery zone (as defined by Caltrans). No pole shall be allowed closer than eight (8') feet from the edge of the traveled way without the express written permission from the Department of Public Works.

No guy wires shall be attached to trees unless specifically authorized in the permit, and in no event shall guy wires be attached to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground prescribed in the rules, orders and regulations of the Public Utilities Commission.

The permittee shall remove and keep clear all vegetation on the county highway within a radius of five (5') feet of poles when requested by the Department.

When a pole, guy, stub or similar timber is removed and not replaced, the entire length shall be removed from the ground and the hole backfilled and compacted.

### **Section 16.05.280 Small Pipes or Rigid Conduits**

Utility, service, and other small diameter pipes or rigid conduits shall be jacked, bored, driven, or otherwise forced underneath the paved surface. The paved surface of a road shall not be cut, trenched or otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted except as specifically set forth in the permit.

### **Section 16.05.290 Mailboxes**

All mailboxes shall be placed in accordance with the rules and regulations of the United States Post Office Department, but no box shall be so placed within the county highway as to endanger the life or safety of the traveling public. A permit is not required for the placement of mailboxes, not including pillars that are sometimes used to house mailboxes.

### **Section 16.05.300 Restoring Highway**

Upon the completion of the work authorized by any permit, or at such earlier time as the Department may direct, the permittee shall restore the county highway to as good condition as it was before the work began. The Department may provide such other conditions as to location and the manner in which the work is to be done as the Department finds necessary for the protection of the county highway and/or the protection or convenience of the public. Should the permittee fail to promptly restore the county highway, the Department may perform such work and charge the permittee for all costs incurred. After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. Upon request by the Department, the permittee shall immediately repair or redo any work performed in the county highway that the Department finds to be defective or substandard or which may have created a nuisance or hazard in any portion of the county highway. If the permittee fails to act promptly or if the Department finds that the public convenience or safety requires that the work be done immediately, the Department may proceed to do the repair or replacement work, and the permittee shall be charged the actual costs thereof, plus fifteen percent (15%) as administrative costs.

### **Section 16.05.310 Care of Drainage**

If the encroachment authorized in a permit interferes with the established drainage, the permittee shall provide for proper drainage as approved by the Department.

### **Section 16.05.320 Clean-Up**

As excavation work progresses, all county highways shall be immediately and thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department. From time to time, as may be ordered by the Department and, in any event, immediately after completion of work, the permittee shall, at the permittee's own expense, clean up and remove all refuse and unused materials of any kind resulting from such work, and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Department, the work may be done by the Department and the cost thereof charged to the permittee.

### **Section 16.05.330 Relocation of Facilities**

In the event that the Department determines that it is necessary, any encroachment maintained within the county highway shall be relocated by and at the expense of the permittee, their successor or the owner of the encroachment. In said event, the Department shall serve on the permittee its written demand specifying that the encroachment must be removed from the county highway and specifying a reasonable time within which the work of relocation must be commenced. The permittee shall commence such relocation or removal within the time specified in said demand and thereafter diligently execute the same to completion.

### **Section 16.05.340 Planting and Maintenance of Vegetation**

Applications for permits to plant trees and vegetation in the county highway shall be made on forms prescribed by the Department. The form shall include, in addition to the other requirements, an agreement by the applicant to maintain the trees/vegetation in a neat, healthy, and safe condition to the satisfaction of the Department and an agreement to remove the trees as directed by the Department and to pay the cost of removal on the permittee's failure promptly to remove trees on direction of the Department. The application shall show the exact location and kind of trees/vegetation to be planted, and no change shall be made either in the location or kind of trees without the written approval of the Department.

No hedge, shrub or other planting whatever shall be maintained in a manner so as to interfere with or obstruct any sidewalk or area within the county highway which is used or susceptible for use as a walkway or path. The intent of this restriction is to keep a walkway free for pedestrian or other lawful public travel which is separated from the surface of the road use by motor vehicles. No encroachment will be permitted or maintained which impedes, obstructs, or denies pedestrian or other lawful travel within the limits of the

county highway of a public highway or impairs adequate sight distance for safe pedestrian or vehicular traffic.

Other provisions of this Chapter notwithstanding, it is lawful for a person, firm or corporation or other body of persons to plant and maintain a lawn or similar ground cover of any grass type not otherwise prohibited by law within the county highway without a written permit. However, the lawn or similar ground cover shall not extend into the traveled way or shoulder area nor into the drainage ditches, gutter or other drainage facilities.

The general public shall not be denied the use of a planted area for pedestrian travel or other lawful use. The county may use the planted area for any purpose and may issue a permit to any applicant to go on the planted area to perform work or otherwise encroach under this Chapter. If the lawn or similar ground cover is damaged or disturbed in the course of an authorized encroachment, the permittee will be held responsible for the replacement unless the permit specifically states otherwise.

All vegetation placed in the county highway shall be maintained by the permittee or the permittee's successor in interest in a neat, healthy and safe condition to the satisfaction of the Department and at no expense to the county. If the encroachment is not located or maintained as specified in this Section, the Department may direct the permittee to remove the encroachment and restore the county highway to its former condition at the expense of the permittee; if the permittee fails to promptly remove the encroachment as directed, the Department shall have the right to remove it and collect the cost of removal from the permittee, together with all of the county's costs and expenses in enforcing collection. No tree/plant shall be planted in the county highway if the tree/plant will impede or inconvenience public travel, create an existing or future safety problem, unduly disturb the county highway, interfere with the construction or maintenance of necessary facilities, or interfere with the existing pipelines, utility installations, or other facilities lawfully placed within the county highway.

### **Section 16.05.350 Removing Trees**

When a tree is removed under authority of a permit, the entire stump shall be taken out for a depth of at least two feet (2') below the ground surface unless otherwise specified in the permit, and the site and the county highway restored to its former condition.

### **Section 16.05.360 Fences**

No fence or similar structure, shall be planted, erected or maintained in a right-of-way without a permit. No fence or similar structure shall be maintained in a manner so as to interfere with or obstruct any sidewalk or area within the County highway which is used or susceptible for use as a walkway or path. The intent of this restriction is to keep a

walkway free for pedestrian or other lawful public travel which is separated from the surface of the road use by motor vehicles. No encroachment will be permitted or maintained which impedes, obstructs, or denies pedestrian or other lawful travel within the limits of the county highway of a public highway or impairs adequate sight distance for safe pedestrian or vehicular traffic.

#### **Section 16.05.370 Sight Distance Required**

- A. It is unlawful for any person to maintain their property in a manner which creates or causes to exist any obstruction to the view (sight distance) of the users of any county-owned, controlled and/or maintained highway, which creates an unsafe condition to the users thereof.
- B. Any use of the property in violation of the provisions of this Section shall constitute a public nuisance which may be abated by the duly constituted officer of the County of Nevada. The enforcement of this Section shall rest in the sole discretion of the county officers performing such functions.
- C. No encroachments shall be made where to do so would create an unsafe condition to the users of the county highway in violation of the provisions of this Code.
- D. New development which substantially increases the use of any existing encroachment shall not be allowed unless the encroachment is brought into conformity with the sight distance requirement of this Code and other provisions or standards relating thereto.
- E. Any person who is beneficially interested in the decision of the county officials enforcing this section shall have a right to appeal. No fee shall be charged for any such appeal. All applicants for encroachments shall be advised of their appeal rights by the inclusion of a notice thereof on the county's application form.

#### **Section 16.05.380 Disclaimer of Liability**

This Chapter shall not be construed as imposing upon the county or any official or employee any mandatory duty or basis of liability, nor shall the county or any official or employee be responsible for damages to any person injured by the performance of any work for which the permit is issued hereunder, nor shall the county or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder.

### **Section 16.05.390 Violations/Infractions**

Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to a mandatory fine, to be set, from time to time, by Resolution of the Board of Supervisors. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

### **Section 16.05.400 Nuisance Abatement**

Any act in violation of any provision of this Chapter is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.

### **Section 16.05.410 Non-Exclusive Remedies**

The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law.

### **Section 16.05.420 Enforcement Official**

The Director of Public Works shall be the person primarily responsible for enforcing the provisions of this Chapter. In addition, the Nevada County Sheriff shall also be responsible for enforcing the provisions of this Chapter and, to the extent any violation is designated to be an infraction, the Code Compliance Department is also authorized to enforce the provisions of this Chapter.

### **Section 16.05.430 Cost of Enforcement**

Any person, firm, entity or agency who violates the provisions of this Chapter shall be liable for payment for the cost incurred by the County in enforcing the provisions of this Chapter, up to a maximum cost of \$5,000 per violation. Cost shall be calculated according to the latest schedule of fees as adopted by the Board of Supervisors. The cost of enforcement shall be paid to the Department within thirty (30) days of the date of the billing therefor and any fees not paid within thirty (30) days shall be assessed a late penalty of ten percent (10%) of the balance that is not paid and shall thereafter accrue interest at the rate of one percent (1% ) per month until paid. Any such costs which remain unpaid for more than ninety (90) days shall be referred to Collections and may be subject to such other legal action or remedies as may be allowed by law.

Any person, firm, entity or agency that is assessed for the cost of enforcement may appeal such assessment to the Board of Supervisors by filing a statement of appeal thereof with

the Clerk of the Board of Supervisors within thirty (30) days from the date of the mailing of the initial notice of the assessment thereof.

If any appeal is filed regarding the assessment of such fees, the appeal shall stay any action by the County of Nevada to collect same. The appeal shall be promptly presented to the Chair or the Board of Supervisors or to such other member of the Board as the Chair may designate, which person shall render a decision thereon within fifteen (15) days of the date of the filing of the appeal. The costs as determined by the appeal shall then be due within fifteen (15) days from the date of the mailing of the decision thereon. Failure to pay the costs when due shall subject the costs to late penalties and interest as set out above.



## **CHAPTER 6: SIGNS—WRITTEN AUTHORIZATION**

Sections:

**Section 16.06.010 Signs Upon County Roadways Property – Encroachment Permit Required**

**Section 16.06.020 Signs Upon County Property - Written Authorization or Encroachment Permit - Not to be Issued for Strictly Private Signs**

**Section 16.06.030 Signs Upon County Property - Written Authorization - To be Issued with Limitations if Public Benefit Shown**

**Section 16.06.040 Violations/Infractions**

### **Section 16.06.010 Signs Upon County Roadways – Encroachment Permit Required**

No signs shall be erected, placed or maintained upon any county road without first obtaining an Encroachment Permit from the Director of Public Works.

### **Section 16.06.020 Signs Upon County Property - Written Authorization or Encroachment Permit - Not to be Issued for Strictly Private Signs**

The Director of Facilities nor the Director of Public Works shall not grant a Written Authorization or an encroachment Permit for a sign which is strictly private in nature including political, real estate, sales, events, etc.

### **Section 16.06.030 Signs Upon County Property - Written Authorization - To be Issued with Limitations if Public Benefit Shown**

Where a sign is proposed by a private individual and/or company and the Director of Facilities determines that there will be a public benefit. Written Authorization may be granted on the following conditions:

1. The cost of the sign installation shall be paid for by the proponent.
2. That the sign shall become publicly owned and maintained.
3. The standards for the type, size and placement of information or semi-public signs shall be determined in each case by the Director of Facilities using accepted engineering practices.
4. The Director of Facilities shall collect the costs provided herein prior to the issuance of the written authorization. No charge shall be made for signs placed and maintained for governmental entities.
5. The Director of Facilities may limit the term of the written authorization.

#### **Section 16.06.040 Violations/Infractions**

A. Violation of the provisions of this Section shall be an infraction and upon correction thereof, there shall be a mandatory fine imposed as follows:

1. For a first violation, a fine of one hundred dollars (\$100).
2. For a second violation of the same ordinance (section) within a twelve-month period, a fine of two hundred dollars (\$200).
3. For a third or subsequent violation of the same ordinance (section) within a twelve-month period, a fine of five hundred dollars (\$500).

(Authority: Cal. Gov't Code § 25132.)

B. The Nevada County Code Enforcement Officer(s) shall be responsible for the enforcement of this Section.

## **CHAPTER 7: PARKING FOR DISABLED PERSONS**

### **Sections:**

**Section 16.07.010 On Street Parking**

**Section 16.07.020 Use of Blue Curb Spaces**

**Section 16.07.030 Off-Street/Publicly Owned Facilities**

**Section 16.07.040 Off-Street/Privately Financed Facilities**

**Section 16.07.050 Identification**

### **Section 16.07.010 On Street Parking**

The Department of Public Works of the County of Nevada shall designate special “blue curb” parking spaces for the purposes of providing on-street parking for disabled persons.

### **Section 16.07.020 Use of Blue Curb Spaces**

Persons using “blue curb” parking spaces shall comply with the following:

- 1.No person shall park or stand any vehicle in a disabled persons parking zone (blue curb) unless said vehicle bears a special license or displays a special placard issued under the provisions of Cal. Veh. Code §§ 9105 or 22511.5.
- 2.Blue curb parking spaces shall be operative twenty-four (24) hours a day Sundays and holidays included.
- 3.Parking zones for the disabled persons are subject to any temporary parking prohibitions established by the County of Nevada.

### **Section 16.07.030 Off-Street/Publicly Owned Facilities**

The Facilities Department shall designate parking stalls or spaces in publicly owned, leased or controlled off-street parking facilities for exclusive use by disabled persons. All provisions of the California Building Code 11B-502 & 503 shall apply.

## **Section 16.07.040 Off-Street/Private Financed Facilities**

The County hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by disabled persons. All provisions of the California Building Code 11B-502 & 503 shall apply.

## **Section 16.07.050 Identification**

A. ON STREET - BLUE CURB SPACES. Blue curb spaces shall be indicated by blue paint on the curb edge of the paved portion of the street. Whenever a parking space is so designated, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. A sign shall be posted immediately adjacent to and visible from the space consisting of a profile view of a wheelchair with occupant in white on a blue background. Signs shall be reflectorized with a minimum area of seventy (70) square inches.

The sign required pursuant to the above paragraph shall clearly and conspicuously state the following: "Minimum Fine \$250". This paragraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating "Minimum Fine \$250". If the loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is to be marked by a border and hatched lines, the border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space, blue or white paint is preferred. In addition, within the border the words "No Parking" shall be painted in white letters no less than twelve (12") inches high.

In addition, a sign not less than 17" x 22" with lettering not less than one (1") inch in height shall be posted stating:

Unauthorized vehicles not displaying distinguishing license plates or placards issued for disabled persons will be issued citations.

All signs shall be posted at a height of eighty inches (80") from the ground.

B. OFF-STREET/PUBLICLY OWNED FACILITIES. Designation of "blue curb" parking stalls in publicly financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same, a sign posted immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

The sign shall also clearly and conspicuously state the following: “Minimum Fine \$250”. This subparagraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating “Minimum Fine \$250”.

By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.

The loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans shall be marked by a border and hatched lines. The border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than twelve (12”) inches high. This subparagraph applies only to parking spaces constructed on or after July 1, 2008, and painting that is done on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008.

By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in paragraph (2). The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space.

In addition, a sign of not less than 17” x 22” in size must be posted either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s), which states with lettering not less than one (1”) inch in height:

Unauthorized vehicles not displaying distinguishing license plates or placards issued for disabled persons will be issued citations.

All signs shall be posted at a height of eighty (80”) inches from the ground.

C. OFF-STREET/PRIVATELY FINANCED FACILITIES. Designation of “blue curb” parking stalls in privately financed off-street parking facilities shall be made by posting immediately adjacent to, and visible from same a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

The sign shall also clearly and conspicuously state the following: “Minimum Fine \$250” This subparagraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008. An additional sign may be placed below the International Symbol of Accessibility, stating “Minimum Fine \$250”.

By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant.

The loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans shall be marked by a border and hatched lines. The border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space, Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than twelve (12) inches high. This subparagraph applies only to parking spaces constructed on or after July 1, 2008, and painting that is done on or after July 1, 2008, or as the State Architect deems necessary when renovations, structural repair, alterations, and additions occur to existing buildings and facilities on or after July 1, 2008.

D. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in paragraph two above. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space. In addition, a sign not less than 17” x 22” in size with lettering not less than one inch (1”) in height which clearly states:

“Unauthorized vehicles parked in designated assessable spaces and not displaying distinguishing placards or license plates issued for persons with disabilities will be towed away at owner’s expense. Towed vehicles may be reclaimed at \_\_\_\_\_, or by telephoning\_\_\_\_\_”

This sign shall be posted at the entrance to the parking facility or immediately adjacent to, and visible from the reserved stall(s).

NOTE: The person in lawful possession of the parking facility may then and only after first contacting the local police or Sheriff's Office, cause the removal of a violator's automobile from the stall to the nearest public garage.

A sign must be posted at the entry to all off-street parking facilities to the effect that the facility is subject to public traffic regulations and control.

All signs shall be posted at a height of eighty inches (80") from the ground.

E. SPECIFICATIONS. When parking spaces are made available to disabled persons in off-street facilities they should comply with the following specifications:

- Open on one side or a minimum of twelve (12) feet wide;
- Located where slope in the immediate area does not exceed two percent (2%);
- Placed to minimize necessary travel on sloped surfaces;
- Located near level or ramped entrance;
- Located close to elevators;
- Located to minimize necessary travel behind parked vehicles;

All provisions of the California Building Code 11B-502 & 503, and other applicable State and Federal law shall apply.

## **CHAPTER 8: ROAD STANDARDS, PURPOSE AND DEFINITIONS**

### **Sections:**

<b>Section 16.08.010</b>	<b>Purpose</b>
<b>Section 16.08.020</b>	<b>Scope</b>
<b>Section 16.08.030</b>	<b>Definitions</b>

### **Section 16.08.010 Purpose**

It is the purpose of these Improvement Standards to set design and construction standards for public and private works under the jurisdiction of the County of Nevada in order to provide for the coordinated development of facilities to be used by and for the protection of the public. These Nevada County Road Standards shall set the guidelines for the design, plan preparation and construction of roads, drainage and related improvements. These Nevada County Road Standards are not meant to apply to work within any other governmental jurisdiction's highways, streets, or roads unless adopted separately or by reference by that jurisdiction. These Nevada County Road Standards shall apply to applications deemed complete after February 15, 2021. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.08.020 Scope**

This Chapter shall be known as and may be referred to as "Nevada County's Road Standards" or "Road Standards". Unless modified by these Road Standards, design and construction shall be performed in accordance with the latest editions of the State of California, Department of Transportation's "Highway Design Manual", "Traffic Manual", "Standard Specifications" and "Standard Plans". References in the State Standards to State maintained roads shall be construed to apply to County roads unless different provisions are specified in these Nevada County Road Standards.

Any details of road construction not specifically included in these Road Standards, including the above-referenced State Standards, shall be designed in accordance with accepted engineering practice, subject to approval by the Engineer. The Board of Supervisors may adopt by separate Resolution "Nevada County Standard Drawings" or "Standard Drawings" for the purpose of delineating what constitutes accepted practices for those minor details of road construction not set forth in this Chapter, but necessary for complete design of improvements. The Standard Drawings, in supplementing the Road Standards, may also graphically depict said Road Standards, but shall not supersede them and in the case of conflict, the provisions of this Chapter shall prevail. All construction shall comply with the standards of this Chapter as supplemented by the Standard Drawings adopted by Resolution, unless a Petition for Exception, pursuant to 16.10.120, has been granted for a specific standard.



## A. PRECEDENCE

These Standard Specifications and Standard Plans, CALTRANS Standard Specifications and Plans, and any special provisions or supplementary documents are essential parts of Nevada County's Standard Specifications, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work.

Nevada County's Road Standards and Construction Specifications shall govern over CALTRANS' Standard Specifications and Plans in right-of-way under Nevada County's jurisdiction. Special provisions shall govern over both of these Standard Specifications in right-of-way under Nevada County's jurisdiction.

In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct. Detail drawings shall prevail over general drawings. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

## **Section 16.08.030 Definitions**

In these Standards, the intent and meaning of the terms that are used shall be defined in Section I of the State Specifications except as modified or added herein.

- A. **AVERAGE DAILY TRAFFIC, OR AVERAGE DAILY TRIPS ("ADT"):** The weighted average vehicle traffic or trips occurring during a twenty-four (24)-hour period on a weekday. The future ADT shall be computed using the sum of the existing traffic, plus any additional traffic generated from land uses allowed under the County's General Plan and Zoning Provisions of this Code. A vehicle trip is a single or one-direction vehicle movement.
- B. **COLLECTOR ROAD:** An urban road connecting principal and minor arterial roads to local roads. Equivalent in function to a (rural) major collector road.
- C. **CONSULTING ENGINEER:** Any person or persons, firm, partnership or corporation legally authorized to practice engineering in the State of California. For the purpose of this Chapter, "Consulting Engineer" shall refer to an engineer retained by a project proponent or developer.
- D. **COUNTY:** The County of Nevada.
- E. **DEAD END ROAD:** A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.

