



## **ORDINANCE No. 2531**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **AN ORDINANCE REVISING SECTIONS OF THE NEVADA COUNTY LAND USE CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

#### SECTION I:

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Amendments to these Codes are part of an on-going effort to recodify and reorganize provisions of the Nevada County Codes and the changes are intended to be entirely nonsubstantive in effect.

#### SECTION II:

1. Chapter I: "GENERAL PROVISIONS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit A" attached hereto and incorporated by reference.
2. Chapter III: "AIRPORT LAND USE COMPATIBILITY" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit B" attached hereto and incorporated by reference.
3. Chapter IV: "SUBDIVISIONS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit C" attached hereto and incorporated by reference.
4. Chapter V: "BUILDINGS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit D" attached hereto and incorporated by reference.
5. Chapter VI: "SEWAGE DISPOSAL" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit E" attached hereto and incorporated by reference.
6. Chapter VII: "STREET ADDRESSING AND NAMING" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit F" attached hereto and incorporated by reference.
7. Chapter IX: "MITIGATION AND DEVELOPMENT FEES" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit G" attached hereto and incorporated by reference.
8. Chapter X: "WATER SUPPLY AND RESOURCES" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit H" attached hereto and incorporated by reference.

10. Chapter XIII: "CALIFORNIA ENVIRONMENTAL QUALITY ACT" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit J" attached hereto and incorporated by reference.
11. Chapter XIV: "AGRICULTURAL LANDS AND OPERATIONS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit K" attached hereto and incorporated by reference.
12. Chapter XVI: "FIRE SAFETY REGULATIONS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit L" attached hereto and incorporated by reference.
13. Chapter XVII: "ROADS STANDARDS" of the Nevada County Land Use Code is hereby revised and amended to read as shown in "Exhibit M" attached hereto and incorporated by reference.

SECTION III:

Severability. If any provision of these Articles or the application thereof to any person or circumstance is held invalid, the remainder of these Articles, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of these Articles are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall be passed and adopted immediately after notice and a public hearing as required by statute, and shall take effect and be in force at the expiration of thirty (30) from and after its passage, and shall become operative on the 23<sup>rd</sup> day of November, 2023 and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24<sup>th</sup> day of October, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
 Clerk of the Board of Supervisors

By: 

  
 Edward C. Scofield, Chair

**EXHIBIT A**

**LAND USE  
CHAPTER I: GENERAL PROVISIONS  
SECTION 1: SCOPE**

**Sections:**

**Sec. L-I 1.0 Reserved**

**Sec. L-I 1.1 Reserved**

**Sec. L-I 1.2 Reserved**

**Sec. L-I 1.3 Reserved**

**Sec. L-I 1.4 Reserved**

**Sec. L-I 1.5 Reserved**

**Sec. L-I 1.6 Reserved**

**Sec. L-I 1.7 Reserved**

**Sec. L-I 1.8 General Enforcement Provisions**

**Sec. L-I 1.9 Assessment and Collection of Enforcement Penalties, and  
Enforcement Fees, Costs, and Charges**

**Sec. L-I 1.0 Reserved**

**Sec. L-I 1.1 Reserved**

**Sec. L-I 1.2 Reserved**

**Sec. L-I 1.3 Reserved**

**Sec. L-I 1.4 Reserved**

**Sec. L-I 1.5 Reserved**

**Sec. L-I 1.6 Reserved**

**Sec. L-I 1.7 Reserved**

**Sec. L-I 1.8 General Enforcement Provisions**

General enforcement provisions for this Code are set forth in Land Use, Zoning provisions.

**Sec. L-I 1.9 Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs, and Charges**

Provisions for the assessment and collection by the County of enforcement penalties, enforcement fees, costs, and charges are set forth in Land Use, Zoning provisions, and these provisions apply to all chapters of this Code.

## **EXHIBIT B**

### **LAND USE**

#### **CHAPTER III - AIRPORT LAND USE COMPATIBILITY**

##### **SECTION 1: PURPOSE**

###### **Sections:**

- |                       |   |
|-----------------------|---|
| <b>Sec. L-III 1.1</b> | <b>Purpose</b>  |
| <b>Sec. L-III 1.2</b> | <b>Basic Function of Airport Land Use Compatibility<br/>Planning</b>    |
| <b>Sec. L-III 1.3</b> | <b>Principal Airport Land Use Commission Compatibility<br/>Concerns</b> |

###### **Sec. L-III 1.1 Purpose**

The purpose of this ordinance is to adopt specific sections of the Nevada County Airport Land Use Compatibility Plan (“NCALUCP”) and the Truckee Tahoe Airport Land Use Compatibility Plan (“TTALUCP”) as local land use policy. These plans serve as planning tools to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adopted of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports. (Ord. 2390. (10/28/2014))

###### **Sec. L-III 1.2 Basic Function of Airport Land Use Compatibility Planning**

The basic function of airport land use planning is to promote compatibility between the airport and surrounding land uses. As adopted by an Airport Land Use Commission (ALUC), an Airport Land Use Compatibility Plan (ALUCP) serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. The ALUCP sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

Any city, county, special district, community college district, or school district that exists, or may be established or expanded into the identified airport influence area defined by an ALUCP is also subject to the provisions of the plan, when making planning decisions regarding proposed development of lands within an airport

influence area. However, the authority of an ALUCP does not extend to state, federal, or tribal lands, to airport operations, or to existing land uses. (Ord. 2390. (10/28/2014))

### **Sec. L-III 1.3 Principal Airport Land Use Commission Compatibility Concerns**

The ALUCs are concerned only with the potential impacts related to:

- A. Exposure to aircraft noise.
- B. Land use safety with respect both to people on the ground and the occupants of aircraft.
- C. Protection of airport airspace from tall objects and certain other land use characteristics (e.g., bird attractions, sources of smoke, glare, etc.).
- D. General concerns related to aircraft overflight. (Ord. 2390. (10/28/2014))

## **EXHIBIT B**

### **LAND USE**

#### **CHAPTER III - AIRPORT LAND USE COMPATIBILITY**

#### **SECTION 2: NEVADA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN**

##### **Sections:**

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|-----------------------|---------------------------|
| <b>Sec. L-III 2.1</b> | <b>Applicability</b>      |
| <b>Sec. L-III 2.2</b> | <b>Geographic Scope</b>   |
| <b>Sec. L-III 2.3</b> | <b>Adoption of Policy</b> |

##### **Sec. L-III 2.1 Applicability**

The Nevada County Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan “NCALUCP” on September 21, 2011 to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Cal. Pub. Util. Code § 21670 – 21679.5 applicable to airport land use compatibility planning in the vicinity of the Nevada County Airport. The NCALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances, and to landowners in their design of new development. (Ord. 2390. (10/28/2014))

##### **Sec. L-III 2.2 Geographic Scope**

The Nevada County Airport lies in the western portion of Nevada County within the Loma Rica Industrial Area and east of the City of Grass Valley. The influence area for the Nevada County Airport extends 1.7 miles from the airport’s runway. This influence area encompasses land within the jurisdictions of Nevada County and the City of Grass Valley.

As established and adopted by the Nevada County Airport Land Use Commission, the geographic scope of the NCALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Nevada County Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Nevada County Airport influence area and the compatibility zones are depicted by NCALUCP Map 2A (Compatibility Policy Map) contained therein. (Ord. 2390. (10/28/2014))

### **Sec. L-III 2.3 Adoption of Policy**

The following sections of Chapter 2 of the NCALUCP, adopted by the Nevada County Airport Land Use Commission in September of 2011, are hereby incorporated by reference, and adopted as Nevada County local land use policy:

- A. Section 1. General Applicability.
- B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.
- C. Section 3. Compatibility Criteria for Land Use Actions.
- D. Section 5. Specific Compatibility Criteria. (Ord. 2390. (10/28/2014))



## **EXHIBIT B**

### **LAND USE**

#### **CHAPTER III - AIRPORT LAND USE COMPATIBILITY**

#### **SECTION 3: TRUCKEE TAHOE AIRPORT LAND USE COMPATIBILITY PLAN**

##### **Sections:**

- |                       |                           |
|-----------------------|---------------------------|
| <b>Sec. L-III 3.1</b> | <b>Applicability</b>      |
| <b>Sec. L-III 3.2</b> | <b>Geographic Scope</b>   |
| <b>Sec. L-III 3.3</b> | <b>Adoption of Policy</b> |

##### **Sec. L-III 3.1 Applicability**

The Truckee Tahoe Airport Land Use Commission adopted the Truckee Tahoe Airport Land Use Compatibility Plan “TTALUCP” on October 19, 2010 to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Cal. Pub. Util. Code §§ 21670 – 21679.5, applicable to airport land use compatibility planning in the vicinity of the Truckee Tahoe Airport. The TTALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances and to land-owners in their design of new development. (Ord. 2390. (10/28/2014))

##### **Sec. L-III 3.2 Geographic Scope**

The Truckee Tahoe Airport is located approximately two miles east of the Town of Truckee off of State Route 267 and is located in the unincorporated areas of both Nevada County and Placer County. The influence area for the Truckee Tahoe Airport extends roughly 2.7 miles from the airport runways. This influence area encompasses lands within three local jurisdictions: County of Nevada, County of Placer, and the Town of Truckee.

As established and adopted by the Truckee Tahoe Airport Land Use Commission, the geographic scope of the TTALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Truckee Tahoe Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Truckee Tahoe Airport influence area and compatibility zones are depicted in TTA-LUCP Figure 2A (Compatibility Map) contained therein. (Ord. 2390. (10/28/2014))

### **Sec. L-III 3.3 Adoption of Policy**

The following sections of Chapter 2 of the TTALUCP adopted by the Truckee Tahoe Land Use Commission in October of 2010 are hereby incorporated by reference and adopted as Nevada County local land use policy:

- A. Section 1. General Applicability.
- B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.
- C. Section 3. Basic Compatibility Criteria.
- D. Section 4. Supporting Compatibility Criteria. (Ord. 2390. (10/28/2014))

**EXHIBIT C**

**LAND USE**

**CHAPTER IV: SUBDIVISIONS**

**SECTIONS 1 SUBDIVISIONS**

**Sections:**

**Sec. L-IV 1.1 Short Title**

**Sec. L-IV 1.2 Purpose of Chapter**

**Sec. L-IV 1.3 Definitions**

**Sec. L-IV 1.4 Designation of Advisory Agencies**

**Sec. L-IV 1.5 Requirements for Maps**

**Sec. L-IV 1.6 Appeal by Interested Persons**

**Sec. L-IV 1.7 Public Hearings**

**Sec. L-IV 1.8 Acts Prohibited**

**Sec. L-IV 1.9 Exemption for Duplicate Final or Parcel Maps**

**Sec. L-IV 1.10 Remedies**

**Sec. L-IV 1.11 Reserved**

**Sec. L-IV 1.12 Repeal**

**Sec. L-IV 1.13 Prohibition and Penalty**

**Sec. L-IV 1.14 Prohibition Against Specifying Roofing Material Within  
Subdivision**

**Sec. L-IV 1.1 Short Title**

This Chapter may be referred to as the “Nevada County Subdivision Ordinance.”

**Sec. L-IV 1.2 Purpose of Chapter**

This Chapter is enacted pursuant to and supplementary to Cal. Gov’t Code §§ 66410 – 66499.40 and other provisions of the State for the purpose of adopting regulations for the design and improvement of subdivisions within the unincorporated territory of the County of Nevada, State of California.

### **Sec. L-IV 1.3 Definitions**

As used in this Chapter, the following words and phrases shall have the meaning provided for them in this Section:

- A -

ADVISORY AGENCY refers to the body that is charged by the Board of Supervisors with making investigations and reports on the design and improvements of proposed divisions of real property, imposing of requirements of conditions thereon, and having the authority by local ordinance to approve, conditionally approve or disapprove a tentative map.

In the case of subdivisions proposing the creation of four or fewer parcels and that require the filing of a parcel map, the Advisory Agency shall be the Zoning Administrator as designated in the Administrative Code of the County of Nevada.

In the case of subdivisions that require the filing of a final map, the filing of a parcel map that creates more than four lots, or that create parcels containing sixty (60) acres or more, the Advisory Agency shall be the Planning Commission as that Commission is provided for in the Administrative Code of the County of Nevada. (Ord. 1097. (07/19/1982); Ord. 1896. (01/16/1996)

APPEAL BOARD refers to the Board of Supervisors, which shall be charged with hearing and making final determinations upon any appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or required by the Advisory Agency.

Any decision of the Zoning Administrator or Planning Commission may be appealed directly to the Board of Supervisors.

APPLICANT means a person, firm, corporation, partnership, association, or other entity that submits a tentative map on behalf of himself or others. The applicant may be the legal owner of the subject property, prospective buyer or authorized representative. No form signed by the owner of the property consenting to the filing of the tentative map is required.

APPROVED ACCESS, when considering subdivisions that create parcels containing between twenty (20) and forty (40) acres in area or parcels zoned commercial or industrial, shall be interpreted to mean legal road access to a maintained public street

or highway, which road access complies with adopted County road standards for width, grade, alignment and improvement.

**- B -**

**BOARD OF SUPERVISORS** means the Board of Supervisors of the County of Nevada.

**- C -**

**CONTIGUOUS** means parcels having any point or line common to both parcels. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad rights-of-way.

**COUNTY** means the County of Nevada, a political subdivision of the State of California.

**COUNTY ROAD** is any road accepted into the County Road System pursuant to Streets and Highways Code § 941 or any road for which an offer of dedication to the County has been accepted or accepted subject to improvements.

**- D -**

**DEPARTMENT OF PUBLIC WORKS** is the County department which shall advise the Zoning Administrator or Planning Commission concerning streets, engineering and matters related to the office of County Surveyor.

**DESIGN** means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and recreation purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or applicable specific plan currently adopted by the County.

**DEVELOPMENT** means the uses to which the land, which is the subject of a map, shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

**- E -**

**ENVIRONMENTAL SUBDIVISION** refers to a subdivision of land for biotic and wildlife purposes pursuant to Cal. Gov't Code § 66418.2 and the section governing "Environmental Subdivisions" of this Chapter.

- **F -**

FINAL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

FLOOD HAZARD is the possibility of occurrence of overflow stormwater causing flooding of land or improvements or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of banks or channels.

FREEBOARD is the vertical distance from the water level in a ditch or channel to the top of bank or berm.

- **G -**

GRADING PLAN is an engineering plan prepared in accordance with Chapter governing "Buildings" of this Code. (Ord. 2009. (10/26/1999).)

GROSS AREA means the total area of the lot computed to the centerline of adjacent public or private streets, roads, highways or special district or public utility rights-of-way. If the parcel to be divided lies on both sides of the road or right-of-way, the total area of the right-of-way lying within the parcel may be computed in gross area.

The area of limited-access State or Federal highways shall not be computed in gross area.

Gross Area may include property devoted to lakes, reservoirs or streams if underlying fee is owned by the subdivider and the inundated area does not exceed twenty-five percent (25%) of the area of the parcel being created.

- **I -**

IMPROVEMENT refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final or parcel map thereof.

Improvement may also refer to such other specific improvements or types of improvements, the installation of which either the subdivider, public agencies, private utilities, any other entity approved by the local agency or by a combination of any of the foregoing, is necessary or convenient to ensure conformity with or implementation of the general plan or applicable specific plan currently adopted by the County.

IMPROVEMENT PLANS are engineering plans prepared by or under the direction of a civil engineer registered by the State of California showing the location and construction details of all improvements required for the subdivision.

INUNDATION is ponded stormwater or stormwater in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

- L -

LAND PROJECT refers to a subdivision that satisfies all of the following conditions:

1. The subdivision contains fifty (50) or more parcels of which any fifty (50) are both (a) not improved with residential, industrial, commercial, or institutional buildings and (b) offered for sale, lease or financing for the purposes other than commercial, institutional, or commercial agricultural uses.
2. The subdivision is located in an area in which reside less than 1,500 registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report issued by the Department of Real Estate, State of California.
3. Not constituting a community apartment project as defined in Cal. Bus. & Prof. Code §11004, a project consisting of condominiums as defined in Cal. Civ. Code § 783, or a stock cooperative as defined Cal. Bus. & Prof. Code § 11003.2.

LEGISLATIVE BODY is the County of Nevada Board of Supervisors.

LOCAL AGENCY means the County of Nevada, State of California.

LOT means that portion of a parcel of land that is delineated or described as a single unit on the subdivision map.

LOT AREA means gross area for new parcels that contain one (1) acre or more, and net area for new parcels that contain less than one (1) acre.

- N -

NATURAL DRAINAGE COURSE is a drainage course having definable sides and bottom, but one that will not necessarily have year-round flow.

NET AREA means the total area of the lot owned by the current parcel owner or owners of record, exclusive of areas currently devoted, dedicated, or to be dedicated for roads, easements or water bodies.

- O -

OFF-SITE is anything lying outside the boundaries of a final map or parcel map.

-

**P -**

PARCEL is all land which, prior to legal division, is contiguous and under one ownership.

PARCEL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

PRELIMINARY SOILS REPORT means a report prepared by a Soils Engineer based upon adequate test boring or excavation describing the conditions of the soils in the subdivision.

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**R -**

REMAINDER means the contiguous property of a subdivider which is not included within the boundaries of a final map or a parcel map.

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**S -**

SOILS ENGINEER is a licensed civil engineer, experienced in engineering geology, responsible for the soils engineering work outlined in this Chapter, including supervision, analysis and interpretation in the field of investigation and laboratory tests for a specific project, preparation of geologic and soils engineering recommendations and specifications, and supervision of grading construction work.

SPECIFICATIONS refer to the documents necessary to bring to a successful conclusion the improvements required in the subdivision. The specifications describing the method in which the work is to be accomplished shall be approved by the Department of Public Works.

STANDARD SPECIFICATIONS is the latest edition of the Nevada County Standard Construction Specifications or the latest edition of the Standard Specifications and Standard Plans of the State of California, Department of Transportation (Caltrans). Nevada County's Standard Specifications and Plans shall govern over Caltrans' Standard Specifications and Plans. Special provisions shall govern over both of these Standard Specifications and Plans.

STREETS include public and private roads and highways.

SUBDIVIDER means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided, real property into a subdivision for himself or for others. Contractors and subcontractors, including but not limited to consultants, employees, engineers and surveyors, employed to render services for the



development of the divided property shall be excluded from the definition of “subdivider.”

SUBDIVISION means the division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Subdivision includes a condominium project as defined in Cal. Civ. Code § 783, a community apartment project as defined in Cal. Civ. Code § 4105 or Cal. Bus. & Prof. Code § 11004 or the conversion of five or more existing dwelling units to a stock cooperative as defined in Cal. Bus. & Prof. Code § 11003.2. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purposes of computing the number of parcels.

SUBDIVISION MAP ACT means Cal. Gov’t Code §§ 66410 – 66499.40.

SWALE is a natural depression through which stormwaters travel but does not have well-defined sides and bottoms.

- T -

TENTATIVE MAP refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. Any division of land within the County shall require the filing of a tentative map with the appropriate Advisory Agency for review and any conditions deemed necessary. (Ord. 767. (10/26/1976).)

- V -

VESTING TENTATIVE MAP refers to a map which meets the requirements of Cal. Gov’t Code §§ 66424.5(a) and 66452 and is authorized and approved pursuant to Cal. Gov’t Code §§ 66498.1 – 66498.9, and Section governing “Vesting Tentative Maps” in “Procedures” under “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1919. (11/05/1996).)

#### **Sec. L-IV 1.4 Designation of Advisory Agencies**

A. The Planning Commission of the County shall be the Advisory Agency for all subdivisions dividing property into five or more parcels, whether a final map or parcel map is required.

B. The Zoning Administrator of the County shall be the Advisory Agency for all subdivisions dividing property into four parcels or fewer.

C. The Planning Director of the County shall be the Advisory Agency for all Urban Lot Splits pursuant to Cal. Gov't Code §§ 66411.7 – 66413.5.

### **Sec. L-IV 1.5 Requirements for Maps**

A. The necessity for tentative, final and parcel maps shall be governed by the provisions of this Section.

B. Tentative maps shall be filed with the appropriate Advisory Agency for review, conditions and approval for any subdivision.

C. A final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Cal. Civ. Code § 783, a community apartment project containing five or more parcels or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where one of the following occurs:

1. The land before the division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the latest adopted County standards.

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.

3. The land consists of one or more parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which will comply with adopted County of Nevada standards for street alignments and widths.

4. Each parcel created by the division has a gross area of forty (40) acres or more or is a quarter-quarter section or larger.

5. When land before division was conveyed by testamentary disposition to more than one person, each with an undivided interest, the individuals desire to segregate their interest in the property, and a note stating that the parcels are being created through testamentary disposition appears on the map.

D. A parcel map shall be required for all subdivisions creating four (4) or fewer parcels and those subdivisions excepted from the requirement of a final map by Subsections 1-5 of Subsection C of this Section.

E. This Section shall apply to subdivisions created for the purpose of gift, since division of a parcel for this purpose will result in parcels that may be sold immediately or in the future.

F. This Section shall not apply to boundary line adjustments. Provisions for boundary line adjustments are contained within Section governing “Boundary Line Adjustments” under “Comprehensive Site Development Standards” of the Nevada County Code.

G. Whenever a provision of this Chapter requires the filing of a tentative map for a development, a vesting tentative map may instead be filed in accordance with the provisions of Section governing Vesting Tentative Maps” in “Procedures” under “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1896. (01/16/1996).)

### **Sec. L-IV 1.6 Appeal by Interested Persons**

A subdivider, applicant, public agency or any interested person may file an appeal with the appropriate Appeal Board concerning any decision of the Advisory Agency. Any such appeal shall be filed with the Clerk of the Appeal Board within ten (10) days after the action of the Advisory Agency that is the subject of the appeal except in the case of denial of an extension of time, where a fifteen (15)-day appeal period is expressly provided for in this Chapter. Upon filing the appeal, the Appeal Board may set the matter for public hearing or may reject the appeal without hearing. Any on an appeal shall be held within thirty (30) days after the filing of the appeal in a manner prescribed in this Section of this Chapter. If the appeal is rejected, the appellant shall be notified within seven (7) days from the date of the Appeal Board’s decision. If a public hearing is held, the Appeal Board shall render its decision on the within seven (7) days from date of conclusion of the hearing. Any hearing may be continued from time to time.

The Appeal Board, in acting upon an appeal may sustain, modify, reject or overrule any recommendations or rulings of the Advisory Agency and may make findings and impose conditions as are not inconsistent with the provisions of this Chapter. (Ord. 767. (10/26/1976).)

### **Sec. L-IV 1.7 Public Hearings**

Whenever a public hearing is held pursuant to this Chapter, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated within the County. In addition to notice by publication, the local agency may give notice of the hearing in such other manner as it may deem necessary or desirable. Any interested person may appear at such hearing and shall be heard.

### **Sec. L-IV 1.8 Acts Prohibited**

When the provisions of the Subdivision Map Act or of this Chapter require the execution of any certificate or affidavit or performance of some act by or on behalf of the County, no document shall be executed, nor shall such act be performed, other than by some person duly qualified therefore and designated so to act by the Board of Supervisors. (Ord. 1808. (11/10/1992).)

### **Sec. L-IV 1.9 Exemption for Duplicate Final or Parcel Maps**

In any case where a person, firm or corporation acquires legally established, contiguous lots or parcels, there shall be no requirement for the filing of duplicate parcel or final maps, or records of survey, prior to sale of each parcel.

### **Sec. L-IV 1.10 Remedies**

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this Chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir or devisee.

Any grantee, or his successor in interest of real property that has been divided, or that has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, may, within one year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Chapter or the previous ordinance and against the successors in interest who have actual or constructive knowledge of such division of property.

This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm or corporation may file a suit in the Superior Court of the county in

which any real property attempted to be subdivided or sold, leased or financed in violation of this division is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this division.

The local agency shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Chapter or any previous ordinance if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of their interest in such real property.

If the local agency does issue a permit or grant approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

#### **Sec. L-IV 1.11 Reserved**

#### **Sec. L-IV 1.12 Repeal**

All ordinances and parts of ordinances of the County in conflict with this Chapter, to the extent of such conflict and no further, are hereby repealed. However, such repeal shall not affect any agreement, contract or bond executed pursuant to such ordinances or any right of action or action against a violation occurring thereunder.

#### **Sec. L-IV 1.13 Prohibition and Penalty**

Unless otherwise exempted by law, no person shall sell, lease, finance or convey in any manner any parcel or parcels of real property; commence construction of any building, except for model homes, for sale, lease or financing on any such property; nor allow occupancy of a building on any such property for which a final map or parcel map is required by this Chapter until such final map or parcel map, in full compliance with the provisions of this Chapter, has been filed for record by the Clerk Recorder. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 767. (10/26/1992).)

**Sec. L-IV 1.14 Prohibition Against Specifying Roofing Material Within Subdivision**

A. As a condition of approval of any subdivision, the subdivider shall be prohibited from imposing as a deed restriction and/or within the conditions, covenants and restrictions for the subdivided property a requirement specifying the type of roofing material for any dwelling or other structure built within the subdivision.

B. Such prohibition shall apply as a condition of approval irrespective of whether or not it is included as an express condition of approval on any letter or notice of approval of any subdivision.

## **EXHIBIT C**

### **LAND USE**

#### **CHAPTER IV SUBDIVISIONS**

##### **SECTION 2 PROCEDURES**

###### **Sections:**

<b>Sec. L-IV 2.1</b>	<b>Conformance with General Plan</b>
<b>Sec. L-IV 2.2</b>	<b>Environmental Review</b>
<b>Sec. L-IV 2.3</b>	<b>Lot Standards</b>
<b>Sec. L-IV 2.4</b>	<b>Findings</b>
<b>Sec. L-IV 2.5</b>	<b>Vacation of Public Utility Easements</b>
<b>Sec. L-IV 2.6</b>	<b>Petition for Exceptions</b>
<b>Sec. L-IV 2.7</b>	<b>Reserved Strips</b>
<b>Sec. L-IV 2.8</b>	<b>Public Access to Public Resources</b>
<b>Sec. L-IV 2.9</b>	<b>Reservations and Dedications</b>
<b>Sec. L-IV 2.10</b>	<b>Fees</b>
<b>Sec. L-IV 2.11</b>	<b>Form of All Tentative Maps and Data to Accompany</b>
<b>Sec. L-IV 2.12</b>	<b>Tentative Maps</b>
<b>Sec. L-IV 2.13</b>	<b>Reserved</b>
<b>Sec. L-IV 2.14</b>	<b>Vesting Tentative Maps</b>
<b>Sec. L-IV 2.15</b>	<b>Environmental Subdivisions</b>
<b>Sec. L-IV 2.16</b>	<b>Final Maps</b>
<b>Sec. L-IV 2.17</b>	<b>Parcel Maps</b>
<b>Sec. L-IV 2.18</b>	<b>Corrections and Amendments of Maps and Supplemental Data Documents</b>
<b>Sec. L-IV 2.19</b>	<b>Reversions to Acreage</b>
<b>Sec. L-IV 2.20</b>	<b>Notice of Subdivision Violation: Proceedings</b>
<b>Sec. L-IV 2.21</b>	<b>Certificates of Compliance</b>

###### **Sec. L-IV 2.1 Conformance with General Plan**

In any area of the County where a general plan or any specific plan or any part or subject thereof has been officially adopted by the County in accordance with the provisions of Cal. Gov't Code §§ 65000 – 66499.58 of the Government Code, the

subdivision shall be considered in relation to the said plan for provision for sites for schools, parks, public buildings, street or other public areas and facilities in accordance with the recommendations of such plan.

### **Sec. L-IV 2.2 Environmental Review**

All subdivisions shall be subject to environmental review pursuant to Chapter governing the California Environmental Quality Act of the Nevada County Land Use and Development Code, Cal. Pub. Res. Code §§ 21000 – 21189.70.10 and Chapter 3 of Title 14 of the California Code of Regulations.

All subdivision applications shall contain a completed Project Information Questionnaire for evaluation of environmental impacts.

