

## **EXHIBIT A**

### **LAND USE**

#### **CHAPTER II: ZONING REGULATIONS**

##### **SECTION 1 GENERAL PROVISIONS**

###### **Section:**

**Sec. L-II 1.1 Authority and Purpose**

**Sec. L-II 1.2 Applicability**

**Sec. L-II 1.3 Zoning District Maps**

**Sec. L-II 1.4 Rules of Interpretation**

**Sec. L-II 1.5 Conflicting Provisions**

###### **Sec. L-II 1.1 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 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.

### **Sec. L-II 1.2 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

2. 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

3. 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), or 500 (11/10/1970), and amendments thereto, shall be valid in accordance with the provisions and conditions under which it was originally approved.

D. References to Other Articles. All references to other Articles are to those Articles 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.

### **Sec. L-II 1.3 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 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.

#### **Sec. L-II 1.4 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 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 43-acre parcel is divided between “AG-10” (31 acres) and “AG-30” (12 acres). The potential number of parcels for each district is 3.1 parcels for the “AG-10” area and 4 parcels for the “AG-30” area. The sum of the potential number of parcels rounded down to a whole number is 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.

### **Sec. L-II 1.5 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 Land Use and Development Codes or other laws, rules, and regulations, the more stringent development requirement or greater restriction on the use of land or structures shall apply.

# EXHIBIT

## LAND USE

### CHAPTER II ZONING REGULATIONS

#### SECTION 2 ZONING DISTRICTS

##### Sections:

<b>Sec. L-II 2.1</b>	<b>Establishment of Zoning Districts</b>
<b>Sec. L-II 2.2</b>	<b>Residential Districts</b>
<b>Sec. L-II 2.2.1</b>	<b>Single-Family</b>
<b>Sec. L-II 2.2.2</b>	<b>Multi-Family</b>
<b>Sec. L-II 2.3</b>	<b>Rural Districts</b>
<b>Sec. L-II 2.4</b>	<b>Commercial Districts</b>
<b>Sec. L-II 2.5</b>	<b>Industrial Districts</b>
<b>Sec. L-II 2.6</b>	<b>Special Purpose Districts</b>
<b>Sec. L-II 2.7</b>	<b>Combining Districts.</b>
<b>Sec. L-II 2.7.1</b>	<b>Airport Influence Combining District (AI)</b>
<b>Sec. L-II 2.7.2</b>	<b>Historic Preservation Combining District (HP)</b>
<b>Sec. L-II 2.7.3</b>	<b>Mineral Extraction Combining District (ME)</b>
<b>Sec. L-II 2.7.4</b>	<b>Mobile home Parks Combining District (MH)</b>
<b>Sec. L-II 2.7.5</b>	<b>Planned Development Combining District (PD)</b>
<b>Sec. L-II 2.7.6</b>	<b>Potential Snow Avalanche Area Combining District (PSAA)</b>
<b>Sec. L-II 2.7.7</b>	<b>Scenic Corridor Combining District (SC)</b>
<b>Sec. L-II 2.7.8</b>	<b>Site Performance Combining District (SP)</b>
<b>Sec. L-II 2.7.9</b>	<b>Subdivision Limitation Combining District (X)</b>
<b>Sec. L-II 2.7.10</b>	<b>Rural Center Combining District (RC)</b>
<b>Sec. L-II 2.7.11</b>	<b>Regional Housing Need Combining District (RH)</b>
<b>Sec. L-II 2.7.12</b>	<b>Continuing Care Retirement Community Combining District (CCRC)</b>

##### **Sec. L-II 2.1 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	L-II 2.2
R1	Single-Family	L-II 2.2
R2	Medium Density	L-II 2.2
R3	High Density	L-II 2.2
<b>Rural Districts</b>		
AG	General Agricultural	L-II 2.3
AE	Exclusive Agricultural	L-II 2.3
FR	Forest	L-II 2.3
TPZ	Timberland Preserve	L-II 2.3
<b>Commercial Districts</b>		
C1	Neighborhood	L-II 2.4
C2	Community	L-II 2.4
C3	Service	L-II 2.4
CH	Highway	L-II 2.4
OP	Office Professional	L-II 2.4
<b>Industrial Districts</b>		
M1	Light Industrial	L-II 2.5
M2	Heavy Industrial	L-II 2.5
BP	Business Park	L-II 2.5
<b>Special Purpose Districts</b>		
IDR	Interim Development Reserve	L-II 2.6
OS	Open Space	L-II 2.6
PD	Planned Development	L-II 2.6
P	Public	L-II 2.6
REC	Recreation	L-II 2.6
<b>Combining Districts</b>		
AI	Airport Influence	L-II 2.7.1
HP	Historic Preservation	L-II 2.7.2
ME	Mineral Extraction	L-II 2.7.3
MH	Mobilehome Park	L-II 2.7.4
PD	Planned Development	L-II 2.7.5
PSAA	Potential Snow Avalanche Area	L-II 2.7.6
SC	Scenic Corridor	L-II 2.7.7
SP	Site Performance	L-II 2.7.8
X	Subdivision Limitation	L-II 2.7.9

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 California Government 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).)

## **Sec. L-II 2.2 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.

### **Sec. L-II 2.2.1 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 1.5 acre minimum parcel size, or 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 4 dwelling units per acre.

#### **Table L-II 2.2.1.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 5.5
- UP** Use Permit required per Section 5.6
- NP** Not Permitted

NA Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>RA</b>	<b>R1</b>	<b>L-II 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	
Day Care Home, small family (6 or fewer children)	A	A	3.9
Day Care Home, large family (7 to 14 children)	A	A	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family <sup>(2)</sup>	A	A	
Dwellings, Multiple-Family	UP	UP	3.17
Dwelling, Accessory and/or Junior Accessory Unit	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	3.19.2
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	3.10
Dwellings, Duplexes, Duets and Four-plexes <sup>(1)(2)</sup>	A	A	
Dwellings, Transitional and Supportive	A	A	3.20
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
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	3.18
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
<b>Commercial Uses</b>			
Bed & Breakfast Inns	UP	UP	3.5
<b>Commercial Uses (cont'd)</b>			
<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>			
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	2.7.10
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	3.30

<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	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	3.3
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	DP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	NP	3.26
Woodyard	UP	NP	
<b>Institutional and Public Uses</b>			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Communication Towers	UP	NP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
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	4.1.8

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 Government Code Section 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).)

**Table L-II 2.2.1.C - Single-Family Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Article 6)

**C/L** Centerline

L-II SECTION Refer to Listed L-II Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>RA</b>	<b>R1</b>	<b>L-II Sections</b>
<b>Setback Standards <sup>(5)</sup></b>			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	4.2.5.E
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	4.2.5.E
Exterior yard (ROW at least 50' in width)	15' from ROW	10' from ROW	4.2.5
Exterior yard (ROW less than 50' in width)	40' from ROW C/L	35' from ROW C/L	4.2.5
Interior yard (Parcel at least 3 acres)	30'	30'	4.2.5
Interior yard (Parcel less than 3 acres) <sup>(1)</sup>	30'	30'	4.2.5.G
Rear yard (Parcel at least 3 acres)	30'	30'	4.2.5
Rear yard (Parcel less than 3 acres) <sup>(1)</sup>	30'	30'	4.2.5.G
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>			
Building Height Limit	35' or 3 stories, whichever is less		4.2.4
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	4.2.6
Maximum Impervious Surface <sup>(2)(6)</sup>	30%	40%	4.2.10
On-Site Parking (Dwelling, Single-Family)	2 spaces per unit	2 spaces per unit	4.2.9.F.12.b
Signs	Sign Standards see Section 4.2.12.K		4.2.12
Maximum Density (dwelling units per acre)	Equivalent to min. parcel size	4	4.1.3.E.4.c
Minimum Road Frontage <sup>(3)(4)</sup>	120'	60'	
<b>Minimum Parcel Size:</b>			
Parcel w/public water & sewer <sup>(3)</sup>	<sup>(3)</sup>	10,000 s.f.	4.1.3.E.4.c
Parcel w/public water or sewer <sup>(3)</sup>	<sup>(3)</sup>	1.5 acres	4.1.3.E.4.c
Parcel w/private water & sewer <sup>(3)</sup>	<sup>(3)</sup>	3 acres	4.1.3.E.4.c

**Footnotes:**

<sup>(1)</sup> Setbacks may be reduced on parcels less than 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 4.1.3, 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 50'. 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 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks)

(6) Maximum impervious surfacing may be increased to 60% 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).)