- F. DEPARTMENT: The Nevada County Department of Public Works. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- G. DEVELOPER: Any person or persons, firm, partnership, corporation or combination thereof financially responsible for the improvements.
- H. DIRECTOR: The Director of the Department of Public Works of the County of Nevada. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- I. DRIVEWAY: A vehicular access constructed pursuant to Title 4, Fire Safety Regulations, of the County of Nevada Code, that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- J. ENGINEER: The Director of the Department of Public Works of the County of Nevada or their designee. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- K. FIRE STANDARD ACCESS ROAD: Minimum standard road for new construction. A Fire Standard Access Road serves more than two(2) parcels with no more than two (2) dwellings on each, and any number of accessory buildings.
- L. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- M. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- N. HAMMERHEAD/T: A road or driveway that provides a “T”-shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.
- O. IMPROVEMENT: Work performed in accordance with these Road Standards.
- P. INTERSTATE HIGHWAYS AND FREEWAYS: Limited access highways.
- Q. LABORATORY: Any testing agency or testing firm which has been approved by the Department.
- R. LOCAL ROAD: A road that functions primarily to provide access to individual properties.
- S. MAJOR COLLECTOR ROAD: A (rural) road connecting local roads and (rural)

minor collector roads to arterial roads.

- T. MINOR ARTERIAL ROAD: A road providing primary access from freeways and principal arterials to major origins and destinations.
- U. MINOR COLLECTOR EQUIVALENT LOCAL ROAD: A local road that is projected to serve a buildout volume in excess of 2,000 Average Daily Trips but is not classified as a minor collector on the General Plan Circulation Plan Map.
- V. MINOR COLLECTOR ROAD: A rural road connecting local roads to major collector and arterial roads
- W. PRINCIPAL ARTERIAL ROAD: A road carrying some regional traffic and connecting the major population centers within the County or immediate counties.
- X. PROJECT: The proposed improvements by the County or others.
- Y. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. Tit. 14§ 1270.01 (c).
- Z. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes under the jurisdiction of the County of Nevada.
- AA. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.
- BB. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- CC. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- DD. SPECIAL CIRCUMSTANCES: Unusual circumstances not covered by these Road Standards which require additional specific review and evaluation by the Engineer in order to determine appropriate design standards.
- EE. SPECIAL PROVISIONS: Specific clauses setting forth conditions or requirements peculiar to the work and supplementary to these Road Standards.
- FF. SPECIFICATIONS: The directions, provisions and requirements contained in these

Road Standards.

- GG. **STANDARD DRAWINGS:** The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors.
- HH. **STATE SPECIFICATIONS:** Shall mean the latest edition of the State of California, Department of Transportation (CALTRANS) Standard Specifications and Standard Plans, the CALTRANS Highway Design Manual, and the CALTRANS Traffic Manual.
- II. **TELECOMMUNICATION:** Refers to data, voice, video or other information provided by wire, fiber optic cable or other technology.
- JJ. **TRAFFIC LANE:** The portion of a roadway that provides a single line of vehicle travel.
- KK. **TURNAROUND:** A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.
- LL. **TURNOUT:** A widening in a road or driveway to allow vehicles to pass. Minimum twelve (12') feet wide and thirty (30') feet long with a twenty-five (25') foot taper on both ends.
- MM. **VERTICAL CLEARANCE:** The minimum specified height of a bridge or overhead projection above the roadway. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

## **CHAPTER 9: ROAD STANDARDS, GENERAL REQUIREMENTS**

### **Sections:**

<b>Section 16.09.010</b>	<b>Grading</b>
<b>Section 16.09.020</b>	<b>Work in County Rights-of-Way</b>
<b>Section 16.09.030</b>	<b>Other Agency Notifications</b>
<b>Section 16.09.040</b>	<b>Inspection Requirements</b>
<b>Section 16.09.050</b>	<b>Consulting Engineers' Certification</b>
<b>Section 16.09.060</b>	<b>Permits and Notices</b>
<b>Section 16.09.070</b>	<b>Testing of Materials</b>

### **Section 16.09.010 Grading**

All grading which is not subject to or done in conjunction with these Road Standards shall be done in accordance with Building Ordinances of this Code or the latest adopted encroachment permit procedures. (Amended by Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

### **Section 16.09.020 Work in County Rights-of-Way**

All work within the County rights-of-way shall be subject to the requirements of latest adopted Nevada County Encroachment Permit Procedures. Minor work within the rights-of-way may be performed without improvement plans, as defined herein, but is subject to the encroachment permit procedures. Minor work includes, but is not limited to, constructing standard driveway approaches, normal utility maintenance related work or minor structures such as signs, fences or walls. No work shall be done in the County rights-of-way without a traffic control plan approved by the Engineer.

### **Section 16.09.030 Other Agency Notifications**

The Consulting Engineer is responsible for obtaining the approval and necessary permits from governmental, municipal or district agencies when their facilities are involved.

### **Section 16.09.040 Inspection Requirements**

A. All improvements constructed under the requirements of these Standard Construction Specifications shall be subject to inspection during construction by the Department. The Consulting Engineer shall inspect and certify the construction (as required 16.09.050 of this Chapter). The Contractor shall submit to the Consulting Engineer a practicable progress schedule in accordance with Section 8, "Progress Schedule", State Specifications. Two (2) working days prior to the commencement of

work the Consulting Engineer shall submit the “Progress Schedule” to the Department. Each salient feature of work shall be inspected by the Consulting Engineer and approved by the Department prior to proceeding to subsequent salient features of work.

B. When the improvements are completed, the Contractor shall request a final inspection by the Department and the Consulting Engineer (as required per 16.09.050). The Department shall inspect the work and notify the Contractor, the Consulting Engineer and the Developer of any defects or deficiencies to be remedied. At such time as these defects or deficiencies are corrected or completed in accordance with the plans or as specified by the Department, the Department shall recommend acceptance of the work to the Nevada County Board of Supervisors.

C. Fees for inspection of improvements shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

#### **Section 16.09.050 Consulting Engineers’ Certification**

All improvements required to be constructed as a condition of approval shall be inspected during construction by the Consulting Engineer. Upon completion of a salient feature(s) of the work, the Consulting Engineer shall notify the Department, in writing, certifying that the improvements were constructed in accordance with the approved plans and specifications. The Department will then schedule inspection(s) in accordance with Section 16.09.040, above.

#### **Section 16.09.060 Permits and Notices**

The Developer or Developer’s Agent shall be responsible for insuring that all necessary permits have been obtained and all required notices have been given prior to commencement of work, including:

- A. An approved set of plans shall be available at the project site at all times during the work, and the Department shall be notified as required by this section.
- B. All utility companies affected by the project shall be notified in advance of the work.
- C. “Underground Service Alert” phone number 811(also known as Call-Before-You-Dig) shall be notified at least two (2) working days in advance of any excavation.
- D. The Contractor shall be responsible for receiving rights-of-entry for any work done on private property or in non-public easements.

## **Section 16.09.070 Testing of Materials**

Testing of all materials utilized in work performed under these standard construction specifications shall conform to the requirements and methods for testing of the California Department of Transportation and their standard specifications. All materials must meet minimum specifications. Where testing may be allowed to be performed by the Consulting Engineering or authorized laboratory, signed copies of the test results shall be submitted to the Department within forty- eight (48) hours or prior to commencement of a subsequent salient feature of work. Test results shall show clearly the names of the individual and firm performing the tests, as well as the project name, the dates of sampling and testing, origin of the sample and the actual results of the test. The test result shall also indicate whether the test result met minimum specification for the material as well as any corrective action by the Contractor and any retest by which the material was found to be in compliance. The Department reserves the right to verify test results.

## **CHAPTER 10: ROAD STANDARDS, ROAD DESIGN STANDARDS**

### **Section:**

<b>Section 16.10.010</b>	<b>General</b>
<b>Section 16.10.020</b>	<b>Road Classification</b>
<b>Section 16.10.030</b>	<b>Construction of Major Roads</b>
<b>Section 16.10.040</b>	<b>Design Geometrics</b>
<b>Section 16.10.050</b>	<b>Structural Section Design</b>
<b>Section 16.10.060</b>	<b>Signing</b>
<b>Section 16.10.070</b>	<b>Curb, Gutter and Sidewalk</b>
<b>Section 16.10.080</b>	<b>Bikeways</b>
<b>Section 16.10.090</b>	<b>Snow Stakes</b>
<b>Section 16.10.100</b>	<b>Snow Storage Easements</b>
<b>Section 16.10.110</b>	<b>Maintenance Agreements</b>
<b>Section 16.10.120</b>	<b>Petition for Exception</b>

### **Section 16.10.010 General**

The following standards for the design of roads represent the minimum values or the lowest acceptable limit in design of roads. These standards apply to both public and private construction. In cases where California State Laws, Nevada County Codes, Resolutions or Ordinances or Project Conditions of Approval provide for more stringent standards than those shown herein, the more restrictive standard shall prevail. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.020 Road Classification**

Roadways within Nevada County are designated by a functional classification system. Minimum road design standards are based upon the classification of the road or roads being constructed or improved. Roads functionally classified as Minor Collector or greater may be constructed to a standard of a lesser classified road when it can be demonstrated to the Director's satisfaction that the minimum level of service (LOS) criteria of the Nevada County General Plan can be met for the street or road in question at buildout of the General Plan. Routine repair, maintenance, and safety enhancement projects are exempted from strict compliance with these standards.

#### **A. GENERAL PLAN CLASSIFICATIONS**

Interim Classification Map, Until final adoption by the Nevada County Board of Supervisors of the revised Nevada County General Plan, the 1992 Functional Classification Map approved by the Federal Highway Administration (FHWA) on September 8, 1993, shall be the map referred to by the following paragraph. Upon final



adoption of the Nevada County General Plan that map will be superseded by the Nevada County General Plan Land Use and Circulation Maps. The FHWA maps served as a basis for the recommended classification of County roads in the Nevada County General Plan. Upon final adoption of the General Plan, requests will be submitted to amend the FHWA Maps to be consistent with the Nevada County General Plan.

Regionally significant roads are classified by the General Plan or addendum to the General Plan. These roads are identified on General Plan or specific plan maps or other descriptions. Some of these roads may be maintained by the state or by the cities.

1. Interstate Highways and Freeways. Limited access highways (e.g., Interstate 80 and the Golden Center Freeway).
2. Principal Arterials. Roadways carrying some regional traffic and connecting the major population centers within the County (e.g., State Route 49 south of Grass Valley and State Route 20 west of Grass Valley).
3. Minor Arterials. Roadways providing primary access from freeways and principal arterials to major origins and destinations (e.g., Nevada City Highway, Brunswick Road and State Route 174).
4. Collectors (Major and Minor). Streets connecting arterials to local roads. Collectors are broken down into the subcategories of Major and Minor in the rural area of the County (e.g., [Urban] Collector, Sutton Way; [Rural] Major Collector, Alta Sierra Drive; [Rural] Minor Collector, Norlene Drive).
5. Local Road Classifications. The classification of roads not classified as Minor Collector and above by the General Plan Circulation Map is Local Road. These roads function primarily to provide access to individual properties. The standard to which these roads are to be constructed is determined by the type and intensity of the adjacent land uses. The class of local road will be determined by the estimated future Average Daily Traffic (ADT). The future ADT shall be computed using the sum of existing traffic, plus any additional traffic generated from land uses allowed under the County's current General Plan and the title 12, Zoning, of this Code. For the purpose of implementing the General Plan, local roads can be broken into the following subcategories:
  - a. Minor Collector Equivalent (Local Class 3) Road: Serves a buildout volume in excess of 2,000 Daily Trips (A.D.T.) and is constructed to the same standard as those roads classified as Minor Collector on the General Plan Circulation Plan.
  - b. Local Class 2: Serves a buildout volume of 401 to 2,000 Average Daily Trips (A.D.T.).
  - c. Local Class 1: Serves a buildout volume of 101 to 400 A.D.T.

- d. Fire Standard Access Road: Is the minimum standard for access to a driveway for new construction and serves a maximum of 100 A.D.T.

## B. FUTURE TRAFFIC GENERATION

Future traffic generation from allowed land uses will be based on the trip generation factors in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless specific local studies have been conducted and accepted for conditions unique to Nevada County. In the case of uses not specifically listed in the ITE Trip Generation Manual or for which local studies have not been conducted, the most similar use will be used.

The Chart on the following page summarizes the above Classifications.

**TABLE I**

### NEVADA COUNTY ROAD CLASSIFICATION SYSTEM

<b>Functional Classification</b>	<b>Jurisdiction</b>	<b>Criteria</b>	<b>Example</b>	<b>Purpose</b>
Interstate	State	See Purpose	I-80	Limited access highways carrying regional and interstate traffic
Other Freeways or Expressways	State	See Purpose	Golden Center Freeway	Limited access highways carrying regional traffic
Other Principal Arterials	State	See Purpose	SR 49 South of Grass Valley	Major roadways providing access from rural to urban areas and access to freeways

<b>Functional Classification</b>	<b>Jurisdiction</b>	<b>Criteria</b>	<b>Example</b>	<b>Purpose</b>
Minor Arterial	State, County or City	See Purpose	Nevada City Hwy., SR 174	Streets providing through service to industrial and commercial areas and between cities and/or providing access to highways and freeways
Collector (Urban)	County or City	See Purpose	Sutton Way	Serves high density urban, industrial or commercial areas
Major Collector (Rural)	County	See Purpose	Alta Sierra Dr.	Roads that collect traffic from minor collectors and local roads

Minor Collector (Rural)	County	See Purpose	Bitney Springs Road	Roads that collect traffic from local roads and individual parcels
Local Class 2	County	401-2000 ADT	Jones Bar Rd.	Roads whose primary purpose is to provide access to individual properties
Class 1	County	101-400 ADT	Augustine Road	Roads whose primary purpose is to provide access to individual properties
Fire Standard Access Road	County	Up to 100 ADT		Minimum standard vehicular access to a driveway for new construction
Driveway	County	Up to 2 parcels		Minimum standard vehicular access to a dwelling. See Title 4: Fire Safety Regulations, Nevada County Code, for complete driveway specifications

(Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.030 Construction of Major Roads**

When a subdivider is required to provide as an improvement a road functionally classified as a Minor Collector or greater within or adjacent to their development, the right-of-way shall conform to the width and alignment standards contained herein for functionally classified roads. Oversizing of improvements may be required due to the eventual capacity needs of cumulative growth beyond the infrastructure needs generated by an individual project. Such oversized improvement may be subject to a reimbursement agreement pursuant to Sections 16.10.020 and 16.10.050 of this Chapter. If the project needed to accommodate cumulative growth is contained within the list of projects upon which development fees are based, credit towards an individual project's development fees may be given in lieu of entering into a reimbursement agreement for the oversized improvement. All construction, including cut and fill slopes, shall be contained within the right-of-way offered for dedication.

#### **A. OFFSITE ACCESS**

The subdivider shall provide proof of adequate offsite right-of-way. Adequate offsite right-of-way is defined as the legal right of the developer and his assignees to use of a road that is of sufficient width to contain the entire road prism (including cut and fill slopes) which is required under this Chapter and which provides access to a County road or State highway. When the parcels being created are less than three (3) acres in size, the

subdivider shall improve offsite County roads to a minimum of the local class road standard appropriate to the project based on the future ADT. In the case that an existing offsite County maintained access road is not within the Nevada County Department of Public Works Five Year Road Capital Improvement Program for upgrading to be adequate in capacity to accommodate the additional traffic to be generated by a specific project, the developer shall be responsible for upgrading the offsite County road to the standard appropriate to the existing traffic plus the traffic calculated to be produced by the project. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

#### **B. EXISTING COUNTY ROADS**

The subdivider shall surface existing onsite County roads in accordance with the standards based on the traffic that will be generated by the subdivision. The minimum road prism, including cut and fill slopes, to be constructed shall be that standard appropriate to accommodate cumulative growth and shall be subject to the oversizing provisions as discussed above under “Construction of Major Roads”.

#### **C. STREET EXTENSIONS**

Streets which are to be extended in the future are not required to be constructed providing they do not exceed one (1) lot in depth and provided all lots adjacent to such streets have adequate frontage on and access to another street. Right-of-way and slope easements sufficient for construction shall be provided. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.040 Design Geometrics**

#### **A. DESIGN WIDTHS AND SPEEDS**

The minimum design widths, speeds and other major design criteria for road construction are as follows in the chart on the following page. Further details are provided in the County’s Standard Drawings which supplement this Chapter.

**TABLE II**

### **NEVADA COUNTY STANDARD SPECIFICATION SUMMARY CHART**

[illegible]

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 75,000 lb. vehicle with a minimum six (6") inch A.B. compacted to ninety-five percent (95%) with subgrade compacted to ninety-five percent (95%).

Note 3: Driveway standard specifications are contained in Title 4 of the Nevada County 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 ten percent (10%) will require minimum three-inch (3") A.C. surface (Section 16.10.040[C])

Note 6: All roads shall be constructed to provide a minimum of a two (2) ten (10') foot traffic lanes, not including shoulder and striping.

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. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

## B. HORIZONTAL ALIGNMENT

Changes in horizontal alignment of roads shall be made with horizontal circular curves with the edges of the pavement parallel to and equidistant from the centerline. Design of the horizontal alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in accordance with the appropriate design speed. Unless otherwise approved by the Engineer, the centerline of the road improvement shall coincide with the right-of-way centerline or other previously approved alignment.

## C. VERTICAL ALIGNMENT

Grade changes in the vertical alignment greater than two percent (2%) shall be designed with parabolic vertical curves. The maximum grade, unless otherwise specified or approved by the Engineer, is ten percent (10%) below 3,500-foot elevation and eight percent (8%) above 3,500-foot elevation. The maximum grade without an Exception shall be sixteen (16%). The minimum grade for all classes of roads is one-half percent (0.5%). The design of the vertical alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in

accordance with the appropriate design speed.

The minimum vertical curve data to be complete and shown on the improvement plans shall identify the point of intersection elevation, the tangent gradients, the middle ordinate and the length of curve.

The minimum length of a vertical curve shall be one hundred (100') feet.

#### D. ROSS SLOPE DESIGN

The standard cross slope for all roads shall be two percent (2.0%), sloping both directions from the "crown" or highpoint at the centerline towards road edge. Any deviation from this standard requires prior approval from the Engineer.

Superelevated cross sections in horizontal curves shall have a maximum rate of superelevation of six percent (6%) for roads below 3,500 elevation. For roads at elevation 3,500 or above, the maximum rate of superelevation shall be four (4%).

#### E. INTERSECTION DESIGN

Intersecting roads shall not exceed six percent (6%) grade for a minimum of thirty (30') feet from the edge of the traveled way of the intersecting road.

All roads shall intersect as nearly as possible at right angles, but in no case shall the angle of intersection be less than sixty (60) degrees.

Roads intersecting any road from opposite sides shall have their centerlines directly opposite, or the offset between intersections shall be a minimum of one hundred fifty (150') feet.

Minimum sight distances for intersections shall be designed to meet all standards as shown in the Nevada County Standard Drawings, Required Sight Distance at Intersection/Driveways.

#### F. CURVE WIDENING

No road or roadway structure shall have an inside radius of less than fifty (50) feet. In cases where the centerline radius of a road is less than or equal to two hundred (200') feet, the inside edge of pavement shall be widened by four (4') feet. In cases where the centerline radius is one hundred (100') to two hundred (200') feet, the inside edge of pavement shall be widened by two (2') feet.

#### G. ADDITIONAL RIGHTS-OF-WAY

The advisory agency may require additional rights-of-way to accommodate traffic or parking on business or major traffic streets. The advisory agency may also require right-of-way for non-vehicular traffic (i.e., bikeway, equestrian path, foot path, if the right-of-way is shown on an adopted master plan or specific plan).

#### H. SLOPE EASEMENTS

Slope easements shall be provided wherever they are needed to contain the cut or fill slopes. The slope easement line shall be set at the toe of the fill or top of the cut plus ten (10') feet.

#### I. CUL-DE-SAC

Roads that dead end or transition to a driveway or non-standard road shall be terminated with a bulb-shaped cul-de-sac at the point where the road ends or transitions as shown in Standard Drawings. Cul-de-sacs shall have a minimum forty (40') foot radius surfaced bulb, measured from the center of the bulb to the edge of the surfacing if parking is not allowed on the road. If parking is allowed on the road, a minimum fifty (50') foot radius surfaced bulb shall be provided. Said surfacing shall be the same as required for the terminating road.

Hammerhead turnaround designs may be utilized subject to approval by the Engineer for local class roads when unusual topographic or other conditions prevent cul-de-sac construction. If a hammerhead-T is used, the top of the "T" shall be a minimum of sixty (60') feet in length.

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 (1) acre 800 ft.