### **Sec. L-IV 2.3 Lot Standards**

- A. The minimum parcel size as shown in the General Plan Land Use Maps or the Zoning District Maps shall not apply to the creation of parcels for the following:
  - 1. Parcels occupied by governmental bodies or public or private utilities.
  - 2. Remainder parcels from which governmental bodies' or public or private utilities' parcels were divided (per Section 2.3.A.1 above) provided that the remainder parcels comply with Policy 3.19 of Chapter 3: Public Facilities and Services of the Nevada County General Plan. (Ord. 1251. (09/24/1984))
  - 3. Parcels created by Environmental Subdivisions, as provided for in this Chapter.
  - 4. Parcels created by Urban Lot Splits, as provided for in this Chapter.
- B. Lot Size Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Chapter governing Zoning Regulations of the Nevada County Codes as they now exist or may hereafter be amended; provided, however, when the land being divided is described as an aliquot part of a section (e.g., the northeast quarter of the southwest quarter), and the parcel is, as a result of an actual field survey, found to be less than that shown on the deed, the resulting parcels may be less than the required minimum lot size provided said deficiency is not greater than three percent (3%) of required size.
- C. Clustered Lot Sizes - Where required by the Nevada County General Plan, a clustered map option shall be required. When a clustered map is approved, the minimum parcel or lot sizes may be less than the minimum parcel sizes



established by the Zoning District Map, provided that the overall project density remains consistent with the base zoning district or General Plan land use designation. The minimum parcel or lot sizes shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.

- D. C. Urban Lot Split Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of governing Zoning Regulations of the Nevada County Code, and with all appropriate requirements of Cal. Gov't Code § 66411.7, as they now exist or may hereafter be amended.

#### **Sec. L-IV 2.4 Findings**

No tentative map shall be approved unless the Planning Agency shall find that:

- A. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Nevada County General Plan and with any specific plan which is in effect within the project area.

- B. Adequate public services exist within the project area and are available to serve the subdivision. Where public services are provided by independent special districts which have declared themselves to be impacted by development, a written statement from such special district(s) acknowledging their ability to service the project will be required at the time of project submittal. The written statement may recite that an agreement has been reached between the developer and the district to offset the impacts to the district.

- C. No finding is made pursuant to Cal. Gov't Code § 66474 that requires project denial.

#### **Sec. L-IV 2.5 Vacation of Public Utility Easements**

Upon its own initiative or at the request of an interested person, the Board of Supervisors may adopt a resolution of intent to vacate a public utility or public service easement. Such resolution shall contain a declaration of the intent to vacate, a statement that the vacation is pursuant to Cal. Sts. & High. Code §§ 8300 - 8363, and a description of the easement to be vacated with reference to a map or plan which shows the portion to be vacated. The resolution shall also set a date for a public hearing not less than fifteen (15) days from the adoption of the resolution. The

resolution shall be published and posted as otherwise required by law and as specifically required by Cal. Sts. & High. Code §§ 8322 and 8323.

Prior to the public hearing on the matter, the Board of Supervisors will request the Zoning Administrator review the proposed vacation and to determine if the vacation would be in conformance with the Nevada County General Plan.

At the public hearing, the Board of Supervisors shall hear evidence offered by the interested parties. Upon making a finding that the public utility or public service easement is no longer necessary for present or prospective public use, the Board of Supervisors may adopt a resolution vacating the public utility or public service easement. The Board of Supervisors may impose conditions which must first be satisfied and instruct the Clerk of the Board not to record the resolution of vacation until such conditions have been met. The Clerk of the Board shall be responsible for recording the resolution of vacation for which no fee shall be charged.

As an alternative to the above procedure, the Board of Supervisors may summarily vacate a public utility or public service easement upon following the procedure set forth in Cal. Sts. & High. Code § 8335 if the Board of Supervisors finds that the requirements of Cal. Sts. & High. Code § 8333 have been met.

The Board of Supervisors may, by resolution, set fees for the filing of a petition, which fees shall cover the costs associated with the investigations, mailings, publications and postings of such petition. (Ord. 1372. (04/14/1986).)

#### **Sec. L-IV 2.6 Petition for Exceptions**

Whenever the land involved in a subdivision is of such size or shape, is subject to such title limitations of record, is to be devoted to such use or is subject to such regulation by the zoning ordinance that it is impractical in the particular case to conform to the strict application of the requirements of this Chapter, the owner or authorized agent may make application to the Advisory Agency with the filing of the tentative map for such exceptions to the requirements of this Chapter as are reasonably necessary or expedient. Application for any such exception shall be made by verified petition of the subdivider stating fully the grounds of the petition and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision.

In order for the property referred to in the petition to come within the provisions of this Section, it shall be necessary that the Advisory Agency shall find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exceptions will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

Further, if the petition proposes an exception to a Fire Safe standard, the following additional finding shall be made:

5. That an exception to any Fire Safe standard, including those standards adopted by Chapter governing "Fire Safety Regulations" and "Road Design Standards" of the Nevada County Land Use and Development Code, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Pub. Res. Code § 4290.

#### **Sec. L-IV 2.7 Reserved Strips**

Reserved strips controlling the access to public ways or that will not prove taxable for special improvements will not be approved.

#### **Sec. L-IV 2.8 Public Access to Public Resources**

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river, stream, lake or reservoir which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, stream, lake or reservoir bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the

Advisory Agency reviewing the tentative map. In making the determination, the Advisory Agency shall consider all of the following:

1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel;
2. The size of the subdivision;
3. The type of riverbank and the various appropriate recreational, education, and scientific uses, including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching;
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

A public waterway, river or stream for the purpose of this Section means those waterways, rivers and streams defined in Cal. Harb. & Nav. §§ 100-106, any stream declared to be a public highway for fishing pursuant to Cal. Gov't Code §§ 25660-25662, the rivers listed in Cal. Fish & Game Code § 1505 as spawning areas and all waterways, rivers and streams downstream from any State or Federal or steelhead fish hatchery.

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the Advisory Agency. In making the determination for reasonably defining the extent, width, and character of the public easement, the Advisory Agency shall consider all of the following:

1. That the easement may be for a foot trail, bicycle trail or horse trail.
2. The size of the subdivision.
3. The type of riverbank and the various appropriate recreational, education and scientific uses including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Any public access route or routes and any easement along the bank of a public waterway, river, or stream provided by the subdivider shall be expressly designated

on the tentative or final or parcel map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

Nothing contained in this Section shall require the Advisory Agency to disapprove a map solely on the basis that the reasonable public access otherwise required by this Section is not provided through or across the subdivision itself, if the Advisory Agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision. Any such finding shall be set forth on the face of the tentative, parcel or final map.

The provisions of this Section shall not apply to the final or parcel map of any subdivision which has been approved by the Advisory Agency prior to March 1, 1975.

#### **Sec. L-IV 2.9 Reservations and Dedications**

If requested by a special district providing service, the Advisory Agency may require the dedication of sites for fire stations and schools as provided for in the Subdivision Map Act.

#### **Sec. L-IV 2.10 Fees**

A. The developer shall pay fees for the processing of maps by the various County agencies and construction inspection in accordance with the latest fee schedule adopted by the Nevada County Board of Supervisors. All fees shall be paid prior to the processing of the various maps, unless otherwise authorized. Construction inspection fees shall be paid prior to the approval of the final improvement plans.

B. As a condition of approval of any tentative map, mitigation fees, where applicable, shall be paid pursuant to the provisions of Chapter governing "Mitigation and Development Fees" of this Code.

#### **Sec. L-IV 2.11 Form of All Tentative Maps and Data to Accompany**

A. The initial action in connection with the making of any subdivision shall be the preparation and filing of a tentative map or maps conforming to the provisions of this Chapter.

A tentative map, prepared by either a licensed land surveyor or a civil engineer who was registered prior to January 1, 1982, shall be drawn to scale and shall conform to all regulations contained in this Chapter unless a Petition for Exception, pursuant to Section governing "Petitions for Exceptions" in "Subdivisions" of this Code, is submitted therewith.

Every tentative map shall be clearly and legibly reproduced and shall show the following information:

1. The subdivision name, date of map version, north point, and scale. In the event the map is revised or modified during the application review process, the revision date shall be indicated on the revised map.
2. A detailed vicinity map showing the location of the proposed subdivision in relation to the surrounding area with mileage from the nearest County Road or State Highway.
3. A legend stating: the names, addresses and telephone numbers of record owners, the Assessors Parcel Numbers, the name of the subdivider (if different than the record owner), the engineer or surveyor preparing the tentative map, the source of water supply proposed, the method of sewage disposal proposed, responsible fire protection agency, source of public utilities, property zoning (existing and, if applicable, proposed), and number of new lots.
4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of all adjacent parcels.
5. Location, names, present centerlines, widths, radius of all curves, and grades of adjacent or abutting roads and streets.
6. The location, names, widths, approximate grades, radius of all curves, and proposed centerlines of all streets proposed or existing in the subdivision.
7. Typical cross sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
8. The dimensions and location of all existing easements, reserves and drainage ditches on or adjacent to property covered by the subdivision.

9. Location and use and dimensions of proposed easements (drainage, sewerage and public utilities).
  10. Location and grade of proposed and existing driveways.
  11. The location and use of all existing structures to remain on the property and setbacks from new property lines. All existing structures not proposed for retention shall be noted as such on the tentative map.
  12. Topography shown with sufficient detail for proper study of building site, drainage, sewage disposal, and road locations.
  13. The approximate lot size in square feet or gross acreage (net acreage if proposed lots are below one acre) and dimensions of all lots and radii of all curves.
  14. Show location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all water courses including canals and irrigation ditches.
  15. Delineate all environmentally sensitive areas on the project site. Mapping shall reflect any biological resources identified and mapped in the biological inventory. Any sensitive cultural resources shall also be indicated simply as “environmentally sensitive areas.”
  16. If applicable, the location of the proposed community fire-flow facility, if it is to be located on site.
  17. Location of posted “Planning” sign. Property shall be posted for identification and property boundaries shall be flagged prior to application submittal.
- B. Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:
1. A current (within six months) preliminary title report prepared by a reputable title insurance company stating rights and interests in the property being subdivided.

2. Domestic water supply proposed by the subdivider. Information applicable to the feasibility of well drilling, analysis of the small water system, or a “will serve” letter from a public water purveyor, which ever is applicable, shall be supplied in accordance with Chapter governing “Water Supply and Resources” of the Nevada County Land Use and Development Code.
3. Proposed method of sewage disposal. When septic systems or community sewage disposal systems are proposed, data in accordance with the requirements of Chapter governing “Sewage Disposal” of the Nevada County Land Use and Development Code shall be submitted.
4. Information on the source of other public utilities.
5. Proposed drainage and control measures, including the proposed location of on-site detention facilities designed to minimize the discharge of pollutants into surface water drainage courses where required by General Plan policy.
6. A general development plan of contiguous subdivision units and parcels proposed for subdivision for the purpose of reference and information of the Planning Commission.
7. Existing and proposed uses of the property including any proposed public use areas.
8. Justifications and reasons for exceptions, if any, pursuant to Section governing “Petition for Exceptions” within “Subdivisions” of this Chapter.
9. For those subdivisions proposed on properties that may have contained prior hazardous land uses (e.g., surface and subsurface mining, milling, dump sites, artillery ranges, etc.), a Phase 1 site assessment shall be provided with the application. In the event the Phase 1 assessment concludes further investigative work may be necessary to fully identify or remediate potential on-site hazards, the subdivision application will automatically be deemed incomplete for processing until such issues have been fully quantified and an acceptable program for remediation or avoidance of any such hazard(s) has been established and approved by the responsible agency. The responsible agency will be determined based on the nature of the hazard but may include the Nevada County Department of Environmental Health or the California EPA, Department of Toxic Substances Control.



10. Information for flood reduction as required under Section governing “Standards for Subdivisions And Other Proposed Development” within “Provisions for Flood Hazard Reduction” in Floodplain Management of this Code. (Ord. 1514. (07/26/1988).)

11. Information for alternative energy source building site designs that minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme, and which permit use of the facility without heating or air conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, native or proposed landscaping, or the use of architectural features such as insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.

12. A preliminary soils report shall be provided for tentative maps for subdivisions that require either a final map or a parcel map that creates more than four lots. The report shall be prepared by a geotechnical engineer or by a civil engineer who specializes in soils investigation and is registered in this state and in accordance with Section governing “Grading” within “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995).)

## **Sec. L-IV 2.12 Tentative Maps**

### **A. General:**

No land shall be subdivided and developed pursuant to a tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

### **B. Filing and Processing:**

A tentative map shall be filed in person with the Planning Department using the most current application forms in effect. Upon acceptance of the application, complete with all required supporting data, and filing fees, a receipt shall be issued to the applicant by the Planning Department, and the time for considering the tentative map shall start. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it insure that the map does comply with the law and this Chapter.

The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map. Within thirty (30) days of the issuance of the receipt, the Planning Department shall determine the completeness of the application and supporting data and shall commence with the preparation of the appropriate environmental document pursuant to Chapter governing "California Environmental Quality Act" of the Nevada County Land Use and Development Code; Cal. Pub. Res. Code §§ 21000 – 21189.70.10 , and Chapter 3 of Title 14 of the California Code of Regulations. Any report or recommendation on a tentative map by the staff to the Advisory Agency shall be in writing and a copy thereof served on the applicant at least three (3) days prior to any hearing or action on such map by the Advisory Agency.

The Advisory Agency shall consider the tentative map together with all reports received pertaining thereto. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant.

The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing 36-month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006).)

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map

expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e). (Ord. 2185. (08/09/2005).)

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors within fifteen (15) days after the Advisory Agency has denied the extension as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

**Sec. L-IV 2.13 Reserved**

**Sec. L-IV 2.14 Vesting Tentative Maps**

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code §§ 66498.1 – 66498.9. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

B. Filing and Processing:

1. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in Section governing "Tentative Maps" within "Subdivisions" of this Chapter, except at the time a vesting tentative map is filed, it shall have printed

conspicuously on its face the words “Vesting Tentative Map.” Acceptance of the map application, supporting data, and filing fees shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The project description and public notice shall also reference the subdivision application as a “Vesting Tentative Map.”

2. At the time the vesting tentative map is filed, the applicant shall file a specific listing of those ordinances, current as of the application filing date or proposed in conjunction with the same application, that they wish to be vested upon the approval of the tentative map (and subsequent ordinance adoption, if applicable).

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228 (12/12/2006).)

D. Vested Rights:

Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Cal. Gov’t Code § 66474.2. However, if Cal. Gov’t Code § 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. The vested rights are subject to the following limitations:

1. A permit, approval, extension, or entitlement associated with a vesting tentative map may be made conditional or denied if any of the following are determined:
  - a. A failure to do so would place the residents or occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - b. The condition or denial is required in order to comply with state or federal law.

2. The rights referred to herein shall expire if a final map is not recorded prior to the expiration of the vesting tentative map. If the final map is recorded, these rights shall remain in effect for the following periods of time:
  - a. An initial time period of one (1) year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
  - b. The initial time period set forth in Section governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions” above shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) calendar days from the date a complete application is filed.
  - c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Section governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions-“ above expires. If the extension for a final map or parcel map is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) calendar days.
  - d. If the subdivider submits a complete application for a building permit during the periods of time specified in Sections governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions-“through .(D.2.c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
3. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or his/her designated representative, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding the first paragraph of Section governing” Vesting Tentative Maps (D.2.)” within “Subdivisions-“, confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.
4. Notwithstanding any provision of this Section, a property owner, or his/her designated representative, may seek approvals or permits for development which depart from the ordinances, policies, and standards described in the first paragraph of Sections governing” Vesting Tentative Maps (D.2.a) and (D.3)” within “Subdivisions-“, and the County may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in

Section governing “Appeal by Interested Persons” within “Subdivisions” of this Chapter.

## **Sec. L-IV 2.15 Environmental Subdivisions**

### **A. General:**

The purpose of this Section is to establish procedures for implementation of Cal. Gov’t Code § 66418.2. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the protection of important biotic and wildlife habitat. No land shall be subdivided and developed pursuant to an environmental subdivision for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

### **B. Filing and Processing:**

1. An environmental subdivision map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in Section governing “tentative Maps” within “Subdivisions” of this Chapter.

2. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map.

3. The standards for the parcel or parcels being created, and for the remainder parcel, are established in Section governing “-Land Divisions for Public Uses and Environmental Protection Purposes” within “Site Development Standards” in “Zoning” of the Nevada County Land Use and Development Code. The following required findings for approval of environmental subdivision shall be made by the Advisory Agency:

a. That factual biotic or wildlife data, or both, are, or will be available to the County.

b. That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.

c. That an easement will be recorded in the County to ensure compliance with those conditions specified by any local, state, or federal agency requiring mitigation. The easement shall contain a covenant with the County, or non-profit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. This reservation shall be not inconsistent with the purposes of Cal. Gov't Code § 66418.2 and shall not be incompatible with maintaining and preserving the biotic and/or wildlife character of the land.

d. The real property is at least twenty (20) acres in size, or it is less than twenty (20) acres in size, but is contiguous to other land that would also qualify as an environmental subdivision and the total combined acreage would be twenty (20) acres or more.

4. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant. The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one copy shall remain permanently in the files of the Planning Department of the County.

#### C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) - month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006).)

#### D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative

map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e).

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter within fifteen (15) days after the Advisory Agency has denied the extension.

**Sec. L-IV 2.16 Final Maps**

A. Form and Content:

1. Conformance with Subdivision Map Act: The form and content of final maps shall be in conformance with the Subdivision Map Act and this Chapter.
2. Boundary Designation: The boundary of the subdivision shall be designated by a heavy, continuous, opaque black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of \_\_\_\_\_" If more than three sheets are used, a key diagram shall be included on the first map sheet.



4. Affidavits, Certificates, Dedications, Etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and the notarial seals required by law and this Chapter, shall appear only once, on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink, or by photographic reproduction.

5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.

6. Rights-of-Way, Easements:

a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.

c. All easements of record shall be shown on the map, together with all the names of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.

d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

e. The sidelines of all easements of record shall be shown by dashed lines on the final map with sufficient ties provided to determine the exact location within each lot.

7. Linear, Angular and Radial Data: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.

8. Adjoining Corners of Adjoining Subdivisions: The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision.
9. City Boundaries: City boundaries which cross or join the subdivision shall be clearly designated.
10. Monument Location: The location and description of all existing and proposed monuments shall be shown.
11. Printing or Lettering: All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Supplemental Documents:

1. Approval Required: The final map shall be accompanied by the following documents, if applicable, which shall be approved by proper authorities before the final map is submitted to the Board of Supervisors for approval:
  - a. Improvement Agreement: The improvement agreement shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.
  - b. Improvement Security: The improvement security shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.
  - c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department of Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1374. (04/28/1986).)

d. Soils Reports: When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

e. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section governing “Findings” of adequate Services within “Subdivisions” of this Chapter certifying that such agreement has been fulfilled.

f. Supplemental Data: A supplemental final map data document shall be as specified in Subsection 2 below and shall be made part of the final map or recorded as a separate document with the Clerk Recorder.

2. Supplemental data shall be as required by the tentative map approval.

a. Where the supplemental final map data document is recorded as a separate document, it shall include the following:

1) Sufficient recording data to identify the recorded final map to which the supplemental data applies, including document number and date, as well as book and page;

2) Assessor’s parcel number(s) both before the recording of the final map;

3) Name and acknowledged signature of each entity with an ownership interest in the property.

b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2” by 11” paper of durable quality and shall be legible and in permanent ink. If the 8-1/2” by 11” format is used the supplemental data shall be noted on the map similar to CC&R’s.

C. Submittal of Final Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the final map, the number of which shall be determined by the Planning Department; the certificate sheet before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report acceptable to the Department of Public Works; the final map fee as required in the fee schedule for subdivisions in effect at the time the final map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.

2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995).)

D. Submittal of Final Map For Approval:

1. After the Planning Department completes the technical review in subsection C above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the final map for approval. The original tracing and two sets of prints of the corrected map, signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificates on the map, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the final map to the Department of Public Works for approval and transmittal to the Board of Supervisors. Any changes made by the subdivider other than those required as a result of the technical review process shall be marked by the subdivider in red on the revised prints.

2. Agency Action: The final map shall be presented to the Planning Department for filing at least five (5) days in advance of the Board of Supervisors' meeting at which the map is to be considered. The Department of Public Works shall present the map to the Board of Supervisors when all fees, supplementary documents and plans have been determined to be satisfactory.

3. Acceptance or Rejection of Dedications: On presentation of the final map, the Board of Supervisors, at its next meeting or within a period of not more than ten (10) days after such submission, shall approve the map if it conforms to all requirements

of the Subdivision Map Act and this Chapter. At the time of its actions thereon, the Board of Supervisors shall accept, reject, or accept subject to improvement any or all offers of dedication of streets and other easements. Upon approval of any final map, the Clerk of the Board of Supervisors shall submit the final map to the County Recorder for filing.

4. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the final map.

5. Filing by Units: The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the Planning Commission. The sequence of units shall be shown on the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

6. Upon submittal of the final map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessor's Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, submit an electronic copy of the map in the .DGN or .DXF file formats. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map. (Ord. 1883. (04/11/1995).)

## **Sec. L-IV 2.17 Parcel Maps**

### **A. Form and Contents:**

1. Conformance with Subdivision Map Act: The form and contents of parcel maps shall be in conformance with the Subdivision Map Act and this Chapter.

2. Boundary Designation: The boundary of the subdivision shall be designated by a continuous heavy, opaque, black line applied in such a manner as not to obliterate figures or other data.

3. Title Sheet: The title sheet, if used, shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of the United States survey. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of \_\_\_\_\_" If more than three sheets are used, a key diagram shall be included in the first map sheet.

4. Affidavits, Certificates, Acknowledgements, Dedications, etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication and the notarial seals required by law and this Chapter shall appear only once on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink or by photographic reproduction.

5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.

6. Rights-of-Way and Easements:

a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.

c. All easements of record shall be shown on the map, together with the name of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.

d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

e. The sidelines of all easements of record shall be shown by dashed lines on the parcel map with sufficient ties provided to determine the exact location within each lot.

7. **Liner, Angular and Radial Data:** Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.

8. **Adjoining Corners of Adjoining Subdivisions:** The adjoining corners of all adjoining subdivisions shall be identified by official number and reference to the book and page of the filed map showing such subdivision.

9. **City Boundaries:** City boundaries which cross or join the subdivision shall be clearly designated.

10. **Monument Location:** The location and description of all existing and proposed monuments shall be shown.

11. **Printing and Lettering:** All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

**B. Submittal of Parcel Map for Technical Review:**

1. The subdivider shall submit to the Planning Department for technical review prints of the parcel map, the number of which shall be determined by the Planning Department; the certificate sheet (if one is used) before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report, furnished by the subdivider and acceptable to the Department of Public Works; the parcel map fee as required in the fee schedule for subdivisions in effect at the time the parcel map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.

2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995).)

C. Supplemental Documents:

1. Approval Required: The parcel map shall be accompanied by the following documents, if applicable, which shall be approved by the proper authorities before the parcel map is submitted to the Board of Supervisors for approval:

a. Improvement Agreement: The improvement agreement shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.

b. Improvement Security: Improvement security shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.

c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1381. (06/02/1986); Ord. 1374. (04/28/1986).)

d. Deed for Easements or Rights-of-way: Deeds for easements or rights-of-way required for road or drainage purposes which have been dedicated on the parcel map shall be required by separate instrument. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.



e. Soils Report: When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report.

f. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section governing “Findings” of Adequate Services within “Subdivisions” of this Chapter certifying that such agreement has been fulfilled.

g. Supplemental Data: The supplemental parcel map data document shall be as specified in Subsection 2 below and may be recorded as part of the parcel map or as a separate document.

2. Supplemental data shall be as required by the tentative map approval.

a. Where the supplemental parcel map data document is recorded as a separate document, it shall include the following:

1) Sufficient recording data to identify the recorded parcel map to which the supplemental data applies, including document number and date, as well as book and page;

2) Assessor’s parcel number(s) both before the recording of the final map;

3) Name and acknowledged signature of each entity with an ownership interest in the property.

b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2” by 11” paper of durable quality and shall be legible and in permanent ink. If the 8-1/2” by 11” format is used the supplemental data shall be noted on the map similar to CC&R’s.

D. Submittal of Parcel Map for Approval:

1. After the Planning Department completes the technical review in Subsection B above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the parcel map for approval. The original tracing and two sets of prints of the corrected map, with certificates and/or separate instruments signed by all parties required in the Subdivision Map Act and this Chapter, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the parcel map to the Department of Public Works for approval and transmittal to the Clerk Recorder. Any changes made by the subdivider other than those required through the technical review process shall be marked by the subdivider in red on the revised prints.

2. Agency Action: The parcel map may be presented to the Planning Department for approval after all fees, supplementary documents and plans have been determined to be satisfactory by the Department of Public Works and will be processed within thirty (30) days.

3. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the parcel map.

4. Filing by Units: The subdivider may elect to file a parcel map for all or part of the approved tentative map in the sequence of units approved by the Advisory Agency. The sequence of units shall be shown on the tentative map. Each parcel map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units. (Ord. 1883. (04/11/1995).)

5. Upon submittal of the parcel map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessors Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, an electronic copy of the map in the .DGN or .DXF. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map.

E. Acceptance or Rejection of Dedications:

Upon presentation of a parcel map with offers of dedication by separate instrument, the County Surveyor, within thirty (30) days of such submittal, shall accept, reject, or accept subject to improvements any or all offers of dedication of streets or other easements. Upon approval of the parcel map, the County Surveyor shall submit the map to the County Recorder for filing.

#### **Sec. L-IV 2.18 Corrections and Amendments of Maps and Supplemental Data Documents**

A. Final maps, parcel maps and supplemental data documents recorded in the office of the Clerk Recorder and approved tentative maps may be amended pursuant to this Section.

1. Map errors or omissions on a recorded final map or parcel map may be corrected by a certificate of correction or an amending map as authorized by Cal. Gov't Code § 66469, as may be amended from time to time, and shall be processed in conformance with the Cal. Gov't Code §§ 66470 - 66472.1.

2. Other amendments to a recorded final or parcel map, including to supplemental data recorded as a part thereof, may be made by a certificate of correction or an amending map in accordance with the Subdivision Map Act and this Section.

3. Amendments to a supplemental data document recorded as a separate document may be made by recording an amended supplemental data document in accordance with this Section.

4. Amendments to an approved tentative map may be made in accordance with this Section.

B. A request to amend any item in subsections A.2 – A.4, above, shall be filed with the Planning Department, accompanied by the appropriate fee, and shall include:

1. Identification of the map or document sought to be changed and a detailed list of all of the current conditions of approval or other aspects sought to be changed;

2. Identification of the specific conditions of approval or other aspects sought to be changed, detailing the reasons therefore;

3. A statement of the changed conditions or other aspects to be substituted, if any; and

4. A statement of whether any prior modifications or alterations to the map or document have been sought and the disposition of each such request.

C. The request shall be noticed in the same manner as the initial application and shall be heard by the same hearing body that approved the final map, parcel map, or information in the supplemental data document. The hearing and the scope of review shall be limited to consideration of the effect of the amendments requested and not to the entire project. Action and findings shall be required only on the proposed amendments.

D. The amendment may be approved only if all of the following findings are made:

1. The amendment will have a cumulatively minor impact on the subdivision and its impacts;

2. The amendment conforms to the provisions of Cal. Gov't Code § 66474; and

3. The amendment would not affect any of the other findings for approval required by this Chapter.

4. In addition, all of the following findings shall be required for approval of amendments to recorded final maps or parcel maps or to recorded supplemental data documents:

a. There are changes in the circumstances that make the aspects sought to be changed no longer appropriate or necessary;

b. The modifications do not impose any additional burden on the present fee owner of the property; and

c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map. (Ord. 1895. (01/16/1996).)

## **Sec. L-IV 2.19 Reversions to Acreage**

### **A. General:**

Subdivided property shall be reverted to acreage by final map when the property to be reverted contains five or more contiguous parcels. Subdivided property may be reverted to acreage by parcel map pursuant to applicable sections of the Subdivision Map Act when the property being reverted consists of four (4) or less contiguous parcels under the same ownership.

### **B. Fees:**

Petitions to revert property to acreage shall be accompanied by a fee in accordance with the latest fee schedule adopted by the Board of Supervisors. If the proceedings are initiated pursuant to action of the Board of Supervisors, the person or persons, other than a County agency, who requested that the Board of Supervisors initiate the proceedings shall pay the fee as specified. Fees are not refundable.

### **C. Initiation of Proceedings by Owners:**

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property. The petition shall be filed with the Planning Department. The petition shall contain the information required below.