## **Sec. L-II 2.2.2 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 8 dwelling units per acre within incorporated area's spheres of influence, and 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 20 dwelling units per acre within incorporated area’s spheres of influence and 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 L-II 2.2.2.B**

**Multi-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 5.5
- UP** Use Permit required per Section 5.6
- NP** Not Permitted
- NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>R2</b>	<b>R3</b>	<b>L-II 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	
Day Care Home, small family (6 or fewer children)	A	A	3.9
Day Care Home, large family (7 to 14 children)	A	A	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family	A	NP	
Dwellings, Multiple-Family	DP	DP	3.17
Dwelling, Accessory and/or Junior Accessory Unit	A	A	3.19.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	3.19.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	3.20
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	2.7.4
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	3.20
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>R2</b>	<b>R3</b>	<b>L-II Sections</b>
<b>Commercial Uses</b>			
Bed & Breakfast Inns	UP	UP	3.5
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
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	3.30
<b>Industrial Uses</b>			
None Listed			
<b>Agricultural, Resource, and Open Space Uses</b>			
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stand and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining	UP	UP	3.22
<b>Institutional and Public Uses</b>			

Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
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	4.1.8

\* \* \* \*

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).)

**Table L-II 2.2.2.C**  
**Multi-Family Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Article 6)

**C/L** Centerline

**L-II SECTION** Refer to listed L-II Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>R2</b>	<b>R3</b>	<b>L-II Section</b>
<b>Setback Standards <sup>(5)</sup></b>			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	4.2.5
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	4.2.5
Exterior yard (ROW at least 50' in width)	10' from ROW	10' from ROW	4.2.5
Exterior yard (ROW less than 50' in width)	35' from ROW C/L	35' from ROW C/L	4.2.5
Interior yard (Parcel at least 3 acres)	30'	30'	4.2.5

Interior yard (Parcel less than 3 acres) <sup>(1)</sup>	30'	30'	4.2.5.G
Rear yard (Parcel at least 3 acres)	30'	30'	4.2.5
Rear yard (Parcel less than 3 acres) <sup>(1)</sup>	30'	30'	4.2.5.G
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>			
Building Height Limit	35' or 3 stories, whichever is less		4.2.4
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	4.2.6
Maximum Impervious Surface <sup>(2)(6)</sup>	50%	60%	4.2.10
On-Site Parking	See Table 4.2.9.F.12.b		4.2.9
Signs	Sign Standards see Section 4.2.12.K		4.2.12
Maximum Density (dwelling units per acre)	6/8 <sup>(8)</sup>	15 / 20 <sup>(7)</sup>	4.1.3.E.4.c
Minimum Road Frontage <sup>(3)(4)</sup>	60'	60'	
<b>Minimum Parcel Size:</b>			
Parcel w/ public water & sewer <sup>(3)</sup>	10,000 s.f.	10,000 s.f.	4.1.3.E.4.c
Parcel w/ public water or sewer <sup>(3)</sup>	1.5 acres	1.5 acres	4.1.3.E.4.c
Parcel w/ private water & sewer <sup>(3)</sup>	3 acres	3 acres	4.1.3.E.4.c

Footnotes:

<sup>(1)</sup> Setbacks may be reduced on parcels less than 3 acres subject to Section Building Setbacks Codes.

<sup>(2)</sup> Check General Plan Policy 1.23 for more restrictive standards.

<sup>(3)</sup> 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 4.1.3, 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)

<sup>(4)</sup> For subdivisions, flagpole parcels shall have a minimum frontage width of 50'. The "flag" portion of the parcel

shall meet the minimum road frontage standards of a conventional parcel.

<sup>(5)</sup> For arterial and collector roads, the front yard setback shall be 20' and the exterior side yard setback shall be 15'

from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setback)

<sup>(6)</sup> Maximum impervious surfacing may be increased to 60% 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.

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

<sup>(8)</sup> Eight dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, 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).)

## **Sec. L-II 2.3 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 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.

a. 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 40 acres in aggregate area, with no individual parcel less than 10 acres in size.

b. 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.

c. Within 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.

d. 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

e. Lands to be zoned TPZ, pursuant to Cal. Gov't Code § 51113, shall also meet the following requirements:

1) 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

2) 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 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 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 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 90% 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 10 Christmas harvest seasons after the date of inclusion in the TPZ;

5. Minimum Parcel Sizes for Subsequent Divisions of Property Zoned Timberland Preserve.

- a. 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 10 years from the date the division is approved by the Board of Supervisors. Such division shall be approved only by a four-fifths vote of the full Board of Supervisors, and only after recording the deed restrictions.

b. 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 40 acres.

6. 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 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 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 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 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 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 L-II 2.3.D**

#### **Rural 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 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>L-II 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	
Day Care Home, small family (6 or fewer children)	A	A	A	A	
Day Care Home, large family (7 to 14 children)	A	A	A	A	3.9
Day Care 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 L-II 1.4.D for Similar Uses)</b>					
Dwelling, Accessory and/or Junior Accessory Unit	A	A	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	DP	DP	3.19.2
Dwellings, Multiple-Family	UP	UP	UP	UP	3.17
Dwelling Groups, consistent with allowed density	UP	UP	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	A	A	3.31
Employee Housing	A	A	A	A	3.10
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	2.7.4
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	3.18
Temporary Model Homes	A	NP	NP	NP	3.12
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	3.15
<b>Commercial Uses</b>					
Bed & Breakfast Inns	UP	UP	UP	UP	3.5
Cemetery	UP	NP	UP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	3.7
Home Businesses	A	A	A	NP	3.11
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	3.30
<b>Industrial Uses</b>					
None Listed					

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>L-II 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	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	A	A	A	NP	3.3
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				3.4
Certified Farmers' Markets	DP	DP	DP	NP	3.3
Crop and Tree Farming	A	A	A	A	3.3
Development & processing natural resources (lumber mills)	UP	UP	UP	UP	
Kennels, commercial	UP	UP	UP	NP	
Mining, Mineral Exploration	Varies				3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	3.21
<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>					
Mining, Surface access to subsurface mining.	UP	UP	UP	UP	3.22
Mining, Surface (must include ME District). In TPZ district, boulder collection only allowed subject to use permit and reclamation plan.	Varies				3.22
Power plants, private, including biomass fuel production	UP	NP	UP	NP	
Stables, commercial	UP	UP	UP	UP	
Wineries	A	A	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	3.26
Woodyard	UP	UP	UP	UP	
<b>Institutional and Public Uses</b>					
Antennae, minor and certain non-commercial	A	A	A	A	3.8
Airports	UP	NP	UP	NP	
Churches	UP	NP	UP	NP	3.7
Communication Towers	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	UP	UP	
Public Utility Uses and Structures	Varies				3.14
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	3.6

Campgrounds, Low Intensity	UP	UP	UP	UP	3.6
Parks and Playgrounds	UP	UP	UP	UP	
Ski Tow Facilities	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	A	A	A	A	4.1.8

(Ord. 2467. (05/14/2019))

**Table L-II 2.3.E**

**Rural Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Article 6)

**C/L** Centerline

**L-II SECTION** Refer to listed L-11 Section for site development standards

<b>SITE DEVELOPMENT STANDARDS</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>L-II Sections:</b>
<b>Setback Standards <sup>(5)</sup></b>					
Front yard (ROW at least 50' in width)	20' from ROW			100' ROW from	4.2.5.E
Front yard (ROW less than 50' in width)	45' from ROW C/L			100' ROW from	4.2.5.E
Exterior yard (ROW at least 50' in width)	15' from ROW			100' ROW from	4.2.5
Exterior yard (ROW less than 50' in width)	40' from ROW C/L			100' ROW from	4.2.5
Interior yard (Parcel at least 3 acres)	30'			100'	4.2.5
Interior yard (Parcel less than 3 acres) <sup>(1)</sup>	30'			100'	4.2.5.G
Rear yard (Parcel at least 3 acres)	30'			100'	4.2.5
Rear yard (Parcel less than 3 acres) <sup>(1)</sup>	30'			100'	4.2.5.G
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>					
Building Height Limit	45' or 3 stories, whichever is less				4.2.4
Fencing & Hedges	Table 4.2.6.D				4.2.6
Maximum Impervious Surface <sup>(2) (6)</sup>	10%	5%			4.2.10
On-Site	Table 4.2.9.F.12.b				4.2.9
Signs	Sign Standards see Section 4.2.12.K				4.2.12
Maximum Density (dwelling units per acre)	Equivalent to the minimum parcel size				4.1.3.E.4.c
Minimum Road Frontage <sup>(3) (4)</sup>	200'		300'		
Minimum Parcel Size <sup>(3)</sup>	(3)			2.3.C.3-5	4.1.3.E.4.c