Parcels zoned for one (1) acre to four and ninety-nine one-hundredths (4.99) acres 1320 ft.

Parcels zoned for five (5) acres to nineteen and ninety-nine one hundredth (19.99) acres 2640 ft.

Parcels zoned for twenty (20) acres or larger 5280 ft.

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest



allowable length shall apply.

For parcels zoned for five (5) acres or larger, turnarounds shall be provided at maximum 1,320-foot intervals.

Each dead-end road, including gated access roads, shall have a turnaround constructed at its terminus.

## J. UTILITIES PLACEMENT

1. In no case shall utility poles, light standards, guy wires, etc. be placed closer than six feet (6') to the edge of the traveled way. Manhole covers, grates, valve boxes, etc. shall be set so as not to interfere with snow removal.
2. New utilities shall be located as follows:
  - a. Water – three (3') feet from edge of pavement on the north or west side of the road;
  - b. Sewer – five (5') feet from the road centerline on the south or east side of the road;
  - c. Storm Drains – five (5') feet from the road centerline on the north or west side of the road;
  - d. Joint trenches, telecommunications and other utilities – either side of the road and at least six (6') feet from the centerline of roadside ditches.
3. Telecommunication Requirements - The installation of conduit for telecommunication purposes is required for all Capital Improvement Projects, development projects and Encroachment Permit work that includes any of the following:
  - a. All new arterial/collector road and bridge construction.
  - b. All new subdivision roads where underground utilities are required.
  - c. Arterial/Collector road reconstruction/widening involving reconstruction of the base and/or subbase on sections of a road spanning: 1) between two (2) road intersections or more; or 2) 1,000 feet in length or more.
  - d. Bridge reconstruction.
  - e. Trench work on arterial/collector roads spanning: 1) between two (2) road intersections or more; or 2) 1,000 feet in length or more.

An exception may be granted in writing by the Director per the following:

- a. Capital Improvement Projects: Separate alternative bid items will be required for all projects where telecommunication conduit is required per the above. If funding is not identified from the County or others upon award of a construction contract or upon commencement of the work by the County, an exception may be granted.

- b. Development project, non-County maintained road and/or Encroachment Permit work: An applicant may request funding from the County for the cost to construct telecommunication conduit if other funding sources are not available, less any costs shared by other utilities. Requests must include the associated project name, associated County permit numbers, an engineer or contractor estimate with a separately identified cost for construction of conduit for telecommunication use, the amount requested and any additional pertinent information. Approval of funding from the County will require Board of Supervisor approval of a funding agreement. In addition, an applicant may request to install conduit on other roads (other than arterials and collectors) for County consideration.
- c. Any location where trenching is not advisable per a stamped and signed report from a licensed Geologist, Geotechnical Engineer or Civil Engineer.

Conduit for telecommunication purposes shall be a minimum of four-inch (4") HDPE constructed per County trench backfill requirements with pull boxes every 250 feet. Telecommunication conduit must be constructed in road right-of-way or in Public Utility Easements or equivalent and may be constructed in joint trenches with other dry utilities. Completed telecommunication conduits must be granted to a telecommunication company or the County of Nevada.

#### K. ONE-WAY ROADS

One-way roads may be permitted subject to the approval of the Engineer. In no case shall one-way roads serve more than ten (10) dwelling units or exceed 2,640 feet in length. Standard one-way road structural sections are as shown on the Nevada County Standard Specifications Summary Chart. The surfacing requirements for one-way roads shall be the same as for the overall project of which they are a part. One-way roads shall serve only one direction of traffic and shall be signed appropriately and to the satisfaction of the entity responsible for fire protection. One-way roads shall connect on both ends to a two-way road.

#### L. MINIMUM VERTICAL CLEARANCE

The minimum vertical clearance over all roadways shall be fifteen (15') feet.

#### M. GATES ON ACCESS ROADS

1. Gate entrances shall be at least two (2') feet wider than the width of the traffic lanes serving the gate and shall have a minimum gate opening of fourteen (14') feet.
2. All gates providing access from a road to a driveway or another road shall be located

- at least thirty (30') feet away from the primary road right-of-way or easement and shall open to allow a vehicle to stop without obstructing traffic on that primary road.
3. All gates installed on emergency access roads after May 14, 2010 shall be subject to the following provisions:
    - a. At no time shall a gate on an emergency access road be locked.
    - b. The following standard signage shall be required on all gates on emergency access roads: "Emergency Access Only. This Gate Shall Remain Unlocked."
    - c. Pursuant to the enforcement powers established by the Nevada County Code 16.15.030 and 16.15.040, the County, or an agent of the County, reserves the right to remove locks from gates or to remove other encumbrances, including but not limited to boulders, ditches, and berms, that inhibit the use of an emergency access road for its intended purpose.
  4. All gates installed prior to May 14, 2010, shall be subject to the legal requirements, standards and/or conditions that were applicable at the time of original approval and installation.
  5. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

#### **Section 16.10.050 Structural Section Design**

##### **A. MINIMUM STRUCTURAL SECTION STANDARDS ACCORDING TO ROAD CLASS AND PARCEL SIZE**

Streets within the parcel(s) being developed and offsite non-county maintained access to the parcel(s) are to be brought/constructed to the minimum structural section condition indicated in the following table for the classes of streets within the parcel and the offsite access street and the parcel size being created. Higher standards are required if dictated by the projected traffic from the project.

**TABLE III**

#### **MINIMUM SURFACING STANDARDS BY PARCEL SIZE AND FUNCTIONAL CLASSIFICATION**

<b>Parcel Size Acres</b>	<b>Fire Standard Access Rd &lt;100 ADT Note 2</b>	<b>Local Class 1 101-400 ADT Note 1</b>	<b>Local Class 2 401-2000 ADT Note 1</b>	<b>Collector Minor &gt;2000 ADT Note 1</b>	<b>Collector Major &amp; Urban</b>	<b>Arterial Minor</b>	<b>Elevation</b>
0-2.999	N/A	N/A	3"A.C./8"A.B.	3"A.C./8"A.C.	Engineered Design	Engineered Design	
3-4.999	6" A.B. plus improve. Plans and Right-of-Way	3"A.C./6"A.B. 3"A.C./8"A.B.	3"A.C./8"A.B.	3"A.C./8"A.B.	Engineered Design	Engineered Design	<3500' >3501'
5-9.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	3"A.C./8"A.B.	Engineered Design	Engineered Design	
10-39.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. plans and Right-of-Way	
40 UP	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	

Note 1: Minimum requirements. Actual structural section design to be based on "R" value and "T.I."

Note 2: six inches ( 6") A.B. = 6" A.B. at ninety-five (95%) compaction over subgrade compacted to ninety-five ( 95%). If grade exceeds ten percent (10%), surface shall be three inch (3") A.C. over six inch (6") A.B. Higher Standards are required if dictated by projected traffic from project.

## B. STRUCTURAL SECTION DESIGN

The structural section design shall be based on the R-value of the underlying material, with the minimum structural sections as shown above and on the Standard Drawings. The location of R-value tests within the project area shall be selected so as to provide representative samples for the entire project area. Additional testing may be required in specific soil areas as directed by the Engineer.

C.           AGGREGATE BASE (AB) OR BASE

Class 2 Aggregate Base is aggregate base in conformance with the provisions of Section 26, “Aggregate Bases” of the CALTRANS Standard Specifications.

D.           DOUBLE SEAL

Double seal coat is seal coat in conformance with the provisions of Section 37, “Bituminous Seals” of the CALTRANS Standard Specifications.

E.           ASPHALT CONCRETE (AC) PAVING OR PAVEMENT

Type B asphalt concrete is asphalt concrete in conformance with the provisions of Section 39, “Asphalt Concrete” of the CALTRANS Standard Specifications. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

**Section 16.10.060 Signing**

Sign type and location shall conform to the following:

A.           STREET SIGNS

Street signs shall be of the type and size as shown in the Nevada County Standard Drawings. A street sign installation with four sign plates on each post is required at each intersection. The location of street sign installations shall be shown on the improvement plans.

B.           TRAFFIC SIGNS

Stop signs, speed limit signs and other traffic control signs shall be of the size and type and shall be installed in locations that are in conformance with the State of California, Department of Transportation Traffic Manual and as required and approved by the Engineer. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

**Section 16.10.070 Curb, Gutter and Sidewalk**

A. Curb, gutter and/or sidewalk shall be installed adjacent to all road improvements where required by Ordinance, Resolution or as a Condition of Approval for the project. Type E rolled curb and gutter and the sidewalk adjacent to the curb and gutter shall be placed upon a layer of Class 2 aggregate base compacted to ninety-five (95%) percent relative compaction. The depth of the aggregate shall be thick enough so that when combined with the concrete above the resulting structural section is equivalent to that of the adjoining roadway. In no case shall the depth of Class 2 aggregate be less than two (2") inches.

B. Type A2-6 curb and gutter shall be placed upon a layer of Class 2 aggregate base as described for Type E rolled curb and gutter except that the sidewalk adjacent to Type A2-6 curb and gutter need not be placed upon aggregate base, provided that the subgrade is compacted to ninety five (95%) percent relative compaction. All curb, gutter and sidewalk shall be constructed in accordance with the latest edition of the State of California, Department of Transportation Standard Plans and Section 73, "Concrete Curbs and Sidewalks" of the Standard Specifications.

C. In areas above the 3,500 foot elevation, Type E rolled curb and gutter shall be constructed (see CALTRANS Standard Plans).

D. The minimum width for all sidewalks shall be four (4') feet except as otherwise specified or required.

E. Sidewalks shall be six (6') feet wide at bus turnouts and at signalized intersections. Where utility poles or other obstructions are situated within street-side sidewalks, a minimum of four feet of clear uninterrupted sidewalk area shall be provided. Where it is necessary to widen the sidewalk beyond the standard width to obtain the four (4') foot clearance, the widened area shall extend a minimum of five (5') feet beyond each side of the obstruction and a ten (10') foot taper on each side of the widening shall be required.

F. All construction shall comply with the Americans With Disabilities Act of 1990 (42 U.S.C.S. Secs. 12101, et seq.). (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.080 Bikeways**

All bikeways shall be constructed in locations designated by and designed in conformance with the Nevada County Bicycle Master Plan and the CALTRANS Highway Design Manual, Chapter 1000, "Bikeway Planning and Design." (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.090 Snow Stakes**

Snow stakes shall be provided and placed by the Department where applicable. The Developer shall be responsible for payment to the Department for this service on a one-time-only basis. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.100 Snow Storage Easements**

Snow storage easements shall be provided in subdivisions above 3,500 feet elevation and shall be ten (10') feet wide on both sides of the road right-of-way. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

### **Section 16.10.110 Maintenance Agreements**

If the roads constructed within a subdivision are to remain private, then a maintenance entity shall be formed to insure continued maintenance on the road system. Maintenance of the road system shall include maintenance of the fuel modification zones and minimum vertical clearances. The entity shall be formed in accordance with the Standard Maintenance Agreement on file in the Department of Public Works. The subdivider may be required to annex to an adjacent existing maintenance entity. (Ord. 2488. (01/12/2021); Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

### **Section 16.10.120 Petition for Exception**

Modification of the required standard, except as provided within this Chapter, for the construction of specific roads shall follow the petition for exception process as specified in Section governing Subdivisions of this Code. Otherwise, the Advisory Agency, in the case of petitions for exceptions from the Road Standards, shall be required to make findings of fact in support of the following in addition to those findings of fact specified in Section governing Subdivisions.

That an exception to any Fire Safe Standard, including those standards adopted by Title 4, governing Fire Safety Regulations of this Code and the Chapter governing Fire Standard Access Road improvements, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Code Regs. Tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Subchapter 2, Articles 1-5.

The same practical effect can be met in some cases by incremental improvements of offsite access roads proportional to the intensity of development proposed.

It is intended that every effort be made to grant a petition for exception that includes

feasible road improvement requirements for tentative parcel maps for living persons, or the testamentary disposition of deceased persons, who owned their property prior to March 4, 1972. The Board finds that such property owners have contributed significantly to the public trust through open space conservation by avoiding development of their property in prior years.

All requests for design exceptions shall be reviewed and approved by the County Engineer. In the case of requests for design exceptions for privately funded improvement projects, the Advisory Agency shall take action on the recommendation of the County Engineer and the findings for or against the exception shall be noted in the finding of facts either approving or denying the petition. All Petitions for Exceptions shall contain, at a minimum, the information requested on a Design Exception Information Form to be provided by the Department. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2161. (10/05/2004); Ord. 2531. (10/24/2023))



## **CHAPTER 11: ROAD STANDARDS IMPROVEMENT PLANS**

### **Sections:**

<b>Section 16.11.010</b>	<b>General</b>
<b>Section 16.11.020</b>	<b>Tentative Map Approval - Improvement Plans, Inspection, Completion, Accept</b>

### **Section 16.11.010 General**

Improvement plans, specifications and cost estimates prepared for all proposed private and public road, drainage and related improvements, including any necessary dedications, easements and rights-of-entry, shall be submitted to the Department of Public Works for approval. Approval, substantiated by the signature of the Engineer, is required prior to the beginning of construction of any such improvements. The Engineer shall order work to cease on any project if the contractor does not have approved plans in their possession. Enforcement/appeal of the stop work notice shall be as outlined in 16.15 of this Chapter. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

The fees for the Department's review of the plans shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

#### **A. REFERENCE TO STANDARDS**

The general notes and special provisions of all plans shall include the following note:

“All construction and materials shall be in accordance with the latest edition of the County of Nevada Standard Construction Specifications.”

#### **B. PLAN REQUIREMENTS**

Two (2) sets of plans, complete and in accordance with these Road Standards, along with any required specifications, computations, test data, cost estimates and other material requested by the Engineer shall be submitted to the Department for review.

The drafting of the plans must be heavy and large enough (hand lettering 1/8-inch minimum size, CAD lettering 1/10-inch minimum) to produce clear, sharp prints from microfilmed copies.

One (1) copy of the reviewed plans with corrections required by the Engineer shall be returned to the Consulting Engineer. The required corrections shall be made to the original tracing and two (2) sets of the revised plans shall then be submitted to the Department along with the signature sheet for final review and signature. Any changes or additions to the plans other than those as required by the Department shall be highlighted or by some other means identified on the revised prints submitted by the Consulting

Engineering. When approved and signed, the Department will return the signature sheet to the Consulting Engineer. Throughout the project the consultant will supply the County with prints as required by the County. After the project is completed, the Consultant will supply the County with one reproducible set of “As-Built” drawings.

1. Standard Sheets and Scales: Improvement plans shall be prepared on plan and profile sheets twenty-four (24”) inches by thirty-six (36”) inches.

Scales shall be horizontal 1" = 20', 40' or 50', vertical 1" = 4', 8' or 10'.

Horizontal scale of plan and profile shall match.

2. Title Sheet: A title sheet for all plans shall be prepared showing the entire project complete with any district boundaries, city limits, street names, section lines and corners; and the location within the County.
3. The title sheet shall also include an index of the sheets, the date and scale of the drawing, and signature blocks for the Consulting Engineer and the approvals of the Engineer and other officials as required. Typical sections, construction details, etc. shall be placed elsewhere in the plans unless otherwise approved by the engineer.

Title Blocks: Each sheet shall have an approved title block showing the sheet title, number, scale, date, the Consulting Engineer's name and the name of the project. Samples may be obtained from the Department. The preferred location is across the bottom of the plan sheets.

4. Typical Sections: A typical section for each type of road or facility proposed within the improvement shall be included as part of the plan.
5. Right-of-way: Right-of-way lines, lot boundaries and numbers, drainage easements, utility easements, section lines and corners and temporary construction easements, both existing and proposed, shall be shown on the plans. All right-of-way and easement lines shall be properly dimensioned and labeled.
6. Topography: All pertinent topographic features which are affected by design or construction shall be shown. The tops of cuts and toes of fills shall be shown on the layout plans.
7. Profiles: The plans shall clearly show the existing and proposed profiles of all roadways, drainage ditches, storm drains and utilities. Curb returns and edge of pavement profiles shall be furnished for each intersection. Where driveways are to be built, profiles and work limits shall be shown on the plans.

Centerline stationing and elevations shall be shown at fifty (50) foot intervals. Vertical curve lengths and tangent gradients shall also be included, and all ground lines, ditches, gutters and pipes shall be shown by distinctive symbols and labeled.

8. Bench Marks: Bench marks and datum shall be clearly shown on the plans both as to location, description and elevation. The datum shall be 1929 Sea Level Datum (USGS or USC & GS).

When there are no existing USGS or USC & GS bench marks within one thousand (1000') feet of the project, the Consulting Engineer may use an assumed datum after obtaining approval from the Engineer. In all cases, permanent bench marks shall be placed on each project in sufficient number and durability and efficiently placed so as not to be readily disturbed to assure the perpetuation or facilitate reestablishment of the elevation of any point in the project. The location(s) of the permanent bench marks shall be shown on the plans.

9. Basis of Bearing: The location, description and relationship of monuments used for horizontal control shall be clearly shown on the plans with reference made to supporting recorded maps or unrecorded maps on file with the Department.
10. Stationing and Orientation: Insofar as practical, the plans shall be arranged such that the north arrow is pointed toward the top of the sheet. The stationing on the plan and profile shall read from left to right. Centerlines or right-of-way lines shall be labeled with linear, angular and radial data sufficient to determine their bearings and lengths and relationship to those monuments shown on the plans..
11. Cross-Sections: Cross-sections shall be submitted with the plans and prepared at fifty (50') foot intervals and more often where determined necessary by the Engineer. A cross-section at each culvert location and all existing or proposed driveway locations shall be shown. Cross-sections for roads shall be at ninety (90) degrees to, or radial with the centerline of the road.

The cross-sections shall be plotted on an appropriate scale on standard cross-section sheets. The roadway template shall be accurately plotted and properly stationed. Centerline elevations of the original ground and finish grade shall be shown and properly labeled. Right-of-way lines and slope easement lines shall be shown and labeled.

12. Required Notes: A list of notes required by the Department shall be clearly drafted onto the original plan drawings. These required notes are available on request from the Department of Planning. In addition, notes specifically required by the project's Conditions of Approval shall also be made part of the plans. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

13. Drainage List and Profiles: A drainage list shall be made part of the plans. The drainage list shall show the size, gauge, slope, length and type of all drainage structures to be placed on the project, including culverts, drainage inlets, pipes, headwalls, wingwalls, end sections, etc.

Drainage profiles shall be prepared and included as part of the plans. Each drainage profile sheet shall include the type, size, length, slope, invert elevations and location of culverts. Drainage appurtenances (headwalls, wingwalls, drainage inlets, etc.), all flowline elevations, existing ground lines and proposed finished grade shall be shown and properly labeled and/or dimensioned.

14. Superelevation Diagram: When superelevation is used, a diagram shall be drawn on the profile sheet. Superelevation diagrams shall be designed in accordance with the standards outlined in the CALTRANS "Highway Design Manual".

For superelevation through intersections, a separate plan and profile of the intersection shall be included. Cross slopes, elevations at drainage structures and flowline of drainage ditches or curb and gutter (if applicable) shall be shown and properly labeled.

#### C. CONFLICTS, ERRORS AND OMISSIONS

Excepted from approval are any features of the plans that are contrary to, in conflict with, or do not conform to any California State law, Nevada County Ordinance or Resolution, conditions of approval or generally accepted good engineering practice in keeping with the standards of the profession, even though such errors, omissions or conflicts may have been overlooked in the Department's review of the plans.

#### D. PLAN REVISIONS

No changes shall be made to the approved plans unless authorized by the Engineer. Should changes become necessary, the Consulting Engineer shall resubmit two (2) copies of the affected plan sheets with the authorized changes noted and dated in a revision block on the title sheet. The changes shall be identified by the revision number in a triangle delineated on the plans adjacent to the change. The proposed changes shall be reviewed by the Department and approved by the Engineer. The Engineer may order changes in the plans in order to complete the necessary improvements.

#### E. UTILITIES

All existing and proposed utilities shall be shown on the plans to the extent practical. The Consulting Engineer shall submit copies of both the preliminary and approved plans to the affected utility companies. The Developer or the Developer's agent is responsible for

obtaining approvals and necessary permits from utilities or other governmental agencies when required. The Department may condition approval of the plans upon receipt of proper permits from other agencies.

F. AS-BUILT PLANS

The Consulting Engineer or the developer's construction engineer shall keep an accurate record of all approved deviations from the plans and shall provide a reproducible set of plans to the Department upon completion of the work before final approval of the completed improvements.

G. ESTIMATES

An estimate of the cost of work, showing quantities and unit prices prepared by the Consulting Engineer, is required for all projects where the project proponents desire to enter into a Subdivision Improvement Agreement in accordance with Section 13.03.090, governing Subdivisions. Two (2) sets of computations showing how the quantities in the estimate were determined shall be furnished to the Department with the Improvement Plan submittal. Unit prices must be based upon the current approved prevailing wage schedule available at the Department.