### **D. Initiation of Proceedings by the Board of Supervisors:**

The Board of Supervisors, at the request of any person or on its own motion, may, by resolution, initiate proceedings to revert property to acreage.

### **E. Data for Reversion to Acreage:**

Petitioners shall file the following with the Planning Department:

1. Evidence of title to the real property.

2. A final map or parcel map in the form prescribed by Sections governing “Final Maps” or “Parcel Maps” within “Procedures” In “Subdivisions” of this Chapter, delineating dedications that are a condition to reversion.

3. Sufficient data to enable the Board of Supervisors or Advisory Agency to make all of the determinations and findings required by this Section and the Subdivision Map Act.

4. Such other pertinent information as may be required by the Board of Supervisors or Advisory Agency.

F. Final Map Submittal for Checking:

The final map or parcel map required by this Section shall be submitted for checking as specified in Sections governing “Final Maps” or “Parcel Maps” within “Procedures” In “Subdivisions” of this Chapter. Mathematical closure calculations will not be required.

G. Proceedings Before the Board of Supervisors:

1. A public hearing shall be held before the Board of Supervisors or the Advisory Agency on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in the Subdivision Map Act.

2. The Board of Supervisors may approve a reversion to acreage only if it finds that:

a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

b. Either:

1) All owners of an interest in the real property to be reverted to acreage have consented to the reversion; or

2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or

3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Board of Supervisors shall require as conditions of the reversion:

1) The owners dedicate or offer to dedicate streets or easements.

2) The retention of all or a portion of previously paid subdivision fees, deposits or improvements securities if the same are necessary to accomplish any of the provisions of this Chapter.

H. Proceeding Before the Advisory Agency:

1. The Zoning Administrator shall review all proposals to revert previously subdivided land to acreage by parcel map.

2. The Zoning Administrator may approve a reversion to acreage only if it finds that:

a. There are no dedications or offers of dedication to be vacated or abandoned.

b. Either:

1) All owners of an interest in the real property to be reverted to acreage have consented to reversion; or

2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or

3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Zoning Administrator shall require as conditions of the reversion:

1) The owners dedicate or offer to dedicate streets or easements.

2) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Chapter. (Ord. 1896. (01/16/1996).)

I. Delivery of Final Maps:

After the hearing before the Board of Supervisors and approval of the final map by the County Surveyor, the County Surveyor shall deliver the final map to the County Recorder for filing.

J. Delivery of Parcel Maps:

After review by the Zoning Administrator and approval of the parcel map by the County Surveyor, the County Surveyor shall deliver the parcel map to the County Recorder for filing. (Ord. 1896. (01/16/1996).)

K. Effect of Filing Reversion Map with the County Recorder:

Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon such filings, all dedications and outstanding offers of dedication not shown on the map for reversion shall be of no further force or effect.

**Sec. L-IV 2.20 Notice of Subdivision Violation: Proceedings:**

A. Whenever any officer, official, or department head of the County of Nevada has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of the provisions of this Chapter, the Planning Director shall be notified. If the Director determines that there has been a violation, the Director shall cause to be filed a notice of intention to record a notice of violation, which shall be mailed by certified mail to the then-current owner(s) of record of the property in accord with the provisions of Cal. Gov't Code § 66499.36, as may be amended from time to time.

B. The notice shall contain a description of the violation(s) and an explanation as to why the subject parcel is not lawful if created before March 4, 1972, and shall specify the time, date and place of a meeting of the appropriate Advisory Agency of the County of Nevada no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing at which the owner(s) of said property may present evidence as to why such notice should not be recorded. If, within fifteen (15) days of



receipt of the notice, the owner(s) fails to inform the Planning Department of his or her objection to recording the notice of violation, the Advisory Agency shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

C. If the owner(s) timely object to recordation of the notice of violation, a public hearing shall be held at which evidence may be presented on the issue of whether there has been a violation(s). If, after the owner(s) has presented evidence, the Advisory Agency determines that there has been no violation, the Local Agency shall cause a clearance letter to be mailed to the then current owner(s) of record. If, after the owner(s) has presented the evidence, the Advisory Agency determines that the property has in fact been illegally divided, it shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

D. A Notice of Violation, when recorded as provided herein, shall be deemed to be constructive notice of the violation to all successors in interest in such property. After recordation, a Notice of Violation can only be cleared through approval of a new subdivision application or Certificate of Compliance, if applicable, in compliance with the current provisions of the Subdivision Map Act and this Chapter.

#### **Sec. L-IV 2.21 Certificates of Compliance**

A. General:

Pursuant to Cal. Gov't Code § 66499.35, upon application to the Planning Department, a party owning real property or a vendee of such person pursuant to a contract of sale for such real property may obtain a Certificate of Compliance or a Conditional Certificate of Compliance. The Board of Supervisors may, by resolution, establish a fee to cover the cost of issuing and recording the Certificate of Compliance or Conditional Certificate of Compliance.

B. Fees:

An application and filing fee shall be made by verified petition of the owner or vendee for each parcel pursuant to a contract of sale identifying the property and shall be accompanied by all relevant documentation.

C. Processing:

1. Upon acceptance of the application, the Planning Department shall circulate copies of the application to the Department of Public Works, Environmental Health, and such other County departments as may be appropriate, which departments shall review same and submit their comments and recommendations to the Planning Department within thirty (30) days.

2. Thereafter the applications shall be reviewed and acted on by the Planning Director. If the Planning Director determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Planning Director shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded. If the Planning Director determines that the Certificate must include conditions, the application shall be set for a public hearing before the Zoning Administrator. The Planning Department shall review the matter and make its recommendation to the Zoning Administrator at the time of the public hearing.

3. If the Zoning Administrator determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Zoning Administrator shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded.

4. If the Zoning Administrator determines that the real property does not comply with the provisions of the Subdivision Map Act or with the applicable local ordinances enacted pursuant thereto, the Zoning Administrator may, as a condition of granting a Certificate of Compliance, impose such conditions as follows:

a. If the applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or applicable local ordinances, created a parcel or parcels by a grant of real property in violation of the Subdivision Map Act or applicable local ordinances and is the current owner of record of one or more of the parcels created as a result of the grant in violation of the Subdivision Map Act or applicable local ordinances, the Zoning Administrator may impose such conditions as would be applicable to a current division of that property.

b. If the applicant does not fall under Subsection A above, the Zoning Administrator may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or local ordinances enacted pursuant thereto.

5. Upon making the determination and establishing the conditions, the Zoning Administrator shall then cause a Conditional Certificate of Compliance to be recorded. Any conditions placed on a Conditional Certificate of Compliance must be fulfilled prior to the issuance of any permits or other grants of approval for development of the subject real property, but compliance with such conditions shall not be required until such time as permits or other grants of approval for development are issued by the County. (Ord. 1375. (05/06/1886); Ord. 1893. (01/16/1996).)

## **EXHIBIT C**

### **LAND USE**

#### **CHAPTER IV SUBDIVISIONS**

#### **SECTION 3 REGULATIONS**

##### **Sections:**

**Sec. L-IV 3.1 Street Standards**

**Sec. L-IV 3.2 Water Supply and Distribution Requirements**

**Sec. L-IV 3.3 Sewage Disposal Standards**

**Sec. L-IV 3.4 Fire Protection Standards**

**Sec. L-IV 3.5 Drainage Standards**

**Sec. L-IV 3.6 Grading**

**Sec. L-IV 3.7 Surveying, Staking and Setting Monuments**

**Sec. L-IV 3.8 Soils Report**

**Sec. L-IV 3.9 Improvement Agreements and Security**

**Sec. L-IV 3.10 Formation of Service Entities**

**Sec. L-IV 3.11 Merger**

**Sec. L-IV 3.12 Inclusionary Affordable Housing Component**

##### **Sec. L-IV 3.1 Street Standards**

###### **A. Conformance to the General Plan:**

The construction of streets and roads in a subdivision that are functionally classified in the Circulation Chapter of the Nevada County General Plan or any applicable specific plans shall be constructed consistent with their classification. The circulation and design aspects of streets in a subdivision shall conform to the intent of the General Plan and in all cases shall provide for the advantageous development of the general planning area within which the subdivision lies.

###### **B. Conformance to Standard Specifications:**

Any road improvements required in conjunction with any subdivision of land done under the provisions of this Chapter shall be completed consistent with the

requirements of Chapter governing “Road Standards” of the Nevada County Code. (Entire section amended by Ord. 1883. (04/11/1995))

### **Sec. L-IV 3.2 Water Supply and Distribution Requirements**

Water supply and distribution improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Chapter governing “Water Supply and Resources” of the Nevada County Code.

### **Sec. L-IV 3.3 Sewage Disposal Standards**

A. In subdivisions where sewage disposal shall be by individual systems or other on-site disposal systems, sewage disposal standards required in Chapter governing “Sewage Disposal” of the Nevada County Code shall apply to the subdivision prior to map recordation.

B. In subdivisions where sewage disposal is provided by a sanitation district, improvements required for connection to the district’s facilities shall conform to that district’s regulations. If annexation is required before connecting to the district, the subdivider shall initiate annexation prior to recordation of the parcel or final map.

C. In subdivisions where sewage disposal shall be by individual systems, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that sewage can be disposed of on any lot or parcel on the recorded map.

### **Sec. L-IV 3.4 Fire Protection Standards**

Fire protection improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Chapters governing “Zoning” and “Fire Safety Regulations” of the Nevada County Code.

### **Sec. L-IV 3.5 Drainage Standards**

The subdivision shall be protected from inundation, flood, sheet overflow and pooling of local stormwater, springs and other surface waters. The design of

improvements shall be such that water accumulating within and from outside the subdivision will be carried off the subdivision without injury to any adjacent improvements, residential sites or residences to be installed on sites within the subdivision or adjoining areas. Water accumulating within and from outside the subdivision shall be carried to adequate storm drainage facilities or to a natural drainage course by such improvements as may be required to meet the design standards herein set forth or the latest standards adopted by the Board of Supervisors. Drainage design for the subdivision shall accommodate anticipated future development within the entire drainage area. Any off-site drainage facilities required to carry stormwater from the proposed subdivision to a defined channel or existing conduit shall be made adequate for the ultimate development in the entire drainage area. Cross-culverts shall as a minimum be designed to pass a Q10 with no head and Q100 with available head. Minimum culvert size shall be 18" diameter or equal.

Drainage channels within the subdivision shall as a minimum be designed to carry Q10 with a minimum freeboard of 0.5 feet and shall carry Q100 with no freeboard.

### **Sec. L-IV 3.6 Grading**

All grading done in conjunction with the development of a subdivision shall be done in accordance with Chapter governing "Building" of the Nevada County Code. (Ord. 1747. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2009. (10/26/1999).)

### **Sec. L-IV 3.7 Surveying, Staking and Setting Monuments**

A. Limit of Error in Mathematical Closure Calculations of Boundaries of Tracts and Lots:

A field survey of the boundaries of the tract and all lots and blocks must close within a limit of error of one in five thousand.

B. Staking All Corner Points, Curve Points, Etc.

All corner points and survey points in the subdivision, except for parcel maps filed from record data, shall be staked. Points sufficient for retracement on streets, easements and other lands to be dedicated for public use in the subdivision shall also be staked. All stakes shall be a minimum of three-fourths inch inside diameter pipe or five-eighths inch diameter steel rods, eighteen inches long. The pipe or rod shall be driven to within six (6) inches of the ground surface. All stakes shall be

permanently tagged with the engineer's or surveyor's registration number. (Ord. 767. (10/26/1976).)

C. Street Right-of-Way:

1 Permanent reference monuments shall be set on the road right-of-way at the beginning and ending of all curves to ensure that the right-of-way can be readily retraced.

2. Sufficient street right-of-way monuments shall be set to ensure that the right-of-way can be readily retraced. Monuments used for this purpose shall comply with this Section.

D. Permanent Reference Monuments for Final Map:

1. Sufficient permanent reference monuments shall be set to readily retrace the survey. Such monuments shall be readily accessible from the street right-of-way in locations approved by the Director of the Department of Public Works and shall be properly shown and dimensioned on the final or parcel map.

2. Monuments shall be set at all exterior boundaries of the subdivision prior to the filing of the final or parcel map. The subdivider shall submit a bond or other security if the internal monuments of the subdivision are to be set after the filing of the parcel map or final map. The surveyor or engineer preparing the final or parcel map shall certify thereon that the monuments will be set by a specified date. The cost of setting such monuments shall be included as a part of the other improvements.

**Sec. L-IV 3.8 Soils Report**

“A soils report” prepared by a registered civil engineer specializing in soils investigation shall be required for all subdivisions unless waived by the Building Department. The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to structural defects. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building structure or improvement to be constructed. It shall also report on the suitability of earth materials for construction of stable

embankments and excavation slopes including those necessary for any artificial or natural drainage channel; recommendations for construction procedure is to obtain required stability; maximum design velocity for any natural or artificial drainage channel; and any other geologic features, slides, stable soil conditions, spring and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision. The soils report shall be prepared on 8-1/2" by 11" paper of durable quality and documents which accompany report shall be of a convenient size and scale to fold into 8-1/2" by 11" sheets.

### **Sec. L-IV 3.9 Improvement Agreements and Security**

#### **A. Improvement Agreement:**

Prior to the recording of a final map or parcel map, all improvements required to be installed or constructed by the subdivider must be in place and acceptable to the County. In lieu of performing the construction prior to recording of a final map or parcel map, a subdivider may enter into an agreement with the County whereby he agrees to construct, within two years of the execution of the agreement, all improvements necessary for the development, to repair any defects which occur within one (1) year of completion of such improvements, and to comply with all applicable laws and ordinances and conditions in performing the required acts.

#### **B. Extensions of Time:**

1. The subdivider may request extensions of time to complete the improvements required under this Agreement. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement or any extension thereto, and acted upon by the Board of Supervisors prior to expiration. Each such extension shall be for a period not to exceed two (2) years. No extension may be granted which will extend the period for completion of improvements more than five (5) years from the date of approval of the final map, except as provide under B.2 below. Grant of extension shall be conditioned upon the following:

- a. Modification of the required improvements to comply with the current County standards, if different from those standards in effect at the time of approval of the final map or prior extension, and
- b. Submission of additional security to reflect increases in construction costs resulting from such modifications, if any, and/or inflation.



2. Upon a showing of exceptional circumstances that have created a delay in completing the improvements under the Agreement, a subdivider may request the Board of Supervisors to grant an extension of the Agreement beyond five (5) years from the date of approval of the final map. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement extension. The Board of Supervisors may grant an extension of the Agreement beyond five (5) years from the date of the approval of the final map if it determines, based on substantial evidence provided by the subdivider, all of the following:

a. The subdivider has made continued and substantial progress toward completing the improvements under the Agreement.

b. It is likely subdivider will complete the remaining improvements within the additional time requested.

c. The extension of time will not be detrimental to the health, safety, or welfare of the community.

d. The subdivider is not currently in default of the Agreement or extension thereto. Any extension of the Agreement beyond five (5) years from the date of approval of the final map shall only be granted in increments of one (1) year. (Ord. 2359. (03/12/2013).)

C. Improvement Security:

If a subdivider enters into an agreement with the County in accordance with this Section, the subdivider shall furnish security to guarantee the successful completion of the items specified in said agreement. The security may be in one or more of the following forms, subject to approval by the County:

1. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act;

2. A deposit either with the County or a responsible escrow agent or trust company selected by the County, cash or negotiable bonds of the kind approved for securing deposits of its public monies;

3. An irrevocable instrument of credit from one or more responsible financial institutions regulated by Federal or State government and pledging that the funds are on deposit and guaranteed for payment;

4. A lien upon the property to be divided, created by contract between the owner and the County, if the County finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map.

5. Any form of security, including security interests in real property, which is acceptable to the County.

If the County elects to accept a security in the form of either Section 3.9.C.4 or 3.9.C.5 above, a contract shall be prepared creating a security interest, and the contract shall be recorded with the Nevada County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed-to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County of Nevada.

D. Improvement Security Amount. Amount of improvement security shall be provided as follows:

1. One hundred percent (100%) of the total estimated cost of the improvement or act to be performed to secure the faithful performance of the agreement provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon their review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.

2. In addition to Subsection 1 above, one hundred percent (100%) of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon his review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check, or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.

3. An additional amount of security in an amount equal to five percent (5%) of the total estimated cost of the improvement or \$1,000.00, whichever is greater, to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the County of Nevada in successfully enforcing the obligation secured.

4. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.

5. At the County's option, an additional amount of security to cover estimated costs and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the County in successfully enforcing the obligation secured. (Ord. 1733. (09/10/1992); Urg. Ord. 1798. (08/25/1992).)

E. Improvement Security Release. The improvement security required hereunder shall be released in the following manner:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work by the Board of Supervisors. The Board of Supervisors may provide for a partial release of the security upon the partial performance of the act or acceptance of the work as it progresses. The provisions for the partial release of letters of credit shall be consistent with Cal. Gov't Code § 66499.7(a).

2. Upon acceptance of the act or work by County and sixty-five (65) days after the recording of a notice of completion or ninety-five (95) days after completion of all work, if no notice of completion is filed, security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Board of Supervisors plus an amount reasonably determined by the Board of Supervisors (Director of Public Works or other designee) to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given and after the running of the one-year period set forth in Subsection F below. (Ord. 1733. (09/10/1991).)

F. Maintenance Security:

Upon satisfactory completion of all improvements, acts or obligations in the proper manner and within the time specified in the agreement, the security required by this Section to guarantee faithful performance of the work shall be reduced to ten percent (10%) of the original amount of such security to guarantee or warranty the work against any defective work or labor done or defective material used, and to guarantee maintenance of the work for a period of one year from the date of said satisfactory completion.

G. Improvement Security Forfeiture:

Upon the failure of the subdivider to complete any improvement, acts or obligations in the proper manner or within the time specified, the Board of Supervisors may upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby to be forfeited to the County. (Ord. 855. (08/21/1978).)

**Sec. L-IV 3.10 Formation of Service Entities**

Formation of an assessment district to provide for construction of improvements in a new subdivision is discouraged.

The formation of entities to provide for maintenance, snow removal, etc. shall be in accordance with the standard form agreement on file with the Director of Department of Public Works. Subdivisions above 4,000 feet elevation shall form a maintenance district to provide for snow removal if the streets are to be County maintained.

All private road subdivisions shall provide a maintenance entity in accordance with Section governing "Maintenance Agreements" in "Road Design Standards" of the Nevada County Code. (Ord. 1883. (04/11/1995).)

### **Sec. L-IV 3.11 Merger**

#### **A. Purpose and Intent:**

It is the County's intention to exercise its ability to initiate and merge parcels only when there are valid health and safety reasons to support the merger. Additionally, it is the County's intention to also provide a process to accommodate voluntary merger requests. (Ord. 1894. (01/16/1996).)

#### **B. Mergers Required:**

Two or more contiguous parcels or units held by the same owner shall be merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by the applicable standards of the base zoning district established in Chapter governing "Zoning" of the Nevada County Code, and if all of the following requirements are satisfied:

1. At least one (1) of the affected parcels has not been developed with a structure for which a building permit was issued or for which a building permit was not required at the time of construction; is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel, one or more of the following conditions exist:

- a. Comprises less than 5,000 square feet in area at the time of the determination of merger;

b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation;

c. Does not meet current standards for sewage disposal and domestic water supply as required by Chapters governing “Sewage Disposal” and “Water Supply and Resources” , respectively, of the Nevada County Code;

d. Does not meet slope stability standards. As defined herein, slope stability standards include lots with an average slope of thirty percent (30%) or greater, lots lying within landslide areas, and lots on Placer Diggings soils as identified in the 1975 Soil Survey of Nevada County prepared by the U.S. Department of Agriculture, Soil Conservation Service, and Forest Service;

e. Its development would create health or safety hazards;

f. Is inconsistent with the General Plan and any applicable specific plan other than minimum lot size or density standards.

3. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that Notice of Intention to Determine Status is recorded pursuant to Section 3.11.C below;

4. Subsection B shall not apply if any of the conditions stated in Cal. Gov’t Code §§ 66451.11(b)(A), (B), (C), or (D) exist.

C. Notice of Intention to Determine Status:

Prior to recording a Notice of Merger, the Planning Department shall mail, by Certified Mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this Section and that, within sixty (60) days from the date the Notice of Intention to Determine Status was recorded, the owner may request a hearing before the Board of Supervisors to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record at the office of the Clerk Recorder on the same day that the notice is mailed to the property owner.

D. Hearing of Determination of Status:

The owner of the affected property may file a written request for a hearing with the Board of Supervisors within sixty (60) days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, a time, date and place for a hearing before the Board of Supervisors shall be established with a notice to the owner by Certified Mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Board of Supervisors and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this Chapter.

At the conclusion of the hearing, the Board of Supervisors shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of the determination. The notification shall be mailed to the property owner within five (5) days of the date of the hearing.

E. Determination of Merger:

The determination of merger shall be based on factual evidence that shows that there are health and safety reasons which support the need to merge said parcels. If the Board of Supervisors makes a determination that the parcels are to be merged, a Notice of shall be recorded within thirty (30) days of the conclusion of the hearing. The Notice of Merger shall specify the name of the record owners and a description of the property.

If the Board of Supervisors makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be recorded and a clearance letter mailed to the owner.

F. Determination When No Hearing is Requested:

If the owner does not file a request for a hearing within sixty (60) days of the recording of the Notice of Intention to Determine Status, the Board of Supervisors may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of shall be recorded within ninety (90) days of the mailing of the Notice of Intent to Determine Status.

G. Request to Merge by Property Owner (Voluntary Mergers):

1. If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Board of Supervisors and to all notices required by this Chapter. Upon signing the waiver by all person(s) having a record title interest in the real property, the Planning Director shall record a Notice of Merger. (Ord. 1894. (01/16/1996).)

2. The fee for processing mergers at the request of an owner shall be as specified on the latest Fee Schedule Resolution of the Board of Supervisors and the actual recording costs required of the County Recorder.

3. In such cases, a finding tied to health and safety will not be required.

H. Procedural Changes to the Merger Law in the Subdivision Map Act:

Any procedural due process change adopted in the Subdivision Map Act concerning the merger of lots or units shall automatically be followed as if it were contained herein. (Ord. 1472. (11/24/1987).)

**Sec. L-IV 3.12 Inclusionary Affordable Housing Component**

A. Purpose and Intent:

The Town of Truckee's unique housing situation leaves limited opportunities for local workers and their families to achieve home ownership as approximately fifty-percent (50%) of Truckee's housing are second homes for owners outside of the area. The high demand for second homes places great pressure on home prices in the Town and results in home prices which are out of reach for most of the local work force. It is the County's intent to maintain inclusionary housing requirements in the Town of Truckee Sphere of Influence to address the unique housing needs in eastern Nevada County, to provide for adequate housing opportunities for all economic segments of the greater Truckee community, and to assist in ensuring that these lands are developed and annexed in a manner that is consistent with the General Plan for Truckee.

B. Requirements for Inclusionary Affordable Housing Component:



All subdivisions creating twenty (20) or more lots, parcels or units within the Town of Truckee Sphere of Influence located within the Urban High Density, Urban Medium Density, and Urban Single Family Land Use Map designations, and any other subdivisions within these and any other General Plan Land Use designations selected pursuant to the General Plan Housing Chapter, shall have an inclusionary affordable housing component of 10 percent applied to the number of parcels/units in the proposed project and rounding up any fraction of a dwelling unit to one additional unit. The affordable inclusionary parcels/units may be located either on-site or off-site. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence.

The distribution of affordable inclusionary units among the qualifying Household Income Categories (very low, low, and moderate as shown below) shall equal the distribution ratios of the most current Regional Housing Need Allocation from the State.

- Very Low (less than 50% of AMI)
- Low (50 to 80% of AMI)
- Moderate (80 to 120% of AMI)
- Above Moderate (above 120% of AMI)

Assurance shall be provided by the developer that the inclusionary parcels/units remain continually available to very low, low and moderate income, senior citizen or disabled households as provided in Cal. Gov't Code § 65915(c) and Section governing "Continued Availability" of "Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing" in "Zoning" Ordinances of this Code.

#### C. Density Bonus and Incentives for Affordable Housing:

The County shall offer a density bonus to a project applicant equal to the number of inclusionary parcels/units as well as other incentives as provided for in "Continued Availability" of "Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing" in "Zoning" Ordinances to ensure that these projects are economically feasible. Whether or not to accept such bonus units shall be at the sole discretion of the applicant. (Ord. 2402. (12/08/2015); Ord. 2124. (07/22/2003); Ord. 1929. (01/07/1997).)

## EXHIBIT D

### LAND USE CHAPTER V BUILDINGS SECTION 1 GENERAL

#### Sections:

<b>Sec. L-V 1.1</b>	<b>Purpose</b>
<b>Sec. L-V 1.2</b>	<b>Applicability</b>
<b>Sec. L-V 1.3</b>	<b>Definitions</b>
<b>Sec. L-V 1.4</b>	<b>Codes and Regulations Adopted</b>
<b>Sec. L-V 1.5</b>	<b>Filing of Copies of Codes</b>
<b>Sec. L-V 1.6</b>	<b>Code Adoption Procedure</b>
<b>Sec. L-V 1.7</b>	<b>Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit</b>
<b>Sec. L-V 1.8</b>	<b>Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit</b>
<b>Sec. L-V 1.9</b>	<b>Location of Property Lines</b>
<b>Sec. L-V 1.10</b>	<b>Transfer of Permit</b>

#### **Sec. L-V 1.1 Purpose**

This Chapter is enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction.

Nothing in the codes hereinafter adopted shall be construed to prevent any person from performing their own building, mechanical, plumbing or electrical work, when performed with permits in compliance with this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **Sec. L-V 1.2 Applicability**

This Chapter shall apply, to the extent permitted by law, to all construction in the unincorporated County of Nevada. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **Sec. L-V 1.3 Definitions**

Whenever any of the following names or terms are used herein or in any of the codes adopted by reference by this Chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed hereto by this Section, to wit:

A. BUILDING OFFICIAL, ADMINISTRATIVE AUTHORITY, RESPONSIBLE OFFICIAL, and similar references to a chief administrative position shall mean the Building Official of the County of Nevada; provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Environmental Health Officer, said terms shall include the County Environmental Health Director; where such terms are used in connection with those duties imposed by statute or ordinance upon the Chief of a Fire Department or the County Fire Marshal, said terms shall include the Chief of the Fire Department or County Fire Marshal; and where such terms are used in connection with those duties imposed by ordinance upon the County Code Compliance Officer, said terms shall include the County Code Compliance Officer.

B. BUILDING DEPARTMENT, OFFICE OF ADMINISTRATIVE AUTHORITY, or HOUSING DEPARTMENT shall mean the Building Department of the County of Nevada.

C. CITY or JURISDICTION shall mean the County of Nevada when referring to a political entity, or an unincorporated area of said County when referring to area.

D. CLERK OF THIS JURISDICTION means Clerk of the Board of Supervisors.

E. GOVERNING BODY, LEGISLATIVE BODY or APPOINTING AUTHORITY means the Board of Supervisors of the County of Nevada.

F. BOARD OF APPEALS, HOUSING ADVISORY and APPEALS BOARD and any other reference to an appellate body in any of the uniform codes adopted by reference in this Chapter shall mean the Building and Accessibility Standards Board of Appeals provided for in Section “Division II Administration Amendments” contained in this Chapter.

EXCEPTION: The appellate body for fire and panic safety regulations is within the jurisdiction of the County Fire Marshal/District Fire Chief.

G. TECHNICAL CODES refer to those codes and publications adopted by the County of Nevada containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance, of buildings and structures and building service equipment as enumerated in Section 1.4 below of the Nevada Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 1.4 Codes and Regulations Adopted**

Subject to the modifications and amendments contained in this Chapter, the following codes and standards are hereby adopted and incorporated into the Nevada County Code by reference and having the legal effect as if their respective contents were set forth herein:

A. Division II, Scope and Administration, 2022 California Building Code.

B. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12 (California Referenced Standards Code), in whole thereof.

C. The 2022 edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 (California Building Code), incorporating the International Building Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, including appendixes “C,” “H,” “I” and “J” and amendments set forth in Article 3 of this Chapter.

D. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 9 (California Fire Code), incorporating the International Fire Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, save and except Article 86 thereof, including

appendix chapters and amendments set forth in “Fire and Safety Standards” of this Chapter.

E. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5 (California Plumbing Code), incorporating the Uniform Plumbing Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in “California Plumbing Code Amendments” of this Chapter.

F. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4 (California Mechanical Code), incorporating the Uniform Mechanical Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in “California Mechanical Code Amendments” of this Chapter.

G. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3 (California Electrical Code), incorporating the National Electrical Code, 2020 Edition, of the National Fire Protection Association, the whole thereof with State amendments, including annex chapters and amendments set forth in “California Electrical Code Amendments” of this Chapter.

H. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5 (California Residential Code) incorporating the International Residential Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments, including appendixes “H,” “J,” “K,” “Q,” and “S” and amendments as set forth in “California Residential Code Amendments” of this Chapter.

I. The 2022 edition of the California Building Standards Code, known as the California Code of Regulation, Title 24, Part 11 (California Green Building Standards Code) in whole thereof, with State Amendments.

J. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 6 (California Energy Code) in whole thereof, with State Amendments.

K. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 8 (California Historical Building Code) in whole thereof, with State Amendments.

L. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 10 (California Existing Building Code), incorporating the International Existing Building Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments.

M. The 2021 International Property Maintenance Code, of the International Code Council.

N. The 1997 Uniform Code for the Abatement of Dangerous Buildings, of the International Conference of Building Officials.

O. The 1997 Uniform Housing Code, of the International Conference of Building Officials.

P. International Swimming Pool and Spa Code, 2021 Edition with the amendments set forth in “International Swimming Pool and Spa Code Amendments” of this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 1.5 Filing of Copies of Codes**

The Building Department of the County of Nevada shall maintain on file copies of the Codes and Standards referred to in above in this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 1.6 Code Adoption Procedure**

A. The Building Official shall provide the Board of Appeals with copies of all statutes newly adopted by the State, pursuant to the State Housing Law and State Building Standards Law (Cal Health & Safety Code §§ 17910 and 18901 - 18919.).

B. The Building Official and Board of Appeals shall:

1. Provide technical review of the newly adopted codes.
  2. Report such newly adopted codes to the Board of Supervisors and provide a draft recommendation for consideration by the Board to amend, add to, or repeal ordinances or regulations, to impose the same requirements as are contained in the new State laws, or to make changes or modifications in such requirements upon express findings because of local conditions or factors.
  3. Request the Board of Supervisors to schedule a hearing not less than thirty (30) days from the date of their report and place one (1) copy of the codes to be considered by the Board in the office of the Building Department for review by the general public.
- C. The Board of Supervisors shall, upon the request of the Building Official and Board of Appeals, schedule such public hearing to receive public testimony on the codes and any modifications thereto to be adopted by the Board.
- D. The Clerk of the Board of Supervisors shall give notice of the time, place and subject matter of the public hearing scheduled on the matter before the Board. Notification shall be by publication in a newspaper of general circulation published and circulated within the County ten (10) days prior to the public hearing.
- E. The Board of Supervisors shall hold such public hearing at the date and time scheduled and shall then act on the recommendation of the Board of Appeals. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 1.7 Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit**

- A. No building permit shall be issued for any building for which an individual sewage disposal and/or an approved water supply system must be installed, altered or added to, unless and until the Building Official is satisfied that adequate potable water and sewer disposal are available and that a permit is issued therefor.

B. No building permit shall be issued for which an encroachment or grading permit is required, unless and until the requirements prerequisite to said encroachment or grading permit has been met.

C. No building permit shall be issued unless and until the Building Official is satisfied that the construction authorized by the permit will not violate any existing law or ordinance.

D. No building permit shall be issued unless the Building Official is satisfied that adequate electrical power is supplied. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 1.8 Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit**

A. No grading permit shall be issued for which encroachment approval is required until an encroachment permit has been obtained from the appropriate enforcement agency.

B. No grading permit shall be issued until the Building Official is satisfied that the work authorized by the permit will not violate any existing law or ordinance, including the County of Nevada Zoning Ordinance.

C. No grading permit shall be issued until a land use permit pursuant to Zoning Ordinances in the Nevada County Code has been granted by the Nevada County Planning Agency.

EXCEPTION: Single family residential development and dams. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 1.9 Location of Property Lines**

Whenever the location of a property line or easement, or the title thereto, is disputed during the building or grading permit application process or during a grading or construction operation, a survey by a registered Land Surveyor or appropriately registered Civil Engineer may be required by the Building Official, at the expense of the applicant, prior to the application being approved or the grading or construction



operation resuming. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 1.10 Transfer of Permit**

Whenever a parcel of real property is conveyed and a building permit and/or a grading permit has been issued for work on the property which has been started but not completed, the new owner of the property shall request a transfer of the permit(s) to his/her name and shall assume full responsibility for the work authorized by the permit(s). The new owners upon application shall pay a transfer fee as specified by the latest fee Resolution of the Board of Supervisors for a permit transfer. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## EXHIBIT D

### LAND USE

#### CHAPTER V BUILDINGS

##### SECTION 2 DIVISION II ADMINISTRATION AMENDMENTS

###### Sections:

- Sec. L-V 2.0** Amendments Adopted
- Sec. L-V 2.1** Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals
- Sec. L-V 2.2** Section 114: Violations (add the following)
- Sec. L-V 2.3** Section 105.2: Work Exempt from Permit; Building Permits (amend paragraph 1 to read)
- Sec. L-V 2.4** Section 105.2: Work Exempt from Permit; Building Permits (add the following)
- Sec. L-V 2.5** Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)
- Sec. L V 2.6** Section 105.3.2: Time Limitation of Application (change to read)
- Sec. L-V 2.7** Section 105.5: Expiration (change to read)
- Sec. L-V 2.8** Section 109.2: Schedule of Permit Fees (change to read)
- Sec. L-V 2.9** Section 109.4: Work Commencing Before Permit Issuance (change to read)
- Sec. L-V 2.10** Section 109.6: Fee Refunds (change to read)

###### Sec. L-V 2.0 Amendments Adopted

The Administrative Division II 2022 California Building Code as adopted by “General Provisions” is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

###### Sec. L-V 2.1 Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals

113.1 Building and Accessibility Standards Board of Appeals

- A. In order to hear and decide appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of the provisions of the technical codes, there shall be, and is hereby, created a Building and Accessibility Standards Board of Appeals for the County of Nevada.
- B. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of State mandated energy regulations contained in Title 24, California Code of Regulations and requirements of the Historical Building Code.
- C. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the enforcement of the California Access to Public Accommodations by Physically Disabled Persons regulations (Cal. Health & Safety Code §§ 19955 – 19959.5).
- D. The Board shall consist of seven (7) members who are qualified by experience and training to pass on matters pertaining to building construction, building service equipment and grading. Two (2) of the seven (7) members shall be physically disabled persons who are qualified by experience and training to pass on matters pertaining to California Disabled Access Regulations. Said Board members may not be employees of the County of Nevada. Each member of the County Board of Supervisors is entitled to appoint one member who will serve at the pleasure of that Supervisor. The remaining two (2) Board members may be appointed by any member of the Board of the Supervisors. The members may be selected from the County at large without regard for Supervisorial District.
- E. The Building Official shall be an ex officio member and serve as secretary to the Board but shall have no vote upon any matter before the Board.
- F. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board may recommend new legislation or comment on proposed legislation relating to building construction to the Board of Supervisors.
- G. The Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall it be empowered to waive any

requirements of this code or the technical codes. The written decision from the Board is final and conclusive.

H. Notwithstanding limitations in paragraph “G,” the Board may consider and authorize substitutions of materials, alternate methods, and types of construction to those specified in Chapter V of the Nevada County Land Use and Development Code, provided that the material, method or work offered is, for the purpose intended, at least the equivalent of that specified in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Board shall require sufficient evidence or proof be submitted to substantiate claims of equivalency and may require tests as proof of compliance at appellant’s expense. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.2 Section 114: Violations (add the following)**

A. Maintenance of any building, structure or building service equipment, which was unlawful at the time it was constructed or installed, if constructed or installed after January 1, 1962, shall constitute a continuing violation of this Code and the technical codes.

B. Violations of any provisions of this Code and the technical codes shall constitute a public nuisance and said conditions may be abated in accordance with existing laws and ordinances.

C. The issuance of a building permit, septic system, water well, or other permit may be withheld for property on which a violation of the provisions of this code and the technical codes exists, including work performed not in accordance with approved grading plans, until such violation has been corrected or mitigated. There shall be a connection between the violation and permit applied for.

D. The processing of a tentative tract map, parcel map, zoning change, lot line adjustment, or discretionary use permit may be withheld for property on which a violation of the provisions of this Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated.

E. **CRIMINAL ENFORCEMENT.** Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject

to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation of the same Section within a twelve-month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

F. In addition to the provisions of the Subsections above, a notice of violation of this Code or the technical codes may be recorded in the office of the County Recorder. A notice of expungement of the notice of violation shall be recorded with the County Recorder when it is determined that a permit is not required, or all remedial work has been completed and approved.

G. NONEXCLUSIVE REMEDIES. The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.3 Section 105.2: Work Exempt from Permit; Building Permits (amend paragraph 1 to read)**

1. One-story detached accessory structures without electrical, mechanical or plumbing not intended for habitation, provided the projected floor area does not exceed 200 square feet, with a maximum of two (2) foot eaves One structure per parcel. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 242., (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.4 Section 105.2: Work Exempt from Permit; Building Permits (add the following)**

14. Detached trellis or arbor, provided the projected roof area does not exceed 200 square feet.

15. Agricultural accessory structures, not intended for habitation, in zoning districts “AG,” “AE,” “RA,” “FR” and “TPZ” that meet all of the following conditions:

a. Not a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. High and low tunnel greenhouses may be used by employees only related to cultivation of crops.

b. Of simple construction using conventional construction methods (concrete, steel frame, masonry and other technologies that generally require engineering are not exempt) or specifically approved manufactured structures.

c. No plumbing, electrical, or mechanical utilities installed.

d. Structures must meet the following limits:

1) Pole Barns. Limited in size to 1,000 square feet maximum. One pole barn per parcel or 20 acres. Open from ground to eave on all sides. Distance to other structures must be equal to its height, minimum of twenty (20) feet. Minimum of 100 feet from property line.

2) Shade Structures. Cover limited to woven shade fabric.

3) Animal Husbandry. Limited in size to 400 square feet maximum. One per five (5) acres. Single wall construction. Dirt floor or gravel. Distance to other structures minimum of ten (10) feet. Minimum of forty (40) feet from property line. Minimum of 100 feet from all domestic wells.

4) Pump Houses. Limited in size to 120 square feet.

5) Greenhouses. Limited in size to 400 square feet. One structure per parcel or ten (10) acres. Wood or PVC construction with rigid plastic or fiberglass cover. Dirt or gravel floor.

6) Storage Containers. Limited in size to 320 square feet. One container per parcel or five (5) acres. Container is used for light nonhazardous agricultural storage and shall not be structurally modified or have any electrical, mechanical or plumbing utilities.

7) High and low tunnel greenhouses meeting the following criterion:

- Easily moveable.

- Constructed of metal or plastic tubing and covered with agricultural cloth, plastic film, or shade screening.
  - Exits are in compliance with the most recently adopted editions of the California Building and Fire Codes.
  - Structures meet vegetation management clearance requirements in accordance with the most recently adopted edition of the California Fire Code and Cal. Pub. Res. Code § 4291.
  - Setbacks and height limitations in accordance with Zoning Ordinances of the Nevada County Land Use and Development Code.
- i) Parcels three (3) acres or greater in size shall meet the following size and setback standards:
- o 3,600 sq ft per acre maximum
  - o Thirty-Five (35) Feet in width maximum
  - o One story
  - o Ten (10) feet separation between structures minimum
  - o Clustering of structures is allowed
- ii) Parcels less than three (3) acres in size shall meet the following size and setback standards:
- o 3,600 square foot maximum
  - o Thirty-Five (35) feet in width maximum
  - o One story

- o Ten (10) feet separation between structures minimum if multiple are proposed

All structures require site plan review and approval and a letter of exemption issued by the Building Official and Planning Director. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.5 Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)**

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the technical codes adopted by this jurisdiction or any other laws or ordinances of this jurisdiction including zoning setback requirements. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L V 2.6 Section 105.3.2: Time Limitation of Application (change to read)**

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend time for action by the applicant for a period not exceeding ninety (90) days upon request by the applicant in writing showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than twice. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.7 Section 105.5: Expiration (change to read)**

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of one year at any time after the work is commenced. Before such work can be recommenced, the permit shall be renewed. The fee for renewal shall be a minimum of one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or



abandonment has not exceeded one year. In order to renew action on a permit after the building or work has been suspended or abandoned or the permit has been expired for a period exceeding one year, the permittee shall pay a new full permit fee, submit plans meeting minimum standards per the most recent adopted versions of the California Building Standards Codes and obtain a new building permit. Permits deemed to have expired shall be subject to all permit related fee increases and new fees in effect at the time of permit renewal as applicable subject to the discretion of the Building Official. The Building Official shall have discretion to adjust permit renewal fees when extenuating circumstances exist.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. Upon written request by the applicant, the Building Official may authorize an extension of up to an additional 180 days from the date the permit expiration date.

All building permits shall expire two years after the issuance date. The permit may be extended beyond this period if the work authorized by the permit is being diligently pursued but only upon written request by the permittee. Review of the request and granting of an approved time extension beyond two years shall be made by the Building Official. A maximum one-year extension of time may be granted in 180 day intervals when approved by the Building Official based on extenuating circumstances.

Permits may be issued with a limited time when necessary to abate dangerous, substandard or illegal conditions. The Building Official may establish the expiration date depending on the health/safety hazard. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 2.8 Section 109.2: Schedule of Permit Fees (change to read)**

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.9 Section 109.4: Work Commencing Before Permit Issuance (change to read)**

If work is done in violation of this Chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation, inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. This fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law. The applicant may appeal the assessment of a penalty to the Building and Accessibility Standards Board of Appeals.

Where work for which a permit is required by this Chapter is started or proceeded with prior to the obtaining of such permit, the fees set forth in the fee schedule adopted by the Board of Supervisors may be increased by the Building Official but shall not be more than double the fees specified for obtaining the permit for the first violation and not more than fourfold the fees specified for obtaining the permit for a second or subsequent violation by the same individual. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes in the execution of the work nor from penalties prescribed for Continuing Violations and 2.2 above in this Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 2.10 Section 109.6: Fee Refunds (change to read)**

Upon request of the Applicant prior to the expiration of the building permit, the Building Official may authorize refunding the permit fee, less an administration fee established by Resolution of the Board of Supervisors, when no work has been performed under a permit issued in accordance with this Code.

The Building Official may authorize refunding the plan review fee paid, less a refund processing fee and the administration fee established by Resolution of the Board of Supervisors, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The refund of these separate and independent fees shall not exceed eighty-percent (80%) of the individual plan review or building permit fee.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than ninety (90) days after the date of fee payment. Refund amounts of less than \$25.00, calculated after appropriate deductions, shall not be refunded. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## EXHIBIT D

### LAND USE

#### CHAPTER V BUILDINGS

##### SECTION 3 CALIFORNIA BUILDING CODE AMENDMENTS

###### Sections:

Sec. L-V 3.0	Amendments Adopted
Sec. L-V 3.1	Division II Section 113: Board of Appeals, General (change to read)
Sec. L-V 3.2	Division II, Section 105.2: Work Exempt from Permit (change to read)
Sec. L-V 3.2.1	Division II, Section 105.3.2: Time Limitation of Application (change to read)
Sec. L-V 3.3	Division II Section 105.5: Permit Expiration (change to read)
Sec. L-V 3.4	Division Section 109.2 Schedule of Permit Fees (change to read)
Sec. L-V 3.5	Section 202: R (add the following definition)
Sec. L-V 3.6	Section 1505.1: Fire Classification (change to read as follows)
Sec. L-V 3.7	Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams
Sec. L-V 3.8	Section 1507.2.8.2: Valleys (add the following text)
Sec. L-V 3.9	Section 1507.3.3: Underlayment (add the following)
Sec. L-V 3.10	Section 1608.2: Ground Snow Loads (change to read as follows)
Sec. L-V 3.11	Section 1608.2.1: Snow Loads (add subsection to read as follows): 1608.2.1: Ramadas
Sec. L-V 3.12	Added Section 1608.4
Sec. L-V 3.13	Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
Sec. L-V 3.13.1	Section 7.7.1: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)
Sec. L-V 3.13.2	Table 7.3-1 Exposure Factor, Ce, ASCE 7-16 (change footnote 'a' to read as follows)
Sec. L-V 3.13.3	Table 7.3-2 Thermal Factor, Ct, ASCE 7-16 (replace Table 7.3-2 Thermal Factor, Ct, with the following table)
Sec. L-V 3.14	Section 1809.5 Frost Protection (change to read)
Sec. L-V 3.15	Section 3109.2.1: Barrier Height and Clearances (change to read)

### **Sec. L-V 3.0 Amendments Adopted**

The California Building Code as adopted by Section L-V 1.4 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 3.1 Division II Section 113: Board of Appeals, General (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section governing “Procedures” of the Nevada County Land Use and Development Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 3.2 Division II, Section 105.2: Work Exempt from Permit (change to read)**

Work exempt from permit requirements shall be as set forth in the 2022 California Building Code, Section 105.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 3.2.1 Division II, Section 105.3.2: Time Limitation of Application (change to read)**

The time limitation of permit applications shall be as set forth in the California Building Code, Section 105.3.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 3.3 Division II Section 105.5: Permit Expiration (change to read)**

Permit expiration for every permit issued by the Building Official shall be as set forth in the California Building Code, Section 105.5, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 3.4 Division Section 109.2 Schedule of Permit Fees (change to read)**

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.5 Section 202: R (add the following definition)**

RAMADA is any freestanding roof, or shade structure, installed or erected above a mobile home, manufactured home, commercial coach, or any portion thereof. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.6 Section 1505.1: Fire Classification (change to read as follows)**

The roof covering or roofing assembly on any structure regulated by this Code, unless specifically exempted, shall be listed Class A, as classified in Section 1505.1.

The roof covering assembly includes the roof deck, underlayment, interlayment, insulation and covering, which is assigned a roof covering classification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.7 Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams**

UNDERLAYMENT ICE DAMS. An “ice dam” or “ice guard” is required on the roofs of heated buildings constructed at elevations above 4,000 feet above sea level. All roofs, regardless of covering, with a pitch of less than eight (8) in twelve (12) shall be protected against leakage (caused by ice and snow) by either: (1) a base sheet of felt solid cemented to the roof sheathing with an approved cementing material, or (2) an approved manufactured membrane installed per the manufacturer’s specifications. Application shall extend from the roof eave edge up the roof to a line five (5) feet horizontally inside the exterior wall line of the heated building and up thirty (30) inches along each side of a valley. Where there exists both conditioned space and unconditioned space, the required covering shall also extend horizontally to a point at least five (5) feet onto the unconditioned space. This “ice dam”/“ice guard” shall be in addition to any underlayment otherwise required. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.8 Section 1507.2.8.2: Valleys (add the following text)**

Above 4,000 feet elevation above sea level, valley flashing shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 3.9 Section 1507.3.3: Underlayment (add the following)**

Above 4,000 feet elevation above sea level, underlayment shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.10 Section 1608.2: Ground Snow Loads (change to read as follows)**

A. All of Nevada County is declared a snow area. Buildings and structures shall be designed to resist snow loads as set forth herein. Except as provided in this Section, snow load requirements shall be as shown in Tables 16-C-1 and 16-C-2.

Table 16-C-1

Snow load requirements applicable west of the west section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-2000 ft.	29 psf
2001-2500 ft.	43 psf
2501-3000 ft.	57 psf
3001-3500 ft.	71 psf
3501-4000 ft.	117 psf
4001-4500 ft.	157 psf
4501-5000 ft.	200 psf
5001-5500 ft.	257 psf
5501-6000 ft.	314 psf
6001-6500 ft.	371 psf
6501-7000 ft.	428 psf
7001-7500 ft.	485 psf
7501-8000 ft.	542 psf

Table 16-C-2

Snow load requirements applicable east of the east section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-5000 ft.	71 psf
5001-5500 ft.	129 psf
5501-6000 ft.	186 psf
6001-6500 ft.	243 psf
6501-7000 ft.	300 psf
7001-7500 ft.	357 psf
7501-8000 ft.	400 psf

8001-8500 ft.

443 psf

Intermediate values may be interpolated from Table 16-C-1 and Table 16-C-2 by proportion.

B. The snow loads for within Sections 5, 8, 17, 20, 29 and 32 R., 16 E., T. 17 and 18 N., M.D.B. and M. shall be on a straight line proportion between the values shown in Table 16-C-1 and Table 16-C-2 based on the distance of the site from the boundary of the transition zone.

C. Higher snow loading than those shown in Tables 16-C-1 and 16-C-2 may be required by the Building Official in local areas of known higher snow accumulation.

D. Deviations from the above set forth snow loading may be permitted by the Building Official, provided the snow load and conditions in each individual case are derived and certified by a registered or licensed design professional who can show proper experience in snow load evaluation. Snow load design procedure shall be as set forth in Section 1608.

E. In no case shall the design snow load be less than 20 psf. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 3.11 Section 1608.2.1: Snow Loads (add subsection to read as follows):  
1608.2.1: Ramadas**

1608.2.1 RAMADAS. Mobile homes or commercial coaches that do not meet the applicable snow load requirement of Title 25, California Code of Regulations, or Section 3.10 above of the Nevada County Land Use and Development Code for their location, shall be protected by a ramada designed for the loading. A registered or licensed design professional shall design such ramadas. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 3.12 Added Section 1608.4**

Depth of ground snow may be calculated by dividing the applicable snow load set forth in Section 3.10 above of the Nevada County Land Use and Development Code by twenty-five (25). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 3.13 Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF**

7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF



The following conditions are for the leeward side of a structure. The windward loading shall be in accordance with Section 7.6.1.

1.) For roof pitches of less than 6/12 (26.6 degrees) where the ground snow load ( $P_g$ ) exceeds 100 psf, the unbalanced snow load need not exceed:

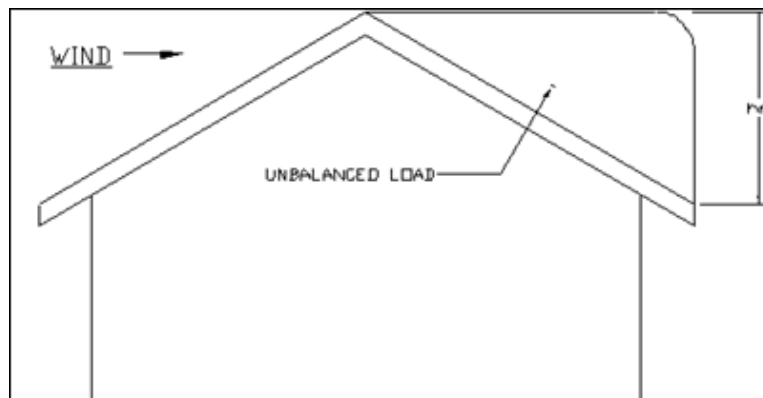
0 psf at the ridge and

(hr)y psf at the eave

(see Figure 7.6.1.1-1)

Where: hr – Vertical distance between the eave and the ridge (ft)

y – Density of snow (pcf)



**Figure 7.6.1.1-1**

2.) For roof pitches of 6/12 (26.6 degrees) and greater where the ground snow load ( $P_g$ ) exceeds 100 psf where the roof is partially exposed or sheltered in Terrain Category B and C, or sheltered in Terrain Category D, the unbalanced snow load need not exceed the sloped roof snow load ( $P_s$ ). Terrain Categories are those defined in Table 7.3-1. For areas not meeting the terrain category and exposure as described, the unbalanced snow load need not exceed the load as defined in 1.) above. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.13.1 Section 7.7.1: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)**

y = 25 pcf

(in SI:  $y = 3.9 \text{ kN/m}^3$ )

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 3.13.2 Table 7.3-1 Exposure Factor,  $C_e$ , ASCE 7-16 (change footnote 'a' to read as follows)**

a. Definitions: Partially Exposed: all roofs except as indicated in the following text. Fully Exposed: roofs exposed on all sides with no shelter afforded by terrain, higher structures, or trees. Roofs that contain several large pieces of mechanical equipment, parapets that extend above the height of the balanced snow load ( $h_b$ ), or other obstructions are note in this category. Sheltered: roofs located where there are very tight conifer trees in very close proximity to a structure, r if an obstruction, such as a tall hill, is located within a distance of 10 times the height of the difference in height between the top of the roof and the top of the obstruction as noted in footnote "b." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.13.3 Table 7.3-2 Thermal Factor,  $C_t$ , ASCE 7-16 (replace Table 7.3-2 Thermal Factor,  $C_t$ , with the following table)**

TABLE 7.3-2 THERMAL FACTOR,  $C_t$

Thermal Condition <sup>a</sup>	$C_t$
All Structures except as indicated below	1.0
Structures kept just above freezing, structures with specifically designed cold roofs <sup>c</sup> and for enclosed portions of a completely unheated structure	1.1
Structures intentionally kept below freezing	1.2
Continuously heated greenhouses <sup>b</sup> with a roof having a thermal resistance (R-value) Less than $2.0^\circ\text{F xhft}^2/\text{Btu}$ ( $0.4 \text{ Kxm}^2/\text{W}$ )	0.85

- a. These conditions shall be representative of the anticipated conditions during winters for the life of the structure.
- b. Greenhouses with constantly maintained interior temperature of  $50^\circ\text{F}$  ( $10^\circ\text{C}$ ) or more at any point three (3) feet above the floor level during winters and having either a maintenance attendant on duty at all times or a temperature alarm system to provide warning in the event of a heating failure.
- c. A specifically designed cold roof is defined as a well vented (exceeding code minimum) roof with an insulation system intended to mitigate icing at the eaves, which creates an air-tight or nearly air-tight envelope below the well-ventilated space.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.14 Section 1809.5 Frost Protection (change to read)**

Unless erected on solid rock, to protect against frost and freezing, the minimum foundation depth is eighteen (18) inches below grade if between 4,001-7,000-foot elevation and twenty-four (24) inches below grade for 7,000-foot elevation and above.

Exception: Interior footings shall be a minimum of twelve (12) inches below grade. (Ord. 2515. (12/13/22); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 3.15 Section 3109.2.1: Barrier Height and Clearances (change to read)**

The top of the barrier shall be at least sixty (60) inches (1524mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches (51mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches (102mm). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

##### **SECTION 4 CALIFORNIA RESIDENTIAL CODE AMENDMENTS**

###### **Sections:**

**Sec. L-V 4.0 Amendments Adopted**

**Sec. L-V 4.1 Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)**

**Sec. L-V 4.2 Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)**

**Sec. L-V 4.3 Section R105.5: Expiration (change to read)**

**Sec. L-V 4.4 Section R108.2: Schedule of Permit Fees (change to read)**

**Sec. L-V 4.5 Section R108.5: Refunds (change to read)**

**Sec. L-V 4.6 Section R108.6: Work Commencing Before Permit Issuance**

**Sec. L-V 4.7 Section R301.2.3: Snow Loads (change to read)**

**Sec. L-V 4.8 Section R301.2 & Table R301.2(1) Climatic and Geographic Design Criteria**

**Sec. L-V 4.9 Section R403.1.4.1 Frost Protection (change to read)**

###### **Sec. L-V 4.0 Amendments Adopted**

The California Residential Code as incorporated into the Land Use and Development Code by this Section and is adopted with following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

###### **Sec. L-V 4.1 Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)**

Refer to “Work Exempt from Permit; Building Permits (amend paragraph 1 to read)” regarding One-story detached accessory structures 2.3, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.2 Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)**

Refer to “Work Exempt from Permit; Building Permits (add paragraph to read)”2.5, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.3 Section R105.5: Expiration (change to read)**

Refer to 2.7, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.4 Section R108.2: Schedule of Permit Fees (change to read)**

Refer to Work Exempt from Permit; Building Permits (add paragraph to read) 2.8, “Schedule of Permit Fees”, Section 109.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.5 Section R108.5: Refunds (change to read)**

Refer to 2.10 “Fee Refunds”, Section 109.6. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/14).)