## Footnotes

(1) Setbacks may be reduced on parcels less than 3 acres subject to Section 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 4.1.3, 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 50'. 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 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks)

(6) Consistent with the General Plan Policy 1.24, maximum impervious surface may be increased to 60% 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 20% for parcels 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. (070/920/02))

## **Sec. L-II 2.4 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 33.3% 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 Land Use and Development Code 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 L-II 2.4.D**

**Commercial 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 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>L-II 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	3.7
Day Care 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	3.17.1
Home Businesses, limited	Varies	NA	NA	NA	Varies	3.11
Emergency Shelter Housing	A	A	A	A	A	
Dwellings, Transitional/Supportive Housing <sup>(1)</sup>	UP	A	A	UP	UP	3.31

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>L-II 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	3.15
<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	3.7
Equipment rental and leasing	NP	UP	DP	NP	NP	
Fitness centers	UP	DP	DP	NP	UP	
Flea markets, permanent	UP	UP	UP	UP	NP	3.23
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	2.7.10
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	3.23
Veterinary hospitals and clinics	UP	UP	UP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>L-II Sections</b>
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
<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	3.3
Farm Stand	DP	DP	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	Varies	Varies	Varies	3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	UP	3.21
Mining, Surface vent and escape shafts (subsurface mining)	UP	UP	UP	UP	UP	3.22
Pre-Grading not associated with a specific development project	DP	DP	DP	NP	NP	3.28
<b>Institutional and Public Uses</b>						
Antennae, minor and certain non-commercial	A	A	A	A	A	3.8
Churches	UP	UP	UP	NP	UP	3.7
Communication Towers	UP	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	DP	DP	DP	UP	

Public Utility Uses and Structures	Varies	Varies	Varies	Varies	Varies	3.14
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	4.1.8

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).)

\* \* \* \*

**Table L-II 2.4.E**

**Commercial Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Article 6)

**C/L** Centerline

**L-II SECTION** Refer to listed L-II Section for site development standards

SITE DEVELOPMENT STANDARDS	C1	C2	C3	CH	OP	L-II Sections
<b>Setback Standards <sup>(1) (3)</sup></b>						
Front yard (ROW at least 50' in width) <sup>(4)</sup>	10' from ROW (with mean average 20')					4.2.5.E
Front yard (ROW less than 50' in width) <sup>(4)</sup>	35' from ROW C/L (with mean average 45')					4.2.5.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')					4.2.5
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')					4.2.5
Interior yard	0'					4.2.5
Rear yard	0' (Through Parcels: Rear = Front setback)					4.2.5
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>						
Building Height Limit	C2 & CH Districts = 45'					4.2.4

Building Height Limit	C1, C3, & OP Districts = 45' or 3 stories, whichever is less		4.2.4
Fencing & Hedges	Table 4.2.6.D		4.2.6
Maximum Impervious Surface	85%	60%	4.2.10
On-Site Parking	Table 4.2.9.F.12.b		4.2.9
Signs	Sign Standards see Section 4.2.12.K		4.2.12
Minimum Road Frontage <sup>(2)</sup>	150'	70'	
Minimum Parcel Size <sup>(2)</sup>	15,000 s.f.	7,000 s.f.	4.1.3.E.4.c

**Footnotes:**

<sup>(1)</sup> Setbacks for residential units may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.

<sup>(2)</sup> 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 4.1.3, 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 L- II 4.1.5.)

<sup>(3)</sup> For arterial and collector roads, the front yard and exterior side yard setbacks shall be 10' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 20'. (See Section L-II 4.2.5.F.)

<sup>(4)</sup> Significant landscaping shall be incorporated into this setback.

**Footnotes:**

<sup>(1)</sup> Setbacks for residential units may be reduced on parcels less than 3 acres subject to Building Setbacks.

<sup>(2)</sup> 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 governing 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 Sections governing Clustering)

<sup>(3)</sup> For arterial and collector roads, the front yard and exterior side yard setbacks shall be 10' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 20'. (See Section governing Clustering)

<sup>(4)</sup> 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))

**Sec. L-II 2.5 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 2.5.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 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 L-II 2.5.D**

**Industrial 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 5.5
- UP** Use Permit required per Section 5.6
- NP** Not Permitted
- NA** Not Applicable
- Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>L-II 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	3.17
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	3.15
<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	
Day Care 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 L-II 1.4.D for Similar Uses)</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	3.23
Medical Marijuana Dispensary.	NP	NP	NP	
Commercial Cannabis Cultivation	NP	NP	NP	3.30

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>L-II Sections</b>
<b>Commercial Uses (cont'd)</b>				
Adult Businesses, Existing Structure.	NP	A	NP	3.29; G-III 13
Adult Businesses, New Construction.	NP	DP	NP	3.29 and G-III 13
<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	2.7.10
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	3.3
Farm Stand	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	3.3
Pre-Grading not associated with a specific development project	NP	DP	DP	3.28
<b>Institutional and Public Uses</b>				
Schools.	UP	NP	NP	
Communication Towers	UP	UP	UP	3.9

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))

**Table L-II 2.5.E**  
**Industrial Districts Site Development Standards**

**Key to Site Development Standards**

**ROW** Right-of-way, Ultimate (see definition in Article 6)  
**C/L** Centerline  
**L-II SECTION** Refer to Listed L-II Section for site development standards

SITE DEVELOPMENT STANDARDS	BP	M1	M2	L-II Sections
<b>Setback Standards <sup>(1)</sup></b>				
Front yard (ROW at least 50' in width) <sup>(3)</sup>	10' from ROW (with mean average 20')			4.2.5.E
Front yard (ROW less than 50' in width) <sup>(3)</sup>	35' from ROW C/L (with mean average 45')			4.2.5.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')			4.2.5
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')			4.2.5
Interior yard	30'	0'		4.2.5
Rear yard	30'	0' (Through parcels: Rear = Front setback)		4.2.5

SITE DEVELOPMENT STANDARDS	BP	M1	M2	L-II Sections
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>				
Building Height Limit	45'			4.2.4
Fencing & Hedges	Table 4.2.6.D			4.2.6
Maximum Impervious Surface	60%	85%		4.2.10
On-Site Parking	Table 4.2.9.F.12.b			4.2.9
Signs	Sign Standards see Section 4.2.12.K			4.2.12
Minimum Road Frontage <sup>(2)</sup>	150'			
Minimum Parcel Size <sup>(2)</sup>	1.5 acres	15,000 s.f.		4.1.3.E.4. c

**Footnotes:**

<sup>(1)</sup> Setbacks for residential units may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.

<sup>(2)</sup> 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 4.1.3, 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 L-II 4.1.5.)

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

\*.\*.\*.\*

(Ord. 2427. (01/24/2017); Ord. 2408. (01/26/2016).)

## **Sec. L-II 2.6 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 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 2.6.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 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.