**Section 16.11.020 Tentative Map Approval - Improvement Plans, Inspection, Completion, Acceptance**

In addition to the General Requirements for Improvement Plans, the following shall apply in the case of tentative map approval:

A. GENERAL

Following approval of the tentative map, the subdivider shall cause to be prepared and submitted for approval complete construction plans for the improvements required by this Chapter.

B. REQUIREMENTS

The plans shall be prepared under the direction of a registered civil engineer, licensed by the state of California, and shall show the complete plans, profiles and details for all street work, drainage channels and structures, retaining walls or other improvements to support cut slopes and embankments, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters, driveways, if constructed in conjunction with subdivision improvements, structures and drainage facilities to control slides, location of street lights, sanitary sewers and other improvements which may be required to complete

the work. If the plans include three (3) or more sheets, a key map showing the streets, lots, street names, storm drains, the area covered by each sheet of the plans, and a list showing the sheet numbers of the plans and of the profiles for streets and storm drains shall be included on the first sheet of the plans.

#### C. CHANGES

Requests shall be made by the subdividers or engineer for review of changes appearing necessary or desirable prior to or during construction and shall be submitted to the Department of Planning and shall be accompanied by four (4) sets of revised drawings showing the proposed revision. The Department of Planning shall review such requests and shall return one (1) copy of such drawing showing any corrections necessary for approval or notification of approval to the subdivider's engineer. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

#### D. REVIEW PREREQUISITE FOR FINAL AND PARCEL MAP APPROVAL

The review and signing of the improvement plans by the Department of Planning shall be a condition precedent to the approval of the final or parcel map for the subdivision by the Board of Supervisors when improvements are required. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

#### E. SUPPLEMENTARY PLANS AND DOCUMENTS

Supplementary plans and documents shall include grading plans, hydrology, hydraulic computations and structural computations as required.

#### F. INSPECTIONS REQUIRED

All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the Department of Transportation.

#### G. RIGHT OF ENTRY

The Department of Transportation shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this Chapter.

#### H. PRIOR WORK REJECTED

If any work on improvements is done by the subdivider prior to the approval of the improvement plans or prior to the inspection of the improvements as required by the

Department of Transportation, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

I. COMPLETION

1. General Requirements: The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable causes.
2. Delay - Penalty: Delay on completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the Board of Supervisors and the surety company, may result in forfeiture of the cash deposit and/or security, or a portion thereof, for the completion of the work.

J. ACCEPTANCE

1. Recommendation by Department of Transportation: When all improvement work required by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the Department of Transportation, the Department of Transportation shall notify the Board of Supervisors that such work has been satisfactorily completed and recommend the acceptance of the Board of Supervisors of the completed work.
2. Resolution Filing: Upon satisfactory completion of all work required to meet the requirements of this Section and its acceptance by the Board of Supervisors, the Board of Supervisors shall cause to be filed a resolution of acceptance.

## **CHAPTER 12: ROAD STANDARDS, STORM DRAINAGE**

### **Sections:**

<b>Section 16.12.010</b>	<b>Hydrologic Design</b>
<b>Section 16.12.020</b>	<b>Hydraulic Design</b>
<b>Section 16.12.030</b>	<b>Culverts</b>
<b>Section 16.12.040</b>	<b>Open Ditches</b>
<b>Section 16.12.050</b>	<b>Closed Conduit Storm Sewers</b>
<b>Section 16.12.060</b>	<b>Headwalls, Wingwalls, Endwalls and Trash Racks</b>
<b>Section 16.12.070</b>	<b>Easements</b>

### **Section 16.12.010 Hydrologic Design**

Watershed areas of six hundred forty (640) acres and less can be analyzed by the Rational Method. Watershed areas larger than six hundred forty (640) acres shall be analyzed utilizing the Soil Conservation Service (SCS) Unit Hydrograph Method or a method agreed upon by the Consulting Engineer and the Engineer prior to submitting the analysis to the Engineer for review.

The submittal of the improvement plans shall be accompanied by the drainage analysis consisting of a watershed area map and drainage design calculations (two (2) copies each).

#### **A. DESIGN STORMS**

Drainage design calculations shall show the calculations used to determine the hydraulic load for both the ten (10) year and one hundred (100) year design storms at each drainage facility. The specific design requirements are detailed in Sections 16.12.020 to 16.12.060.

#### **B. RATIONAL METHOD OF ESTIMATING PEAK RUNOFF**

1. **Time of Concentration.** The time of concentration is the time required for the runoff from the most remote point in the watershed to reach the point of concentration at which the flow is to be calculated. It is generally composed of two parts, the overland flow time (sheet flow) and the concentrated flow time.
  - a. **Overland Flow Time.** In undeveloped or lightly developed watersheds, the initial runoff is usually in the form of sheet flow. This overland flow time shall be determined using Standard Drawing D-8.
  - b. **Concentrated Flow Time.** Concentrated flow time is the time required for the water to flow from one point of concentration to the next. This flow may take place in a man-made or natural conveyance. The velocity chosen for use in this



calculation should accurately reflect the hydraulic conditions in the drainage system.

2. Rainfall Intensity. Rainfall intensities for the ten (10) year and one-hundred year storms shall be determined using Standard Drawings D-11 and D-12.
3. Runoff Coefficient. The runoff coefficient shall be chosen to reflect the ultimate development of the drainage area. This shall be based on the County's General Plan, the County's Zoning Maps and the Soil Conservation Service Soil Survey of Nevada County. The runoff coefficient shall be determined using Standard Drawing D-15.

#### C. UNIT HYDROGRAPH METHOD OF ESTIMATING PEAK RUNOFF AND VOLUMES

The Army Corps of Engineers' computer program, HEC-1, shall be used to calculate flow rates for all watersheds over 640 acres. The SCS method shall be the method used with HEC-1.

Copies of the HEC-1 program as well as technical support are available through private vendors. For a list of these vendors, contact the U.S. Army Corps of Engineers, Water Resources Support Center, The Hydrologic Engineering Center in Davis, California.

1. Lag Time. Lag time can be considered as a weighted time of concentration. It is discussed in detail in the Soil Conservation Service Publication SCS-TP-149.

The equation for calculating lag time is as follows:

$$L = 0.6tc$$

Where L = lag in hours

tc = time of concentration

2. Rainfall Duration-Depth. The rainfall duration-depth relationships to be used in unit hydrograph calculations are shown on Standard Drawings D-13 and D-14.
3. Loss Rate. Precipitation losses due to land surface interception, depression storage and infiltration shall be determined using SCS Curve Numbers. Hydrologic soil group information may be found in the "Soil Survey of Nevada County Area, California" published by the Soil Conservation Service. Curve numbers shall represent the ultimate development of the drainage area.

#### D. DRAINAGE AREA MAPS

A drainage area map shall be prepared to accompany all drainage calculations and shall reflect the following criteria:

1. All maps shall be of adequate scale to show a clear representation of the drainage conditions. Contours shall be shown and labeled throughout. Prominent features (roads, lakes, streams, etc.) shall be shown on the map.
2. All individual watersheds and subwatersheds shall be clearly defined with colored pencil shading and heavy lines delineating the boundaries.
3. Travel paths of all flow shall be clearly defined. Where concentrated flow exists, the type and dimensions of the conveyance shall be noted on the map. Where sheet flow exists, note this on the map.
4. Points of concentration for each structure shall be shown throughout. At each point of concentration, note the peak flow rates, generally the ten (10) and one-hundred year flows (Q10 and Q100).
5. The areas (in acres) of all individual watersheds and subwatersheds shall be noted on the map.
6. Rational Method "C" values or SCS Method Curve Numbers shall be shown for each watershed and subwatershed.
7. Unusual features: N.I.D. irrigation ditch spillways for discharging excess storm runoff, upstream drainage facilities discharging onto the project, etc. shall be shown including expected values for Q10 and Q100.

### **Section 16.12.020 Hydraulic Design**

Nevada County uses Manning's Equation to calculate friction losses and the pressure-momentum equations and energy equations to calculate junction or change in cross-section energy losses.

#### **A. MINIMUM FREEBOARD REQUIREMENTS**

<u>Facility</u>	<u>Freeboard (FT.)</u>	<u>From HGL to:</u>
Cross Culverts (Q10)	0	Top of Culvert
Cross Culverts (Q100)	0	Crown of Road
Closed Conduit Storm Drains (Q10)	1.0	Gutter Flow Line
Closed Conduit Storm Drains (Q100)	0	Top of Curb
Open Channels (Q10)	1.0	Top of Bank

Open Channels (Q100)	0	Top of Bank
Roadside Ditches (Q10)	0	Top of Bank
Roadside Ditches (Q100)	0	1/3 Travel Way
Curb and Gutter (Q100)	Shall inundate no more than 1/3 of the traveled way	
Bridges (Q100)	2.0	Lowest Member

## B. FRICTION LOSSES

The Mannings Equation shall be used to calculate friction losses for hydraulic profiles. The following Mannings “n” values shall be used:

<u>Facility</u>	<u>“n”</u>
Corrugated Metal Pipe	
Annular	0.210
Helical	0.180
Spiral Rib	0.120
Reinforced Concrete Pipe	0.014
High Density Polyethylene Pipe	
Corrugated	0.210
Smooth Wall	0.120
Concrete or Asphalt lined	
Ditches & Channels	0.150
Cast in Place	0.150
Precast	0.014
Earth Ditches and Channels	
Smooth Geometric	0.030
Irregular or Natural	Refer to Brater & King
“Handbook of Hydraulics”	
Patented Products	See Manufacturer’s
Specs	

## C. JUNCTION LOSSES

At points in the hydraulic profile where there is a change in the flow rate or conveyance geometry, the energy loss being experienced due to these changes and the corresponding change in water surface elevation shall be calculated using either the pressure-momentum

method or the energy equation method. The value of the loss coefficient, k, used in the energy equation shall be at the discretion of the consulting engineer and subject to the approval of the Engineer.

D. MINIMUM AND MAXIMUM VELOCITIES

<u>Facility</u>	<u>Minimum Velocity, fps</u>	<u>Maximum Velocity, fps</u>
Earth Ditches & Channels Concrete or Asphalt Lined	2.0	4.0 - 6.0
Ditches & Channels	2.0	14.0
Closed conduits	2.0	14.0

$V_{max} > 4.0$  fps subject to prior approval by Engineer.

Velocities exceeding 14 fps are special circumstances and criteria shall be established on a case by case basis to provide for protection from scour and unstable flow conditions.

E. DETENTION FACILITIES

Detention facilities are intended to reduce the peak discharge of a watershed by storing the excess flow in a reservoir and slowly releasing it back into the system after the peak of the storm has passed. Reservoir size and outlet configuration shall be designed using an inflow hydrograph computed using HEC-1. The required storage volume and outflow requirements shall be determined using a flood routing method established in the engineering profession as being acceptable. An example of an acceptable method is the Modified Plus Method.

All detention reservoirs shall be designed such that the water surface returns to its base elevation within twenty-four (24) hours of the end of the storm and shall be placed as required by the Engineer.

**Section 16.12.030 Culverts**

The following are minimum standards. They shall in no way relieve the consulting engineer from designing culverts to meet actual design conditions. All storm drainpipe intended for use within the roadway shall be checked for maximum allowable cover utilizing manufacturer's design values. The gauge or class of pipe shall be specified on the plans.

A. ROAD CROSS CULVERTS

Culverts crossing the roadway shall be adequate to carry the design flows. The culvert shall be reinforced concrete pipe, corrugated steel pipe, corrugated aluminum pipe or high-density polyethylene plastic pipe. The minimum culvert diameter shall be eighteen (18") inches when the culvert length does not exceed eighty (80') feet and twenty-four (24") inches when culvert length exceeds eighty (80') feet. The maximum spacing between cross culverts shall be five hundred (500') feet, and the maximum differential in elevation between successive cross culverts shall be twenty (20') feet unless otherwise approved by the Engineer.

All corrugated metal pipe (both steel and aluminum) shall be a minimum of twelve (12) gauge. All reinforced concrete pipe shall be a minimum of Class III. The minimum cover depth for all culverts shall be one (1') foot.

#### **B. DRIVEWAY CULVERTS**

Culverts crossing driveway entrances shall be adequate to carry the design flow and shall be of the materials specified in Section 16.12.030.A, above. Minimum pipe size shall be twelve (12") inches.

#### **C. CROSS CULVERT INLETS**

In cut areas with other than concrete curb and gutter, cross culvert inlets shall be installed as shown on Standard Drawing D-3, as required. Cross culverts in fill areas shall be provided with a flared end section (FES) as shown on Standard Drawing D-2, as required.

### **Section 16.12.040 Open Ditches**

All open drainage facilities shall be adequately protected from erosion by the use of an appropriate lining, and shall, as a minimum, meet the design criteria set forth in "Erosion and Sediment Control Guidelines for Development Areas of the Sierras", prepared by the High Sierra RC&D. Temporary and permanent drainage structures not specifically included in these specifications are "Special Circumstances."

#### **A. EXISTING DITCHES**

Unless justified within the calculations, all abrupt changes in alignment or profile and all underbrush and debris which seriously restricts the flow in existing ditches shall be regraded and improved. Such work shall be shown on the improvement plans. Unless previously approved by the Engineer, centerline curve radius of an open ditch shall be a minimum of thirty-five (35') feet.

#### **B. DIVERSION**

The diversion of natural drainage, subject to Engineer's approval, will be allowed only within the limits of the proposed project. All natural drainage must leave the improved area at its original horizontal and vertical alignment unless a special agreement, approved by the Engineer, has been executed with the adjoining property owners.

#### C. NEW CONSTRUCTION

When selecting a ditch section or a lining material, consideration shall be given to the esthetics of the area. A trapezoidal section shall take precedence over a deep "V" ditch whenever possible.

A lining material shall be used which will adequately protect the channel from erosion.

1. Seeded Earth Ditches. This type of ditch may be used, subject to approval by the Engineer, only where the velocity does not exceed four (4') feet per second (6 fps with Engineer's approval) and the native material, when scarified, will support plant growth. Information regarding approved seed mixtures is available at the Department.
2. Concrete Poured in Place or Air Blown. Minimum thickness to be four (4") inches with welded wire fabric WW F6x6 - W2/W2, fiber mesh reinforcement or other approved reinforcing method in sides and bottom.
3. Asphaltic Concrete (Type B). Minimum thickness shall be three (3") inches after compaction (90% relative).

#### D. ROADSIDE GUTTERS

When roadside gutters are used to convey storm drainage, the flow from the ten (10) year design storm (Q10) shall not inundate the traveled way, and the flow from the one hundred (100) year design storm (Q100) shall not inundate more than one-third (1/3) of the traveled way.

The maximum length of a roadside gutter shall be five hundred (500) lineal feet between cross culverts unless otherwise approved by the Engineer. The maximum length of an asphalt concrete dike shall be five hundred (500) lineal feet between down drains.

#### E. TOE DITCHES

Rock-lined toe ditches may be used, subject to the approval of the Engineer, only at the base of fills. This type of ditch shall not be used as a roadside ditch. Rock lining shall conform to the provisions of Section 72 of the State Specifications. The minimum size

shall satisfy the specifications for No. 2 Backing. The minimum thickness of the rock lining shall be twelve (12”) inches.

## **Section 16.12.050 Closed Conduit Storm Sewers**

### **A. CAPACITY**

Special provisions shall be made within the drainage system to ensure that the inlet flow line elevation and the capacity of the drainage system is such that it may be extended to serve the entire drainage basin at the time of ultimate development. This is to include the entire upstream portion and the portion of the basin outside the development, regardless of existing conditions.

### **B. PIPE**

Closed conduit storm drains shall be constructed of reinforced concrete pipe, corrugated metal pipe or high-density polyethylene plastic pipe.

### **C. STRUCTURES**

Unless otherwise approved by the Engineer, all manholes, junction structures and catch basins shall conform to the following standards:

<u>Facility</u>	<u>Type</u>	<u>Reference</u>
Manhole	RCP	Nevada County Std. Dwg. D-4
Junction Structures	GMP or	CALTRANS Std. Plan D75 OCP (1)
Catch Basins	GO or	CALTRANS Std. Plan D74 GT3 (2)
or		
Standard Nevada County Std. Dwg. D-3 Drop Inlet		
1) Use type 36RX grate or steel cover, redwood cover prohibited		
2) Use type 24-13 grate		

### **D. OUTFALLS**

All drainage outfalls shall be shown in both plan and profile on the improvement plans until a definite daylight condition is established.

When the outfall is from a closed conduit drain into a natural drainage course, an energy dissipater approved by the Engineer must be provided.

## **COVER REQUIREMENTS**

At locations where the general minimum cover requirements cannot feasibly be obtained,

the conduit shall be either encased in concrete or provided with a concrete cover, or another method of pipe protection as specified by the Consulting Engineer and approved by the Engineer.

#### **Section 16.17.060 Headwalls, Wingwalls, Endwalls and Trash Racks**

The location and design of all proposed structures shall be considered individually and shall be designed in accordance with the State Standard Drawings and the Nevada County Standard Specifications. The design shall be as approved by the Engineer.

#### **Section 16.12.050 Easements**

The boundary lines of all drainage easements shall be shown on the plans.

##### **A. FOR IMPROVED DRAINAGE FACILITIES**

Easements shall be provided for all ditches, culverts and conduit systems whether constructed as newly built improvements or as rebuilt improvements.

##### **B. FOR EXISTING DRAINAGE FACILITIES**

Easements shall be provided for all existing drainage facilities within the boundaries of and/or affected by any land areas to be improved.

##### **C. EXTENT**

All drainage easements shall extend from the point at which a flow is concentrated to 1) the point of confluence with a natural drainage course, or 2) the point where the flow is returned to sheet flow.

##### **D. FOR OFFSITE DRAINAGE FACILITIES**

All concentrated drainage leaving the boundaries of the area to be approved in other than natural drainage courses will require either specific easements or drainage release letters from the property owners of the lands from the point at which the drainage leaves the limits of the improvement area to the point at which it is deposited in a natural water course. The requisite easements must include adequate provision for all of the drainage structures to be used in the offsite drainage (i.e., culverts, ditches, dissipaters, etc.).



## **CHAPTER 13: ROAD STANDARDS, EROSION PROTECTION**

### **Section:**

<b>Section 16.13.010</b>	<b>General</b>
<b>Section 16.13.020</b>	<b>Erosion Control Plan</b>

### **Section 16.13.010 General**

All soil exposed by the construction shall be protected from erosion. The erosion protection measures shall be made part of the improvement plans and subject to approval by the Engineer. Temporary erosion protection measures shall be installed during the construction to contain all material within the project boundary.

Permanent erosion protection measures shall be installed when the work is complete. Additional measures, as deemed necessary by the Engineer, shall be installed prior to final approval of the work.

### **Section 16.13.020 Erosion Control Plan**

In addition to the ditch linings and the energy dissipaters required by Sections 16.12.040 and 16.12.050 of these standards, an Erosion Control Plan to prevent sediment runoff from all disturbed soils is required. The Erosion Control Plan shall be submitted with, or be made a part of, the Improvement Plans and shall be reviewed by the Engineer and the Resource Conservation District prior to approval of the Improvement Plans.

Revegetation and stabilization with specific amounts and types of vegetative species, mulch and fertilizer materials and timing of placement shall be listed in the Erosion Control Plan. Sediment catchment installations shall be required to contain sediment runoff from migrating beyond the project boundaries. Soil disturbing activities may be limited to specific times of the year by either the Department or the Resource Conservation District.

## **CHAPTER 14: ROAD STANDARDS. SURVEY MONUMENTS**

### **Sections:**

<b>Section 16.14.010</b>	<b>General</b>
<b>Section 16.14.020</b>	<b>Horizontal Control Monuments</b>
<b>Section 16.14.030</b>	<b>Vertical Control Monuments</b>
<b>Section 16.14.040</b>	<b>Construction Staking</b>

### **Section 16.14.010 General**

The Consulting Engineer shall place a note in the Improvement Plans stating that the Contractor is responsible for the protection of all survey monuments, markers and accessories. Any such survey feature that is disturbed or removed during the course of construction shall be restored or replaced by a person legally authorized to survey in the State of California.

### **Section 16.14.020 Horizontal Control Monuments**

Survey monuments shall be placed at right-of-way boundaries, property boundaries or sectional corners within the improvement as required by the Engineer. These monuments shall be placed in such a way so as to provide easily accessible horizontal control for the work.

### **Section 16.14.030 Vertical Control Monuments**

If an established benchmark or other vertical control monumentation is not easily accessible, the Consulting Engineer shall establish vertical monumentation to control the work. The location and datum shall be shown on the Improvement Plans. An assumed datum may be used with Engineer's approval.