**Sec. L-V 4.6 Section R108.6: Work Commencing Before Permit Issuance**

Refer to 2.9 “Work Commencing Before Permit Issuance”, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020; Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.7 Section R301.2.3: Snow Loads (change to read)**

Refer to 3.10 – 3.13.3. regarding Snow Loads (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.8 Section R301.2 & Table R301.2 (1) Climatic and Geographic Design Criteria**

Table R301.2(1) changed to the read the following:

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHICAL CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP (c)
	Speed (mph) (e)	Topographic effects	Special wind region (d)	Windborne debris zone		Weathering (a)	Frost line depth (b)	Termite	
Per Site Elevation/ Location	95	NO	Yes	No	Specific Site Location	Specific Site Location	Specific Site/Elevation Location	YES	Specific Site Location

ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP (f)	MANUAL J DESIGN CRITERIA (g)
Yes, Above 4,000ft elevation	PER FEMA MAPPING	2000	Specific Site Location	Specific Site Location

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

a. Site elevations over 4,000ft have “Severe” weathering. Elevations at or below 4,000ft have “Negligible” weathering unless determined otherwise by the Building Official based on specific site conditions.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).

c. Temperatures in accordance with the 2022 California Energy Code and National Climatic Center data table.

d. The licensed California Design Professional must use local weather data to determine wind speed for projects that have site elevations over 4,000ft.

e. Ultimate wind speed.

f. Mean annual temperature based on specific site location per the National Climatic Data Center data table “Air Freezing Index – USA Method (Base 32 degrees F).”

g. Design criteria based on specific site location in accordance with the joint appendices of the 2022 California Energy Code

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 4.9 Section R403.1.4.1 Frost Protection (change to read)**

Refer to Section 3.14 “Frost Protection”. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## EXHIBIT D

### LAND USE

#### CHAPTER V BUILDINGS

#### SECTION 5 FIRE SAFETY STANDARDS AND CALIFORNIA FIRE CODE AMENDMENTS

##### Sections:

<b>Sec. L-V 5.1</b>	<b>Purpose</b>
<b>Sec. L-V 5.2</b>	<b>Application</b>
<b>Sec. L-V 5.3</b>	<b>Definitions</b>
<b>Sec. L-V 5.4</b>	<b>Responsibility for Enforcement and Review</b>
<b>Sec. L-V 5.5</b>	<b>Duties of County Fire Marshal</b>
<b>Sec. L-V 5.6</b>	<b>Appointment of County Fire Marshal</b>
<b>Sec. L-V 5.7</b>	<b>Fire Agency Appeals</b>
<b>Sec. L-V 5.8</b>	<b>Code Adoption Procedure</b>
<b>Sec. L-V 5.9</b>	<b>Permits for Burning Operations</b>
<b>Sec. L-V 5.10</b>	<b>Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized</b>
<b>Sec. L-V 5.11</b>	<b>Construction</b>
<b>Sec. L-V 5.12</b>	<b>Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations</b>
<b>Sec. L-V 5.13</b>	<b>Open Burning</b>
<b>Sec. L-V 5.14</b>	<b>2022 California Code Adopted</b>
<b>Sec. L-V 5.15</b>	<b>California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits</b>
<b>Sec. L-V 5.16</b>	<b>California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps</b>
<b>Sec. L-V 5.17</b>	<b>California Fire Code, Section 112.4: Violation Penalties (amend section to read)</b>
<b>Sec. L-V 5.18</b>	<b>California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty</b>
<b>Sec. L-V 5.19</b>	<b>California Fire Code, Section 113.4: Failure to Comply (amend section to read)</b>



- Sec. L-V 5.20** California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)
- Sec. L-V 5.21** California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)
- Sec. L-V 5.22** California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification
- Sec. L-V 5.23** California Fire Code, Section 506.1: Key Box (add the following text)
- Sec. L-V 5.24** California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to read): 603.3.2 Auxiliary Generator Power
- Sec. L-V 5.25** California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)
- Sec. L-V 5.26** California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms
- Sec. L-V 5.27** California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)
- Sec. L-V 5.28** California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements
- Sec. L-V 5.29** California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances from the Elements
- Sec. L-V 5.30** California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)
- Sec. L-V 5.31** Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System
- Sec. L-V 5.32** Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System
- Sec. L-V 5.33** Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants

- Sec. L-V 5.34 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants**
- Sec. L-V 5.35 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection**
- Sec. L-V 5.36 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection**
- Sec. L-V 5.37 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers**
- Sec. L-V 5.38 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds**
- Sec. L-V 5.39 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage Sec. L-V 5.40 Appendix D, Section D101: General (add a paragraph to read as follows)**

### **Sec. L-V 5.1 Purpose**

This Section prescribing regulations governing fire prevention is enacted to provide increased protection from fire to residents and property within the County of Nevada. It is also intended to encourage a greater degree of uniformity between the local Fire Districts and outside districts in the imposition of fire safety regulations on new construction and existing buildings, while respecting the autonomy of the local fire protection districts. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.2 Application**

Notwithstanding any provision in the California Fire Code to the contrary, if any provisions of the California Fire Code, as amended by this Section, conflict with state law or County ordinances, the provisions of state law or County ordinances shall govern. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.3 Definitions**

As used in this Section and the California Fire Code, certain words and phrases are defined and shall be deemed to have the meaning ascribed to them herein.

A. COUNTY FIRE MARSHAL is the person appointed to said position pursuant to Section 5.6, acting directly or through the County Fire Protection Planner.

B. COUNTY FIRE PROTECTION PLANNER is the designee and authorized representative of the County Fire Marshal.

C. FIRE BREAK shall mean a continuous strip of land upon which all rubbish, weeds, grass, or other growth that could be expected to burn when dry, has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.4 Responsibility for Enforcement and Review**

Except as otherwise required by controlling State law, enforcement of fire safety laws, standards and regulations and review of projects for compliance therewith shall be as follows in the unincorporated areas of the County of Nevada:

A. The California Fire Code, as amended and adopted in this Section, shall be enforced:

1. By the Chief of any Fire Department or the authorized representative thereof within its jurisdiction, and
2. By the County Fire Marshal outside the jurisdiction of a fire department providing fire protection services or within such boundaries as authorized by the Chief.

B. The building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations formally adopted by the State Fire Marshal for prevention of fire or for protection of life and property against fire or panic shall be enforced against all

buildings and uses, including those owned or operated by the State or the County only to the extent State law expressly makes the same applicable and enforceable against such governmental entities:

1. By the State Fire Marshal as to State owned or operated buildings;
  2. By the County of Nevada, through its Building Department or its authorized representative, throughout the unincorporated areas of the County:
    - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Health & Safety Code §13869.7 where enforcement is not otherwise delegated upon adoption or ratification, and
    - b. Those relating to R-3 occupancies, excluding adopted building standards relating to fire and panic safety applicable to Small and Large Day Care Centers, the enforcement of which shall be as provided in subsections B.3 and B.4 hereof;
  3. By the Chief of any Fire Department or their authorized representative within its jurisdiction:
    - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Cal. Health & Safety Code § 13869.7 where enforcement is delegated to it; and
    - b. All other standards and regulations, except as provided in subsection B.1, B.2 or B.4 hereof; and
  4. By the County Fire Marshal all standards and regulations applicable outside the jurisdictional boundaries of a fire department providing fire protection services or within such boundaries upon request of the Chief or governing body thereof with approval of the State Fire Marshal.
- C. Whenever any application is made to the County for issuance of any discretionary land use permit or other land use entitlement, the County Fire Marshal, after consultation with any Fire Chief or other person with enforcement

responsibility pursuant to this Section, shall have the final authority and responsibility for review of such application and preparation of comments and appropriate mitigation measures and/or conditions of approval to be requested to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall promptly be provided to the County Fire Marshal and to any Fire Chief or other person with enforcement responsibility. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.5 Duties of County Fire Marshal**

A. In addition to enforcement responsibilities provided for in subsections A and B and review responsibilities provided for in subsection C of Section 5.4 hereof, the duties of the County Fire Marshal shall include fire prevention, code inspection, and fire investigation for the unincorporated areas of the County of Nevada outside the jurisdictional boundaries of a fire department or within such boundaries as authorized by the Chief.

B. The County Fire Marshal may designate another qualified person, who shall be known as the County Fire Protection Planner, as or their authorized representative to carry out all or any part of their duties under this Section. The appointment of the Fire Protection Planner is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. Any fire department or fire department governing body may, by written request, delegate their authority to the County Fire Protection Planner to review and determine appropriate mitigation measures and/or conditions of approval for any project in its jurisdiction. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.6 Appointment of County Fire Marshal**

The Nevada County Board of Supervisors shall appoint the County Fire Marshal. In a timely manner thereafter, the County Fire Marshal shall appoint their chief staff officers as Deputy Fire Marshals to operate under the authority of the Nevada County Board of Supervisors. Appointment of Deputy Fire Marshals is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.7 Fire Agency Appeals**

Appeals from decisions to approve or not to approve permits pursuant to this Section resulting from a dispute as to interpretation of any regulation between the County Fire Marshal or any Fire Chief, or authorized representatives of either, may be taken directly to the Nevada County Building and Accessibility Standards Board of Appeals. Such appeals shall be performed in accordance with Nevada County Land Use and Development Code 2.1. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.8 Code Adoption Procedure**

A. The County Fire Marshal or their designee shall review fire and panic safety regulations adopted by the State pursuant to Cal. Health & Safety Code §§ 13143 - 13147, and Cal. Pub. Res. Code §§ 4290 – 4290.5, et seq., and shall recommend to the Board of Supervisors for consideration the adoption of amendments and additions to, or deletions from, such regulations.

B. Upon receipt of the County Fire Marshal's report and recommendations, the Board of Supervisors shall set a public hearing to receive public testimony on the proposed changes. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.9 Permits for Burning Operations**

Residential open burning, consisting of burning materials originating from one or more single or multiple family dwellings on a premises including incinerator use, is allowed subject to the provisions of this Code as adopted by the County of Nevada:

A. Without a permit only during that period when fire danger is determined to be low enough as established from year-to-year by a proclamation of the local California Department of Forestry and Fire Protection (CAL FIRE) Director that burning is not prohibited and burn permits are not needed;

B. With a permit issued by CAL FIRE only during that period between open burn and no-burn periods when conditions are appropriate as established from year-to-year by CAL FIRE or its designated agency by a proclamation that burning is not prohibited but is allowed subject to a permit.

Notwithstanding the foregoing, there shall be no open burning, and no permits may be issued for burning, on days or at times determined to be unsafe by CAL FIRE, or unhealthy by the Northern Sierra Air Quality Management District (NSAQMD) or for open burning in violation of Section 1102.3. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.10 Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized**

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of all subsections of this Section, including, without limitation, the same authority as the chief to require discontinuance of burning. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.11 Construction**

Freestanding incinerators shall be constructed of bricks, concrete, hollow tile, heavy gauge metal or other approved non-combustible material. Incinerators shall be equipped and maintained with a spark arrest constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than 1/4-inch. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.12 Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations**

**FIRE-EXTINGUISHING EQUIPMENT.** A garden hose connected to an adequate water supply or other approved fire extinguishing equipment shall be available for use when incinerators are in operation.

**SUPERVISION OF INCINERATOR BURNING OPERATIONS.** When burn permits are required, incinerators, while in use, shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment required by Section 5.12 and familiar with permit limitations that restrict the use of incinerators. An attendant shall supervise the burning material until the fire has been extinguished.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 5.13 Open Burning**

**GENERAL.** Open burning shall be conducted in accordance with California Fire Code Cal. Code Regs. Tit. 24, Part 9, § 307. Open burning shall also be conducted in accord with requirements of other governing agencies regulating emissions.

**EXCEPTION:** Recreational fires shall be in accordance with California Fire Code, Cal. Code Regs. Tit. 24, Part 9, § 307.4.2.

**NOTIFICATION.** Prior to commencement of open burning, the resident must ensure that it is a permissive burn day.

**MATERIAL RESTRICTIONS.** Material to be burned must be properly dried and all open burning be conducted in a manner to minimize smoke and promote quick and complete combustion. Open burning of rubbish containing paper products is prohibited, as is open burning of garbage generally, cloth, plastics, petroleum products, metal, material soiled by food or fecal matter, animals or animal parts, or any similar smoke producing materials. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any flammable combustible material, including, but not limited to, treated wood, tires, tar, plastics, petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals or salvage of metals. All residential burning of leaves and pine needles shall utilize efficient burn management techniques and in Western Nevada County (as defined in “all unincorporated areas within the County of Nevada” in this Code) shall be restricted to burning where the leaves or pine needles are dry and attached to branches or make up no more than twenty percent (20%) by volume of any burn pile.

**TIME AND ATMOSPHERIC RESTRICTIONS.** Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit or on a permissive burn day as determined by the Northern Sierra Air Quality Management District.

**307.4 LOCATION:** Open burning shall not be conducted within fifty (50) feet (15.25 meters) of any structure.

**EXCEPTION:** Clearance from structures is allowed to be reduced as follows:



1. Not less than fifteen (15) feet (4.5 meters) when burning is conducted in an approved burning appliance.
2. Not less than twenty-five (25) feet (7.6 meters) when the pile size is three (3) feet (one (1) meter) or less in diameter and two (2) feet (0.6 meters) or less in height.

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at open-burning sites.

SUPERVISION OF OPEN BURNING OPERATIONS. Burning material shall be constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment required by Cal. Code Regs. Tit. 24, Part 9, §307.5 and familiar with permit limitations that restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

DISCONTINUANCE. The chief or a duly authorized agent of the Northern Sierra Air Quality Management District is authorized to require that open burning be immediately discontinued if the chief or agent determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief or agent to constitute a hazardous condition. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.14 2022 California Code Adopted**

Adopt the 2022 California Fire Code as printed by International Code Council Inc. and amended by State Fire Marshal's Office and including Appendix Chapters B, BB, C, CC, D, F and H. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 5.15 California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits**

105.8 NEW MATERIALS, PROCESSES, OR OCCUPANCIES THAT MAY REQUIRE PERMITS. The Chief of each local fire protection district shall determine

and specify, after giving affected persons the opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those enumerated in said code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.16 California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps**

105.6.52 CANNABIS OPERATIONS. An operational permit is required to operate a commercial cannabis facility or cannabis operation listed below when allowed by State law and the Nevada County Land Use and Development Code:

- a) Cultivation
- b) Distribution
- c) Manufacturing
- d) Testing/Laboratories

105.6.53 ORGANIZED CAMPS. An operational permit is required to operate an organized camp. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.17 California Fire Code, Section 112.4: Violation Penalties (amend section to read)**

A. 112.4 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment not exceeding 90 days in the County Jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The application of the above penalty shall not be the exclusive remedy nor shall the penalty be held to prevent the enforced removal of prohibited conditions.

B. Any person who violates or fails to comply with a notice or order of the County Fire Marshal shall be guilty of a misdemeanor. (Ord. 2515. (12/13/2022); Ord. 2473.

(01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014.)

**Sec. L-V 5.18 California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty**

112.4.2 REDUCTION OF PENALTY. The Fire Chief, in their sole discretion, may reduce any violation from a misdemeanor set forth above to an infraction, punishable by a fine or not more than \$500.00. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.19 California Fire Code, Section 113.4: Failure to Comply (amend section to read)**

113.4 FAILURE TO COMPLY. Any person who shall continue work after having been served with the stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction and be liable to a fine of not less than five hundred dollars or more than one thousand dollars for each day the violation continues unabated. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.20 California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)**

107.2 SCHEDULE OF PERMIT FEES. The Chief of each local fire protection district may charge and receive such fees and charges for services and permits relating to activities of fire prevention pursuant to the Fire Code. Said fees and charges may be set by Resolution of each local fire protection district. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.21 California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)**

308.1.9 OUTDOOR OPEN FLAME APPLIANCES. Outdoor open flame appliances, including permanently installed outdoor fireplaces, fire pits, BBQs, pizza

ovens and any other open flame outdoor device that is connected to a residential or commercial gas line service shall be installed in accordance with the following:

1. All parts/assemblies to be tested and certified by UL, CSA, or ANSI.
2. A gas shut-off valve located shall be installed at the stub out and provided with ready access.
3. A second gas shut-off valve shall be located within three (3) feet (9,115 mm) to five (5) feet (1,524 mm) of device where the primary shut-off valve is further than six (6) feet (1829 mm) from the appliance.
4. The appliance shall include a timer device which allows a maximum operating time of three hours. The timer shall require a manual reset.
5. A separation distance of ten (10) feet (3,048 mm) feet vertically and horizontally shall be provided to all combustible materials, not including the support structure. The separation distance shall be measured from the open flame.  
Exception: Where approved by the Fire Code Official, the separation shall be reduced provided the manufacturer's installation guidelines specify a lesser distance to combustible materials.
6. The surface supporting the appliance shall be of an ignition-resistant or fire-resistant material for a distance of two (2) feet (610 mm) in all directions from the appliance.
7. The appliance shall produce a maximum flame height of two (2) feet (610 mm). (Ord. 2515. (12/13/2022).)

**Sec. L-V 5.22 California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification**

505.3 UTILITY IDENTIFICATION. Gas and electrical meters, services, switches, and shut-off valves in multi-unit commercial and residential buildings shall be clearly and legibly marked to identify the unit or space that it serves. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.23 California Fire Code, Section 506.1: Key Box (add the following text)**

A key box, approved by the responsible fire agency, shall be installed in buildings with automatic fire sprinkler and/or fire alarm systems.

The owner or person in charge of the premises shall notify the responsible fire agency without delay when the required keys providing access to the facility have been changed. Proper keys shall be made immediately available. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.24 California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to read): 603.3.2 Auxiliary Generator Power**

604.3.2 AUXILIARY GENERATOR POWER. Any new structure or remodel that has electrical power supplied by a secondary or auxiliary power unit with automatic startup and/or automatic power transfer capabilities shall have an auxiliary power disconnect accessible to fire department personnel. The auxiliary power disconnect switch shall be located within three (3) feet of the main power disconnect switch and identified with a permanently mounted, weatherproof label marked "AUXILIARY POWER DISCONNECT." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.25 California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)**

903.2.8.1 GROUP R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies. An automatic sprinkler system shall be installed in new manufactured homes in excess of 1,600 square feet, as defined in Health and Safety Code Sections 18007 and 18009, and multiple family manufactured homes with two (2) dwelling units, as defined in Cal. Health & Safety Code § 18008.7, in accordance with Cal. Code Regs. Tit. 25. (Ord. 2515. (12/13/2022).)

**Sec. L-V 5.26 California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms**

907.11 FALSE ALARMS. When any fire alarm system sounds an audible alarm or transmits an alarm to a remote location causing an emergency response by a fire district, when no emergency exists, for three (3) or more times in any six (6) month

period, the owner, tenant, or lessee of the premises may be billed for the cost of the response in accordance with a fee that may be established by Resolution of said Fire District. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.27 California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)**

**EXCEPTIONS:**

1. Storage in conjunction with construction projects complying with Section 5706.2 of this Section for which the Chief has issued a permit.
2. Tanks used for agricultural purposes complying with Section 5706.2. where the need for on-site fuel is necessary for continued operations, and for which a permit has been issued by the Chief.
3. Existing installations where the Chief has issued a permit for continued use.
4. Service stations, repair garages, oil change facilities and commercial operations which accept the return of used crankcase oil, may be permitted to have one aboveground storage tank of up to a five hundred (500) gallon capacity for the purpose of storing used crankcase oil. Section 2311.2 (Ord. 2515., (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.28 California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements**

6103.4 HIGH ELEVATION REQUIREMENTS. Above 4,000 feet elevation above sea level, a site plan that includes a liquefied petroleum gas tank shall be approved by the Fire Marshal of the affected Fire District or Fire Authority before issuance of any building permit therefor.

**Sec. L-V 5.29 California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances From the Elements**

6107.5 PROTECTING APPURTENANCES FROM THE ELEMENTS. At above 4,000 feet elevation above sea level, a protective cover shall be installed over all gas meters, regulators, valves, and equipment so to provide protection against sliding, drifting, and impacts of snow and ice. The minimum design for the protective cover shall be equal to, or greater than the Building Design Load determined by the Building Department and shall be securely supported to the ground or diagonally to the building wall. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.30 California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)**

**Table B105.2**

**Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses**

<b>AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)</b>	<b>MINIMUM FIRE-FLOW (GALLONS PER MINUTE)</b>	<b>FLOW DURATION (HOURS)</b>
Not automatic sprinkler system	Value to Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) <sup>b</sup>	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m

- a. The reduced fire-flow shall not be less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.31 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System**

B107 AUTOMATIC FIRE ALARM SYSTEM. Any structure with a required fire flow of 1,500 to 1,749 gallons per minute, shall have installed throughout an approved fully-supervised automatic smoke and/or heat detection fire alarm system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty percent (50%) of the gross floor area.

**EXCEPTIONS:**

1. Single-family dwellings and related accessory outbuildings.
2. Buildings that have an automatic fire sprinkler system installed throughout the building. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.32 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System**

B108 AUTOMATIC FIRE SPRINKLER SYSTEM. Any structure with a required fire flow of 1,750 gallons per minute or more shall have installed throughout, an approved fully-supervised automatic fire sprinkler system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty percent (50%) of the gross floor area.

**EXCEPTIONS:**

1. Single-family dwellings and related accessory outbuildings. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)



**Sec. L-V 5.33 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants**

**C106 LOCATION OF DRY HYDRANTS**

C106.1 DRY HYDRANT LOCATION. The dry hydrant shall be readily accessible by fire apparatus and shall be located not more than 1,000 feet from the parcel to be served and not less than fifty (50) feet from any structure to be served by the system.

C106.1.1 ADJACENT TO ROADWAY. The dry hydrant shall be located within ten (10) feet of the driveway or other approved access roadway.

C106.1.2 SERVING SINGLE STRUCTURE. If the dry hydrant is located along the driveway serving a single structure, or along the primary access roadway serving multiple structures, the connection shall be located in such a manner that fire apparatus can utilize the hydrant without obstructing the access roadway.

C106.2 TURNOUT CONSTRUCTION. An approved turnout, consisting of a ten (10) foot wide driving surface for a distance of twenty-five (25) feet plus a twenty-five (25) foot taper on either end (total length of 75 feet), shall be provided when the dry hydrant is placed adjacent to a single lane access roadway or where fire apparatus using the hydrant would obstruct the access roadway.

C106.3 VEGETATION CLEARANCE. All flammable vegetation within ten (10) feet of the dry hydrant shall be removed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.34 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants**

**C107 INSTALLATION OF DRY HYDRANTS**

C107.1 DRY HYDRANT SUPPLY PIPING. Pipe supplying the dry hydrant shall be not less than four (4) inches in diameter.

C107.1.1 PVC PIPING. If PVC piping is used, the piping shall be Schedule 40, or better.

C107.2 ULTRAVIOLET PROTECTION. Exposed PVC piping shall be primed and painted with epoxy paint, or otherwise protected from damage that could be caused by exposure to sunlight, in an approved manner.

C107.3 CORROSION PROTECTION. If galvanized steel piping is used, piping that is in contact with the soil shall be wrapped with two (2) layers of Mil Tape or otherwise protected from corrosion in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.35 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection**

**C108 DRY HYDRANT CONNECTION**

C108.1 SIZE AND THREADS. The connection for the dry hydrant shall consist of a 4-1/2 inch threaded male fitting with National Standard Threads. The connection shall be provided with an approved cap to protect the threads and to protect the water supply from contamination.

C108.2 HEIGHT. The connection for the dry hydrant shall be located between eighteen (18) inches and thirty-six (36) inches above the finished grade.

C108.3 SUPPORT BRACE. If PVC piping is used for the dry hydrant, an approved brace or support shall be provided to support the connection. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.36 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection**

**C109 FREEZE PROTECTION**

C109.1 CONTROL VALVE. If the dry hydrant connection is located lower than the water source, such as a storage tank, an approved valve at the base of the dry hydrant shall be provided to control the water flow.

C109.2 DRAINAGE. Provisions shall be made to drain any standing water from the piping above the valve.

C109.3 EXPOSED PIPING. Any exposed piping that contains water shall be protected from freezing in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.37 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers**

**C110 VENTING OF CLOSED CONTAINERS**

C110.1 TANK VENTING. Closed storage tanks shall be vented in an approved manner.

C110.1.1 SIZE. Vent piping shall be equal to, or larger than, the size of the piping serving the dry hydrant.

C110.1.2 PROTECTION. The vent opening shall be screened with an approved material to prevent obstruction of the vent or contamination of the water supply. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.38 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds**

**C111 LAKES, RESERVOIRS, AND PONDS**

C111.1 OPEN WATER SOURCES. When the water supply consists of an open water source such as a lake, reservoir, or pond, the following shall apply:

1. If the distance between the water source and the dry hydrant is greater than 100 feet, a minimum six (6) inch piping shall be used to supply the dry hydrant.

2. The piping between the base of the dry hydrant and the water source shall be buried at least three (3) feet below the finished grade.
3. The end of the piping located in the water source shall be located a minimum of two (2) feet above the bottom surface of the water source and a minimum of two (2) feet below the lowest recorded level of the top surface of the water source.
4. The end of the piping located in the water source shall be fitted with a commercially manufactured dry hydrant strainer, a hand-made strainer consisting of a capped section of pipe with 1,000 holes that are 5/16 inch in diameter drilled along the length, or equal.
5. The distance between the lowest recorded level of the water surface and the connection for the dry hydrant shall not exceed ten (10) vertical feet. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.39 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage**

**C112 WATER SUPPLY SIGNAGE**

**C112.1 SIGNS.** Approved signs indicating the size, location, and access travel route to a fire protection water storage facility shall be provided in such a manner that all pertinent information relating to the facility is clearly identified.

**C112.1.1 MOUNTING AND SIZE.** All signs shall be mounted on noncombustible posts, shall be a minimum of eighteen (18) inch by twenty-four (24) in size, and shall be a minimum of 0.080 gauge metal.

**C112.1.2 BACKGROUND AND LETTERING.** The sign(s) shall have a reflective blue background with a minimum of three (3) high reflective lettering that sharply contrasts with the background.

**C112.2 FIXED WATER SUPPLY.** If the water supply consists of a fixed amount, such as an underground or aboveground storage tank, the sign shall be located on or adjacent to the facility. The sign shall be clearly visible and legible from the access roadway serving the facility. The lettering on the sign shall be arranged as shown in the following example:

6,000 Gallon  
Fire  
Protection  
Water  
Supply

C112.3 ACCESS ROUTE. If the water storage facility consists of a reservoir, pond, or similar facility, at least one sign shall be provided at the intersection of the primary access roadway serving the area and the access roadway serving the water storage facility. This sign shall be located in such a manner that it is clearly visible and legible from the primary access roadway serving the area. Additional signs shall be provided along the access roadway serving the water storage facility if the route of travel is not easily recognized. The lettering on the sign shall be arranged as shown in the following example:

Access to  
Fire  
Protection  
Water  
Supply

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 5.40 Appendix D, Section D101: General (add a paragraph to read as follows)**

The Jurisdiction having authority may allow alternative minimum standards as promulgated by the Cal. Pub. Resc. Code § 4290. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

#### **SECTION 6 PERMIT FEES AFTER DECLARATION OF EMERGENCY**

##### **Section:**

##### **Sec. L-V 6.1 Waiver of Fees; Declaration of Emergency**

##### **Sec. L-V 6.1 Waiver of Fees; Declaration of Emergency**

A. The provisions of this Section shall be retroactive to and effective as of August 8, 1994.

B. Building permit fees shall be waived for the reconstruction of any building or improvement which is damaged or destroyed during a disaster for which the Board of Supervisors adopts a Resolution containing a declaration of emergency. The waiver of the building permit fees shall apply only as to the owner of any property at the time of the disaster. The waiver shall be effective for the rebuilding on the site damaged or destroyed by the disaster or, if the property owner suffering the loss so chooses, at such other site in the unincorporated territory of the County as the property owner selects for the reconstruction of their residence.

C. The waiver of fees shall apply only for the original term (life) of the building permit and any renewal or transfer thereof shall be accompanied by the customary fees as established by the County.

D. The waiver of fees shall be allowed only if (1) within one year from the date of the declaration of emergency, the property owner files for a building permit to reconstruct a home or other structure, and (2) executes a certification that the property owner qualifies for a waiver of fees under the provisions of this Section in the form as approved by the County Counsel's Office.