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 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 L-II 2.6.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 5.5
<b>UP</b>	Use Permit required per Section 5.6
<b>NP</b>	Not Permitted
<b>NA</b>	Not Applicable
<b>Varies</b>	Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>IDR <sup>(1)</sup></b>	<b>OS</b>	<b>PD <sup>(2)</sup></b>	<b>P <sup>(3)</sup></b>	<b>REC <sup>(4)</sup></b>	<b>L-II 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 (See Section L-II 1.4.D for Similar Uses)</b>						
Day Care Home, small family (6 or fewer children)	A	NP		A	NP	
Day Care Home, large family (7 to 14 children)	A	NP		A	NP	3.9
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
Dwelling, Accessory and/or Junior Accessory Unit	A	NP		A	A	3.19.1
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	3.15
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 mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	3.15
<b>Commercial Uses</b>						
Bed and Breakfast Inns	NP	NP		NP	UP	3.5
Community meeting and social event facilities	NP	NP		UP	UP	3.7
Fitness Centers	NP	NP		NP	UP	3.11
Parking facilities not attached to a specific use	NA	NA		Varies	NA	2.7.10
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	3.30
<b>Industrial Uses</b>						
None Listed						
<b>Agricultural, Resource, and Open Space Uses</b>						
Animal Keeping and Raising	Varies					3.4
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	3.3
Farm Stand	DP	NP	DP	DP	DP	3.3
Certified Farmers' Markets	DP	NP	DP	DP	DP	3.3
Crop and Tree Farming	A	UP	A	A	A	3.3
<b>Agricultural, Resource, and Open Space Uses (cont'd)</b>						
Mining, Mineral Exploration	Varies					3.22.D.2
Mining, Subsurface	UP	UP		UP	UP	3.21
Mining, surface (must include ME District)	NP	NP		UP	NP	3.22
Mining, surface access to subsurface mining	UP	NP		UP	UP	3.22
Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	3.22
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	3.26
Stables, commercial	NP	NP		NP	UP	
<b>Institutional and Public Uses</b>						
Antennae, minor and certain non-commercial	NP	NP		A	A	3.8
Airports or airstrips	NP	NP		UP	NP	
<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>IDR <sup>(1)</sup></b>	<b>OS</b>	<b>PD <sup>(2)</sup></b>	<b>P <sup>(3)</sup></b>	<b>REC <sup>(4)</sup></b>	<b>L-II Sections</b>
Churches	NP	NP		NP	UP	3.7
Communication Towers	NP	NP		UP	UP	3.8
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					3.14
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	4.1.8
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	
<b>Other Uses</b>						
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:

\* Uses that satisfy the permitting criteria for Administrative Development Permits, consistent with Table 5.5 of this Chapter, shall be processed with a Development Permit.

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

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

(3) All uses must be consistent with Section governing Public Districts.

(4) See section for REC standards.

\* \* \* \*

(Ord. 2467. (05/14/2019))

**Table L-II 2.6.G**

**Special Purpose Districts Site Development Standards**

**Key to Site Development Standards:**

**ROW** Right-of-way, Ultimate (see definition in Article 6)

**C/L** Centerline

**L-II SECTION** Refer to Listed L-II Section for site development standards

SITE DEVELOPMENT STANDARDS	IDR	OS	P	PD	REC	L-II Sections
<b>Setback Standards</b> <sup>(1)(3)(4)</sup>						
Front yard (ROW at least 50' in width)	20' from ROW			(5)	20' from ROW (with mean average 30')	4.2.5.E
Front yard (ROW less than 50' in width)	45' from ROW C/L				45' from ROW C/L (with mean average 55')	4.2.5.E
Exterior yard (ROW at least 50' in width)	15' from ROW				10' from ROW (with mean average 20')	4.2.5
Exterior yard (ROW less than 50' in width)	40' from ROW C/L				35' from ROW C/L (with mean average 45')	4.2.5
Interior yard (Parcel at least 3 acres)					30'  less than 1 acre)	4.2.5
Interior yard (Parcel less than 3 acres) <sup>(1)</sup>						4.2.5.G
Rear yard (Parcel at least 3 acres)						4.2.5
Rear yard (Parcel less than 3 acres) <sup>(1)</sup>						4.2.5.G
<b>Other Standards (See Sections 4.2 Design Standards &amp; 4.3 Resource Standards)</b>						
Building Height Limit	45' or 3 stories, whichever is less			(5)	45'	4.2.4
Fencing & Hedges	Table 4.2.6.D					4.2.6
Maximum Impervious Surface	10%	5%	85%	(5)	10% (20% if < 5 acres)	4.2.10
On-Site Parking	Table 4.2.9.F.12.b					4.2.9
Signs	Sign Standards see Section 4.2.12.K					4.2.12
Minimum Road Frontage <sup>(2)</sup>	200'		None	(5)	100'	
<b>Minimum Parcel Size:</b>						
Parcel w/ public water & sewer <sup>(2)</sup>					0.5 acres	4.1.3.E.4.c
Parcel w/ public water or sewer <sup>(2)</sup>	5 acres	5 acres	None	(5)	1.5 acres	4.1.3.E.4.c
Parcel w/ private water & sewer <sup>(2)</sup>					3 acres	4.1.3.E.4.c

**Footnotes:**

<sup>(1)</sup> Setbacks for residential units may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.

<sup>(2)</sup> 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 4.1.3, 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 L-II 4.1.5)

<sup>(3)</sup> For arterial and collector roads, the front yard setback shall be 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section L-II 4.2.5.F)

<sup>(4)</sup> For arterial and collector roads, the front yard setback shall be 20' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 30', and the exterior side yard setback shall be 10' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 20'. (See Section L-II 4.2.5.F)

<sup>(5)</sup> See Section L0II 2.5.C for PD Standards.

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

## **Sec. L-II 2.7 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.

### **Sec. L-II 2.7.1 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 50% 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.

### **Sec. L-II 2.7.2 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 5 voting members as follows:

1. One property owner in the HP District
2. One 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 member-at-large.
4. One 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 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 4 years. Two members of the first appointed HPAC shall be for 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 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.

### **Sec. L-II 2.7.3 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 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 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.

#### **Sec. L-II 2.7.4 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 35 feet in width, except that parcels that have frontage on a cul-de-sac shall measure that width 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 10% 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 occupied mobile home be located on any one mobile home site or parcel.
8. In conjunction with a Mobile home Park development, an area composed of not more than 20% 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 2 off-street parking spaces for each mobile home site plus one additional space for every three 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 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 36 feet in width. This standard may be reduced to 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))

**Sec. L-II 2.7.5 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.

#### **Sec. L-II 2.7.6 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 50% 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).)

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.

#### **Sec. L-II 2.7.7 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 50% 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.

#### **Sec. L-II 2.7.8 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.

3. 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.

#### **Sec. L-II 2.7.9 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))
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.

### **Sec. L-II 2.7.10 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 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 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.

#### **Sec. L-II 2.7.11 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 16 to 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 16-units minimum per acre but will allow for a maximum of 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 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 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 Land Use and Development 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.

#### **Sec. L-II 2.7.12 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.
  
4. The Continuing Care Retirement Community shall be subject to compliance with the provisions of the California Environmental Quality Act.

D. Standards. The following standards shall apply to new CCRC development applications:

1. The CCRC development is age restricted to adults 55 years of age and older.
2. Minimum collective CCRC project size shall be 50 acres in Rural Regions and 20 acres in Community Regions.
3. Maximum CCRC density shall not exceed 2 units per acre in Rural Regions and 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 4 beds/1 and 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 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 30 feet for residential structures and 50 feet for administrative, dining hall and related ancillary uses. Setbacks for active outdoor use areas shall not be less than 30 feet.
6. Building Heights: The maximum height of each structure shall not exceed 3 stories and 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 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: 1 stall per unit.

b. Special Care Units: 1 stall per four beds.

- c. Administration: 1 stall per 300 square feet of gross floor area.
- d. Employees: 1 stall per each non-administration employee on shift.
- e. Guest Parking: 1 stall per each 3 units.
- f. Truck Loading Zone: 1 space in proximity to the main dining or administrative building.
- g. Parking stall dimensions and locations shall be consistent with Section II. 4.2.9 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.

d. 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).)