### **Section 16.14.040 Construction Staking**

All construction staking shall conform to established staking methods and shall be uniform throughout the project. The staking method shall be supplied to the Engineer upon request. The Contractor shall keep the Consulting Engineer informed in advance of the times and locations where construction staking is needed. Stakes damaged or destroyed by the operations of the Contractor will be replaced at his expense.

## **CHAPTER 15: ROAD STANDARDS, ENFORCEMENT**

### **Sections:**

<b>Section 16.15.010</b>	<b>General</b>
<b>Section 16.15.020</b>	<b>Stop Work Notice</b>
<b>Section 16.15.030</b>	<b>Criminal Enforcement</b>
<b>Section 16.15.040</b>	<b>Nuisance Abatement</b>
<b>Section 16.15.050</b>	<b>Nonexclusive Remedies</b>

### **Section 16.15.010 General**

The Engineer may issue a stop work notice for good cause, subject to appeal to the Board of Supervisors. However, no work shall be performed pending appeal except as authorized by the Engineer.

### **Section 16.15.020 Stop Work Notice**

- A. Whenever it comes to the attention of the Engineer that any person is performing work in violation of the provisions of this Chapter, the Engineer may serve upon such person a written notice citing such violations and directing that person performing the work to stop work immediately.
- B. Upon receipt of such stop work notice, the person performing the work shall:
1. Stop work immediately until authorized by the Engineer to proceed; and
  2. Within twenty-four (24) hours provide the Engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this Chapter; and
  3. Within twenty-four (24) hours after acceptance of such remedies by the Engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this Chapter.
  4. If engineering work is required to identify and define the proper course of action, as determined by the Department, such work shall be provided by the violator at no cost to the County.

### **Section 16.15.030 Criminal Enforcement**

Any person violating a stop work notice shall be guilty of a misdemeanor. Any person who violates any other provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; two hundred dollars (\$200) for a second violation of the same Section

within a twelve (12) month period; and five hundred dollars (\$500) for a third or subsequent violation of the same Section within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

#### **Section 16.15.040 Nuisance Abatement**

Any act in violation of any provision of this Chapter is hereby declared to constitute a public nuisance the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner provided by law.

#### **Section 16.15.050 Nonexclusive Remedies**

The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law.

**TITLE 17: MITIGATION AND DEVELOPMENT FEES**  
**CHAPTER 1: RECREATION MITIGATION FEES**

**Sections:**

- |                          |  |
|--------------------------|--|
| <b>Section 17.01.010</b> | <b>Recreation Mitigation Fees for Truckee-Donner Recreation and Park District</b>  |
| <b>Section 17.01.020</b> | <b>Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)</b> |
| <b>Section 17.01.030</b> | <b>Quimby Act Dedications of Land and Fees In-Lieu of Dedications.</b>   |

**Section 17.01.010 Recreation Mitigation Fees for Truckee-Donner Recreation and Park District**

- A. A development impact mitigation fee for recreation is hereby established in unincorporated Nevada County, within the jurisdiction of the Truckee-Donner Recreation and Park District (“the District”).
- B. The amount of the mitigation fee shall be adopted by resolution of the Board of Supervisors, after approval of a fee study by the District that meets the requirements of the “Mitigation Fee Act”(Cal. Gov’t Code §66000, or “AB 1600”). The study shall show a reasonable relationship, or nexus, between the purpose and amount of the fee, the need for public facilities to be financed by the fee, and the impacts and type of development on which the fee is imposed.
- C. The mitigation fee shall be imposed on new construction in a manner that is consistent with the Mitigation Fee Act. The mitigation fee proceeds shall be used exclusively for capital assets and improvements that mitigate impacts created by new development. The fee proceeds shall not be used to correct deficiencies, or to upgrade recreational facilities or service levels, for the primary benefit of existing development.
- D. This Section is intended to be fully consistent with the Mitigation Fee Act, the provisions of which are incorporated here by reference. In the event of any inconsistency between 17.01 and the Act, the Act shall control. (Ord. 2281. (01/27/2009); Ord. 2531. (10/24/2023))

**Section 17.01.020 Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)**

A. All single-family and multi-family residential development within the unincorporated areas of Nevada County and which are outside of the boundaries of the Truckee-Donner Recreation and Park District shall pay to the County of Nevada the following sums at the time of building permit issuance that shall be phased in over time starting from the date of adoption. The final fee amount shall be collected each year thereafter.

<b>Western County Recreation Benefit Zone</b>	<b>Single Family Dwelling - Year 1</b>	<b>Single Family Dwelling - Year 2</b>	<b>Single Family Dwelling - Year 3</b>	<b>Multi-Family Dwelling - Year 1</b>	<b>Multi-Family Dwelling - Year 2</b>	<b>Multi-Family Dwelling - Year 3</b>
<b>Grass Valley and Nevada City Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Twin Ridges Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Oak Tree Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Bear River Recreation Benefit Zone Lake of the Pines</b>						
≥ 2,500 Square Feet	\$ 674	\$ 1,003	\$ 1,331	\$ 674	\$ 1,003	\$ 1,127

Feet						
750 - 2,499 Square Feet	\$ 539	\$ 802	\$ 1,065	\$ 539	\$ 802	\$ 1,065
< 750 Square Feet	\$ 404	\$ 602	\$ 799	\$ 404	\$ 602	\$ 799
<b>Remaining Development Area</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Western Gateway Recreation Benefit Zone Lake Wildwood</b>						
≥ 2,500 Square Feet	\$ 413	\$ 478	\$ 542	\$ 413	\$ 478	\$ 458
750 - 2,499 Square Feet	\$ 330	\$ 383	\$ 434	\$ 330	\$ 383	\$ 434
< 750 Square Feet	\$ 248	\$ 287	\$ 325	\$ 248	\$ 287	\$ 325
<b>Remaining Development Area</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669

### **Western County Recreation Benefit Zone**

The above referenced Recreation benefit Zones shall mean those zones as such identified in the Nevada County Park and Recreation Facilities Fee Nexus Study.

A. The Park and Recreation Facilities Mitigation Fee Schedule shall be automatically adjusted annually for the inflation of construction and acquisition costs. The Fee Schedule will be adjusted annually on July 1 of each year beginning in Year 2 (fiscal year 2020/21) from the date of adoption. The adjustment will be based on the 20-City Construction Index as reported in the Engineering News-Record (ENR) for the 12-month period ending in March of the year of the adjustment.

B. Fees will be collected from new residential development in the unincorporated Western County; use of these funds, however, may need to wait until a sufficient fund balance can be accrued. According to Cal. Gov't Code § 66006, the County is required to deposit, invest, account for, and expend the fees in a prescribed manner. The fifth fiscal year following the first deposit into the fee account or fund, and every five (5) years thereafter, the County is required to make all of the following findings with respect to that portion of the account or fund remaining unexpended:

1. Identify the purpose for which the fee is to be put.
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete facility improvements.
4. Designate the approximate dates on which the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The County must refund the unexpended or uncommitted revenue portion of the fee for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.

C. The following types of development specifically are exempt from the Park and Recreation Facilities Mitigation Fee:

1. All federal and state agencies, public school districts, special districts, and the County will be exempt from the fee program, unless other arrangements or agreements are established with the County.
2. Any replacement or reconstruction of any structure that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God. If the building replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building, the excess square footage is subject to the Recreation Development Fee. If a structure is replaced with an alternative land use, such as replacing a commercial building with residential units, no exemption shall apply.
3. Residential accessory structures that do not increase covered building square footage such as open decks and pools. (Ord. 2460. (01/08/2019); Ord. 2531. (10/24/2023))

## **Section 17 01.030 Quimby Act Dedications of Land and Fees In-Lieu of Dedications.**

A. The provisions of the Quimby Act (hereafter “the Act”, or Cal. Gov't Code § 66477) are incorporated here by reference. A requirement of the dedication of land, or the payment of fees in lieu thereof, or a combination of both, is hereby established



throughout unincorporated County of Nevada. The dedication, or payment of fees in-lieu, is for park and/or recreational purposes and is made a condition of the approval of a tentative map or parcel map (Cal. Gov't Code § 66477(a)). The land, fees, or combination thereof, are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision (Cal. Gov't Code §66477(a)(3)).

B. The provisions of this Section are to be applied in coordination with any local public agency that has territorial jurisdiction for recreation and park services. Pursuant to Cal. Gov't Code § 66477(c), the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the County and such other local public agency.

C. All dedications of land for recreation and park purposes, that are required as a condition of the subdivision of land, shall meet all the requirements of the Act. This Section does not apply to subdivisions containing less than five (5) parcels and not used for residential purposes (Cal. Gov't Code §. 66477(a)(8)), nor does it apply to commercial or industrial subdivisions (Cal. Gov't Code §66477(d)).

D. The amount of Quimby Act fees in-lieu of dedication of land shall be prescribed by resolution of the Board of Supervisors, in a manner that is consistent with the requirements of the Act. Such fees shall be in addition to any applicable development impact mitigation fee for recreation that is imposed pursuant 17.01.010 to 17.01.020. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less (Cal. Gov't Code § 66477(a)(7)).

E. Land or fees required under the Act shall be conveyed to, or be paid over to, the local public agency which provides park and recreational services on a communitywide level (Cal. Gov't Code § 66477(b)). (Ord. 2251. (01/27/2009); Ord. 2531. (10/24/2023))

## **CHAPTER 2: FIRE PROTECTION DEVELOPMENT FEES**

### **Sections:**

<b>Section 17.02.010</b>	<b>Purpose</b>
<b>Section 17.02.020</b>	<b>Definitions</b>
<b>Section 17.02.030</b>	<b>Establishment of Fee, Exemptions, Credits</b>
<b>Section 17.02.040</b>	<b>Application and Collection of Fee</b>
<b>Section 17.02.050</b>	<b>Use of Fees, Hold Harmless</b>
<b>Section 17.02.060</b>	<b>Appeal from Fee Assessment</b>

### **Section 17.02.010 Purpose**

This Section is enacted to provide the authority for and process by which development fees may be imposed for fire prevention, suppression and safety within the unincorporated territory of the County of Nevada. Such fees may be imposed for each fire protection district or agency which causes to be prepared and presented a study adequate to demonstrate the reasonable relationship between new development and the fee to be charged. It is intended hereby that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on the fire protection district's ability to provide such service. (Ord. 1703. (04/09/1991); Ord. 2531. (10/24/2023))

### **Section 17.02.020 Definitions**

As used in this Section:

- A. **COSTS OF CAPITAL IMPROVEMENTS** means any costs related to acquisition, construction, repair and financing, but does not include costs of routine maintenance.
- B. **DEVELOPMENT PROJECT** means any project, not specifically exempted herein, undertaken for the purpose of development, regardless of the intended use thereof, and includes all projects involving the issuance of a permit for construction, but not a permit to operate.
- C. **FLOOR AREA** means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts or other uncovered areas. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Such unenclosed floor area may be subject to a different, separately calculated fee only if the supporting study and fee resolution so provide.

D. LOCAL AGENCY includes any agency of a public entity, specifically including school districts and special districts.

E. PUBLIC ENTITY means state, county, city, city and county, district, public authority, public agency or public corporation or other political subdivisions.

F. PUBLIC FACILITIES includes facilities and equipment, public capital improvements, public services and amenities.

### **Section 17.02.030 Establishment of Fee, Exemptions, Credits**

A. A fire protection development fee is hereby established for all non-exempt new development projects within the unincorporated areas of Nevada County and within the boundaries of a fire protection district or area for which a fee is established pursuant to this Section. The Board of Supervisors shall establish the amount of such fee for each individual fire protection district or agency by resolution at a publicly noticed meeting upon completion by the fire protection district or agency of an adequate study, commissioned, adopted and provided by such district or agency. Said study shall establish a reasonable development fee for the district or area and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such development, satisfying the statutory requirements for fees for development projects contained in Chapter 5 of Division 1 of Title 7 of the Government Code (Cal. Gov't Code § §66000 - 66008), commonly referred to as AB 1600. Said fees may from time to time be amended as circumstances warrant by the adoption of a subsequent resolution by the Board of Supervisors. Any action to adopt a resolution levying or increasing such fee for any individual fire protection district or agency shall follow the procedures set forth in Cal. Gov't Code § § 66016 - 66019, and any subsequent amendments thereto including, without limitation, notice, public hearing and effective date provisions.

B. Public facilities and projects being constructed for use by a public entity or local agency shall be exempt from fees hereunder. Remodeling of, or reconstruction within three (3) years of damage to, a lawfully existing structure shall not be considered to be a new development project subject to a fee hereunder if rebuilt for the same general use on the same site or in the same fire protection district or fee area, except to the extent the structure is increased in size, in which event it shall be subject to assessment based upon the net increase in floor area.

C. To the extent, if any, that a fire protection district development fee or exaction was assessed and paid for any parcel as a condition for the approval of the subdivision which created the parcel, a credit for the fee paid or the cost of the exaction shall be given.

#### **Section 17.02.040 Application and Collection of Fee**

Any developer or owner applying for a building permit for any new development project in an area for which a fire protection development fee has been established pursuant to this Section shall, as a condition to approval and issuance of said permit, be assessed and pay the assessed fee directly to the applicable fire protection district or agency. A certificate issued by the fire protection district or agency or other satisfactory evidence of such payment shall be presented to the Nevada County Building Division prior to issuance of a building permit. Notwithstanding the foregoing, to the extent Cal. Gov't Code § 66007 requires a delay of payment of the fee on residential development until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, said provisions shall control and fees shall be collected and proof of payment submitted prior to issuance of a certificate of occupancy.

#### **Section 17.02.050 Use of Fees, Hold Harmless**

A. All fire protection development fees shall be collected by the local fire protection district or agency on whose behalf they are imposed. Said respective fire protection districts or agencies shall be responsible for compliance with Cal. Gov't Code §§ 66000 - 66008, with regard to the fees assessed and collected. As a further condition of the imposition and collection of fees as established by this Section, each fire protection district or agency collecting such fees shall be conclusively presumed to have agreed to hold the County of Nevada harmless and to indemnify and defend the County from all actions, claims and damages related to said fees, including, without limitation, any challenge to the validity of or use of said fees. The fees collected, together with any interest thereon, shall be maintained and accounted for in a separate capital facilities account or fund in a manner to avoid any commingling of such monies with other revenues or funds and expended in a timely fashion only for approved purposes.

B. The fire protection development fees shall be used by the local fire protection districts or agencies for capital expenditures to mitigate the impacts attributed to new development. Specifically, these fees shall be used to pay all of the applicable portion of the costs of capital improvements to public facilities necessitated by the development projects, whether identified by a capital improvement plan or otherwise. Fees remaining unexpended or uncommitted five (5) or more years after deposit shall be subject to the provisions of Cal. Gov't Code § 66001.

#### **Section 17.02.060 Appeal from Fee Assessment**

A. Any developer or owner assessed fees for a project established pursuant to this Section may appeal the amount of such fees on the following grounds and no other:

1. That the project, in whole or in part, is exempt from any fee;
2. That the floor area upon which the fee was computed is in error; or
3. That the credit allocated to this project for prior exactions paid, as provided for in 17.02.030 (B), is in error.

B. Any such appeal shall be filed in writing with the office of the fire protection district or agency imposing said fee, within thirty (30) calendar days of the date the fee is assessed, and shall include a statement on appeal setting forth the grounds for the appeal and, where applicable, the fee acknowledged to be correct, the correct computations thereof and the basis therefor.

C. Upon the filing of such an appeal, it shall be considered at the next regular meeting of the Board of Directors or other governing Board of such fire protection district or agency for which such matter can properly be adjudicated. At that time, the Board shall determine if the appeal was filed within the applicable time limits and on an allowable ground and shall summarily reject any untimely or improper appeal. The Board shall further determine if the appeal contains sufficient information as required by subsection B. If the Board determines that the information is insufficient, it may summarily reject the appeal for that reason or immediately notify the appellant of the insufficiency and allow an additional seven (7) calendar days in which to correct such deficiency. If, upon the expiration of any additional time, the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.

D. Upon determination that an appeal is timely and sufficient, the Board shall set the matter for hearing as soon as time on their agenda permits and upon at least ten (10) days prior notice, then and there to consider all evidence presented by or on behalf of staff and appellant as to the correct amount of fees to be assessed. At the conclusion of the appeal hearing, the Board may approve or change the fee assessed to reflect proper computations or excuse all or part of any fee to the extent it determines the project is exempt pursuant to this Section or the resolution establishing the applicable fee. Any action to change or excuse the fee shall be by not less than a majority of the full board, with any action culminating in fewer votes being deemed to constitute a denial of the appeal resulting in no change of fees. The Board charged with hearing such appeals may adopt reasonable procedures for conduct of such appeal hearings and may charge a reasonable appeal fee, subject to refund if the appeal is upheld.

E. The decision of the Board of Directors or other governing board on such fee appeal may be appealed to the Board of Supervisors within ten (10) calendar days by filing a Notice of Appeal conforming to the requirements of and following the procedure set out in Sections governing Appeals 12..05.120, in the County's Code. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant

and the fire protection district or agency whose fee is being appealed. Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. At the appeal hearing, evidence shall be limited to the issues properly raised in the notice of appeal. The Board of Supervisors shall have the authority to limit the amount of time that the appellant and the fire protection district or agency may have in the appeal hearing to not less than fifteen (15) minutes each. At the conclusion of the appeal hearing, the Board of Supervisors may sustain or overrule the appeal and may approve or change the fee assessed or excuse all or any part thereof to the extent the project is exempt. The decision of the Board of Supervisors shall be final.

## **CHAPTER 3: ROAD DEVELOPMENT FEES ON NEW DEVELOPMENT**

### **Sections:**

<b>Section 17.03.010</b>	<b>Purpose</b>
<b>Section 17.03.020</b>	<b>Road Development Fees, Reimbursement Fees</b>
<b>Section 17.03.030</b>	<b>Calculation and Payment of Fees</b>
<b>Section 17.03.040</b>	<b>Limited Use of Fees</b>
<b>Section 17.03.050</b>	<b>Developer Construction of Facilities</b>

### **Section 17. 03.010 Purpose**

In order to implement the goals and objectives of the Circulation Element of the County of Nevada's General Plan and to mitigate the cumulative impacts on roads caused by new development in the County, certain road improvements must be or had to be constructed. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Cal. Gov't Code § 65913.2, has considered the effects of the fee with respect to the County's housing needs as established in the Housing Element of the General Plan. (Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

### **Section 17.03.020 Road Development Fees, Reimbursement Fees**

A. ROAD DEVELOPMENT FEE. A road development fee is hereby established and shall be levied against development in the unincorporated territory of the County to pay for road improvements. The Board of Supervisors shall, in a separate Resolution, set forth the specific amount of the fee based upon a study describing the benefit and impact area on which the development fee is imposed, listing the specific public improvements to be financed, describing the estimated cost of these road improvements and describing the reasonable relationship between this fee and the various types of new developments. As set in the fee resolution, this development fee shall be calculated and paid as provided in Section 17.03.030. On an annual basis, the Department of Public Works shall review the study to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described road improvements are still needed. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. REIMBURSEMENT FEE. In addition to said road development fee, any person developing real property may also be required to contribute a sum, including an amount attributable to interest, to reimburse any other person who has been required as a condition of development to construct road improvements of supplemental size, length or

capacity in proportion to the benefit enjoyed. Payment of said sum may be included as a condition of approval of a development permit, provided, however, that said reimbursement amount shall be required to be paid, whether or not imposed as a condition of approval, when a reimbursement agreement is in effect with another property owner (developer) pursuant to 17.03.050 which identifies the person's property to be developed as being within the benefit area subject to charges thereunder. The rate and amount of interest shall be determined by the County Auditor consistent with the interest earned by County investments during the applicable period of time. (Ord. 2239. (05/29/2007); Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

C.

### **Section 17.03.030 Calculation and Payment of Fees**

**ROAD DEVELOPMENT FEE CALCULATION.** The applicable road development fees shall be calculated in accordance with the development fee schedule in effect as of the date that the fees are paid by the developer, property owner or other responsible party.

**ROAD DEVELOPMENT FEE PAYMENT.** The fees may be paid at any point in time that the developer or property owner chooses following the determination by the County Planning Department that an application for development has been properly filed with the Department and the application has been found to be complete, or is deemed to be complete under Cal. Gov't Code § 65943 provided, however, that in no event shall the fees be paid any later than upon the issuance of a building permit (as to any non-residential development) or upon the earliest of the final inspection, the issuance of a certificate of occupancy, or such time as may be authorized pursuant to Cal. Gov't Code § 66007(b) (as to residential development).

### **ROAD DEVELOPMENT FEE ON AS-BUILT CONSTRUCTION.**

In the event that development on real property exists without proper permits, the Road Development Fee will be calculated in accordance with the development fee schedule in effect as of the date of the issuance of a building permit.