E. As used in this Section, "building permit fees" or "permit fees" include all County assessed fees relating to the reconstruction of a home or other structure

including all Planning, Environmental Health, Department of Transportation, Landfill and Building Department fees. "Reconstruction" means the repair or replacement of a damaged or destroyed structure which was originally lawfully erected, not exceeding the total square footage (area) of the previously existing structure and includes, but is not limited to, damage to any electrical, mechanical, sewer or septic system or any similar system. If the property owner requests permits to build a larger home or structure than previously was lawfully erected, the building permit fees and all mitigation and development fees shall be assessed based upon the net increase in gross building area.

F. Except as otherwise provided in this Section, no road development fees, fire mitigation fees, school mitigation fees or any other mitigation fees of any type shall be assessed or collected by the County as a condition to the issuance of any building permit for the reconstruction of any property damaged or destroyed by a disaster for which there has been a declaration of emergency.

G. Whenever a Resolution containing a declaration of emergency is presented to the Board of Supervisors, the County Executive Officer shall include an estimate of the number of structures that were damaged by the disaster. Whenever the Board of Supervisors adopts a declaration of emergency which triggers the waiver of fees in accordance with the provisions of this Section, each fee department shall keep adequate records reflecting the amount of unfunded service that is provided pursuant to the waiver of fees which deficit should be made up by a transfer from the County's contingency fund. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDING**

##### **SECTION 7 CALIFORNIA PLUMBING CODE AMENDMENTS**

###### **Sections:**

<b>Sec. L-V 7.0</b>	<b>Amendments Adopted</b>
<b>Sec. L-V 7.1</b>	<b>California Plumbing Code</b>
<b>Sec. L-V 7.2</b>	<b>Division II Administration Section 104.5: Fees (change to read)</b>
<b>Sec. L-V 7.3</b>	<b>Division II Administration Section 104.3.2: Plan Review Fees (change to read)</b>
<b>Sec. L-V 7.4</b>	<b>Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)</b>
<b>Sec. L-V 7.5</b>	<b>Division II Administration, Section 104.4.3 Expiration (change to read)</b>
<b>Sec. L-V 7.6</b>	<b>Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)</b>
<b>Sec. L-V 7.7</b>	<b>Division II Administration, Section 107.0 Board of Appeals (change to read)</b>
<b>Sec. L-V 7.8</b>	<b>Section 312.0: Protection of Piping, Materials, and Structures (add text to read)</b>
<b>Sec. L-V 7.9</b>	<b>Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection</b>
<b>Sec. L-V 7.10</b>	<b>Section 609.1: Installation (add text to read)</b>
<b>Sec. L-V 7.11</b>	<b>Section 721.0: Location (change to read)</b>
<b>Sec. L-V 7.12</b>	<b>Section 906.7: Vent Termination: Frost or Snow Closure (change to read)</b>
<b>Sec. L-V 7.13</b>	<b>Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)</b>



## **Sec. L-V 7.0 Amendments Adopted**

The California Plumbing Code as adopted by Section L-V 1.4 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 7.1 California Plumbing Code**

Adopt the following Appendix Chapters from the 2019 California Plumbing Code: Appendices A, B, D, G and I. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 7.2 Division II Administration Section 104.5: Fees (change to read)**

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 7.3 Division II Administration Section 104.3.2: Plan Review Fees (change to read)**

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 7.4 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)**

Refer to 2.6, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 7.5 Division II Administration, Section 104.4.3 Expiration (change to read)**

Refer to 2.7, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.6 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 2.9, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.7 Division II Administration, Section 107.0 Board of Appeals (change to read)**

Refer to 2.1, Section 113. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.8 Section 312.0: Protection of Piping, Materials, and Structures (add text to read)**

Above 4,000 feet elevation above sea level, when structural conditions necessitate installation of water piping in exterior walls or above ceilings of buildings, the pipes shall be installed to the inside edge of the wall or ceiling framing and insulated, on the unheated side of the pipes, with at least R-19 insulation or equivalent.

Above 4,000 feet elevation above sea level all cold water piping shall be graded back to the water service. Hot water lines shall be sloped to a bleeder valve or valves that are readily accessible. Gravity drains or other approved devices may be used to satisfy this requirement. No part of such water lines shall be trapped. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.9 Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection**

Section 606.11 WATER SUPPLY VALVE FREEZE PROTECTION. Above 4,000 feet elevation above sea level the building water service line shall be equipped with a “stop and drain” valve located where the line daylights out of the ground within the building footprint. The drain port of the valve shall be protected from blockage by the use of a sleeve or box over the valve. The valve shall be protected from freezing with insulation material and fitted with a handle that is readily accessible. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.10 Section 609.1: Installation (add text to read)**

Above 4,000 feet elevation above sea level water supply yard piping shall be protected from freezing by a minimum of thirty-six (36) inches of earth covering and shall be extended to within the building footprint before daylighting out of the ground. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.11 Section 721.0: Location (change to read)**

A. No building sewer or private sewage disposal system or part thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system or part thereof; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table 721.1, except as provided in subsections B and C of this Section.

B. Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting or a separate lot to:

1. Provide access to connect a building sewer to an available public sewer when proper cause and legal easement not in violation of other requirements has first been established to the satisfaction of the County Environmental Health Department.

2. Provide additional space for a building sewer or a private sewage disposal system or part thereof, when proper cause and transfer of ownership, or change of boundary, or legal easement not in violation of other requirements has first been established to the satisfaction of the County. The instrument recording such action shall constitute an agreement with the County which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership and use of said properties and shall be binding on all heirs, successors, and assigns of such properties. A copy of the instrument recording such proceedings shall be filed with the County Environmental Health Department.

C. Nothing contained herein shall be construed to prohibit a private sewer line from crossing a public street providing, however, that such use of the public street shall be authorized by an encroachment permit which shall expressly state thereon that it is subject to revocation by the County by giving five (5) days' advance notice, and

thereafter the encroachment shall be removed and the use of the property shall cease unless sewage disposal is authorized in some other manner as approved by law. Any such encroachment permit shall be recorded with the County Recorder as part of the agreement required hereinabove.

D. Use of an unabutting lot for a private sewage disposal system may be allowed by the County Environmental Health Department only if all of the following conditions exist:

1. Testing and observation as required by the Chapter governing “Sewage Disposal” of the Nevada County Land Use and Development Code clearly reveal that the lot(s) from which sewage will be generated does not meet the standards for conventional, special design or alternative/advanced wastewater disposal as defined therein; and

2. The applicant can demonstrate to the County Environmental Health Department that said lot would be unbuildable without utilization of an unabutting lot for sewage disposal; and

3. Only one (1) public or private street, highway or right-of-way is to be crossed by the sewer line from the subject lot; and

4. Only one (1) unabutting lot is to be crossed by the sewer line from the subject lot; and

5. The building or site to be served is no more than five hundred (500) feet from the unabutting lot where sewage disposal is proposed; and

6. Compliance with Article 3, “Centralized Wastewater Collection, Treatment and Disposal” in the Chapter governing “Sewage Disposal” of the Nevada County Land Use and Development Code is ascertained, if appropriate; and

7. The parcels under consideration were created prior to the effective date of 11/05/96.

E. Lots where sewage is to be generated and/or where sewage disposal is proposed that abut to each other or each to another shall be exempt from the requirements in subsection C above provided the proposed sewage collection, treatment and disposal system meets all other requirements of the Chapter governing “Sewage Disposal” of

the Nevada County Land Use and Development Code and the California Plumbing Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.12 Section 906.7: Vent Termination: Frost or Snow Closure (change to read)**

Above 4,000 feet elevation above sea level all vent terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure.

EXCEPTION: Vent terminals which are made within thirty-six (36) inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 7.13 Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)**

The subsection shall apply to all new liquefied petroleum gas (LPG) installations and to existing installations when LPG service is reconnected after service is interrupted that are above 4,000 foot elevation.

A. Two stage regulator/systems shall be installed on all LPG installations with approved steel or PE piping, installed in accordance with the California Plumbing Code and manufactures installation instructions and specifications.

B. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank. The atmospheric pressure aperture of the regulator shall be pointed downward. The first stage regulator shall be plumbed to the riser of the yard piping with soft copper tubing or schedule forty (40) steel pipe with two (2) ninety (90) degree elbow swing joints (one at the top and one below grade) to allow flexibility should tank shifting occur. The riser from the yard piping shall be located not more than three

(3) inches (horizontally) from the walls of the tank. The propane tank shall be placed on reinforced concrete supports and securely attached thereto.

C. The second stage regulator and riser pipe shall be installed on the gable end of the building at least twenty (20) feet from or out of the direct line of discharge of adjacent shedding roofs. The riser shall have swing joints below grade and be 1.5 - 3.5 inches from the wall surface and securely supported/braced to the wall approximately ten inches below the regulator so as to prevent bending of the pipe by lateral snow/ice loads. Second stage regulators installed on the front of a garage shall be protected by a bollard in conformance with the California Fire Code.

Exception 1: On round, octagon or similarly-shaped structures (without gable ends) the riser may be located under the eaves when approved by the Building Official.

Exception 2: On existing services that are reconnected after service is interrupted, where relocation of the riser is not possible due to structural or topographical constraints the riser may be located under the eave with the approval of the Building Official.

D. A protective cover, engineered for the snow load of the area, shall be installed over the second stage regulator and securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing for the supports shall be founded 18 inches below finished grade and the supporting posts shall be securely fastened to the footing and the cover to prevent dislocation of the supports. When supported diagonally to the wall, the supports shall extend from the drip edge of the cover back to the wall. The angle formed by the supports and the wall shall not exceed forty-five (45) degrees from vertical. Existing decks that are used to cover the second stage regulator shall be designed for the snow load.

E. The riser pipes for the yard piping shall not be imbedded in concrete. Concrete placed around such riser shall be held back at least one (1) inch from all sides of the pipe.

F. Location of the shutoff valve at the LPG tank shall be permanently marked by the use of a color-coded snow stake identifying the gas supplier. This stake shall be placed direction adjacent to the tank at the center line of the valve cover and on all sides opposite the yard piping riser. Such stake shall be sufficient height to be visible through anticipated maximum snow depth at the respective location. Installation and maintenance of this snow stake in the responsibility of the LPG user. An LPG shutoff valve shall also be installed at the house under the regulator cover. This valve shall be

identified by a placard on the wall directly over the regulator cover and above the anticipated depth of snow. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

##### **SECTION 8 CALIFORNIA MECHANICAL CODE AMENDMENTS**

###### **Sections:**

**Sec. L-V 8.0 Amendments Adopted**

**Sec. L-V 8.1 California Mechanical Code**

**Sec. L-V 8.2 Division II Administration Section: 107.0 Board of Appeals, General (change to read)**

**Sec. L-V 8.3 Division II Administration Section 104.5: Fees (change to read)**

**Sec. L-V 8.4 Division II Administration Section 104.3.2: Plan Review Fees (change to read)**

**Sec. L-V 8.5 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)**

**Sec. L-V 8.6 Division II Administration, Section 104.4.3 Expiration (change to read)**

**Sec. L-V 8.7 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)**

**Sec. L-V 8.8 Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances**

**Sec. L-V 8.9 Section 802.2.6: Direct-Vent Appliances (add the following)**

**Sec. L-V 8.10 Section 802.3.3.5 Exit Terminals (add the following)**

**Sec. L-V 8.11 Section 802.6.1 Gas Vent Termination (add the following)**



## **Sec. L-V 8.0 Amendments Adopted**

The California Mechanical Code as adopted by Section 1.4 of this Chapter is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

## **Sec. L-V 8.1 California Mechanical Code**

Adopt the following Appendix Chapters from the 2022 California Mechanical Code: Appendix B and Appendix C. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

## **Sec. L-V 8.2 Division II Administration Section: 107.0 Board of Appeals, General (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 2.1 of the Nevada County Land Use and Development Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

## **Sec. L-V 8.3 Division II Administration Section 104.5: Fees (change to read)**

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

## **Sec. L-V 8.4 Division II Administration Section 104.3.2: Plan Review Fees (change to read)**

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

## **Sec. L-V 8.5 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)**

Refer to 2.6, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.6 Division II Administration, Section 104.4.3 Expiration (change to read)**

Refer to 2.7, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.7 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 2.9, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.8 Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances**

A three (3) inch gravity drain shall be provided at the low point of the space, installed so as to provide 1/4-inch per foot grade and terminate at an exterior point of the building protected from blockage. The opening shall be screened with a corrosion-resistant wire mesh with mesh openings of 1/4-inch in dimension. Lengths of the gravity drains over ten (10) feet in length shall be first approved by the Building Official. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.9 Section 802.2.6: Direct-Vent Appliances (add the following)**

Vent terminals of direct-vent appliances shall terminate above the anticipated snow depth.

Direct vent appliance terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all direct vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8) inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Vent terminations which are made within thirty-six (36) inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.10 Section 802.3.3.5 Exit Terminals (add the following)**

Exit terminals and combustion air intakes shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all vent exit terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Exit terminals which are made within thirty-six (36) inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**Sec. L-V 8.11 Section 802.6.1 Gas Vent Termination (add the following)**

Gas Vents shall terminate above the anticipated snow depth.

Gas vent terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all gas vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical

height of the vent extension above the roof. In no case shall the cricket measure less than eight (8) inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Gas vent terminations which are made within thirty-six (36) inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014))

**EXHIBIT D**

**LAND USE**

**CHAPTER V BUILDINGS**

**SECTION 9 INTERNATIONAL SWIMMING POOL AND SPA CODE  
AMENDMENTS**

**Sections:**

**Sec. L-V 9.0 Amendments Adopted**

**Sec. L-V 9.1 Division II Administration, Section 105.4 Time Limitation of Application (change to read)**

**Sec. L-V 9.2 Division II Administration, Section 105.5.3 Expiration (change to read)**

**Sec. L-V 9.3 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)**

**Sec. L-V 9.4 Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)**

**Sec. L-V 9.5 Section 108 Means of Appeal (change to read)**

**Sec. L-V 9.0 Amendments Adopted**

The International Swimming Pool and Spa Code as adopted by Section 1.4 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 9.1 Division II Administration, Section 105.4 Time Limitation of Application (change to read)**

Refer to 2.6 of this Chapter, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 9.2 Division II Administration, Section 105.5.3 Expiration (change to read)**

Refer to 2.7, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 9.3 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)**

Refer to 2.9, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 9.4 Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 9.5 Section 108 Means of Appeal (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 2.1 of the Nevada County Land Use and Development Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**EXHIBIT**

**LAND USE**

**CHAPTER V BUILDINGS**

**SECTION 11 LANDFORM GRADING FOR AGRICULTURE**

**Sections:**

**Sec. L-V 11.1 Intent**

**Sec. L-V 11.2 Applicability**

**Sec. L-V 11.3 Criteria**

**Sec. L-V 11.4 Procedure**

**Sec. L-V 11.5 Fees**

**Sec. L-V 11.6 Appeals**

**Sec. L-V 11.1 Intent**

In adopting this Section, it is the intent of the Board of Supervisors to adopt, in addition to the exemption for cultivation of land to raise crops, a more comprehensive exemption from grading permit requirements for other clearing and grading of land for agricultural operations, subject to criteria and procedures to avoid abuse. The purpose of this Section is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and to provide reasonable minimum standards that will prevent man-induced land failures while controlling erosion, drainage and sediment discharge. (Ord. 2515., (12/13/2022); Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

**Sec. L-V 11.2 Applicability**

Clearing and grading of land for agricultural operations may be exempted from grading permit requirements by the Building Department upon verification that a bona fide agricultural project is involved and a permit exemption has been recommended by the Agricultural Commissioner. An exemption under this section shall only be approved upon: (1) written verification by the landowner, which shall be deemed to be binding upon the landowner and any successors in interest; and (2) the permit-exempted lands shall be used for agricultural operations for a period of at least five (5) years following the granting of the exemption, provided all of the criteria established in this Section are met and there is full compliance with all of the

procedures set forth in this Section 10. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 11.3 Criteria**

To qualify as other clearing and grading of land for agricultural operations that may be exempted from grading permit requirements pursuant to this Section, all of the following criteria must be met:

- A. The land to be cleared and/or graded is zoned for agricultural use as:
  - 1. “AG” (General Agriculture), or
  - 2. “AE” (Agricultural Exclusive), or
  - 3. “RA” (Residential Agriculture) where the parcel is three (3) acres or more in size and the General Plan designation is Rural;
  
- B. The clearing and/or grading is exclusively for agricultural purposes not associated with buildings that require a building permit;
  
- C. Any vegetation removal or soil disturbance is outside any floodplain, watercourse, wetland or riparian area and any non-disturbance buffer for those areas as defined in the Section governing “Zoning”, “Comprehensive Site Development Standards, Resource Standards;
  
- D. The work occurs on slopes of thirty percent (30%) or less;
  
- E. The work does not disturb cultural resources;
  
- F. Any excavated material remains on site, without changing the natural terrain or drainage and without creating any cuts or fills, except as follows:
  - 1. The work, if associated with construction or maintenance of a pond for livestock raised on site, aquaculture or irrigation, does not create a dam that exceeds two feet in height above grade, an excavation in excess of six (6) feet or a storage capacity of more than ten (10) acre feet and results in no adverse hydrological impacts upon surrounding properties that are not mitigated to a level of insignificance, or



2. The work, if associated with construction of a farm or ranch road, is solely for the purpose of providing on-site access to water supplies, storage areas, grazing/crop lands or fence lines, does not service a structure requiring a building permit, and does not create a cut or fill greater than two feet in height;

G. Projects potentially impacting heritage oak groves or trees, as defined in LUDC Section L-II 4.3.15.B and verified by a field inspection conducted by the Agricultural Commissioner or his/her agent, shall provide a management plan as defined in LUDC Section L-II 4.3.3.C Resource Standards. A Management Plan to mitigate the impacts of the proposed project on landmark trees or groves shall be required.” An Agricultural Grading Exemption shall be denied to parcels or sites where these resources exist, and no mitigation and/or avoidance is available through the Management Plan process;

H. To the extent possible, all work will be conducted between April 15th and October 15th to avoid the rainy season. Any work before April 15th or after October 15th of any year shall be permitted only if disclosed in the application and approved in the Permit Exemption. To secure such approval, the applicant shall submit an erosion and sediment control plan, including an effective re-vegetation program to stabilize all disturbed areas, expressly approved in writing by a State Certified Professional Erosion and Sediment Control (CPESC). If grading occurs, or if the land is left open and unplanted during the period from October 15th to April 15th, all projects over 2,500 square feet on slopes over 15% in areas of moderate to high erosion potential as defined by the Soil Survey of Nevada County, shall have an Erosion and Sediment Control Plan expressly approved in writing by the State Certified Professional Erosion and Sediment Control (CPESC) and shall be implemented after October 15th, and maintained through April 15th;

I. Projects shall be in compliance with the RWQCB regarding Clean Water Act requirements, and all other applicable laws;

J. The following conditions of approval shall be applied to all projects approved through this agricultural grading exemption:

1. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of the proposed project.

2. Fugitive dust emissions resulting from site clearing shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved roads, etc. Control measures shall be noted on grading plans.

3. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended to prevent excessive windblown dust when winds are expected to exceed 20 mph;

K. Verification of NSAQMD clearance shall be filed with the Agricultural Commissioner prior to any surface disturbance (including clearing and grubbing) associated with agricultural (or other) road construction in any of the sections listed in the table. Mapping of areas of ultramafic rock/serpentine occurrence within the project area shall be on file at the Agricultural Commissioner’s office. In addition, if naturally occurring ultramafic rock/serpentine is discovered once grading for a road commences, the NSAQMD must be notified no later than the next business day and requirements in CCR, Title 17, Section 93105 must be implemented within 24 hours.

Sections Mapped as Containing Ultramafic Rock/Serpentine in Nevada County

Range—East	Township—North	Sections
6	14	23, 25, 26
7	14	1, 12, 13
8	14	4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32
	15	29, 32, 33
	16	4, 5, 8, 9, 10, 11, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27
	17	29, 30, 31, 32
9	16	19, 30, 31
	18	13, 24
10	16	13, 24
	17	1, 2, 11, 12, 13, 14, 16, 17, 23, 24
	18	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 26, 35, 36
11	16	5, 6, 7, 8, 17, 18, 19
	17	18, 19, 32
12	17	24, 25
13	17	19, 30

(Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

## **Sec. L-V 11.4 Procedure**

A. Exceptions pursuant to this Section must be applied for and a permit exemption may be granted hereunder only if each of the following procedures is fully complied with and completed in the order specified:

1. The applicant obtains, completes and submits to the Agriculture Commissioner:
  - a. An “Agricultural Clearing/Grading Permit Exemption Form” provided by the Building Department;
  - b. An Agricultural Project Plan acceptable in form and content to the Agricultural Commissioner; and
  - c. A binding commitment of five (5) years to continue use of the permit-exempted lands for agricultural operations acceptable in form and content to County Counsel.
2. The Agriculture Commissioner reviews the submitted “Agricultural Clearing/Grading Permit Exemption Form and Agricultural Project Plan and, based upon field verification of the information therein, determines that the clearing or grading proposed is for a bona fide agricultural project and recommends approval of the requested exemption to the Building Department.
3. The Agricultural Commissioner shall review applications for positive occurrence of rare or threatened species. Applications within proximity to endangered, rare or threatened species as shown on the California Natural Diversity Database (CNDDDB) shall provide biologist report to verify if occurrence or absence of resource. Applications with State or Federally listed species shall require permit through jurisdictional agency (USFWS or CDFG) prior to issuance of an exemption.
4. To verify potential riparian resources for applicants for the agricultural grading exemption, all applications submitted to the Agricultural Commissioner shall include a mapping of the parcel or parcels for which the application is made, a map showing all Lakes, Rivers, FEMA Flood Zone on a background map of the USGS topographic maps, as provided by the County of Nevada GIS system public mapping resources. Mapping shall be verified during field inspection by staff biologist for other wetland habitats.

5. The Building Department reviews the application and considers the recommendation of the Agriculture Commissioner, determines that the proposed project meets all of the criteria and satisfies all of the procedures required for exemption, and approves the exemption request, notifying the applicant in writing of a favorable decision.

6. Notification of granting of the Agricultural Grading Exemption by the Building Department shall include the following statement: “Any person involved in any form of ground disturbance is advised of the remote possibility of encountering subsurface cultural or historic resources. If such resources are encountered or suspected, all subsurface work within 200 feet of the potential cultural or historic discovery shall be halted immediately, and the Planning Department and a professional archaeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.”

B. Applications shall be processed by the Agriculture Commissioner within thirty (30) days of receipt of a complete application and by the Building Department within thirty (30) days of submittal to it of the approval by the Agriculture Commissioner.

C. Any clearing or grading work done pursuant to a Permit Exemption shall be subject to a site inspection upon completion of the work or prior to October 15th of each year, whichever first occurs, by a CPESC to determine compliance with the project plan and erosion control and stabilization of the site.

D. Permit Exemptions may be issued for up to two (2) years.

E. If it is determined during the term of the Permit Exemption that the actual clearing or grading is not for agricultural purposes as represented to and approved by the Agriculture Commissioner, all further work shall cease, the site shall be stabilized and revegetated in accord with recommendations of a CPESC, and a grading permit shall be required for any further work, provided, however that a grading permit shall not be granted earlier than five (5) years from the date of application for the exemption.

F. In the event that work is done on property pursuant to a Permit Exemption that is determined to be subject to the requirements of subsection E and application is made within the five (5) year period during which no grading permit can be granted for any development or project unrelated to agricultural operations or involving construction of a structure or structures for which a building permit is required, it may be required as a condition of approval that the site be restored to its original condition prior to such clearing or grading to the extent feasible, and to the extent full restoration is not possible, mitigation measures shall be imposed to remediate any damage caused. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 11.5 Fees**

The costs of providing the services of the Building Department, Agriculture Commissioner and CPESC required by this Section shall be paid by the applicant for an exception to the grading permit requirement. Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 11.6 Appeals**

Appeals from discretionary orders, decisions or determinations pursuant to this Section shall be heard by the Building and Accessibility Standards Board of Appeals established pursuant to Section L-V 2.1 of the Nevada County Land Use and Development Code. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

#### **SECTION 12 CALIFORNIA ELECTRICAL CODE**

##### **Sections:**

<b>Sec. L-V 12.0</b>	<b>Amendments Adopted</b>
<b>Sec. L-V 12.1</b>	<b>California Electrical Code Adopted</b>
<b>Sec. L-V 12.2</b>	<b>Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)</b>
<b>Sec. L-V 12.3</b>	<b>Annex "H," Section 80.19, E: Fees (changed to read)</b>
<b>Sec. L-V 12.4</b>	<b>Annex "H," Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)</b>
<b>Sec. L-V 12.5</b>	<b>Annex "H," Section 80.27, A-D: Inspector's Qualifications (changed to read)</b>

##### **Sec. L-V 12.0 Amendments Adopted**

The California Electrical Code as adopted by Section V 1.4, "Codes and Regulations Adopted" with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

##### **Sec. L-V 12.1 California Electrical Code Adopted**

Adopt the following Annex Chapters from the 2022 California Electrical Code): Annex "H." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

##### **Sec. L-V 12.2 Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)**

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 2.1 of this Code.

**Sec. L-V 12.3 Annex “H,” Section 80.19, E: Fees (changed to read)**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

**Sec. L-V 12.4 Annex “H,” Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)**

CRIMINAL ENFORCEMENT. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation within a twelve-month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. (Ord. 2515. (12/13/2022).)

**Sec. L-V 12.5 Annex “H,” Section 80.27, A-D: Inspector’s Qualifications (changed to read)**

Inspectors shall retain certifications as required in their job classification as adopted by the County of Nevada based on the job classification they are appointed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE CHAPTER V BUILDINGS SECTION 13 GRADING**

#### **Sections:**

**Sec. L-V 13.1 Purpose**

**Sec. L-V 13.2 Scope**

**Sec. L-V 13.3 Permits Required**

**Sec. L-V 13.4 Hazards**

**Sec. L-V 13.5 Definitions**

**Sec. L-V 13.6 Grading Permit Requirements**

**Sec. L-V 13.7 Grading Fees**

**Sec. L-V 13.8 Bonds**

**Sec. L-V 13.9 Cuts**

**Sec. L-V 13.10 Fills**

**Sec. L-V 13.11 Setbacks**

**Sec. L-V 13.12 Drainage and Terracing**

**Sec. L-V 13.13 Road and Driveway Standards**

**Sec. L-V 13.14 Erosion Control**

**Sec. L-V 13.15 Grading Inspection**

**Sec. L-V 13.16 Completion of Work**

#### **Sec. L-V 13.1 Purpose**

The purpose of this Section is to safeguard life, limb, property and the public welfare by regulating grading and construction activities that result in a land disturbance on private property. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

#### **Sec. L-V 13.2 Scope**

A. This Section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes standards of



required performance in preventing or minimizing water quality impacts from storm water runoff; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, drainage, and erosion and sediment controls at construction sites.

Vehicular ways shall conform to the grading requirements of this Chapter.

B. The standards listed below are recognized standard:

1. Testing.

a. ASTM D 1557, Moisture-Density Relations of Soils and Soil Aggregate Mixtures.

b. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method.

c. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method.

d. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method.

e. ASTM D 6938, In Place Moisture Content and Density of Soils by Nuclear Methods. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

### **Sec. L-V 13.3 Permits Required**

A. Except as specified in subsection V 13.3B of this section, no person shall do any grading without first having obtained a grading permit from the Building Official.

1. No drainage culvert, piping, V-ditch or energy dissipater shall be installed, replaced, altered or repaired without first obtaining a permit from the Building Official.

2. No pond shall be installed, repaired or altered without first obtaining a permit from the Building Official.

EXCEPTION: Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

B. Except in flood plains as regulated in Section -II 4.3.10 of this Code, a grading permit is not required for the following, provided no unstable or erodible slopes are created and no encroachment onto sewage disposal systems, water supply systems or hazardous material sites, areas or setbacks is created. NOTE: Owners/operators of sites may still need NPDES storm water permit coverage with the State if the construction activity is part of a larger common plan of development or sale that would result in a land disturbance of greater than or equal to one (1) acre.

1. When approved by the Building Official, grading which does not exceed 250 cubic yards in an isolated, self-contained area, with cuts, fills and erosion control conforming to the requirements of this Section, provided there is no danger to private or public property, it does not pose a significant erosion or sediment discharge hazard and is not intended to support a building or structure on fill.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet (1,524 mm) after the completion of such structure.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers, engineering geologists, or registered environmental health specialists limited to sewage disposal

systems. Such work shall be backfilled and shaped to the original contour of the land after the investigation.