## EXHIBIT A

### LAND USE

#### CHAPTER II ZONING REGULATIONS

##### SECTION 3 SPECIFIC LAND USES

###### Sections:

<b>Sec. L-II 3.1</b>	<b>Purpose</b>
<b>Sec. L-II 3.2</b>	<b>Applicability</b>
<b>Sec. L-II 3.3</b>	<b>Agricultural Uses</b>
<b>Sec. L-II 3.4</b>	<b>Animal Keeping and Raising</b>
<b>Sec. L-II 3.4.1</b>	<b>Backyard Chicken Keeping</b>
<b>Sec. L-II 3.5</b>	<b>Bed &amp; Breakfast Inns</b>
<b>Sec. L-II 3.6</b>	<b>Campgrounds and Camps, Low-Intensity</b>
<b>Sec. L-II 3.7</b>	<b>Churches, Community Meeting and Social Event Facilities</b>
<b>Sec. L-II 3.8</b>	<b>Communication Towers and Facilities</b>
<b>Sec. L-II 3.9</b>	<b>Day Care Home, Large Family</b>
<b>Sec. L-II 3.10</b>	<b>Employee Housing</b>
<b>Sec. L-II 3.11</b>	<b>Home Businesses</b>
<b>Sec. L-II 3.12</b>	<b>Model Homes, Temporary</b>
<b>Sec. L-II 3.13</b>	<b>Natural Resources – On-Site Uses</b>
<b>Sec. L-II 3.14</b>	<b>Public Utility Uses and Structures</b>
<b>Sec. L-II 3.15</b>	<b>Recreational Vehicle Use and Temporary Occupancies</b>
<b>Sec. L-II 3.16</b>	<b>Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing</b>
<b>Sec. L-II 3.17</b>	<b>Residential Dwellings, Multiple-Family</b>
<b>Sec. L-II 3.17.1</b>	<b>Single Room Occupancy Units</b>
<b>Sec. L-II 3.18</b>	<b>Residential Guest Quarters</b>
<b>Sec. L-II 3.19</b>	<b>Accessory and Second Dwelling Units</b>
<b>Sec. L-II 3.19.1</b>	<b>Accessory Dwelling Units</b>
<b>Sec. L-II 3.19.2</b>	<b>Second Dwelling Units-Consistent with Allowed Density</b>
<b>Sec. L-II 3.20</b>	<b>Senior Citizen and Disabled Housing Facilities</b>
<b>Sec. L-II 3.21</b>	<b>Subsurface Mining</b>



<b>Sec. L-II 3.22</b>	<b>Surface Mining Permits and Reclamation Plans</b>
<b>Sec. L-II 3.23</b>	<b>Temporary Commercial Uses</b>
<b>Sec. L-II 3.24</b>	<b>Wineries</b>
<b>Sec. L-II 3.25</b>	<b>Tree Removal Near Nevada City</b>
<b>Sec. L-II 3.26</b>	<b>Wildlife Rehabilitation Facilities</b>
<b>Sec. L-II 3.27</b>	<b>Dog Obedience Training</b>
<b>Sec. L-II 3.28</b>	<b>Commercial/Industrial Pre-Grading</b>
<b>Sec. L-II 3.29</b>	<b>Adult Businesses</b>
<b>Sec. L-II 3.30</b>	<b>Cannabis Cultivation</b>

### **Sec. L-II 3.1 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.

### **Sec. L-II 3.2 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.

### **Sec. L-II 3.3 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 0.3 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 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 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 1/3 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 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 Land Use and Development 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 10 p.m.

o. Noise generated shall not exceed allowable noise limits established by County of Nevada Noise Ordinances.

p. Signage shall be consistent with "Signs in Agricultural Districts" as shown in Community Design Standards 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 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" 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 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).)

### **Sec. L-II 3.4 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 3.4. 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).)

**Table L-II 3.4.C**  
**Animal Keeping and Raising Standards**

Animal Type	AG, AE, FR, REC, IDR, PD, TPZ, P & OS	RA	R1, R2, R3	Commercial <sup>(1)</sup> & Industrial Districts
Large animals	No Limit	(2)	Not Allowed	
Small animals	No Limit			
Dogs and/or cats <sup>(3)</sup>	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 L-II 3.4.1.  Parcels larger than 0.5-acre see footnote <sup>(4)</sup>	Allowed in R1 per Section L-II 3.4.1.  Not Allowed	Not Allowed

			in R2 and R3
Aviaries	No Limit <sup>(5)</sup>		
Apiaries <sup>(6)</sup>	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 <sup>(8)</sup>	Use Permit		Not Allowed
Wildlife rehabilitation facilities	Administrative Permit <sup>(9)</sup>		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 0.5 acres in size. On parcels of 0.5 acres to 3 acres, not more than one mature large animal shall be kept for each 0.5 acres of land. This standard may be exceeded subject to approval of a Use Permit. On parcels of more than 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 0.5 acres or less in size, the maximum is not more than 6 animals, not to exceed 3 dogs, regardless of zoning. Maximums apply to dogs and cats over 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 elsewhere in 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 0.5 acres in size. These animals shall be limited to 50 mature animals (over the age of 6 months) per 0.5 acre, except that 1,500 square feet per mature animal (over the age of 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 Nevada County Land Use 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. 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 the Land Use Code Section 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.

#### **Sec. L-II 3.4.1 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 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: 10 feet.
  - b. Adjacent Residence: 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 3.4.1.A**  
**Property Size/Maximum Number of Chickens**

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

(1) RA parcels of less than 0.5 acres in size.  
(Ord. 2479. (06/09/2020).)

**Sec. L-II 3.5 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 3 guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed 30 consecutive days.

2. Bed and Breakfast Inns, Medium - Owner occupied single-family dwellings that provide up to 5 guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed 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 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).)

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).)

### **Sec. L-II 3.6 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 4 tent sites per acre, and excluding recreational vehicles, for a period of less than 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 4 campers per acre, for a period of less than 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 parking space per each 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.

### **Sec. L-II 3.7 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 day care 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 day care 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 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 acre;
- b. If served by either public water or sewer - 1-1/2 acres;
- c. If served by individual well and septic systems - 3 acres.

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

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

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

### **Sec. L-II 3.8 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).)
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 10 feet in diameter, citizens band radio antennas whose total height is less than 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 50% of the square footage of the existing structure, whichever is greater. No more than one 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 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) 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) 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).)

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 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 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 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 50 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 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 12” x 24” in size, identifying the facility operator and a 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.

### **Sec. L-II 3.9 Day Care Home, Large Family and Small Family**

A. Purpose. The purpose of this Section is to identify the permitting requirements and standards for large family day care homes in a manner that recognizes the needs of day care 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 Day Care Home - A facility where resident child day care services are provided in the home for eight or fewer children at any one time, including the resident children under the age of 10 years, or as provided for in Cal. Health & Safety Code §§ 1596.78 – 1596.792.

2. Large Family Day Care Home – A facility where resident child day care services are provided in the home for 7 to 14 children at any one time, including the resident children under the age of 10 years, or as provided for in State Health and Safety Code Section 1596.78 et seq.

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 day care 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 8 children or fraction thereof in accordance with the standards of Section 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 Day Care Centers see Chapter 2 Land Use Tables.

### **Sec. L-II 3.10 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 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 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 12 units or 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 4 employees or fewer consisting of 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 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 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 contiguous six-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 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 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 30-foot long, 10-foot wide standard with a 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.

### **Sec. L-II 3.11 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, 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 25% 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 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 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 36 trips during the allowed 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) 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 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.

### **Sec. L-II 3.12 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 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-year period;

3. Only one 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;



6. Direct access shall be provided from a 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 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 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) 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.

### **Sec. L-II 3.13 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.

### **Sec. L-II 3.14 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 the 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 35 feet in height;
3. Not more than one public utility dish not more than 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 the 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, 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 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 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 6-foot minimum height (up to a maximum of 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, 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 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).)

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.

### **Sec. L-II 3.15 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 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 Recreational Vehicle may be occupied per parcel for any and all permitted occupancies except for resource based seasonal agricultural employee housing as allowed by 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 10' 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 the Chapter governing the 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 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-year 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 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 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 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 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.

### **Sec. L-II 3.16 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 Senior Citizen and Disabled Housing Facilities.

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 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 20%) 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 5% 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 10% 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 10% 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 50% of the total dwelling units for senior citizens, the density bonus shall be 20% 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:

Allowable Density Bonus	If All Dwelling Units Are Within, or Have Available:	% Parking May be Reduced as Provided in Section L-II 4.2.9 <sup>(1)</sup>
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 5% 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 50% of the total units for workforce housing, the density bonus shall be 20% 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 50% of the adult tenants must work full-time within the boundaries of the County of Nevada.