In cases where a property is acquired with existing, unpermitted structures, the Road Development Fee may be calculated in accordance with the applicable fee schedule in effect at the time of original building construction. (Ord. 2376. (01/28/2014); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

### **Section 17.03.040 Limited Use of Fees**



The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

- A. Pay for the future construction of road improvements described in the Resolutions enacted pursuant to 17.03.020, or to reimburse the cost for those described or listed road improvements constructed with funds advanced from other sources to the advancing governmental entity, or
- B. Reimburse developers who have been required or permitted by 17.03.050Sec. 3.5 to install such listed road improvements which are oversized with supplemental size, length, or capacity. (Ord. 2060. (06/05/2001); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

### **Section 17.03.050 Developer Construction of Facilities**

Whenever a developer is required, as a condition of approval of a development permit, to construct road improvements described in a resolution adopted pursuant to 17.03.020 (A), which road improvements are determined by the County of Nevada to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the road network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this Section on the development project, shall be offered. When the road improvements required as a condition of approval of a development are determined to have supplemental size, length or capacity over that needed for the impacts of that development, but said improvements are other than those described in a Resolution adopted pursuant to 17.03.020 (A), a reimbursement agreement with the developer, without a credit against fees, may be offered with regard to other properties which have the right to use and stand to benefit from such improvements. In any event, the reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the road improvements or the burdens created by the development project. (Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

## **CHAPTER 4: PROCEDURES FOR PROTEST, LITIGATION AND/OR REFUNDS OF DEVELOPMENT FEES**

### **Sections:**

<b>Section 17.04.010</b>	<b>Intent of this Section</b>
<b>Section 17.04.020</b>	<b>Requirements for Protest as Prerequisite to any Suit</b>
<b>Section 17.04.030</b>	<b>Statute of Limitations</b>
<b>Section 17.04.040</b>	<b>Procedures for the Discretionary Refund of Development Fees</b>
<b>Section 17.04.050</b>	<b>Procedures for the Mandatory Refund of Development Fees</b>

### **Section 17.04.010 Intent of this Section**

It is the intent of the Board of Supervisors in adopting this Section to establish and to codify in the County of Nevada ordinances the procedures by which any person or party may file a protest and any litigation against the County contesting the propriety of the imposition of any development fee or other exaction as a condition of the approval of any development or development project (as those terms are defined in Cal. Gov't Code §§ 65927 and 65928, respectively). To the extent that such procedures are established by State law, it is the intent of the Board that all applicable provisions of State law will be fully implemented within the County of Nevada, and to the extent that any reference is made herein to State law, such reference shall be made to the applicable code sections as they exist on November 10, 1992, and to any subsequent amendments thereto. To the extent that State law does not control, it is the intent of the Board to establish procedures and requirements which shall control as to the matters covered by this Section.

### **Section 17.04.020 Requirements for Protest as Prerequisite to any Suit**

Any person or party on whom a fee, dedication, reservation, or other exaction has been imposed, the payment of which is required as a condition of approval of any development or development project (as defined in Cal. Gov't Code §§ 65927 and 65928, respectively), may protest the imposition of any such fee or other exaction. Any such protest shall be filed in accordance with the provisions of Cal. Gov't Code § 66020 (including any subsequent amendments thereto) within ninety (90) days of the date of the imposition thereof.

For the purposes of this Section, the imposition of any fees, dedications, reservations, or other exactions occurs when the condition requiring the payment or dedication is incorporated into the approval of any development (project) through the approval of a tentative subdivision map or through the issuance of any use permit, site plan (permit), variance or any similar zoning permit.

### **Section 17.04.030 Statute of Limitations**

Any suit, litigation or other legal action to attack, review, set aside, void, or annul the imposition of any fees, dedications, reservations or others, including but not limited to, any request for the refund thereof, shall be filed within 180 days after the date of the imposition thereof. As a prerequisite to the filing of any such suit, a protest shall be filed in accordance with the provisions of 17.04.020. Thereafter, all persons or parties are barred from any action or proceeding to contest the propriety of the imposition of any such fees, dedications, reservations or other exactions and are barred from alleging the invalidity of any such imposition in defense of any action brought to enforce same.

### **Section 17.04.040 Procedures for the Discretionary Refund of Development Fees**

Whenever the Board of Supervisors finds that the County has imposed and collected any development fees which are in excess of the amounts which are reasonably required to be contributed by any development project or projects to (1) offset the individual or cumulative impacts created by the projects on the infrastructure owned or operated or controlled by the County; or (2) pay for the estimated reasonable cost of providing the service or facilities by the County, which funds have been held by the County for less than five (5) years, then the Board of Supervisors may order the refund of such fees as follows:

A. Prior to authorizing the refund of such fees to any particular project, the Board shall review the record of the approval of the development project (including any applicable environmental documents therefor) and any applicable studies concerning the imposition of the development fees to determine if: (1) the fees, when imposed, were unwarranted as not being reasonably necessary to offset the individual or cumulative impacts created by the development project, or are in excess of the estimated reasonable cost of providing the public service or facilities and/or (2) the need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source, and/or (3) the need for the infrastructure has been eliminated.

B. Whenever the Board is considering refunding development fees to all project applicants on a pro rata basis (i.e., a ten percent (10%) refund for all projects), the Board shall not be required to review individual project records, and instead the Board shall determine whether a refund is warranted based on any of the following findings:

1. The need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source; and/or
2. The need for the infrastructure has been eliminated; and/or
3. The amount of the fees are in excess of that which was needed to provide infrastructure to offset the impact due to development.

C. Any action by the Board to refund development fees shall be taken at a regularly scheduled meeting of the Board which shall be preceded by a notice of the intent to consider the refund which shall identify the development project or projects and shall be published pursuant to Cal. Gov't Code §6061 (publication once in a newspaper of general circulation) and shall be supported by evidence in the record.

#### **Section 17.04.050 Procedures for the Mandatory Refund of Development Fees**

In accordance with the provisions of Cal. Gov't Code § 66001, the Board of Supervisors shall annually review all accounts containing development fees paid to the County to determine if there are any funds therein which have been in the account for five (5) or more years. If there are any such funds the Board shall review the reason for the imposition of the fee in order to identify the purpose to which the fee is to be put and to determine if there is (at the present) a reasonable relationship between the fee and the purpose for which the fee was imposed. For any fee as to which the Board determines that there no longer is a reasonable relationship between the fee and the purpose for which it was imposed, the Board shall order the refund of the fee to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis together with the estimated interest that was earned thereon while on deposit with the County.

# **TITLE 18: FLOODPLAIN MANAGEMENT REGULATIONS**

## **CHAPTER 1: FLOODPLAIN MANAGEMENT REGULATIONS**

### **Sections:**

<b>Section 18.01.010</b>	<b>Purpose &amp; Intent</b>
<b>Section 18.01.020</b>	<b>Definitions</b>
<b>Section 18.01.030</b>	<b>General Provisions</b>
<b>Section 18.01.040</b>	<b>Administration</b>
<b>Section 18.01.050</b>	<b>Provisions for Flood Hazard Reduction</b>
<b>Section 18.01.060</b>	<b>Procedures for Exception</b>

### **Section 18.01.010 Purpose & Intent**

A. The Legislature of the State of California has in Cal. Gov't Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of the County of Nevada does hereby adopt the following floodplain management regulations.

B. This Chapter will provide the floodplain management criteria for all development in areas of special flood hazard within the unincorporated areas of the County of Nevada. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. In order to accomplish its purpose, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which results in damaging increases in erosion or flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging and other development which may increase flood damage, and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

### **Section 18.01.020 Definitions**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. **ACCESSORY STRUCTURE** means a structure or a portion of a structure, either attached or detached, which is subordinate to, and the use of which is incidental to, that of the main structure or use on the same premises.
- B. **AREAOF SPECIAL FLOOD HAZARD** - See Special Flood Hazard Area.
- C. **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood).
- D. **BASEMENT** means any area of the building having its floor subgrade (below ground level) on all sides.
- E. **BREAKAWAY WALLS** are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten (10 lbs) and no more than twenty (20 lbs) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
- F. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

G. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

H. COMMISSION OR PLANNING COMMISSION - The Planning Commission of Nevada County.

I. DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations including the physical extension and/or construction of urban land uses. Development activities include the subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (except for agricultural activities). Routine repair and maintenance activities are exempted.

J. EXCEPTION means a grant of relief from the requirements of this Chapter, which permits construction in a manner that would otherwise be prohibited by this Chapter.

K. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 25, 1988.

L. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION the preparation of additional sites by the construction of facilities for servicing the locates which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

M. FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

N. FLOOD BOUNDARY AND FLOODWAY MAP means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration

has delineated both the areas of flood hazard and the floodway.

O. FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Nevada County.

P. FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Q. FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

R. FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

S. FLOODPLAIN ADMINISTRATOR is the community official designated by title to administer and enforce the floodplain management regulations. SEE ZONING ADMINISTRATOR.

T. FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state and local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

U. FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

V. FLOODWAY means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

W. FUNCTIONALLY DEPENDENT USE means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term does not include private docks and piers.



X.            **HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Y.            **HISTORIC STRUCTURE** means any structure that is:

1.    Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2.    Certified or preliminary determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3.    Individually listed on a state inventory of historic places in state with historic preservation programs which have been approved by the Secretary of Interior; or
4.    Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of Interior in states without approved programs.

Z.            **LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

AA.           **MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

BB.           **MANUFACTURED HOME PARK OR SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

CC.           **MEAN SEA LEVEL** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

DD.           **NEW CONSTRUCTION** means for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a

floodplain management regulation adopted by this community.

EE. ONE HUNDRED YEAR FLOOD OR 100-YEAR FLOOD means a flood, which has a one percent annual probability of being equaled or exceeded. It is identical to the base flood which will be term used throughout this Chapter.

FF. PERSON means an individual or their agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

GG. REMEDY A VIOLATION means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

HH. SPECIAL FLOOD HAZARD AREA (SFHA) means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A1-30 or AE.

II. START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

JJ. STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

KK.SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal

or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

LL. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
4. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

MM. RECREATIONAL VEHICLE means a vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

NN. RECREATIONAL VEHICLE, QUALIFIED means a Recreational Vehicle that meets all of the following minimum construction standards:

1. Either:
  - a. Manufactured after 1974 and before 1999 in compliance with the 1974 ANSI 119.2 standard or better as provided herein and with requirements of the State Department of Housing and Community Development (HCD) and bearing its certification sticker, or
  - b. Manufactured after 1998 in compliance with the 1998 Edition of the ANSI standard A119.5 for park trailers, and the 1996 Edition of the ANSI standard 119.2 for all other recreational vehicles or better and bearing a label or insignia indicating the manufactures compliance to the appropriate ANSI standard.

2. Certified, to the satisfaction of the Building Department, to meet the snow load requirements of Cal. Code Regs tit. 25 §and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed (or placed under an approved protecting ramada if the recreational vehicle does not itself meet the required minimum load standards);
3. Contains a minimum of 320 square feet of internal living area;
4. Set up in compliance with no less than the manufacture's minimum specifications or engineer's certification, with provisions for attachment of not less than six (6) ground anchors to the chassis being provided unless other methods are determined necessary for safety by the Building Official (when over-the- roof ties are provided, strapping shall conform to Federal Specification QQS 781-H); and
5. Manufactured or modified with HCD or HUD approval to meet the fire safety requirements of ANSI A119.5 Standard for Park Trailers Sections 3-2.3, 3-2.4 and 3-4 (including 3-4.1, 3-4.2, 3-4.3 and 3-4.4).

OO. VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by the County of Nevada's Floodplain Management Ordinance is presumed to be in violation until such time as that documentation is provided.

PP. ZONING ADMINISTRATOR - The Planning Director of the County of Nevada shall be the Zoning Administrator; provided, however, that the Planning Director shall be authorized to appoint no more than two of the senior staff planners as Deputy Zoning Administrators who shall be entitled to serve in lieu of the Zoning Administrator.

The Zoning Administrator and/or the Deputy Zoning Administrator shall have the authority under this Chapter to review and to approve or disapprove the following types of applications subject to the other provisions of this Chapter: area variances, site plans (permits), use permits and any other matters which are assigned to the Zoning Administrator pursuant to this Code.

### **Section 18.01.030 General Provisions**

A. LANDS TO WHICH THIS CHAPTER APPLIES. This Chapter shall apply to all areas of special flood hazards within the unincorporated area of the County of Nevada.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the County of

Nevada titled “Flood Insurance Study for Nevada County, California Unincorporated Areas” dated July 19, 1982, revised July 2, 1987, with accompanying Flood Insurance Rate maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated January 19, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. The FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the Nevada County Planning Department, 950 Maidu Ave. Suite 170, Nevada City, California 95959.

C.           **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations of the Nevada County Codes. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as necessary to prevent or remedy any violation.

D.           **ABROGATION AND GREATER RESTRICTIONS.** This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E.           **INTERPRETATION.** In the interpretation and application of this Chapter, all provisions shall be:

1.    Considered as minimum requirements;
2.    Liberally construed in favor of the governing body; and
3.    Deemed neither to limit nor repeal any other powers granted under state statutes.

F.           **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man- made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Nevada County Board of Supervisors, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

## **Section 18.01.040 Administration**

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The Planning Commission or Zoning Administrator is hereby appointed to administer and implement this Chapter by granting or denying Use Permits in accordance with its provisions.

B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1. Permit Review. Review all development permits to determine:
  - a. Permit requirements of this Chapter have be satisfied, including determination of substantial improvement and substantial damage of existing structures;
  - b. All other required state and federal permits have been obtained;
  - c. The site is reasonably safe from flooding;
  - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada; and
2. All Letters of Map Revisions (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.
3. Development of Substantial Improvement and Substantial Damage Procedures.
  - a. Using FEMA publication FEMA 213, “Answers to Questions About Substantial Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, including defining “Market Value.”
  - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
  - c. Review, Use and Development of Other Base Flood Data. When base flood

elevation data has not been provided in accordance with Section 18.01.030 (B), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer 18.01.050 herein.

NOTE: A base flood elevation may be obtained by using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Appropriate Zone A Areas - A Guide to Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- d. Notification of Other Agencies;
  - e. Alteration or Relocation of a Watercourse;
  - f. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - g. Submit evidence of such notification to the Federal Emergency Management Agency; and
  - h. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
4. Base Flood Elevation Changes Due to Physical Alteration.
- a. Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter or Map Revision (LOMR).
  - b. All LOMRs for flood control projects are approved prior to the issuance of public permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
5. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and including a copy of a map of the community clearly delineating the new corporate limits.

6. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:
  - a. Certification required by Section 18.01.050.A.3.a and Section 18.01.050.D (lowest floor elevations);
  - b. Certification required by Section 18.01.050.A.3.b (elevation or floodproofing of nonresidential structures);
  - c. Certification required by Section 18.01.050.A.3.c (wet flood proofing standard);
  - d. Certification of elevation required by Section 18.01.050.C.1.c (subdivisions and other proposed development standards);
  - e. Certification required by Section 18.01.050.F.2 (floodway encroachments); and
  - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
7. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard where there appears to be a conflict between mapped boundary and actual field conditions. The person contesting the location of boundary shall be given reasonable opportunity to appeal the interpretation as provided in Section 18.01.040.D.

**C. USE PERMIT REQUIRED.**

A Use Permit pursuant to Section 12.04.310 and 12.05.060 of the Nevada County Code , shall be obtained before construction or development, including manufactured homes, begins within any special flood hazard area established in Section 18.01.030.B.

Application for a Use Permit shall be made on forms furnished by the County of Nevada Planning Department. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:
  - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
  - b. Proposed locations of water supply, sanitary sewer, and other utilities;
  - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;



- d. Location of the regulatory floodway when applicable;
  - e. Base flood elevation information as specified in 18.01.030 or 18.01.040.B.3;
  - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 18.01.050.A.3.b of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- 2. Certification from a registered civil engineer or architect that the nonresidential flood proofed building meets the flood proofing criteria in Section 18.01.050.A.3.b.
  - 3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 18.01.050.A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - 5. All appropriate certifications listed in Section 18.01.040.B.5 of this ordinance.

D. **APPEALS.** The Board of Supervisors of the County of Nevada shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

## **Section 18.01.050 Provisions for Flood Hazard Reduction**

A. **STANDARDS FOR CONSTRUCTION.** In all areas of special flood hazards, the following standards are required:

- 1. Anchoring.
  - a. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All manufactured homes shall meet the anchoring standards of Section

18.01.050.D.

2. Construction Materials and Methods.

- a. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
- b. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed using methods and practices that minimize flood damage;
- c. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- d. All new construction and substantial improvements of structures, including manufactured homes, within Zones AH or AO, shall be constructed so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Floodproofing.

- a. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
  - 1) In the AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
  - 2) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the Flood Insurance Rate Map (FIRM), or elevated at least two (2') feet above the highest adjacent grade if not depth number is specified.
  - 3) In an A Zone, without Base Flood Elevation (BFE) specified on the FIRM [Unnumbered A Zone], elevated one (1') foot above the BFE; as determined under Section 18.01.040.B.3.

Upon the Completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community-building inspector

to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- a. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to Section 18.01.050.A.3.a or:
  - 1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 18.01.050.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3) Be certified by a registered civil engineer or architect that the standards of Section 18.01.050.A.3.b.1 and 2 are satisfied. Such certification shall be provided to the Floodplain Administrator.
- b. Flood Openings. All construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
  - 1) For non-engineered openings:
  - 2) Have a minimum of two openings on different sides having a total net area of not less than one (1 sq. in.) square inch for every one (1 sq. ft.) square foot of enclosed area subject to flooding;
  - 3) The bottom of all openings shall be no higher than one (1') foot above grade;
  - 4) Openings may be equipped with screens, louvers, valves or other coverings or devices proved that the permit the automatic entry and exist of floodwater; and
  - 5) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
  - 6) Be certified by a registered civil engineer or architect.
  - 7) Manufactured Homes see Section 18.01.050.D.
  - 8) Garages and Low-Cost Accessory Structures.
  - 9) Attached Garages.
    - a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 18.01.050.A.3.c. Areas of the garage below the BFE must be constructed with flood-resistant materials. See

Section 18.01.050.A.2.

- b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

4. Detached Garages and Accessory Structures.

- a. “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 18.01.020, may be constructed such that its floor is below the BFE, providing the structure is designed and constructed in accordance with the following requirements:
  - 1) Use of the accessory structure must be limited to parking or limited storage;
  - 2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
  - 3) The accessory structure must be adequately anchored to prevent floatation, collapse, and lateral movement;
  - 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
  - 5) The accessory structure must comply with floodplain encroachment provisions in Section 18.01.050.F; and
  - 6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 18.01.050.A.3.c

Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 18.01.050.A.

B. STANDARDS FOR UTILITIES

- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
- 2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

### C. STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT

1. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, shall:
  - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
  - b. Identify the elevations of lowest floors of all proposed structures and pads on final plans.
  - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - 1) Lowest floor elevation.
    - 2) Pad elevation.
    - 3) Lowest adjacent grade.
    - 4) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
    - 5) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
    - 6) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

### D. STANDARDS FOR MANUFACTURED HOMES

1. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and flood-proofing requirement in Section 18.01.050.D.
2. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in Section 18.01.050.C and D. Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.
3. All manufactured homes that are placed or substantially improved, on sites located:
  - (a) outside of a manufactured home park or subdivision;
  - (b) in a new manufactured home park or subdivision;
  - (c) in an expansion to an existing manufactured home park or subdivision;
  - or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of

a flood, shall:

- a. Within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
4. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 18.01.050.D.3 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
- a. Lowest floor of the manufactured home is at or above the base flood elevation; or
  - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty- six (36") inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### E. STANDARDS FOR RECREATIONAL VEHICLES

1. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
  - a. Be on the site for fewer than 180 consecutive days; or
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the permit requirements of Section 18.01.040.C of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 18.01.050.D.3.

F. FLOODWAYS. Located within areas of special flood hazard established in Section 18.01.030.B are areas designated as floodways. Since the floodway is an

extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada.
2. Within the adopted regulatory floodway, the County of Nevada shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If Section 18.01.050.F.1 and 2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 18.01.050.

#### **Section 18.01.060 Procedures for Exception**

A. EXCEPTION. The Planning Agency shall consider all requests for exception from the requirements of this Chapter. Any exception shall be filed pursuant to the requirements of this Chapter and Nevada County Codes governing Zoning, Use Permits.

#### **B. EXCEPTION REVIEW**

1. In reviewing such applications, the Planning Agency shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger of life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Generally, exception may be issued for new construction and substantial improvements to be erected on a lot of one-half acre (0.5) or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 18.01.040 and Section 18.01.050 have been fully considered. As the lot size increases beyond one-half (0.5) acre, the technical justification required for issuing the exception increases.
  3. Upon consideration of the factors of Section 18.01.060.C and the purposes of this Chapter, the Planning Agency may attach such conditions to the granting of exception, as it deems necessary to further the purposes of this Chapter.
  4. The Planning Agency shall maintain the records of all appeal actions and report any exceptions to the Federal Insurance Administration upon request.