8. An excavation that is less than two (2) feet (610 mm) in depth, does not create a cut slope greater than five (5) feet (1,524 mm) in height and steeper than one (1) unit vertical in one and one half (1 ½) units horizontal (66.7% slope) and does not exceed fifty (50) cubic yards.

9. A fill less than one (1) foot (305 mm) in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (20% slope), or less than three (3) feet (914 mm) in depth, not intended to support structures, that does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

10. Land disturbance by plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or steeper or any amount of vegetation, up to one acre, on slopes flatter than ten percent.

11. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work to the extent required by this law.

12. Cultivation of land to raise crops, or other clearing and grading of land for agricultural operations pursuant to criteria enacted and codified in Section governing Landform Grading for Agriculture of this Chapter.

13. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.

14. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities that are not exempt from the local regulation pursuant to Cal. Pub. Res. Code § 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.

15. Clearing for fire protection purposes within 100 feet of a dwelling unit. Any additional clearing for fire prevention, control or suppression purposes is exempt when authorized or required in writing by a fire prevention or suppression agency.

C. The County may prepare and adopt a more comprehensive exemption for grading for agricultural operations than the existing exemption for cultivation of land to raise crops as part of Section 11 to this Chapter, provided that the exemption does not involve construction of any building or site preparation for any development project and that the purpose of such exemption is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and provide reasonable minimum standards that define desired performance in the prevention of man-induced land failures, and control erosion, drainage, and sediment discharge.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14).

### **Sec. L-V 13.4 Hazards**

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Adequate protection from hazards shall be provided at excavations. All pits, shafts, etc. shall be barricaded or covered. Upon completion of exploratory excavations and other similar operations, temporary trenches, wells, pits, shafts, etc. shall be backfilled. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14).

### **Sec. L-V 13.5 Definitions**

A. For the purpose of this Section, the definitions listed hereunder shall be construed as specified in this section.

1. **AGRICULTURAL OPERATION** for grading purposes is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pit operations.

2. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) is a membership society that is the foremost United States source of information on the specifications and testing of materials.
3. APPROVAL shall mean that the proposed work or completed work conforms to this chapter in the opinion of the Building Official.
4. AS-GRADED is the extent of surface conditions on completion of grading.
5. BEDROCK is in-place solid rock.
6. BENCH is a relatively level step excavated into earth material on which fill is to be placed.
7. BORROW is earth material acquired from an off-site location for use in grading on a site.
8. BEST MANAGEMENT PRACTICES (BMPs) are physical and managerial practices that, when used separately, or in combination, prevent or reduce erosion, sedimentation, or pollution of water. An example of a guide for BMPs is the State Water Resources Control Board Best Management Practices Construction Handbook.
9. CERTIFIED EROSION CONTROL PROFESSIONAL (CPESC) is a recognized specialist in soil erosion and sediment control.
10. CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.
11. CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
12. CLEARING is the destruction or removal of vegetative surface cover by manual, mechanical, or chemical methods resulting in exposed soils that may be

subject to erosion. This does not include clearing techniques that retain vegetation and natural drainage patterns.

13. COMPACTION is the densification of a fill by mechanical means.

14. CONSTRUCTION ACTIVITIES include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas that receive run-off from the construction project such as discharge points into a receiving water. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

15. CUT. See Excavation.

16. DEPTH OF FILL is the vertical dimension from the exposed fill surface to the original ground surface.

17. DEPTH OF EXCAVATION (CUT) is the vertical dimension from the exposed cut surface to the original ground surface.

18. EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

19. EMBANKMENT. See Fill.

20. ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

21. ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

22. ENGINEERED GRADING PLAN is a plan prepared by registered design professional authorized to do so by the state of California, describing the vertical and horizontal alignment and/or arrangement of grading.

23. EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.
24. EXCAVATION is the mechanical removal of earth material.
25. EXPANSIVE SOIL is any soil which exhibits expansive properties in excess of index rating of 20 as determined by the procedures defined in the California Building Code.
26. FILL is a deposit of earth material placed by artificial means.
27. GEOLOGIC HAZARD is any condition in naturally occurring earth materials which may endanger life, health or property.
28. GEOTECHNICAL ENGINEER. See “Soils engineer.”
29. GRADE is the vertical location of the ground surface.
30. GRADING PLAN See engineered grading plan.
31. EXISTING GRADE is the grade prior to grading.
32. FINISH GRADE is the final grade of the site that conforms to the approved plan.
33. ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.
34. GRADING is any excavating or filling or combination thereof.
35. GRADING WORK is grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.
36. KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

37. LAND DISTURBANCE is any activity that results in a change in the soil cover or the soil topography that may result in soil erosion from water or wind and the movement of sediments off site, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.
38. PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.
39. RAINY SEASON is the period of the year during which there is a substantial risk of rainfall. For the purpose of this Chapter, the rainy season is defined as from October 15th to April 15th, inclusive.
40. REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (REHS) is an environmental health professional educated and trained within the field of environmental health who is registered with the State.
41. SEDIMENT is any material transported or deposited by water, including soil debris or other foreign matter.
42. SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
43. SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
44. SLOPE, DETERMINATION OF means the cross-slope of a parcel by measurement, at established intervals not crossing defined grade breaks, of the average slope perpendicular to the contour lines.
45. SOIL is naturally occurring superficial deposits overlying bedrock.
46. SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.



47. SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

48. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) is a plan required for various construction and industrial activities pursuant to the Federal Clean Water Act and related State regulations.

49. TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

50. VEHICULAR WAY is any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

51. WATERCOURSE is any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the Building Official, the definition of natural Channel may be limited to those channels having a watershed area of 50 acres or more, and this definition will be commonly used in connection with the administration of this Chapter except for those cases in which the Building Official determines that the definition must be extended to a natural channel with a watershed smaller than 50 acres in order to prevent a condition which is a menace to life and limb, endangers property, is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses were the definition not extended to a particular natural channel with a watershed below Fifty (50) acres. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14).

### **Sec. L-V 13.6 Grading Permit Requirements**

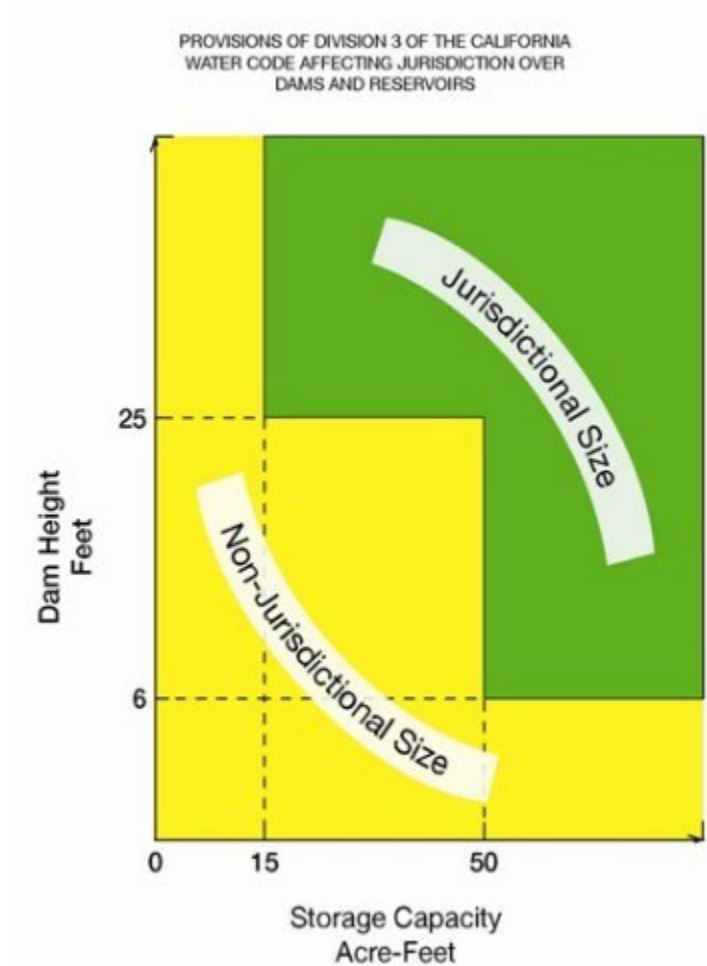
A. Except as exempted in Section L-V 13.3 of this Section, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site and may cover both excavations and fills.

1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.

2. No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to, these permit requirements.

Dam construction of “Jurisdictional Size” are regulated and permitted by the Department of Water Resources, Division of Dam Safety. Dam construction of “Non-Jurisdictional Size” are regulated and permitted by the Building Department” (See Figure A).

**Figure A**



The construction of dams and reservoirs in excess of five feet in height but 25 feet or less in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, regardless of storage capacity, or which have a storage capacity in excess of 15 acre feet but less than 50 acre feet, regardless of height, shall be subject to County regulatory jurisdiction administered by the Building Department as part of this Chapter. Construction of all dams and reservoirs shall follow the current practices of the Department of Water Resources, Division of Safety of Dams, as dictated in the publication, "Guidelines for the Design and Construction of Small Embankment Dams" (with the exception of contact agency and application process).

3. Pond Construction and design shall be done in conformance with the most recent Conservation Practice Standard, "Pond" (Code 378) as published by the Natural Resources Conservation Service.

B. The provisions of Section 105, Chapter 1, Division II, are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

C. Grading shall be performed in accordance with the approved grading plan prepared by registered design professional, and shall be designated "engineered grading" The Building Official may waive this requirement if the proposed grading is minor in nature and would not endanger the public health, safety and welfare. This grading shall be designated "regular grading."

D. Engineered Grading Requirements.

1. For engineered grading requirements applications for a grading permit shall be accompanied by three set of plans and two sets of specifications and supporting data. A soils/geotechnical engineering report shall be provided in accordance with the California Building Code.

a. When the proposed grading includes a cut or fill exceeding ten feet in-depth at any point, or a cut or fill exceeding seven feet in depth at any point with the slope of the natural ground exceeding twenty (20) percent;

b. When highly expansive soils are present; or

c. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

An engineering geology report shall be included with the supporting data when the proposed grading is in excess of 5,000 cubic yards. (See Section L-V 13.6(F).)

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

2. The plans shall include the following information:
  - a. General vicinity of the proposed site.
  - b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
  - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
  - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
  - e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4,572 mm) of the property or that may be affected by the proposed grading operations.
  - f. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

- g. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
  - h. Cross sections (not less than two) of existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills.
  - i. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
  - j. A detailed erosion and sediment control plan including specific locations, construction details and supporting calculations for temporary and permanent sediment control structures and facilities.
  - k. A landscaping plan, including temporary erosion control plantings, permanent drought-resistant slope plantings, replacement or temporary groundcover, and irrigation facilities.
  - l. The location of any borrow site or location for disposal of surplus material.
- E. The soils engineering report required by Subsection L-V 13.6D shall include:
- 1. An index map showing the regional setting of the site;
  - 2. A site map that shows the topographic features of the site and locations of all soil borings and test excavations accompanied with a log for each soil boring and test excavation;
  - 3. Classification of the soil types and data regarding the nature, distribution and strength of existing soils;
  - 4. A suitable scaled map and cross sections showing all identified areas of land slippage;
  - 5. A description of any encountered groundwater or excessive moisture conditions;

6. Conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary;

7. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

F. The engineering geology report required by Subsection L-V 13.6D shall include:

1. An adequate description of the geology of the site and geology of the adjacent areas when pertinent to the site;

2. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;

3. Opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors; and

4. Recommendations for mitigation of geologic hazards.

G. The Building Official may require a geotechnical investigation in accordance with the California Building or Residential Code when, during the course of an investigation, any of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15,240 mm) or less;

2. Unconsolidated sandy alluvium;

3. Seismic Design Category C, D, E or F.

H. Regular Grading Requirements.

1. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give

the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- a. General vicinity of the proposed site;
  - b. Limiting dimensions and depth of cut and fill;
  - c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures with fifteen (15) feet (4,572 mm) of the proposed grading;
  - d. Property limits and accurate contours of existing ground;
  - e. Typical cross section(s) of the existing and proposed graded area(s) at locations of maximum cut and fill;
  - f. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- I. The provisions of those applicable sections of Division II of the California Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.
- J. The Building Official may require professional inspection and testing. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.
- K. In issuing a permit, the Building Official may impose conditions as prescribed by this Chapter necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:
1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings;

2. Improvement of any existing unstable grading affected by this permit to comply with the standards of this Section;
3. Protection of grading which would otherwise be hazardous;
4. Dust, erosion and sediment control, and season of work, weather conditions, sequence of work, access roads and haul routes;
5. Safeguard watercourses from excessive deposition of sediment or debris;
6. Safeguard areas reserved for on-site sewage disposal, water supply and hazardous material storage;
7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion;
8. Compliance with all applicable provisions of the Nevada County Land Use and Development Code.

L. If grading operations are commenced before first securing a proper permit, no permit will be issued until illegal grading has stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition to the extent feasible, and to the extent full restoration is not possible mitigation measures may be imposed to remediate any damage caused. Restoration shall be in conformity to an approved restoration plan.

M. Winter operations shall not be allowed if an immitigable high potential for accelerated erosion exists due to slope, rock or soil type, proximity to a stream or drainage course, magnitude or duration of disturbance, or other characteristics of the project and the site. Approval shall be obtained from the Building Official prior to any grading activity during the Rainy Season. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14).



## **Sec. L-V 13.7 Grading Fees**

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14).

## **Sec. L-V 13.8 Bonds**

A. As a condition for the issuance of a permit, the Building Official may require the deposit of improvement security in sufficient amount deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. The form of security shall be acceptable to County Counsel. Public agencies are exempted from this provision by law.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work and subdivision improvements as being complete or until the subdivider has entered into an agreement to complete all unfinished work and improvements and furnished improvement security pursuant to Section L-V 13.8, whichever first occurs.

C. For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work as being complete.

D. In addition to the improvement security, the Building Official may also require the deposit of maintenance security in a sufficient amount deemed necessary by him or her to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one (1) year after the date of expiration of the improvement security as designated in Subsections B and C above.

E. Any bond or deposit required by the Building Official pursuant to this Section shall be payable to the Nevada County Building Department.

F. Upon satisfaction of applicable provisions of this Section, the improvement and maintenance security deposits or bonds will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done, and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the County of the cost of the work. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.9 Cuts**

A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

B. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTION: A cut surface may be at a slope gradient of 1.5 horizontal to 1 vertical (67 percent) provided that all of the following are met:

1. It is not intended to support structures or surcharges.
2. It is adequately protected against erosion.
3. It is no more than 8 feet in height.

4. The soil is not classified as CH, CL, or MH.
5. It is approved by the Building Official. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

#### **Sec. L-V 13.10 Fills**

- A. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this Section.
- B. Where fill is intended to support any permanent structure, an engineered grading plan shall be required. The placement and compaction requirements shall be as stated in the engineering report.
  1. Where fill is intended to support any paved surface, or is part of a fire access road or driveway, the requirements of this section shall be followed.
  2. The guidelines of this section shall be followed for all other fills except compaction to a minimum of 90 percent of maximum density need not be provided for minor fills not intended as a buildable area. Lots with non-engineered fills or fills not compacted in compliance with Subsection D shall be documented. Future development on the lots shall require a qualified person to determine the proposed work is not within the fill area or can adequately be built in the fill area.
- C. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1,524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3,048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet (3,048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.
- D. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a

maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

- E. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
  - 1. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3,048 mm) or more below grade, measured vertically;
  - 2. Rocks shall be placed so as to assure filling of all voids with well-graded soil.
- F. All fills shall be compacted to a minimum of 90 percent of maximum density.
- G. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope). (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.11 Setbacks**

- A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-33-1.

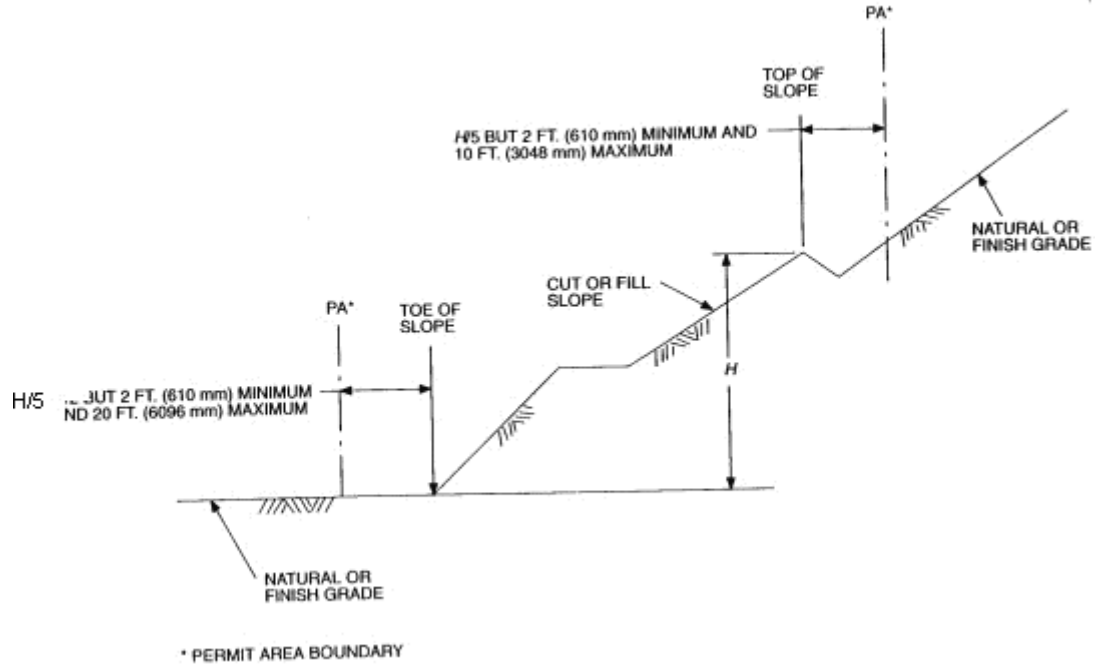


FIGURE A-33-1—SETBACK DIMENSIONS

B. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and a maximum of 10 feet (3,048 mm). The setback may need to be increased for any required interceptor drains.

C. The toe of fill slope shall be made not nearer to the site boundary line than one-fifth the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6,096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

1. Additional setbacks;
2. Provision for retaining or slough walls;
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;

4. Provisions for the control of surface waters.

D. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

**Sec. L-V 13.12 Drainage and Terracing**

A. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

EXCEPTION: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

Storm drainage and design standards not otherwise specified herein shall comply with Section 5 “Storm Drainage,” Chapter XVII, of the County of Nevada Land Use and Development Code.

B. Terraces at least 6 feet (1,829 mm) in width shall be established at not more than 30-foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet (18,288 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-height shall be 12 feet (3,658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an

approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1,524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m<sup>2</sup>) (projected) without discharging into a down drain.

C. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of five (5) percent toward approved drainage facilities, unless waived by the Building Official.

EXCEPTION: The gradient from the building pad may be two (2) percent if all of the following conditions exist throughout the permit area:

E. No proposed fills are greater than 10 feet (3048 mm) in maximum depth.

1. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3,048 mm).

2. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3,048 mm).

When surface drainage is discharged onto any property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. A grading and discharge plan shall be required which includes the analysis of the effect of the discharge.

F. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12,192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved

width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official.

G. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains and other devices. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.13 Road and Driveway Standards**

A. The construction and design of all roadways shall be done in conformance with Section 3, "Road Design Standards," Chapter XVII, LUDC.

B. The construction and design of all driveways shall be done in conformance with Section 3, "Driveways," Chapter XVI, LUDC.

1. At no place along the length of a driveway shall the grade be in excess of the established grades in Section 3, "Driveways" Chapter XVI, LUDC. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.14 Erosion Control**

A. The following shall apply to the control of erosion and sediment from grading and construction activities resulting in land disturbance:

1. Plans shall be designed with long-term erosion and sediment control as a primary consideration;

2. Grading and construction activities during the rainy season shall provide erosion and sediment control measures except upon a clear demonstration to the satisfaction of the Building Official that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;

3. Should land disturbance be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;



4. Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of land disturbance shall be clearly defined and marked to prevent damage by construction equipment;

5. Permanent drought-resistant vegetation and structures for erosion and sediment control shall be installed as soon as possible;

6. Provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation;

7. No topsoil shall be removed from the site unless otherwise directed or approved by the Building Official. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;

8. Runoff shall not be discharged from the site in quantities or at velocities substantially above those that occurred before land disturbance, or channeled, concentrated or redirected except into drainage facilities whose design has been specifically approved by the Building Official;

9. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

B. Should increase sediment discharge occur or become imminent, the permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal, or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this Chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the Building Official may take such actions as required to abate a hazardous public nuisance.

C. Erosion and sediment control plans prepared pursuant to this Chapter shall comply with all of the following:

1. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.

2. An erosion and sediment control plan shall be required for any grading project required to have a grading permit.

EXCEPTION: The Building Official determines that the grading and/or construction activity will not impose a significant erosion or sediment discharge hazard.

3. Erosion and sediment control plans shall include an effective re-vegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas where construction activities have been completed between April 15th and October 15th shall be planted no later than November 1st. Land disturbance areas completed at other times of the year shall be planted within 15 days. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

4. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and construction activities from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.

5. Erosion and sediment control plans shall comply with the recommendations of any Civil Engineer, Geotechnical Engineer, Engineering Geologist, Architect, or Soil Erosion Control Specialist involved in preparation of the grading plans.

6. The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a Civil Engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

7. Erosion and sediment control plans shall be designed to meet anticipated field conditions.

8. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season, and for specific sediment clean-out and vegetation maintenance criteria.
9. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the Erosion and Sediment Control Guidelines for Developing Areas of the Sierras published by High Sierra Resource Conservation and Development Council.
10. For projects subject to the State requirements to prepare a SWPPP (Storm Water Pollution Prevention Program) a preliminary SWPPP may be submitted in lieu of the erosion and sediment control plan required by these regulations.
11. Erosion control measures shall be installed in accordance with the issued grading and/or construction plans prior to any rain event. Any grading completed between October 15th and April 15th shall have all erosion control materials that are required be installed in accordance with the issued construction and grading plans onsite. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.15 Grading Inspection**

- A. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with Subsection E for engineered grading and as required by the Building Official for regular grading.
- B. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the civil engineer.
- C. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and

testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the civil engineer.

D. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

Periodic progress reports may be required to be rendered by the permittee at commencement and completion of major key grading and erosion and sediment control operations.

No permittee shall be deemed to have complied with this Section until the Building Official has made a final inspection of the work and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit.

The permittee shall provide adequate access to the site for inspection by the Building Official during the performance of all work and for a minimum period of one year after acceptance by the Building Official of all improvements pursuant to this Section.

F. The Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. If, in the course of fulfilling their respective duties under this Section, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official.

H. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

I. As a condition of the permit, the Building Official may require the permittee to provide, at permittee's expense, a Geotechnical Engineer or Civil Engineer to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a Geotechnical Engineer or Civil Engineer shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five (5) feet in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height.

2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.

3. During the installation of subsurface drainage facilities.

Reports filed by the Geotechnical Engineer or Civil Engineer regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

The use of a Geotechnical Engineer or Civil Engineer for inspections shall not preclude the Building Official from conducting inspections using his, her or other authorized inspectors as may be necessary. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

### **Sec. L-V 13.16 Completion of Work**

A. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section L-V 13.15(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section L-V 13.15(C) of this Section, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this Section.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section L-V 13.15(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this Chapter.

4. The grading contractor shall submit, in a form prescribed by the Building Official, a statement of conformance to said as-built plan and the specifications.

B. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted. (Ord. 2515, 12/13/22; Ord. 2473, 1/14/20; Ord. 2424, 12/13/16; Ord. 2374, 1/14/14)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

##### **SECTION 14 ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS**

###### **Sections:**

**Sec. L-V 14.1 Purpose**

**Sec. L-V 14.2 Applicability**

**Sec. L-V 14.3 Definitions**

**Sec. L-V 14.4 Electric Vehicle Charging Station Requirements**

**Sec. L-V 14.5 Application Standards**

**Sec. L-V 14.6 Expedited Permitting Process and Permit Review**

###### **Sec. L-V 14.1 Purpose**

The purpose of the Section is to adopt an expedited, streamlined permitting process that complies with AB 1236 and Cal. Gov't Code § 65850.7 to achieve timely cost-effective installation of electric vehicle charging stations. This Section encourages the installation and use of electric vehicle charging stations by removing obstacles to and minimizing the cost of permitting for charging stations, and by expanding the ability of residential, agricultural and commercial property owners to install electric vehicle charging stations. This Section allows the county to achieve these goals while protecting the public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

###### **Sec. L-V 14.2 Applicability**

This Section applies to the permitting of electric vehicle charging stations in the unincorporated area of the County of Nevada. Electric vehicle charging stations legally established or permitted prior to the implementation of this expedited permitting process are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging station in such a way as to require new permitting. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)



## **Sec. L-V 14.3 Definitions**

A. “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, as it reads on the effective date of this Section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

B. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet; or
3. Facsimile.

C. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

D. “A feasible method to satisfactorily mitigate or avoid the specific adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit.

E. “Building Official” means the officer or other designated authority charged with the administration and enforcement of the Nevada County Code, or a duly authorized representative.

F. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014).)

## **Sec. L-V 14.4 Electric Vehicle Charging Station Requirements**

A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements of local, state and federal law.

B. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **Sec. L-V 14.5 Application Standards**

A. No later than September 30, 2017, the Building Official of Nevada County or his/her designee shall implement an expedited permitting process, after consulting with the local fire department or district, that will allow the Building Official to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit.

B. The Building Official shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. The checklist and all required permitting documentation shall be published on the County of Nevada's Internet Website.

C. In developing the expedited permitting process and checklist, the Building Official may refer to the recommendations contained in the most recent version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" and/or the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the State of California's Office of Planning and Research. The Building Official may modify the checklist and standards found in the Guidebook due to unique climatic, geological, seismological, or topographical conditions.

D. Electronic submittal of the required permit application and supporting documents shall be made available for all electric vehicle charging station permit applications. The method of electronic submittal shall be at the County's discretion. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **Sec. L-V 14.6 Expedited Permitting Process and Permit Review**

A. The applicant may submit the permit application and supporting documents to the Building Department by electronic submittal. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.

B. An application and supporting documents that satisfy the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information that is required to be eligible for expedited permit issuance.

C. Upon confirmation by the Building Official that the application is complete and meets the requirements of the checklist and is consistent with this Section, the Building Official shall administratively approve the application and issue all required permits or authorizations. The Building Official may establish a process to prioritize competing applications for expedited permits.

1. If the County makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, the County may require the applicant to apply for a use permit.

2. The County may withhold issuance of the permit or authorization if there is a violation on record for any structure associated with the application under review.

3. The County shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an "Association", as that term is defined in Cal. Civ. Code § 4080.

D. The County shall not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

E. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific adverse impact upon the public health or safety at the lowest cost possible.

F. This expedited permitting process is intended to apply only to applications for permits for electric vehicle charging stations and will not expedite the review of any other permit applications.

G. The Building Official's decision pursuant to Subsection C or D may be appealed to the Nevada County Building and Accessibility Standards Board of Appeals in accordance with Nevada County Code Section -V 2.1. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014).)

## **EXHIBIT D**

### **LAND USE**

#### **CHAPTER V BUILDINGS**

##### **SECTION 20 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

###### **Sections:**

**Sec. L-V 20.1 Purpose**

**Sec. L-V 20.2 Applicability**

**Sec. L-V 20.3 Definitions**

**Sec. L-V 20.4 Solar Energy System Requirements**

**Sec. L-V 20.5 Duties of the Building Department and Building Official**

**Sec. L-V 20.6 Permit Review and Inspection Requirements**

###### **Sec. L-V 20.1 Purpose**

The purpose of this Section is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Section encourages the use of solar systems by reducing costs to property owners and the County, and expanding the ability of property owners to install solar energy systems. This Section allows the County to achieve these goals while protecting public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015).)

###### **Sec. L-V 20.2 Applicability**

This Section shall apply to the permitting of all small residential rooftop solar energy systems in the County of Nevada as defined by Section V 20.3(B).