2. No less than 25% of the units shall target the 60%-80% median family income range.

g. If an applicant elects to construct a housing development with at least 10% percent of the total dwelling units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be 35% 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 20% of the total units in the development may be for moderate-income households, the density bonus shall be 80% 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 (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 50% 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 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 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 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 10%. 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 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.

### **Sec. L-II 3.17 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).

### **Sec. L-II 3.17.1 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 30 days.
4. Occupancy. An SRO unit shall accommodate a maximum of two persons.
5. Parking shall be provided for an SRO facility at a rate of one parking space per unit.
6. The SRO facility shall be compliant with all site development standards of the County Land Use and Development 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 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).)

### **Sec. L-II 3.18 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 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.

### **Sec. L-II 3.19 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.

#### **Sec. L-II 3.19.1 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 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 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 (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 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 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 detached accessory dwelling units shall be allowed per lot with a multifamily dwelling.

5. At least one 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 25% 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 senior citizen or disabled 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 Chapter II (Zoning), IV (Subdivisions), V (Buildings), VII (Street Addressing and Naming), XVI (Fire Safety Regulations), and XVII (Road Standards) 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).)

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.

### **Sec. L-II 3.19.2 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 second dwelling unit may be allowed on any one 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.

**Sec. L-II 3.19.3 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 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 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 (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 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 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, Subdivisions, Buildings, Street Addressing and Naming, Fire Safety Regulations, and Road Standards 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 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.

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.

### **Sec. L-II 3.20 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 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 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) square feet shall be provided for onsite supportive services.
  - b. For a development with more than twenty (20) units, at least 3% 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.

### **Sec. L-II 3.21 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.

### **Sec. L-II 3.22 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 year or more, by more than 90% 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 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 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 10% 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 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 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).)

### **Sec. L-II 3.23 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 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, 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))

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).

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 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 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) 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).)

**Sec. L-II 3.24 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.

## **Sec. L-II 3.25 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 10 inches in diameter, measured four and one-half (4 ½) 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 3 acres or more in size, subject to preemptive 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).)

### **Sec. L-II 3.26 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 Section 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, 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.

## **Sec. L-II 3.27 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) square feet and may not be illuminated.

### **Sec. L-II 3.28 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 Land Use and Development 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 including erosion control standards and Best Management Practices.

d. Pre-Grading activities shall meet drainage standards and requirements contained in Building and Storm Drainage regarding Road Standards 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.

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 - 1 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 and findings for Administrative Development Permits, 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).)

### **Sec. L-II 3.29 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," 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 day care facility or day care 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, 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.

### **Sec. L-II 3.30 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 Section L-II 3.3 of the Nevada County Land Use and Development Code, or an Agricultural Operation as defined in Sections 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 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 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.

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 Land Use and Development 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 Land Use and Development Code. 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 Land Use and Development Code.

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 Section governing Legal Nonconforming Uses and Structures of the Nevada County Land Use and Development Code 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 Land Use and Development 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 Land Use and Development Code may be used for Commercial Cannabis Cultivation if meeting all requirements of the Nevada County Land

Use and Development 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 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 governing 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 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 Land Use and Development Code Chapter governing Water Supply and Resources. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

Exception: Liquefied 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 Land Use and Development 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 Land Use and Development 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 Land Use and Development 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 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 2.00 acres:

Commercial Cannabis Cultivation is prohibited.

Parcels 2.00 acres up to 4.99 acres:

Indoors: a maximum of 500 square feet of Canopy.

Mixed-Light and Outdoors: Commercial Cannabis Cultivation is prohibited.

Parcels 5.00 acres up to 9.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 2,500 square feet of Canopy. Up to 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 10.00 acres up to 19.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy. Up to 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 20.00 acres up to 39.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. Up to 55% 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 40.00 acres up to 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 60.00 acres up to 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 80.00 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 he or she 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 90% 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 2 spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. 7 employees proposed, 6 regular spaces and 1 ADA space for a total of 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 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 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 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 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 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 60 feet to property lines; provided, however, existing structures permitted prior to May 1, 2019 shall be limited to a minimum setback of 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 40% 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, Day Care, 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 18 and 21 years of age to enter a Cultivation site, or allowing any person younger than 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 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 contained in this Code.
2. Requests for appeals of a Notice to Abate shall be conducted as provided in Section governing Administrative Enforcement contained in this Code.
3. Administrative hearings will be conducted as provided in Section governing Administrative Enforcement 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 governing Administrative Enforcement contained in this Code. of this Chapter, 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.
3. 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.



- a. An amount equal to three times the total of the permit fees per violation; or
- b. An amount equal to \$1,000 per violation per day, whichever is greater.

4. 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 governing Administrative Enforcement contained in this Code.

5. 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 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 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).)

**EXHIBIT**  
**LAND USE**  
**CHAPTER II**  
**ZONING REGULATIONS**  
**SECTION 4 COMPREHENSIVE SITE DEVELOPMENT STANDARDS**

**Sections:**

<b>Sec. L-II 4.1.1</b>	<b>Purpose</b>
<b>Sec. L-II 4.1.2</b>	<b>Applicability</b>
<b>Sec. L-II 4.1.3</b>	<b>Boundary Line Adjustments</b>
<b>Sec. L-II 4.1.4</b>	<b>Building Sites</b>
<b>Sec. L-II 4.1.5</b>	<b>Clustering</b>
<b>Sec. L-II 4.1.6</b>	<b>Land Divisions for Public Uses and Environmental Protection Purposes</b>
<b>Sec. L-II 4.1.7</b>	<b>Noise</b>
<b>Sec. L-II 4.1.8</b>	<b>Pedestrian Pathways</b>
<b>Sec. L-II 4.1.9</b>	<b>Transportation Alternatives Division 4.2 Community Design Standards</b>
<b>Sec. L-II 4.2.1</b>	<b>Purpose</b>
<b>Sec. L-II 4.2.2</b>	<b>Applicability</b>
<b>Sec. L-II 4.2.3</b>	<b>Design Guidelines</b>
<b>Sec. L-II 4.2.4</b>	<b>Building Height</b>
<b>Sec. L-II 4.2.5</b>	<b>Building Setbacks</b>
<b>Sec. L-II 4.2.6</b>	<b>Fencing and Hedges</b>
<b>Sec. L-II 4.2.7</b>	<b>Landscaping</b>
<b>Sec. L-II 4.2.8</b>	<b>Lighting</b>
<b>Sec. L-II 4.2.9</b>	<b>Parking</b>
<b>Sec. L-II 4.2.10</b>	<b>Permanent Open Space / Maximum Impervious Surface</b>
<b>Sec. L-II 4.2.11</b>	<b>Screening</b>
<b>Sec. L-II 4.2.12</b>	<b>Signs</b>
<b>Sec. L-II 4.2.13</b>	<b>Solid Waste and Recycling Storage Areas Division 4.3 Resource Standards</b>
<b>Sec. L-II 4.3.1</b>	<b>Purpose</b>
<b>Sec. L-II 4.3.2</b>	<b>Applicability</b>

<b>Sec. L-II 4.3.3</b>	<b>General Provisions</b>
<b>Sec. L-II 4.3.4</b>	<b>Agricultural Lands, Important</b>
<b>Sec. L-II 4.3.5</b>	<b>Avalanche Hazard</b>
<b>Sec. L-II 4.3.6</b>	<b>Cultural Resources, Significant</b>
<b>Sec. L-II 4.3.7</b>	<b>Deer Habitat, Major</b>
<b>Sec. L-II 4.3.8</b>	<b>Earthquake Faults &amp; Seismically Sensitive Areas</b>
<b>Sec. L-II 4.3.9</b>	<b>Energy Conservation</b>
<b>Sec. L-II 4.3.10</b>	<b>Floodplains</b>
<b>Sec. L-II 4.3.11</b>	<b>Mineral Areas, Significant</b>
<b>Sec. L-II 4.3.12</b>	<b>Rare, Threatened and Endangered Species and Their Habitat</b>
<b>Sec. L-II 4.3.13</b>	<b>Steep Slopes/High Erosion Potential</b>
<b>Sec. L-II 4.3.14</b>	<b>Timber Resources, Important</b>
<b>Sec. L-II 4.3.15</b>	<b>Trees</b>
<b>Sec. L-II 4.3.16</b>	<b>Visually Important Ridgelines and Viewsheds</b>
<b>Sec. L-II 4.3.17</b>	<b>Watercourses, Wetlands and Riparian Areas</b>
<b>Sec. L-II 4.3.18</b>	<b>Wildland Fire Hazard Areas</b>

#### **Sec. L-II 4.1.1 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.

#### **Sec. L-II 4.1.2 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.

## **Sec. L-II 4.1.3 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 or fewer adjoining parcels where land taken from one 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 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 5.5.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 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 5.5.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 contained in Chapter XVI and XVII of the Land Use and Development 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 1.5 acres;
  
  - 3) Parcels served by a groundwater well and public sewerage system shall maintain 1.5 acres; and
  
  - 4) Parcels served by a groundwater well and an individual sewage disposal system shall maintain 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.)