#### C. CONDITIONS FOR EXCEPTION FINDINGS

1. Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
2. Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.



3. Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
4. Exceptions shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the exception would deny the applicant the right to develop the property, and would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
5. Exceptions may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 18.01.060.B through Section 18.01.060.C are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
6. Any applicant to whom an exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Clerk to the Planning Agency in the office of the Nevada County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**TITLE 19: CALIFORNIA ENVIRONMENTAL QUALITY ACT  
CHAPTER1: COUNTY CEQA GUIDELINESAND PROCEDURES**

**Sections:**

<b>Section 19.01.010</b>	<b>Authority and Purpose</b>
<b>Section 19.01.020</b>	<b>Definitions</b>
<b>Section 19.01.030</b>	<b>General Responsibilities of Planning Department as Coordinating Agency</b>
<b>Section 19.01.040</b>	<b>Fees</b>
<b>Section 19.01.050</b>	<b>Consultants</b>
<b>Section 19.01.060</b>	<b>Environmental Impact Report Consultant Selection Procedures</b>
<b>Section 19.01.070</b>	<b>Time Limits</b>
<b>Section 19.01.080</b>	<b>Delegation of Responsibilities</b>
<b>Section 19.01.090</b>	<b>Ministerial Projects</b>
<b>Section 19.01.100</b>	<b>Scope of Environmental Review</b>
<b>Section 19.01.110</b>	<b>Initial Study</b>
<b>Section 19.01.120</b>	<b>Negative Declaration</b>
<b>Section 19.01.130</b>	<b>Consideration of Negative Declaration</b>
<b>Section 19.01.140</b>	<b>Notice of Determination</b>
<b>Section 19.01.150</b>	<b>EIR Process</b>
<b>Section 19.01.160</b>	<b>Notice of Completion</b>
<b>Section 19.01.170</b>	<b>Public Review of EIR</b>
<b>Section 19.01.180</b>	<b>Response to Comments</b>
<b>Section 19.01.190</b>	<b>Certification of EIR</b>
<b>Section 19.01.200</b>	<b>Appeals of the Adequacy of the EIR</b>

**Section 19.01.010 Authority and Purpose**

- A. The guidelines set forth in this document are intended as a supplement to the California Environmental Quality Act of 1970, (CEQA, Cal. Pub Res. Code §§ 21000 - 21194), and the Guidelines for Implementation of CEQA (Cal. Code Regs. Tit. 14 §§ 14100 - 15007). Any inconsistencies between these guidelines and the State CEQA Guidelines, as they presently exist or may hereinafter be amended, shall be resolved by applying the State Guidelines to the exclusion of these Guidelines.
- B. These guidelines are binding on all officers, boards, departments, agencies, and commissions of Nevada County government.

**Section 19.01.020 Definitions**

- A. THE ADVISORY REVIEW COMMITTEE (ARC) is hereby established as

a committee composed of the Planning Director, Director of the Department of Public Works, Chief Building Inspector, and the Environmental Health Director or their specific designated representatives. The purpose and function of the ARC is to review the initial environmental study for projects undertaken by the County or subject to County approval in order to determine the environmental impacts stemming from such projects. Each member of the ARC is to be responsible for reviewing the environmental impacts of projects and for making determinations which are consistent with State and County guidelines. Decisions of the ARC shall be treated as recommendations only. Members of the ARC shall be required to file conflict of interest statements in accordance with the County's conflict of interest code. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. LEAD AGENCY: As used in the State law and the County guidelines, the term "Lead Agency" shall refer to the County official, board, commission, or committee with the original authority to approve or to carry out a project. Whenever any project is subject to the review and approval of both the Board of Supervisors and the Planning Commission (i.e. zoning ordinances or general plan), the Planning Commission shall act as Lead Agency and shall be the body responsible for certification of the adequacy and adoption of the environmental document, and both the Planning Commission and the Board shall review and consider the environmental document as part of their decision making process (see CEQA Guidelines, Cal. Code Regs. tit. 14 §15090). The decision of the Lead Agency on the adequacy of the environmental review may be appealed as provided for herein.

Notwithstanding anything to the contrary herein, the Board of Supervisors may delegate the responsibility for the preparation, conducting of public hearings, and certification of the adequacy and adoption of the environmental document to staff or to any board, committee, or commission (hereinafter collectively the "County"); provided however that the Board of Supervisors or the decision-making body or person shall be required to read and consider the environmental document before it takes action to approve or carry out a project.

### **Section 19.01.030 General Responsibilities of Planning Department as Coordinating Agency**

The County Planning Department shall be responsible for insuring that the environmental review required by CEQA occurs for all land use projects requiring the issuance of any discretionary permits within the unincorporated territory of the County.

Whenever the County undertakes any project subject to CEQA, the County Officer or Department principally responsible for the project shall submit the project to the Planning Department for environmental review. The Planning Department shall be responsible for the preparation of the appropriate environmental documents and to that end shall be responsible for the selection and oversight of any consultants retained for that purpose.

The officer or department overseeing the project shall be responsible for the cost of conducting the environmental review.

#### **Section 19.01.040 Fees**

A. Nevada County, in preparing EIRs or Negative Declarations or Initial Studies for projects to be carried out by any person other than the County itself, shall charge and collect a reasonable fee from such person or entity in order to recover the estimated costs incurred in preparing the Initial Study, Negative Declaration, or EIR.

B. Nevada County shall charge and collect a reasonable fee, not to exceed the actual cost of reproduction, from members of the public for a copy of an environmental document.

#### **Section 19.01.050 Consultants**

A. The County may retain consultants in the preparation and evaluation of the Initial Study, Negative Declaration, and Environmental Impact Reports. If consultants are retained for the preparation of environmental documents, the expenses involved in the preparation shall be borne by the applicant for the project.

B. Following notification by the Planning Department that a consultant is to be retained, the applicant shall initiate the preparation of the environmental documents by filing with the Planning Department a request for preparation of a work program for the necessary work. Any supplemental information requested by the Planning Department related to the preparation of such a document shall be submitted with the request. The Planning Department, upon receipt of a request, shall prepare a request for proposals (RFP) to be sent to qualified consultants. The RFP shall include the following:

1. Primary topics or aspects of the environment or proposed project which require detailed exploration and evaluation; and
2. Tasks to be performed in preparation of the report; and
3. List of resources and/or types of consultants to be utilized in the report preparation; and
4. A request for the consultants to submit their work program, scope, and approach to complete the EIR together with their estimated costs of services, their time frame for completion, and any other information that is pertinent.

C. The applicant may review the “work program” and indicate to the Planning Department in writing concurrence with or suggested alterations to the program. Such suggestions may be considered by the Department, but it is not bound to comply with the applicant’s suggestions. Prior to initiation of work on the documents, the applicant shall deposit with the County of Nevada the total estimated cost to complete the document.

During the preparation of the report, the applicant will be kept apprised of the costs of the County-retained consultants.

D. Any failure of the applicant to comply with these provisions shall constitute grounds for the denial of the applicant's project.

#### **Section 19.01.060 Environmental Impact Report Consultant Selection Procedures**

A. The Planning Department shall establish a list of qualified environmental impact report consultants. The established list will also indicate the firms' particular fields of expertise.

B. Environmental impact report consultants wishing to do work for the County may submit a resume indicating the firm's principal personnel, work experience, statement of qualifications, and any other information deemed necessary for the Planning Department to make the determination.

An invitation to bid will be based on experience, knowledge of the County and available expertise to ensure high quality, in-depth and comprehensive environmental impact reports for the project requiring the EIR.

C. The selection of the consultant shall be determined by the Planning Department after review and evaluating the scope and comprehensiveness of each proposal submitted by the consultants. The scope, quality, and cost of the proposal will be major factors in the selection of a consultant.

D. Consultants with a possible conflict of interest, either direct or indirect, in the project shall not be considered.

#### **Section 19.01.070 Time Limits**

A. Pursuant to the provisions of Cal. Gov't Code § 65950 and Cal. Pub. Res. Code § 21151.5, whenever the County is the Lead Agency for any "Development Project" (as defined in Cal. Gov't Code § 65928), the County shall complete its environmental review within the following time limits from the date on which an application requesting approval is accepted as complete by the County, in accordance with the provisions of Cal. Gov't Code § 65943.

1. One year for projects for which an EIR is prepared.

2. 105 days for projects for which a Negative Declaration is prepared.

B. The time limits established by this Section may be extended in the event that compelling circumstances justify additional time and the project applicant consents

thereto. As used herein, compelling circumstances shall include, but shall not be limited to any of the following:

1. The failure of the applicant to pay in advance all costs associated with the preparation of the environmental document.
2. The failure of the applicant to provide any information requested by County and/or County's consultant.
3. The filing of any appeal or litigation contesting any action taken by the County with regard to a project.
4. A determination by County, following preparation of a Negative Declaration, that an EIR is required.

C. The date of acceptance by the County of Nevada of an application requesting approval of the project shall be the date the application is found to be complete and so certified by the County. The date of acceptance shall not be the date of filing the application but will be on the date that the applicant is expressly notified in writing that the County has thoroughly reviewed the application and has found it to be complete. In the event of County's failure to formally accept an application as complete, the application shall be deemed complete thirty (30) days after its filing.

D. In the event that the applicant does not consent to an extension of time, the Lead Agency may deny the project at a duly noticed public hearing.

E. Notwithstanding the foregoing, any application for a land use permit which is accompanied by a request or dependent upon a change in any ordinance or general or specific plan shall be deemed to be an incomplete application unless and until the ordinance or general or specific plan amendment is adopted. The permit application will be deemed accepted thirty (30) days after the enactment of the general or specific plan and/or ordinance amendment which the application was dependent upon. These provisions shall not be affected or abrogated by any decision or action by the County to include the land use permit (project) in its environmental review of the proposed general or specific plan or ordinance amendments. The purpose of this provision is to avoid any assertion or finding that an application for a land use permit has been "deemed approved" when at the time of the filing of the application it was inconsistent with the County's general or specific plan and/or ordinances.

### **Section 19.01.080 Delegation of Responsibilities**

A. The Lead Agency within the County may assign specific functions to County staff, or to any board, committee, or commission to assist in administering CEQA.

Functions which may be delegated include but are not limited to:

1. Determination of whether a project is exempt from CEQA.
2. Preparation and circulation of an initial study.
3. Preparation and circulation of a Negative Declaration or EIR.
4. Conducting hearings on the environmental documents.
5. Preparation of responses to public comments.
6. Preparation of suggested findings.
7. Certification and adoption of the environmental document.
8. Preparation and filing of notices.

B. The Lead Agency, or the Board of Supervisors if a project is before the Board for final action thereon, may not delegate the following functions:

1. Review and consideration of a final EIR or Negative Declaration prior to approving a project.
2. The adoption of findings as required by the State CEQA Guidelines.

#### **Section 19.01.090 Ministerial Projects**

The following projects are deemed ministerial and do not require formal environmental review:

- A. Issuance of building permits.
- B. Approval of the recordation of parcel maps and final maps if all of the conditions of tentative map approval have been complied with.
- C. Approval of individual utility service connection and disconnections.
- D. Transportation (overload and over-width) permits.
- E. Grading permits in conjunction with the construction of a single-family residence with an approved site plan pursuant to Title 14, Building, in the Nevada County Codes.
- F. All licenses issued by the County of Nevada.
- G. Any other action by the County which does not require the exercise of discretion and/or judgment.
- H. All land uses that qualify as ministerial projects under the County's zoning

ordinance. (Subsection E amended by Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

### **Section 19.01.100 Scope of Environmental Review**

The project to be studied shall be the total proposal for the development of the property. If the proposal is for a change in the general or specific plan and/or a rezoning of property, the environmental review shall present a discussion of all of the potentially significant impacts that could occur from the maximum development that may occur under the proposed general plan amendment and/or rezoning. In addition to the foregoing analysis, if the applicant for the general or specific plan amendment and/or rezoning presents a specific proposal for the development of the subject land, the environmental review should also consider the impacts associated with the proposal. The Planning Department may require such information about the project as it deems necessary in order to include the project in the environmental analysis.

### **Section 19.01.110 Initial Study**

Whenever a project requiring environmental review is approved or undertaken by the County as Lead Agency, an initial study should be prepared unless it has already been determined (1) that the project could not have any significant adverse environmental impacts, or (2) an EIR should be prepared. The initial study should be prepared using the forms set out in Appendices 1 and 2 and shall include factual information in support of the answers provided to the questions contained in these forms.

### **Section 19.01.120 Negative Declaration**

Where the initial study shows that a Negative Declaration should be prepared, procedures shall be as follows:

- A. The County shall prepare or cause to be prepared a Negative Declaration which shall include the information required in Cal. Code Regs. tit. 14 § 15071 of the State CEQA Guidelines.
- B. The Planning Department shall publish notice of the preparation of the Negative Declaration in a newspaper of general circulation within the County no less than ten (10) days prior to the meeting of the Board, Commission, Committee, or County staff, (hereinafter collectively the "County") which considers the adoption of the proposed Negative Declaration; provided, however, that when a Negative Declaration is required to be submitted to the State Clearinghouse, the notice of preparation of the Negative Declaration shall be published no less than thirty (30) days prior to the meeting which considers its adoption. Notice should also be given to all organizations and individuals



who have previously requested same and to the owners of all property contiguous to the subject project, by mail, ten (10) days in advance of the Board, commissioner, committee, or County staff meeting. Following the publication of the notice required by this Section, the proposed Negative Declaration shall be available for public inspection.

C. The Planning Department shall send a copy of the public notice of the proposed Negative Declaration together with a copy of the proposed Negative Declaration to all Responsible and Trustee Agencies within the State. Where one or more State Agencies will be a Responsible or Trustee Agency, the Planning Department shall send copies of the notice and the proposed Negative Declaration to the State Clearinghouse for distribution to the State Agencies. It shall also send such notice to Federal and Local Public Agencies having to issue subsequent permits for the projects and other interested persons, organizations and private utility companies interested in the project and requesting same.

D. Notwithstanding anything to the contrary in this Section, the period for review by the public and the State Agencies may be shortened to less than thirty (30) days if approved by the State Clearinghouse (reference is to Cal. Code Regs. § 15073(d) of the guidelines).

E. At the time and place specified in the above-referenced notice, or at any duly continued meeting thereof, the Lead Agency shall conduct a public hearing at which members of the public shall be permitted to speak on the proposed Negative Declaration.

F. Following the public hearing the Lead Agency shall consider the proposed Negative Declaration and all testimony and evidence submitted with regard thereto. The Lead Agency may adopt the Negative Declaration or mitigated Negative Declaration only if it finds that there is an absence of substantial evidence that the proposed project might have a significant adverse impact on the environment. If it could be fairly argued that such substantial evidence does exist (in the record), an EIR shall be required.

1. The decision to adopt a Negative Declaration may be appealed to the Board of Supervisors within ten (10) days of the adoption thereof by filing a Notice of Appeal following the procedure set out in Section of the Nevada County Code governing Zoning, 12.05.120.F. All appeals shall conform to the requirements and procedures set out in Sections under Zoning, 12.05.120.D, 12.05.120.F, 12.05.120.G, 12.05.120.H, 12.05.120.L and 12.05.120.N of the County of Nevada Code. If an appeal is filed on multiple actions, the appeal of the adoption of the Negative Declaration must be explicitly stated as a separate ground for the appeal. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any). Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and grounds for the appeal. Failure to comply with these requirements may result in the summary denial

of the appeal. (Subsection amended by Ord. 2047. (02/06/2001); Ord. 2531. (10/24/2023))

2. At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest, and staff, on each of the issues raised in the notice of appeal and the written statement of appeal provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes each.
3. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure required by law, including but not limited to the failure to provide proper or timely notice, the appeal hearing shall be deemed to be curative of any procedural omissions or errors stemming from the hearing held by the lower body.
4. The intent of these provisions is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.
5. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

#### **Section 19.01.130 Consideration of Negative Declaration**

Prior to approving any project, the Lead Agency shall read and consider the Negative Declaration.

#### **Section 19.01.140 Notice of Determination**

After the Lead Agency decides to carry out or to approve a project for which a Negative

Declaration has been approved, the Planning Department shall file a Notice of Determination in compliance with Cal. Code Regs. tit. 14 § 15075 of the Guidelines after the expiration of the ten (10) day appeal period.

### **Section 19.01.150 EIR Process**

A. Environmental Impact Reports for public projects may be prepared by using the methods provided below or through the County's own effort.

B. The Environmental Impact Report for private projects shall be prepared according to one of the following methods:

1. EIR prepared through County-retained consultants.

- a. The applicant shall initiate the preparation of the EIR by filing an authorization with the Planning Department for staff to prepare a Request for Proposals together with a fee in the amount consistent with the latest adopted resolution or ordinance of the Board of Supervisors.
- b. Any supplemental information compiled by the applicant related to the preparation of such a document may also be submitted with the request.
- c. Staff shall secure the preparation of an EIR following the procedures set out in this Section.

2. Project sponsor submittal of preliminary draft EIR.

- a. The project sponsor can initiate the review process by filing environmental data in the form of a preliminary draft EIR with the Planning Department along with the fee amount as established by the latest resolution adopted by the Board of Supervisors. In such cases the applicant's project shall not be accepted as filed with the County until the preliminary draft EIR is submitted to the County
- b. The sponsor's preliminary draft EIR shall be subject to an independent evaluation and analysis by a County-retained consultant as required by Cal. Code Regs. tit. 14 § 15084 of the officially adopted State CEQA Guidelines.
- c. The cost of modifying the sponsor's preliminary draft EIR to reflect the independent judgment of the County will be directly related to the scope, completeness and in-depth analysis of the environment and project provided in the document.
- d. The Planning Department, upon receipt of the preliminary draft EIR, shall prepare a work program outlining the process necessary to modify the EIR to reflect the independent judgment of the County.

### **Section 19.01.160 Notice of Completion**

A. Public notice of the completion of a draft EIR shall be provided by the Lead Agency within the County at the same time as notice of completion is sent to the Resources Agency. Notice shall be given to all organizations and individuals previously requesting such notice and shall also be published in a newspaper of general circulation in the area affected by the proposed project.

B. The method of providing notice specified in subsection A above shall not preclude the County from providing additional notice, nor shall it preclude the County from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such projects.

### **Section 19.01.170 Public Review of EIR**

A. CONSULTATION: After completing a draft EIR, the Lead Agency within the County shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project.

B. REVIEW TIME: In order to provide sufficient time for public review of a draft EIR, review periods for draft EIRs shall not be less than thirty (30) days nor longer than ninety (90) days except in unusual situations.

C. PUBLIC HEARINGS: The Lead Agency shall hold a public hearing on the draft EIR. The public hearing may be conducted either in separate proceedings or in conjunction with other proceedings of the public agency. Notice shall be given of the public hearing in the same manner as that required for rezonings.

D. HEARING BODY: Notwithstanding subparagraph C above, on general or specific plan amendments and changes to the zoning ordinances, the Planning Commission shall be the body with the duty to conduct hearings and to review, approve, and to certify the adequacy of the EIRs.

E. AVAILABILITY OF COPIES OF DRAFT EIR: Copies of the draft EIR shall be filed in the County public libraries in Grass Valley, Nevada City and Truckee for public use and copies may be purchased in the County Planning Department.

### **Section 19.01.180 Response to Comments**

Following the public review period and the conclusion of the public hearing, the Lead Agency shall have responses to all pertinent comments prepared. The responses shall be

in writing and shall describe the disposition of all significant environmental issues raised. The response shall provide a good faith reasoned analysis. The responses may take the form of revisions to the draft EIR or may be in a separate section in the final EIR.

### **Section 19.01.190 Certification of EIR**

Following preparation of the response to comments, the final EIR shall be reviewed for its adequacy. Any interested citizen or party may submit written comments on the adequacy of the proposed response to comment to the Planning Department at any time up to seven (7) calendar days before the response to comments and the draft EIR are submitted to the Lead Agency for certification as a final EIR; provided, however, that the County shall not be required to respond to comments received or to revise the EIR. If the Lead Agency finds that the EIR is complete and has been prepared in accordance with the requirements of CEQA, the Lead Agency shall certify same.

### **Section 19.01.200 Appeals of the Adequacy of the EIR**

Within ten (10) days of the Lead Agency's decision to certify an EIR, an appeal of the adequacy of the EIR may be submitted to the Board of Supervisors by filing a Notice of Appeal following the procedures set forth in Section 12.05.120 F of the Nevada County Code. If an appeal is filed on multiple actions, the Notice of Appeal must expressly state each deficiency in the EIR as a basis for the appeal. All appeals shall conform to the requirements and procedures set out in Sections 12.05.120.D, 12.05.120.F, 12.05.120.G, 12.05.120.H, 12.05.120.L and 12.05.120.N of the Nevada County Code. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and ground for the appeal. Failure to comply with these requirements may result in the summary denial of the appeal. (Subsec. Amend. by Ord. 2047. (02/06/2001); Ord. 2531. (10/24/2023))

A. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any).