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).

#### **Sec. L-II 4.1.4 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 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 of the lawfully established residences.
3. Each new parcel shall have a minimum frontage and lot width of 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.

#### **Sec. L-II 4.1.5 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.

#### **Sec. L-II 4.1.6 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 California Government Code section. 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.

#### **Sec. L-II 4.1.7 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 L-II 4.1.7  
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 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 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 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.

#### **Sec. L-II 4.1.8 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.

#### **Sec. L-II 4.1.9 Transportation Alternatives**

- 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 50 or more persons shall submit a detailed analysis of transportation alternatives, documenting feasible measures for reducing auto dependence.

## Division 4.2 Community Design Standards

### **Sec. L-II 4.2.1 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.

### **Sec. L-II 4.2.2 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 this chapter.

### **Sec. L-II 4.2.3 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))
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).)

#### **Sec. L-II 4.2.4 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.
- 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 20%. Height increases of more than 20% shall be subject to a use permit.

#### **Sec. L-II 4.2.5 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 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 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 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 20-foot rear yard setback; RA, AG, AE, & FR districts shall provide a 10-foot interior side yard setback and a 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, 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 25% 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 20%, a 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 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.

d. 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.

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 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.

**Sec. L-II 4.2.6 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 L-II 4.2.6.D**

**Height Limits within Setback Area**

<b>Zoning District</b>	<b>Setback Area<sup>(1)</sup></b>	<b>Open Fence<sup>(2)</sup> &amp; Hedge Standards</b>	<b>Solid Fence Standards</b>
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.

### **Sec. L-II 4.2.7 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 of this Section. 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 40% 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 bufferyards, and residential bufferyards);
- 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 40% 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 15-gallon container size, with the trunk diameter no less than 1.5 inches for canopy trees, and 1-1.5 inches for understory trees. Shrubs shall be a minimum Five -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 75% 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 6" 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 15-foot bufferyard shall be established adjacent to state highways.
- 2) A minimum 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 bufferyards shall not impair sight distance for each (five) 5 feet of bufferyard 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 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 45 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 6" wide curbing that is rounded at island ends.

Parking lot landscaping shall include shade trees placed so as to cover 40% 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 20% 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))

## **Sec. L-II 4.2.8 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.

#### **Sec. L-II 4.2.9 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 45-degree parking aisles shall have a minimum width of sixteen (16') feet and 60 degree parking aisles shall have a minimum width of eighteen (18') feet. One-way 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 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 40% 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))

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 4.2.9.E:

**Table L-II Table 4.2.9.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 L-II Table 4.2.9.F.12.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>	
Day Care	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 Community Care Facilities	1 space per 60 sf of use area plus incidental uses 1 space per every 2 persons cared for plus 2 spaces for the residence
<b>Public</b> Communication Towers and Transmission Facilities  Public Uses	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site. 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 Article.
<b>Residential (may be modified by Sections 3.16 and 3.20 of this Chapter)</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 Groups	1 space per 1 bedroom unit <sup>(1)(2)</sup> 1.5 spaces for 2 or 3 bedroom units. Tandem parking is allowed. <sup>(1)(2)</sup> 2 spaces for 4 or more bedroom units, plus 1 guest space per each 2 units. Tandem parking is allowed. <sup>(1)(2)</sup>
Senior Citizen and Disabled Housing	0.5 space per unit (see Section 2.7.4) <sup>(1)(2)</sup>
Mobilehome Parks	1 space per each dwelling <sup>(1)</sup>
Boardinghouses	0.5 spaces per bed <sup>(1)(2)</sup>
Emergency Shelter Housing	1 space per space. <sup>(1)(2)</sup>
Transitional/Supportive Housing	0.5 space per bedroom unit <sup>(1)(2)</sup>
Accessory Dwelling Unit Junior Accessory Dwelling Unit	No additional parking is required. No additional parking is required.

Footnote:

<sup>(1)</sup> Reduction in the number of parking spaces may be allowed pursuant to Section 4.2.9.F.12.

<sup>(2)</sup> 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.

**Sec. L-II 4.2.10 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 re-charge, 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 4.2.10.C.1**

Elevation	0 - 1 acre	1.01 + acres
< 4,000 ft.	10%	15%
> 4,000 ft.	15%	20%



## **Sec. L-II 4.2.11 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).)

## **Sec. L-II 4.2.12 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 chapter V of this code, 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).)
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 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. b. Open House On-Site and Off-Site Directional Signs. One off-site portable sign for a maximum of 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) square feet. When located on private property, such signs must be sited with permission of the property owner.
  - c. 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 5.2 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 15% of a building I or tenant storefront.

2. Window Signs.

- a. Window signs shall not occupy more than 50 % 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. 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 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 2 monument signs, one 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 20% 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 8 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 20 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. 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 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 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 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))

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 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 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).)

#### **Sec. L-II 4.2.13 Solid Waste and Recycling Storage Areas**

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).)

## **Division 4.3 Resource Standards**

### **Sec. L-II 4.3.1 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.

### **Sec. L-II 4.3.2 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 4.3.10 Floodplains.
2. Section 4.3.11.C.3 Significant Mineral Areas, as required.
3. Section 4.3.13 Steep Slopes and Erosion Potential.
4. Section 4.3.17 Watercourses, Wetlands and Riparian Areas
5. Section 4.3.18 Wildland Fire Hazard. (Ord. 2090.(07/09/2002))

### **Sec. L-II 4.3.3 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 3:1 ratio of habitat restored to habitat lost. (Ord. 2090, 7/9/02).

#### **Sec. L-II 4.3.4 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, 15% to 30% slopes (AdD); Argonaut gravelly loam, 2% to 15% slopes (ArC); Hoda sandy loam, 9% to 15% slopes (HnC); Sobrante loam, 15% to 30% slopes (SoD); or Trabuco loam, 5% to 15% 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 4.3.3.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))

#### **Sec. L-II 4.3.5 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 2.7.6.

#### **Sec. L-II 4.3.6 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 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 Nevada County 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 (PRC 6254.10). 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 Nevada County.

#### **Sec. L-II 4.3.7 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.

#### **Sec. L-II 4.3.8 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.

**Sec. L-II 4.3.9 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.

#### **Sec. L-II 4.3.10 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 1% 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 LUDC Chapter XII 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.



## **Sec. L-II 4.3.11 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.

#### **Sec. L-II 4.3.12 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.

#### **Sec. L-II 4.3.13 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).)

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 4.3.3.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

#### **Sec. L-II 4.3.14 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 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.

#### **Sec. L-II 4.3.15 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 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 ½') feet above grade and where less than 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. 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).)

#### **Sec. L-II 4.3.16 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.

### **Sec. L-II 4.3.17 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 Nevada County 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.

#### **Sec. L-II 4.3.18 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).)

**EXHIBIT \_\_**

**LAND USE**

**CHAPTER II ZONING**

**SECTION 5 ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- Sec. L-II 5.1 Purpose**
- Sec. L-II 5.2 Permitting Authority Table**
- Sec. L-II 5.3 Design Review**
- Sec. L-II 5.4 Zoning Compliance**
- Sec. L-II 5.5 Development Permits**
  - Sec. L-II 5.5.1 Administrative Development Permit**
  - Sec. L-II 5.5.2 Development Permit**
- Sec. L-II 5.6 Use Permits**
- Sec. L-II 5.7 Variances**
- Sec. L-II 5.8 Minor Changes to an Approved Project**
- Sec. L-II 5.9 Amendments to the Nevada County General Plan and Zoning Ordinance**
- Sec. L-II 5.10 Permit Time Limits**
- Sec. L-II 5.11 Permit Revocation**
- Sec. L-II 5.12 Appeals**
- Sec. L-II 5.13 Public Hearing Notice**
- Sec. L-II 5.14 Filing Fees**
- Sec. L-II 5.15 Mitigation and Development Fees**
- Sec. L-II 5.16 Guarantee of Performance**
- Sec. L-II 5.17 Comprehensive Master Plans, Zoning Maps and Specific Plans**
- Sec. L-II 5.18 Development Agreements**
- Sec. L-II 5.19 Legal Nonconforming Uses and Structures**
- Sec. L-II 5.20 Abatement and Removal of Inoperable Motor Vehicles**
- Sec. L-II 5.21 Enforcement and Penalty for Violations**
- Sec. L-II 5.23 Administrative Enforcement**

## **Sec. L-II 5.1 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.

## **Sec. L-II 5.2 Permitting Authority Table**

The following Table 5.2 Permitting Authority provides a summary of which County body reviews, recommends, and takes action on land use permits.

**Table L-II 5.2  
Permitting Authority**

Review/Permit	Staff	Zoning Administrator	Planning Commission <sup>(1)</sup>	Board of Supervisors	If Appealed, Goes To	LUDC Section
Zoning Compliance	X				Board	L-II 5.4
Admin. Development Permit <sup>(4)</sup>	X				Board	L-II 5.5.1
Development Permit <sup>(4)</sup>		X <sup>(2)</sup>	X <sup>(2)</sup>		Board	L-II 5.5.2
Pre-Grading Development Permit	X <sup>(8)</sup>	X <sup>(8)</sup>			Board	L-II 3.28
Use Permit		X <sup>(3)</sup>	X <sup>(3)</sup>		Board	L-II 5.6
Design Review		X <sup>(4)</sup>	X <sup>(4)</sup>		Board	L-II 5.3
Variance		X			Board	L-II 5.7
General Plan/Zoning Amendment			X <sup>(5)</sup>	X	Board	L-II 5.9
Boundary Line Adjustment	X		X <sup>(6)</sup>		Board	L-II 4.1.6
Parcel Map Subdivisions		X	X <sup>(7)</sup>		Board	L-IV
Final Map Subdivisions			X		Board	L-IV

**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 or more parcels.

(7) The Planning Commission shall consider Tentative Parcel Maps as required by the Subdivision Ordinance.<sup>(8)</sup> The Zoning Administrator shall consider pre-grading projects that exceed one acre of disturbance and any pre-grading project not exempt from CEQA.

### **Sec. L-II 5.3 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 Day Care 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, (070/9/2002))

## **Sec. L-II 5.4 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 Land Use and Development Code. This review may authorize the issuance of a building permit under “Building” of the Land Use and Development 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 this Chapter, 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 Section governing “Mitigation and Development fees” of this Chapter.

### **Sec. L-II 5.5 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 Land Use and Development 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 Land Use and Development 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 Section 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” of this Chapter.

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 Section 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 Section 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 Section “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 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 L-II 5.5**

**Development Permit Level of Processing:**

**Commercial / Industrial / Multi-Family Development Permits**

	<b>Land Use / Activity</b>	<b>Standard</b>	<b>Administrative</b>	<b>ZA or PC Hearings Required</b>
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 <sup>(1)</sup>	5-9 units if within a single structure <sup>(2)</sup>
2	New commercial, industrial, and all other nonresidential	Total gross floor area and outdoor storage/use area	Not applicable	<10,000 sq. ft. <sup>(3)</sup>
3	Conversion of an existing structure to a different use or occupancy consistent with zoning	Intensity of Use <sup>(4)</sup>	Greater intensity <sup>(1)</sup>	N/A
4	Additions to existing lawfully used structures <sup>(5)</sup>	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 <sup>(1)</sup>	>50% or 2,500 sq. ft. (whichever is less), up to 10,000 sq. ft. <sup>(3)</sup>
5	Replacement of existing structure where the use is consistent with zoning	Size, use and, capacity	Same size, use, and capacity <sup>(1)</sup>	Any increase in size or capacity, or change in use up to 10,000 sq. ft. <sup>(3)</sup>

6	Pre-grading of commercial/ industrial sites	Total acreage of disturbed area	Less than 1 acre <sup>(6)</sup>	Greater than 1 acre and non-exempt CEQA <sup>(6)</sup>
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Footnotes:

- (1) If any of the following apply, the Zoning Administrator shall review the project:
  - (a) Two or more multi-family dwelling units constructed in conjunction with two or more structures built in a two-year 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 10 feet in depth
- (2) The Planning Commission shall consider multi-family development of 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 50% or more for the new use, it shall be considered to be of a greater intensity.
- (5) One 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.

**Sec. L-II 5.5.1 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 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 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.

### **Sec. L-II 5.5.2 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. (70/9/2002).)

## **Sec. L-II 5.6 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 Land Use and Development 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 Land Use and Development 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 such project can be so approved in any five-year 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 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 of this Section.

## **Sec. L-II 5.7 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 Land Use and Development 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" of this Section.

### **Sec. L-II 5.8 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 10% 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).)

## **Sec. L-II 5.9 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 S 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 Chapter governing Comprehensive Site Development Standards of the Land Use and Development Code 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 et. seq. 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.

#### **Sec. L-II 5.10 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 two-year 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 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 Section 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 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 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 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).)

### **Sec. L-II 5.11 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.

## **Sec. L-II 5.12 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 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 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 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.

I. 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.

J. 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.

K. 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 15 minutes.
3. Presentation by project proponent (if different party than appellant) which shall be limited to 15 minutes.
4. Public hearing: The Board may limit any person's input to not less than 3 minutes in which to give testimony.
5. Summation by project proponent - 10 minutes.
6. Summation by appellant - 10 minutes.
7. Rebuttal by members of the public - 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 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.

L. 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.

M. 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.

N. 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).)

### **Sec. L-II 5.13 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.

### **Sec. L-II 5.14 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.

## **Sec. L-II 5.15 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. Reserved.
- E. 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.

## **Sec. L-II 5.16 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.

## **Sec. L-II 5.17 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.)

## **Sec. L-II 5.18 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" in this Section 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 Land Use and Development 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 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.

#### **Sec. L-II 5.19 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 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).)

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 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 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.

## **Sec. L-II 5.20 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 his or her land within the 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 scrapyards, 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, their 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.

## **Sec. L-II 5.21 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. [Reserved]

C. 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 Land Use and Development 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.

D. 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.

E. 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.

F. 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).)



## **Sec. L-II 5.23 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 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 administration 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 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 or more days on which a Code Violation exists or existed and for violation of one 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 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 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).)



**EXHIBIT**

**LAND USE**

**CHAPTER II ZONING**

**SECTION 6 DEFINITIONS**

**Section:**

**Sec. L-II 6.1 Definitions**

**Sec. L-II 6.1 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 or more rooms occupied or suitable for occupancy as a residence for one family and included as an independent unit in a structure or development containing two 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.

-C-

**CAMPGROUNDS** - Facilities to accommodate two or more camping parties for a period of less than 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 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 day care, 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 day care centers, small family day care homes and large family day care 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.

DAY CARE CENTER - Resident or non-resident based day care 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.

DAY CARE, LARGE FAMILY - Where resident child day care services are provided in the home for 7 or more children, including the resident children, under the age of 10 years, or as provided for in Cal. Health & Safety Code § 1596.78.

DAY CARE, SMALL FAMILY - Where resident child day care 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 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 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 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

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 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 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 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 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 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 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 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 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 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 day care 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 , Table II, under Road Standards.

**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 (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 55 minimum age, however, any such occupant shall be not less than 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 55 years of age or older. In cases of married or cohabited couples, one occupant may be younger than 55 years of age. No person under 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 - As provided in the Nevada County Administrative Code, the Planning Director or her/his 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 L-II of the Nevada County Land Use and Development 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).)