At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest and staff on each of the issues raised in the notice of appeal; provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes.

B. Appeal fees shall be pursuant to the latest adopted resolution and/or

ordinance of the Board of Supervisors.

C. Failure to comply with these requirements will exclude consideration by the Board of Supervisors as to the adequacy of the EIR offered by the persons appealing the decision to approve or to disapprove any project.

D. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure or other legal requirement, including but not limited to, the failure to provide proper or timely notice, the conducting of an appeal hearing shall be deemed to be curative of any such procedural omissions or errors stemming from the hearing held by the lower body.

E. The intent of this provision is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.

F. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

**TITLE 20: AGRICULTURAL LANDS AND OPERATIONS**  
**CHAPTER 1: AGRICULTURAL LANDS AND OPERATIONS**

**Sections:**

<b>Section 20.01.010</b>	<b>Definitions</b>
<b>Section 20.01.020</b>	<b>Nuisance</b>
<b>Section 20.01.030</b>	<b>Disclosure</b>
<b>Section 20.01.040</b>	<b>Resolution of Disputes</b>
<b>Section 20.01.050</b>	<b>Noncompliance with this Chapter</b>

**Section 20.01.010 Definitions**

A. AGRICULTURAL LAND shall mean and include all those land areas of the County of Nevada now used for agricultural operations or upon which agricultural operations may be established in the future in conformity with applicable zoning regulations.

B. AGRICULTURAL OPERATION shall mean and include, but not be limited to, cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including production of timber, trees, shrubs, flowers, herbs and all other plants, viticulture, horticulture, apiculture, the raising of livestock and horses, fur-bearing animals and all other kinds of animal husbandry, the culture of breeding of poultry, fish, marine life, mollusca, all other types of animal or plant life, and commercial practices performed as incident to or in conjunction with such agricultural operations, including agritourism, selling, processing, packing, preparation for market, delivery to storage or market or to carriers for transportation to market. (Ord. 1627. (03/20/1990); Ord. 2225. (12/12/2006); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

**Section 20.01.020 Nuisance**

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private or public, due to any changed condition in or about the locality, after it has been in operation for more than three (3) years if it was not a nuisance when it began. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

**Section 20.01.030 Disclosure**

Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of the Cal. Civil Code §§ 1102 – 1102.19.

## **NEVADA COUNTY RIGHT TO FARM NOTICE**

Nevada County permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, agritourism, traffic, operation of machinery during any time of the day or night, storage and disposal of manure, and the ground or aerial application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. Nevada County has determined in the Nevada County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Nevada County Code and that residents or users nearby property should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Nevada County Right to Farm Ordinance see Agriculture in the Nevada County Code or contact the Nevada County Agricultural Commissioner's Office.

The County elects to require this additional disclosure under the authority of Cal. Civ. Code §§1102.6 –1102.15, and failure to comply therewith is subject to the same remedies as other violations of the State disclosure statutes. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

### **Section 20.01.040 Resolution of Disputes**

A. A party who believes in good faith that an agricultural operation (described in Section 1.1 above) is causing inconvenience or discomfort to them shall notify the operator in writing of such concerns. The submission of said notification should be accompanied by personal discussions, if possible, to enable the claimant and the operator to attempt to reach a mutually agreeable reconciliation.



B. If both parties are unable to reach a mutually agreeable reconciliation as set forth above, then the parties may notify the county agricultural commissioner as set forth below in an attempt to resolve the matter:

1. The aggrieved party shall notify the agricultural party and the county agricultural commissioner within thirty (30) days of the occurrence of the agricultural operation giving rise to the controversy.
2. Within fifteen (15) days after receiving the complaint, the county agricultural commissioner shall set a meeting with the affected parties and shall attempt to mediate the dispute.
3. If the dispute cannot be successfully mediated by the county agricultural commissioner, then both parties may agree to enter into an arbitration agreement providing for an arbitration proceeding in accordance with Cal. Civ. Proc. §§ 1280-1294.4. The expense of such arbitration shall be the responsibility of the affected parties. (Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

#### **Section 20.01.050 Noncompliance with this Chapter**

No transfer subject to this Chapter shall be invalidated solely because of the failure of any person to comply with the provisions of this Section- see Cal. Civ. Code § 1102.13. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

## **CHAPTER: 2 BEEKEEPING**

### **Section 20.02.010 Findings and Purpose**

### **Section 20.02.020 Definitions**

### **Section 20.02.030 Apiary Locations—Encroachment, Stocking Limit & Nuisance**

### **Section 20.02.040 Enforcement**

### **Section 20.02.010 Findings and Purpose**

The Board of Supervisors hereby finds and determines as follows:

- A. The health of local bee populations as related to the sustainability of our local environment and ecosystems is vitally important.
- B. Many beekeepers find the County of Nevada to be an ideal summer holding ground for apiaries due to potential foraging opportunities for bees and minimal pesticide use within the County.
- C. Due to the demand for apiary sites in the County of Nevada as summer holding grounds for hives destined for pollination in other counties, both commercial and recreational beekeepers in the County of Nevada are facing an imminent threat of deleterious overstock of the local landscape.
- D. The oversubscription of food sources may result in a significant reduction in honey production and pollination, as well as an increase in the prevalence of bee pests and diseases.
- E. The Nevada County Board of Supervisors desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and beekeeping industry and the public health, safety and welfare from public nuisances, by ensuring there will be ample space between colonies of beehives.
- F. This Section is intended to supplement and harmonize with the Apiary Protection Act, Cal. Food & Agric. Code §§ 29000 -29812, and related regulations.
- G. Based on the findings set forth in this Section 20.02.010, this Ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

### **Section 20.02.020 Definitions**

As used in this Section, the following definitions shall apply:

- A. AFRICANIZED HONEY BEE means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.
- B. BEEKEEPER means the owner, operator and/or person in control of any Apiary.
- C. COMMERCIAL APIARY is any Apiary containing ten (10) or more hives or nucleus colonies of bees but does not include a Hobbyist Apiary or a Pollination Apiary.
- D. COMMISSIONER means the Nevada County Agricultural Commissioner or their designee.
- E. HOBBYIST APIARY means an apiary containing nine (9) or fewer colonies.
- F. MATING NUCLEUS APIARY means a Commercial Apiary containing nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner for that purpose.
- G. POLLINATION APIARY means an apiary of any size established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Any word or phrase used in this Section and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Food and Agriculture Code (Cal. Food & Agric. §§ 29190-29195). (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

#### **Section 20.02.030 Apiary Locations—Encroachment, Stocking Limit & Nuisance**

- A. Locational Requirements.
  - 1. Protection from Encroachment. No person shall establish, place, keep, cause or allow a Commercial Apiary closer than two (2) miles (by GPS coordinates) from any other registered Commercial Apiary location, except if:
    - a. All Commercial Apiary locations within a two-mile (2) radius are being kept or maintained by the same Beekeeper; or
    - b. The proposed location of the encroaching Commercial Apiary was listed on the beekeepers 2018 Apiary Registration, and the Commercial Apiary location has been registered by the same Beekeeper, or registered transferee, every subsequent year; or

- c. Written permission is provided to the Commissioner from the owner of the existing Commercial Apiary being encroached upon; or
  - d. The encroaching Commercial Apiary is a Pollination Apiary.
- 2. Availability of Water. No person shall place, keep, cause or allow any Apiary to remain in any location unless one of the following conditions exists:
  - a. There is a natural water supply in existence within a distance of one-half (0.5) mile from the Apiary; or
  - b. An artificial water supply for the Apiary is maintained within one hundred fifty (150') feet from any such Apiary. If the artificial water supply is not owned or controlled by the Beekeeper, the Beekeeper shall have written consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

B. Transfer of Encroachment Protection to New Owner. A Commercial Apiary location that has been registered with and approved by the Commissioner may be transferred by a Beekeeper to another party only if:

- 1. The selling party has an active Commercial Apiary at the approved location at the time of transfer;
- 2. The Commercial Apiary is in compliance with the registration and permit requirements of Cal. Food & Agric. Code §29040; and
- 3. The active Commercial Apiary is sold or transferred to the transferee.

A Beekeeper proposing to transfer an approved location must present written documentation of the sale or transfer to the Commissioner within thirty (30) days after the date of sale or transfer. The transferee must register the transferred Apiary and pay the appropriate registration fee for the current calendar year within thirty (30) days after the date of sale or transfer.

C. Expiration of Protection from Encroachment. Every Commercial Apiary Location must be occupied and re-registered on an annual basis. After a lapse of registration of one (1) year, or if colonies are not placed on a site within the annual registration period, then previous registration rights to a location as well as protection from encroachment will expire.

D. Seasonal Hive Limit. Except for Mating Nucleus Apiaries and Pollination Apiaries, no parcel may contain more than forty-eight (48) live colonies of bees between

May 15 and October 15. Commercial Apiaries that are part of a research or educational project are exempt from the colony limit herein described.

E.           Permission of Property Owner. No person shall place, keep, cause or allow any Apiary to remain on land not owned or possessed by such person unless the person has the permission of the owner or person lawfully in possession of such land, or an authorized agent thereof, and can establish proof of such approval upon demand of the Commissioner. The approval shall include the name and phone number of the person granting approval.

F.           Overly Defensive and Africanized Honey Bees. No person shall keep an Apiary of overly defensive or Africanized honey bees. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

#### **Section 20.02.040 Enforcement**

Any act in violation of any provision of this Section is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

## **CHAPTER 3: TREES AND PLANTS**

Sections:

**Section. 20.03.010 Definitions**

**Section 20.03.020 Certificates**

**Section 20.03.030 Detention and Inspection**

**Section 20.03.040 Equipment Controls**

**Section 20.03.050 Treatment within the County of Nevada**

**Section 20.03.060 Enforcement**

### **Section 20.03.010 Definitions**

- A. GRAPE PHYLLOXERA means the insect *Phylloxera Vitifoliae*.
- B. INFESTED WITH GRAPE PHYLLOXERA means that Grape Phylloxera has been detected and not eradicated.
- C. COMPETENT ANNUAL SURVEY means a survey conducted annually using known methods for the detection of Grape Phylloxera.
- D. WESTERN GRAPELEAF SKELETONIZER or “GLS” shall mean the insect *Harrisina brillians*.
- E. GLS INFESTED AREA shall mean an area in which GLS has been detected and not eradicated.
- F. GREEN-GROWING GRAPEVINES shall mean grapevine plants with leaves which, unlike dormant grapevines without leaves, are at risk from GLS infestation.
- G. GROWING OR HOLDING AREA shall mean a specific grapevine nursery stock growing ground or holding location plus all land within one mile of the exterior perimeter of such growing ground or holding location.

### **Section 20.03.020 Certificates**

- A. FORM OF CERTIFICATES. All certificates required by this section shall

be on California Department of Food and Agriculture Form 66-079, "Certificate of Quarantine Compliance", as such may be amended from time to time.

## B. GRAPE PHYLLOXERA

1. Certificate Required. All inter-county shipments of grapevines and cuttings, rooted or otherwise, must be certified by the Agricultural Commissioner at the point of origin as free of Grape Phylloxera or treated as stated in this subsection.
2. Origin Certificate. Certification may be granted if a Competent Annual Survey of the point of origin has been made by the County Agricultural Commissioner and a certificate has been issued stating that no Grape Phylloxera is known to exist in the area where the vines or cuttings were grown.
3. Treatment Certificates. If no Competent Annual Survey has been made, or if a survey has been made and the area is found to be infested with Grape Phylloxera, then all vines and cuttings originating from that area must be subjected to one of the following methods of treatment, and so certified:
  - a. Hot Water Treatment: Complete submergence in water at a temperature not less than 125 degrees Fahrenheit for five (5) minutes or 130 degrees Fahrenheit for three (3) minutes.
  - b. Methyl Bromide Fumigation: Atmospheric fumigation in an approved gas-tight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing chamber of gas after fumigation, and an interior thermometer (visible from the outside) with a dosage of not less than two pounds of Methyl Bromide per 1000 cubic feet for a period of at least three hours at a temperature of not less than 65 degrees Fahrenheit. The fan is to be operated during and for ten minutes after the injection of the gas.

## C. WESTERN GRAPELEAF SKELETONIZER

1. Certificate Required. No green-growing grapevines originating outside the County of Nevada, but inside the State of California, shall be shipped to, off-loaded, distributed, stored or planted within the County of Nevada unless accompanied by an Origin Certificate or a Treatment Certificate.
2. Origin Certificate. Origin Certificates may be issued only when the Agricultural Commissioner or their duly authorized representatives in the shipping county has surveyed for GLS and has determined that GLS does not occur in the growing or holding area. Such determination shall be indicated on the Origin Certificate by a written statement that "no GLS is

known to exist in the area where the vines were grown or held”.

3. Treatment Certificates. Green-growing grapevines originating from unsurveyed or GLS-infested areas shall be accompanied by a certificate affirming that the grapevines have been treated by at least one of the following methods:
  - a. Treatment with six (6) to eight ( 8) pounds of cryolite per acre, with thorough coverage.
  - b. Other insecticidal treatment approved in writing by the Nevada County Agricultural Commissioner.

#### **Section 20.03.030 Detention and Inspection**

No intrastate shipment of grapevines, cuttings, or green-growing grapevines, rooted or otherwise, destined for the County of Nevada shall be off-loaded within the County of Nevada prior to reaching its destination. Upon arriving at such destination, each shipment shall be held until the certificates required by this Chapter have been reviewed and the shipment has been inspected by the Nevada County Agricultural Commissioner or their duly authorized representative.

#### **Section 20.03.040 Equipment Controls**

These rules govern the movement of any farming implements, machinery, and field equipment, tractors, grape picking boxes, used grape stakes, or other appliances which have been used or operated in culturing, harvesting, or transporting within the vineyard. Inspections will be required for any/all equipment transported over or working on vineyard properties.

All such equipment shall be held upon arrival in the County of Nevada until released by the County Agricultural Commissioner, or their Inspector. All such equipment will be inspected and released if:

- A. Accompanied by a certificate signed by the Agricultural Commissioner, or their inspector, at origin stating that such equipment has not previously been used in an infested area; or
- B. Certified by the Agricultural Commissioner or their inspector at origin as having been thoroughly cleaned and free of all soil and debris immediately prior to leaving that area of infestation.
- C. All such equipment found contaminated with soil and debris and not certified as required in subparagraph A. above:



1. May be refused movement from that area; or
2. Shall be treated at the owner's expense in an area designated by and under the supervision of the Agricultural Commissioner or their inspector. The location of said cleaning operation shall be designated by the Agricultural Commissioner.

#### **Section 20.03.050 Treatment within the County of Nevada**

A. Following inspection in accordance with County requirements and prior to any further distribution, storage or use, the person receiving any intrastate shipment of plants which are infected as described herein shall, upon written request by the Nevada County Agricultural Commissioner or their duly authorized representatives, treat such plants in whatever manner is determined by the Commissioner or their representatives to be reasonably necessary to prevent the introduction or spread of the infestation.

B. If any infestation of any pest as described herein is located within Nevada County, any vines or cuttings from the infested property shall be treated in whatever manner is determined by the Commissioner or their representatives to be reasonably necessary to prevent the introduction or spread of the infestation.

C. Any equipment as described in this code may be refused movement from the infested area or be treated at the owner's expense under the direction of the Agricultural Commissioner.

#### **Section 20.03.060 Enforcement**

Any person, firm, partnership, association, or corporation who violates or causes the violation of any of the provisions of this Section shall be guilty of a misdemeanor.

## **TITLE 21: AIRPORT LAND USE COMPATIBILITY**

### **CHAPTER 1: PURPOSE**

#### **Sections:**

<b>Section 21.01.100</b>	<b>Purpose</b>
<b>Section 21.01.200</b>	<b>Basic Function of Airport Land Use Compatibility Planning</b>
<b>Section 21.01.030</b>	<b>Principal Airport Land Use Commission Compatibility Concerns</b>

#### **Section 21.01.010 Purpose**

The purpose of this ordinance is to adopt specific sections of the Nevada County Airport Land Use Compatibility Plan (“NCALUCP”) and the Truckee Tahoe Airport Land Use Compatibility Plan (“TTALUCP”) as local land use policy. These plans serve as planning tools to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adopted of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

#### **Section 21.01.020 Basic Function of Airport Land Use Compatibility Planning**

The basic function of airport land use planning is to promote compatibility between the airport and surrounding land uses. As adopted by an Airport Land Use Commission (ALUC), an Airport Land Use Compatibility Plan (ALUCP) serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. The ALUCP sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

Any city, county, special district, community college district, or school district that exists, or may be established or expanded into the identified airport influence area defined by an ALUCP is also subject to the provisions of the plan, when making planning decisions regarding proposed development of lands within an airport influence area. However, the authority of an ALUCP does not extend to state, federal, or tribal lands, to airport operations, or to existing land uses. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

#### **Section 21.01.030 Principal Airport Land Use Commission Compatibility Concerns**

The ALUCs are concerned only with the potential impacts related to:

- A. Exposure to aircraft noise.
- B. Land use safety with respect both to people on the ground and the occupants of aircraft.
- C. Protection of airport airspace from tall objects and certain other land use characteristics (e.g., bird attractions, sources of smoke, glare, etc.).
- D. General concerns related to aircraft overflight. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

## **CHAPTER 2: NEVADA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN**

### **Sections:**

<b>Section 21.02.010</b>	<b>Applicability</b>
<b>Section 21.02.020</b>	<b>Geographic Scope</b>
<b>Section 21.02.030</b>	<b>Adoption of Policy</b>

### **Section 21.02.010 Applicability**

The Nevada County Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan “NCALUCP” on September 21, 2011, to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Cal. Pub. Util. Code §§ 21670 – 21679.5 applicable to airport land use compatibility planning in the vicinity of the Nevada County Airport. The NCALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances, and to landowners in their design of new development. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

### **Section 21.02.020 Geographic Scope**

The Nevada County Airport lies in the western portion of Nevada County within the Loma Rica Industrial Area and east of the City of Grass Valley. The influence area for the Nevada County Airport extends 1.7 miles from the airport’s runway. This influence area encompasses land within the jurisdictions of Nevada County and the City of Grass Valley.

As established and adopted by the Nevada County Airport Land Use Commission, the geographic scope of the NCALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Nevada County Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Nevada County Airport influence area and the compatibility zones are depicted by NCALUCP Map 2A (Compatibility Policy Map) contained therein. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

### **Section 21.02.030 Adoption of Policy**

The following sections of Chapter 2 of the NCALUCP, adopted by the Nevada County Airport Land Use Commission in September of 2011, are hereby incorporated by reference,

and adopted as Nevada County local land use policy:

- A. Section 1. General Applicability.
- B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.
- C. Section 3. Compatibility Criteria for Land Use Actions.
- D. Section 5. Specific Compatibility Criteria. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

## **CHAPTER 3: TRUCKEE TAHOE AIRPORT LAND USE COMPATIBILITY PLAN**

### **Sections:**

<b>Section 21.03.010</b>	<b>Applicability</b>
<b>Section 21.03.020</b>	<b>Adoption of Policy</b>
<b>Section 21.03.030</b>	<b>General Applicability</b>

### **Section 21.03.010 Applicability**

The Truckee Tahoe Airport Land Use Commission adopted the Truckee Tahoe Airport Land Use Compatibility Plan "TTALUCP" on October 19, 2010 to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Public Utilities Code §§ 21670 et seq., applicable to airport land use compatibility planning in the vicinity of the Truckee Tahoe Airport. The TTALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

(Ord. 2390.(10/28/2014); Ord. 2531. (10/24/2023))

### **Section 21.03.020 Geographic Scope**

The Truckee Tahoe Airport is located approximately two miles east of the Town of Truckee off of State Route 267 and is located in the unincorporated areas of both Nevada County and Placer County. The influence area for the Truckee Tahoe Airport extends roughly 2.7 miles from the airport runways. This influence area encompasses lands within three local jurisdictions: County of Nevada, County of Placer and the Town of Truckee.

As established and adopted by the Truckee Tahoe Airport Land Use Commission, the geographic scope of the TTALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Truckee Tahoe Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Truckee Tahoe Airport influence area and compatibility zones are depicted in TTALUCP Figure 2A (Compatibility Map) contained therein.

(Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023)))

**Section 21.03.030 Adoption of Policy**

The following sections of [Chapter 2](#) of the TTALUCP adopted by the Truckee Tahoe Land Use Commission in October of 2010 are hereby incorporated by reference and adopted as Nevada County local land use policy: A. Section 1. General Applicability.

B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.

C. Section 3. Basic Compatibility Criteria.

D. Section 4. Supporting Compatibility Criteria.

(Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))