Solar energy systems legally established or permitted prior to the effective date of this Section are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015).)

## **Sec. L-V 20.3 Definitions**

A. “Solar energy system” means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. A “small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating, or thirty (30) kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County and all state and County health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the County.

C. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet;
3. Facsimile.

D. An “association” means a nonprofit corporation or unincorporated association create for the purpose of managing a common interest development.

E. A “common interest development” means any of the following:

1. A community apartment project.
2. A condominium project.
3. A planned development.
4. A stock cooperative.

F. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

G. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

H. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten (10) percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding ten (10) percent, as originally specified and proposed.

2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015))

## **Sec. L-V 20.4 Solar Energy System Requirements**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the California Building Standards Codes and Chapter governing Building of the County Code.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015).)

#### **Sec. L-V 20.5 Duties of the Building Department and Building Official**

A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible County Website.

B. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's



Office of Planning and Research. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015).)

## **Sec. L-V 20.6 Permit Review and Inspection Requirements**

A. The County Building Department shall adopt an administrative, non-discretionary review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the adoption on this Section. For permit applications submitted over-the-counter and electronically, the Building Department shall issue a building permit or other non-discretionary permit within five (5) business days of receipt. The time to issue a permit begins upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. All fees prescribed for the permitting of small residential rooftop solar systems must comply with Cal. Gov't Code § 66016 and Cal. Health & Safety Code § 17951.

B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.

C. The Building Official may deny the application if the Building Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such findings shall be made in writing based on substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Findings shall include a basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Building and Accessibility Standards Board of Appeals in accordance with Section -V 2.1, which may be further appealed to the Board of Supervisors.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Cal. Civ. Code §

714, defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The County shall not condition approval of an application on the approval of an Association, as defined in Cal. Civ. Code § 4080.

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review unless additional inspections are determined necessary by the Building Official based on specific climatic, geographic and/or topographical conditions.

I. The inspection(s) shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and the applicant shall be provided with a two-hour inspection window.

J. Inspections.

1. All solar energy systems shall be inspected for compliance with the manufacturer's installation requirements and the California Electrical Code.

2. The systems shall be ready for inspection with all electrical equipment/components accessible and in clear view.

3. The County's Building Inspector shall have access to all parts of the system.

4. The permit, approved plans, and specifications shall be readily available on site at the time of inspection.

5. Any changes to approved plans must be reviewed and approved by the Building Department prior to scheduling the inspection.

K. If a small residential rooftop solar energy system fails inspection, a subsequent re-inspection is authorized and may include a re-inspection fee in accordance with the County's adopted fee schedule. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015).)

**EXHIBIT E**

**LAND USE**

**CHAPTER VI SEWAGE**

**SECTION 1 IN GENERAL**

**Sections:**

- Sec. L-VI 1.1 Purpose**
- Sec. L-VI 1.2 Definitions**
- Sec. L-VI 1.3 Applicability of this Chapter**
- Sec. L-VI 1.4 Sewage Disposal**
- Sec. L-VI 1.5 System Permit Required**
- Sec. L-VI 1.6 Department Fees**
- Sec. L-VI 1.7 Connection to Public Sewer System**
- Sec. L-VI 1.8 Site Evaluation Required**
- Sec. L-VI 1.9 Soil Testing Required**
- Sec. L-VI 1.10 Site Approval Report**
- Sec. L-VI 1.11 Sewage Disposal System Construction Permit Application**
- Sec. L-VI 1.12 Action on Permit Application**
- Sec. L-VI 1.13 Inspections**
- Sec. L-VI 1.14 System Monitoring and Maintenance**
- Sec. L-VI 1.15 Sewage Disposal System Abandonment**
- Sec. L-VI 1.16 Variances**
- Sec. L-VI 1.17 Advisory Group Established**
- Sec. L-VI 1.18 Appeals**
- Sec. L-VI 1.19 Requirements for Land Use Projects**
- Sec. L-VI 1.20 Centralized Sewage Disposal Criteria**
- Sec. L-VI 1.21 Violations, Nuisances and Abatement**
- Sec. L-VI 1.22 Reserved**

## **Sec. L-VI 1.1 Purpose**

The purpose of this Chapter is protection of public health through establishment of minimum standards for design, construction, installation, operation, maintenance, replacement, alteration, enlargement, repair and abandonment of facilities for disposal of sewage within the unincorporated area of the County of Nevada. The procedural and regulatory framework is contained in this Chapter. All work shall be done pursuant to this Chapter with the applicable permits in compliance with accepted engineering practice. The Board of Supervisors, by separate Resolution, may adopt per Assembly Bill 885 and State of California Water Resources Control Board a Local Area Management Plan (LAMP) and State Water Resources Control Board On-Site Wastewater Treatment System (OWTS) Policy, delineating in specific detail implementing standards and regulations reflecting acceptable practices and procedures. (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.2 Definitions**

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. BLACKWATER - Human or commercial kennel wastes including feces, urine, the carriage water generated through toilet usage, other extraneous substances of body origin, toilet paper and wastes discharged from kitchen sinks and dishwashers.
- B. BOARD OF SUPERVISORS - The Nevada County Board of Supervisors.
- C. CENTRALIZED SEWAGE DISPOSAL SYSTEM - Facilities for the collection, transportation, treatment and disposal of any sewage from two (2) or more sources by any method which meets State and local minimum standards.
- D. CONSULTANT - One of the following persons (exclusive of Department personnel):
  - 1. Certified Engineering Geologist,
  - 2. Certified Professional Soil Scientist,
  - 3. Registered Civil Engineer,
  - 4. Registered Environmental Health Specialist, or
  - 5. Registered Geologist.
- E. CONTRACTOR - A person who possesses an active Class A, B-1, or C-42 contractor's license in accordance with the provisions of the California Business and Professions Code.

F. DEPARTMENT - The Nevada County Department of Environmental Health, it's director and designated employees.

G. DIRECTOR - The Director of the Nevada County Department of Environmental Health, or their designated employee.

H. GRAYWATER - Untreated wastewater that has not come into contact with toilet wastes. It includes used water from bathtubs, showers, bathroom wash basins, and from clothes washing machines and laundry tubs. It does not include wastewater from kitchen sinks, dishwashers or laundry water from soiled diapers.

I. OWNER - Any person who alone, or jointly, or severally with others:

1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
2. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or as the owner's authorized representative.

J. OWNER'S AUTHORIZED REPRESENTATIVE - A person authorized in writing by an owner of or holder of an easement sufficient to authorize the work on the land on which the system is to be installed, to represent the owner's or easement holder's interests, (e.g., consultant, contractor, real estate agent, etc.)

K. QUALIFIED PROFESSIONAL - one of the following persons (exclusive of Department personnel)

1. Certified Engineering Geologist,
2. Certified Professional Soil Scientist,
3. Registered Civil Engineer, or
4. Registered Environmental Health Specialist.

L. PERSON - Any individual, corporation, association, firm, organization, partnership, or company.

M. PUBLIC ENTITY - A local agency, as defined in Cal. Gov't Code §§ 53090 – 54999.7 which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual sewage disposal systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from individual sewage disposal systems and to conduct any monitoring of surveillance programs as required for water quality control purposes.

N. PUBLIC SEWER SYSTEM - Any sewer system constructed, installed, maintained, operated and owned by or for a municipality or taxing district established for sewage disposal purposes.

O. PUBLIC WATERS - Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or

underground waters, natural or artificial, public or private, which are wholly or partially within or bordering the County of Nevada or within its jurisdiction.

P. PUBLIC WATER SYSTEM - A system for the provision of water for human consumption through pipes or other constructed conveyances that has fifteen (15) or more service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

Q. SEWAGE - Blackwater, graywater, and/or any liquid contaminated with materials thereof.

R. SEWAGE DISPOSAL REGULATIONS - The implementing standards and requirements of this Chapter developed by the Department and the community, and subsequent amendments thereto, adopted by the Board of Supervisors by Resolution. The Sewage Disposal Regulations include specific detail on acceptable sewage disposal systems and permitting.

S. SOURCE - Point of origin of a wastewater discharge from any residential, commercial, or recreational building and/or establishment.

T. SYSTEM - A sewage disposal facility, including replacement area, commencing with the building sewer, designed for the collection, treatment and disposal of sewage, or sewage storage only, on a site. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.3 Applicability of this Chapter**

The requirements of this Chapter, as supplemented by LAMP and OWTS Policy, shall apply to all sewage disposal and for any division of land in Nevada County approved after the adoption of this Chapter. (Ord. 2448. (05/08/2018).)

### **Sec. L-VI 1.4 Sewage Disposal**

A. It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to treat or dispose of sewage in any manner other than by a sewer, septic tank and leaching system, centralized sewage disposal system, public sewer system or other method of sewage disposal meeting the standards set forth in this Chapter and LAMP and OWTS Policy.

B. A system shall be constructed, operated and maintained in compliance with all requirements of the permit allowing its installation and operation and so as not to permit sewage to rise to the ground surface or to discharge sewage onto the ground or into the groundwater or surface water. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.5 System Permit Required**

It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to construct, install, replace, alter, enlarge, abandon or repair a system, or any portion thereof, in or upon any property in the County without first having obtained a permit to do so from the Department, except as provided in this Chapter.

#### **Sec. L-VI 1.6 Department Fees**

Fees for permits and other services of the Department required by this Chapter shall be established by resolution of the Board of Supervisors. The applicable fee shall be paid at the time of filing a permit application or in advance of the service. In the event that a permit application is denied in writing by the Department, fees will be charged when a new application is made.

#### **Sec. L-VI 1.7 Connection to Public Sewer System**

A. Connection to a public sewer system shall be required for all new construction when the public sewer system is within two hundred (200) feet of any boundary of an existing property or within five hundred (500) feet of any boundary of a proposed parcel map or tentative map, as measured in a straight line, so long as a connection can be legally and physically achieved. A system permit shall not be required in said instance so long as connection is made in accordance with the rules and regulations of the public entity operating the public sewer system.

B. In the event that an existing on-site wastewater disposal system fails, the Department may compel connection to a public sewer system if the property boundary is within two hundred (200) feet of the public sewer system as measured in a straight line, so long as a connection can be legally and physically achieved.

#### **Sec. L-VI 1.8 Site Evaluation Required**

A site evaluation of the property, in conformance with LAMP and OWTS Policy, shall be conducted by the Department and the applicant's consultant prior to issuance of a system permit in order to provide sufficient information to prepare the site approval report as required in Section VI 1.10 of this Chapter. The property owner or owner's authorized representative shall make application for a site evaluation to the Department and pay the required fee before applying for a system construction permit. (Ord. 2448. (05/08/2018))



## **Sec. L-VI 1.9 Soil Testing Required**

A. A minimum of two (2) soil test pits are required in an area proposed for sewage disposal prior to applying for a system permit, provided, however, that the Department may waive this requirement where sufficient information already exists. The soil test pits shall be witnessed by the Department and the applicant's consultant. All soil test pit excavations shall be adequately protected and backfilled following logging of the soil by a qualified professional.

B. "Wet weather testing" to determine the depth to water below the surface of the ground may be required by the Department prior to approving a site for a system. Wet weather testing will be performed during that time of year representative of soil saturation as determined by the Department according to LAMP and OWTS Policy.

C. System sizing shall be based on percolation tests or soil type. Where percolation tests are utilized for sizing the system, a minimum of three (3) percolation tests shall be performed in the area where a system is to be located. Percolation tests shall be conducted by the applicant's qualified professional.

D. For parcels tested after the effective date of this Chapter, the applicant's qualified professional shall prepare a site evaluation report for the site, including the results of all soil testing, in conformance with LAMP and OWTS Policy. The site evaluation report shall be submitted to the Department by the applicant's qualified professional within sixty (60) days of the date the site evaluation is completed on the property. (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.10 Site Approval Report**

A site approval report in conformance with LAMP and OWTS Policy shall be prepared by the Department after receipt of the site evaluation report from the qualified professional or owner. The site approval report shall specify the type(s) of system(s), if any, that can be approved for the parcel. (Exception: a site approval report is not required where soils testing was conducted prior to the adoption of this Chapter and the Department finds that the site and prior test results are acceptable.) (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.11 Sewage Disposal System Construction Permit Application**

A. The property owner, qualified professional, or contractor, shall make application for a system permit on a form provided by the Department for that purpose.

B. All information and documents required by LAMP and OWTS Policy, including a consultant's design and certification where required, shall be provided and completed at the time of application and shall, at a minimum, include:

1. The required number of site plans;
2. Results of all soils testing, if not on file at the Department;
3. A site approval report, unless not required; and
4. System design work and calculations for systems which are designed by a qualified professional. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.12 Action on Permit Application**

A. The Department will act on a system construction permit application to approve, conditionally approve, or deny it, based upon its compliance with the requirements of this Chapter and LAMP and OWTS Policy.

B. The Department may issue a permit only when all of the requirements of this Chapter and LAMP and OWTS Policy have been met. The permit may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. System construction permits shall expire and become void one (1) year from the date they are issued. Upon written request, an unexpired permit may be renewed for a maximum of one (1) year beyond the initial expiration date. An unexpired valid permit may be transferred to a new property owner. The new owner shall make a written request for transfer of the permit upon the change of ownership.

C. The Department shall deny any permit application that fails to comply in any regard with the requirements of this Chapter or LAMP and OWTS Policy.

D. The applicant or any person interested in the permit application may appeal any decision of the Department pursuant to Section VI 1.18. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.13 Inspections**

A. The system components and construction shall be inspected by the Department as required by the construction permit for compliance with permit conditions, this Chapter and LAMP and OWTS Policy. Final approval of the construction permit shall only be granted after the Department has completed all necessary system inspections. Department inspection(s) of the system may be waived by the Department on a case-by-case basis for good cause as provided for in LAMP and OWTS Policy.

B. All special design system installations shall also be inspected by the applicant's qualified professional who shall certify in writing to the Department that the installation has met the design as approved by the Department. The final approval of the system by the Department cannot be given until this certification is received.

C. The Department shall issue a Certificate of Satisfactory Completion for a system upon determination that the system as constructed and installed complies with the requirements of the permit and this Chapter, as supplemented by LAMP and OWTS Policy. No system constructed after the effective date of this Chapter shall be placed into operation without a Certificate of Satisfactory Completion. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.14 System Monitoring and Maintenance**

A. Any system identified in LAMP and OWTS Policy or in conditions imposed upon permit approval as requiring ongoing monitoring and maintenance after being placed in operation shall be operated and maintained in compliance with all applicable requirements. All owners of such systems shall obtain and maintain a current annual operating permit for the system, issued by the Department. The Department may suspend or revoke an operating permit for failure to comply with the applicable monitoring and maintenance requirements in which event further operation of the system shall cease until the suspension is lifted or a new annual operating permit issued.

B. Monitoring, inspection and maintenance of these systems shall be performed by persons who possess a current registration, license, or certification in a related field by the State of California under the Business and Professions Code, and who demonstrate

current knowledge and competency in the requirements of this Chapter and LAMP and OWTS Policy as provided for in LAMP and OWTS Policy.

C. The Department may make periodic quality assurance checks to ensure that certified service providers are adhering to the requirements of LAMP and OWTS Policy and specific permit conditions for monitoring and maintenance. The Department may suspend or revoke a person's certification for failure to comply with LAMP and OWTS Policy and this Chapter. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.15 Sewage Disposal System Abandonment**

A system shall be abandoned if the Department has issued a notice or an order to abandon the system or shall be abandoned if the system will no longer be used because the facility served by the system has connected to another approved sewer system or the use requiring the system has permanently terminated. A system shall only be abandoned in accordance with LAMP and OWTS Policy. An abandoned system shall no longer be utilized for sewage disposal. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.16 Variances**

A. A variance from the requirements of this Chapter or LAMP and OWTS Policy may be granted as provided therein on a case-by-case basis with written approval of the Director under the following circumstances:

1. Because of special circumstances applicable to the specific parcel (e.g. size, shape, topography, soil characteristics, location, surroundings), a strict application of this Chapter and LAMP and OWTS Policy would otherwise cause the property owner to suffer unique hardship or deprivation of property privileges enjoyed for other property in the vicinity and zoning district in which such property is located;
2. The hardship was not intentionally caused by the action of the applicant;
3. Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
4. Reduction of requirements would not present a health hazard or the pollution or degradation of public waters.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district.

B. Applications for variances shall be made in writing on a form provided by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a variance should be granted under the provisions of this Section. After conclusion of the investigation, the Director or their designee shall prepare a written order of specific findings of fact and reasons for granting or denying said variance.

C. The Director or their designee shall approve, conditionally approve or deny the variance in writing within fifteen (15) working days from the date a completed application is received, unless that time period is waived by the applicant due to the uniqueness, length, or complexity of the application or the issues raised.

D. The applicant or any person interested in the variance may appeal any decision of the Director or their designee pursuant to Section VI 1.18 of this Chapter. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.17 Advisory Group Established**

A. There shall be and is hereby created a Sewage Disposal Technical Advisory Group as established in LAMP and OWTS Policy by separate Resolution.

B. The purpose of the Sewage Disposal Technical Advisory Group shall be to review and recommend proposed revisions and additions to the sewage ordinance and LAMP and OWTS Policy in an advisory capacity; to review and recommend new methods, techniques and materials for on-site sewage disposal in an advisory capacity; and to serve as an appeal body pursuant to the provisions of Section -VI 1.18 of this Section. The Group shall not be empowered to waive requirements of either this Article nor of LAMP and OWTS Policy. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.18 Appeals**

A. Any decision of the Department or the Director or his/her designee pursuant to this Chapter and LAMP and OWTS Policy may be appealed to the Sewage Disposal Technical Advisory Group following the procedures set out in LAMP and OWTS Policy. Any appeal shall be filed with the Department within twenty (20) working days of the date of the decision, on forms provided by the Department with the appropriate fee.

B. A hearing of the Sewage Disposal Technical Advisory Group shall be scheduled within twenty (20) working days of receipt of a completed appeal application and appropriate fee. The Sewage Disposal Technical Advisory Group shall provide a written decision on the appeal that may affirm, modify, or reverse the Department's decision, within twenty (20) working days of the hearing.

C. The decision of the Sewage Disposal Technical Advisory Group may be appealed to the Nevada County Board of Supervisors. The application and fee for the appeal shall be submitted to the clerk of the Nevada County Board of Supervisors within ten (10) calendar days from the date of the Group's decision. A hearing will be scheduled, and a decision rendered according to the procedure established for land use appeals in Section governing Appeals in the Chapter on Administration and Enforcement of this Code. The decision of the Nevada County Board of Supervisors is final. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.19 Requirements for Land Use Projects**

A. Requirements of LAMP and OWTS Policy shall be utilized in determining the suitability of the site for proposed land use projects. Unless otherwise approved by the Department, the site evaluation process of the Section governing Prohibited Acts under Subdivisions in this Code shall be used to demonstrate sewage disposal feasibility for all land use projects. The written site evaluation report prepared by the applicant's qualified professional shall be submitted to the Department concurrently with the project application to the Nevada County Planning Department.

B. For subdivisions, all proposed parcels shall have a site approval report as specified in Section 1.10 above prior to recordation of the map. This requirement may be waived by the Department for creating parcels of forty (40) acres or greater as provided for in LAMP and OWTS Policy. For subdivisions with on-site systems proposed, a minimum usable disposal area shall be delineated on each lot of the map to be recorded. Minimum usable sewage disposal area requirements for subdivisions proposing centralized systems will be considered on a case-by-case basis in

accordance with the Centralized System Design Package and Centralized Wastewater Collection, Treatment and Disposal Systems in this Chapter.

C. An experimental system shall not be permitted for the creation of parcels or additional building sites and no variance may be granted to allow utilizing an experimental system. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.20 Centralized Sewage Disposal Criteria**

Centralized systems shall be authorized only under the provisions of Centralized Wastewater Collection, Treatment and Disposal Systems of this Chapter.

#### **Sec. L-VI 1.21 Violations, Nuisances and Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

#### **Sec. L-VI 1.22 Reserved**

## **EXHIBIT E**

### **LAND USE CODE**

#### **CHAPTER VI SEWAGE DISPOSAL**

#### **SECTION 3 CENTRALIZED WASTEWATER COLLECTION TREATMENT AND DISPOSAL SYSTEM**

##### **Sections:**

<b>Sec. L-VI 3.1</b>	<b>Purpose</b>
<b>Sec. L-VI 3.2</b>	<b>Definitions</b>
<b>Sec. L-VI 3.3</b>	<b>Centralized Wastewater Collection, Treatment &amp; Disposal Systems</b>
<b>Sec. L-VI 3.4</b>	<b>Centralized Wastewater System Construction and Operation</b>
<b>Sec. L-VI 3.5</b>	<b>Centralized Wastewater System Permit Fee and Certificate of Operation</b>
<b>Sec. L-VI 3.6</b>	<b>Sewage Entity Approval Required for Small or Large Systems</b>
<b>Sec. L-VI 3.7</b>	<b>Centralized Wastewater Disposal Permit Application Process</b>
<b>Sec. L-VI 3.8</b>	<b>Location of Treatment System and any Soil Absorption Fields</b>
<b>Sec. L-VI 3.9</b>	<b>Percolation Test and Soil Mantle</b>
<b>Sec. L-VI 3.10</b>	<b>Centralized Wastewater System Design</b>
<b>Sec. L-VI 3.11</b>	<b>Applicable Standards</b>
<b>Sec. L-VI 3.12</b>	<b>Responsibilities and Administrative Authority</b>
<b>Sec. L-VI 3.13</b>	<b>Environmental Health Director's Responsibility</b>
<b>Sec. L-VI 3.14</b>	<b>Relationship to a Regional Water Quality Control Board of the State of California</b>
<b>Sec. L-VI 3.15</b>	<b>Inspections and Performance Monitoring</b>
<b>Sec. L-VI 3.16</b>	<b>Violations, Nuisances, Abatement</b>
<b>Sec. L-VI 3.17</b>	<b>Conflict of Interest</b>



### **Sec. L-VI 3.1 Purpose**

The purpose of this Section is to establish minimum standards for the protection of public health for the design, construction, maintenance and operation of centralized wastewater collection, treatment and disposal systems when such methods of collection, treatment and disposal have been approved for use by the Board of Supervisors.

This Section shall apply to all sewage entities whether public or private which are located in the unincorporated areas of the County of Nevada; provided, however, that where any public agency which functions as a sewage entity has adopted its own standards and regulations by ordinance for the disposal of sewage through the operation of a centralized wastewater system, the provisions of this Section shall not apply as to such public agency.

### **Sec. L-VI 3.2 Definitions**

For the purposes of this Chapter and in addition to the definitions provided in Sections one (1) and two (2) of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

A. **CENTRALIZED WASTEWATER SYSTEM** means a system of conduits, treatment and disposal facilities in which wastewater is collected and transported to a central area where treatment and/or final disposal is affected. **TYPES:**

1. **Cluster Wastewater Collection, Treatment and Disposal System (CWCTDS)** means a system for the collection, transportation, treatment and disposal of any wastewater from at least two (2) but no more than five (5) sources (source shall be defined as a wastewater discharge from any single-family residential, commercial unit, recreational, institutional building and/or establishment with a maximum of 2500 gallons per day wastewater discharge) by any method which meets State and local minimum standards.

2. **Small Wastewater Collection, Treatment and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from at least six (6) but no more than ninety-nine (99) single-family residential sources or the equivalent flow.

3. Large Wastewater Collection, Treatment, and Disposal System means a system for the collection, transportation, treatment, and disposal of any wastewater from more than ninety-nine (99) single-family residential sources or the equivalent flow.

B. APPLICANT means any person, firm, company, corporation, association, public agency, sewage entity or organization that proposes to design, construct, maintain, and operate a centralized wastewater collection, treatment and disposal system.

C. COMMUNITY SERVICES DISTRICT means any District formed in an unincorporated territory to construct and operate works for the collection, transportation, treatment, and disposal of sewage in accordance with procedures, rules and regulations of the California Government Code.

D. COUNTY SANITATION DISTRICT means a District organized within an incorporated or unincorporated territory empowered to build and operate sewers and sewage disposal or treatment plants for the collection, transportation and disposal of wastewater within or without the District. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

E. COUNTY SERVICE AREA means an area in an unincorporated territory within the County that has been designated by the Board of Supervisors in accordance with the procedures, rules and regulations of the California Government Code for the collection, transportation, treatment, and disposal of sewage within that County service area.

F. PUBLIC SEWER means any sewer constructed, installed, maintained, operated, and owned by a municipality or taxing District established for that purpose.

G. PUBLIC UTILITY DISTRICT means a District organized in an unincorporated territory to acquire, construct, own or operate revenue producing utilities for the disposition of sewage in accordance with the procedures, rules and regulations of the California Public Utilities Code.

H. SANITARY DISTRICT means a District organized within any territory empowered to acquire, construct and operate works for the collection, transportation, treatment and disposal of wastewater. Such District shall have been formed in

accordance with the procedures, rules and regulations of the California Health and Safety Code.

I. SANITARY SEWER means a sewer which carries sewage and into which storm, surface, and groundwaters are not intentionally admitted.

J. SEWER means a pipe or conduit for carrying sewage.

K. SEWAGE ENTITY means a public District or private organization responsible for the collection, transportation, treatment and disposal of sewage under one (1) administrative authority.

L. OTHER DISTRICTS means any other lawful entity formed under California law for the collection, transportation, treatment, and disposal of sewage either as of the date of this act or in the future.

### **Sec. L-VI 3.3 Centralized Wastewater Collection, Treatment & Disposal Systems**

The Environmental Health Director shall allow centralized wastewater collection, treatment and disposal systems where the requirements of this Section, the California Environmental Quality Act, and the California Subdivision Map Act and all other provisions of law have been satisfied. This applies to repairs or new construction. The Environmental Health Director shall adopt and modify as conditions warrant a ♦ Centralized Wastewater Collection, Treatment and Disposal Design Package<sup>3</sup> to accomplish the purposes of this Section and ensure the protection of the public health and safety. Centralized systems shall require special application and permit provisions. If a sewage entity exists in the proposed project area, inclusion in that entity must be assured before a permit can be issued for the system. Such systems shall require performance review, monitoring, and sampling. The additional cost of design review, monitoring and sampling shall be borne by the owner or an administrative authority responsible for the operations and maintenance of said centralized system. Centralized systems shall be divided into three categories. Said categories are:

A. Cluster Wastewater Collection, Treatment and Disposal Systems (CWCTDS)

B. Small Wastewater Collection, Treatment and Disposal Systems (SWCTDS)

## C Large Wastewater Collection, Treatment and Disposal Systems (LWCTDS)

### **Sec. L-VI 3.4 Centralized Wastewater System Construction and Operation**

It shall be unlawful for any person, whether as principal, servant, agent or employee, owner or tenant, to construct or operate a centralized wastewater collection, treatment and/or disposal system, sanitary sewer, public sewer, or sewage entity without meeting the standards set forth in this Chapter and approved by the Environmental Health Director and without first having obtained a permit to do so from the Environmental Health Department.

### **Sec. L-VI 3.5 Centralized Wastewater System Permit Fee and Certificate of Operation**

For each centralized wastewater disposal permit application a fee shall be charged. Said fee shall be based upon the man hours spent on design review and field time by staff of the Environmental Health Department, plus overhead expenses. An initial fee shall be paid to the Environmental Health Department at the time an application for a centralized permit is filed. Said initial fee shall be set by the Board of Supervisors. The subsequent design review and field time shall be paid before a permit is issued. An estimate of the costs for design review and field time shall be provided to the applicant prior to the Environmental Health Department commencing said process. In the event a permit is denied for a centralized system, such fees shall still be due and payable and the Environmental Health Department may seek such remedies as are necessary to receive such costs including, but not limited to, placing a lien on the property. When an application for a centralized permit is denied in writing by the Environmental Health Director fees will be charged when a new application is made. The minimum design review fee for a centralized system shall be set by the Board of Supervisors. For each centralized collection treatment and disposal system a certificate of operation shall be required in accordance with Section 5, Sections Code of the County of Nevada, Environmental Health Certificate of Operation. A certificate of operation shall be issued upon completion and approval of each system. Annual renewal and fee provisions in accordance with requirements of an Environmental Health Certificate of Operation shall apply.

### **Sec. L-VI 3.6 Sewage Entity Approval Required for Small or Large Systems**

No application shall be accepted for a centralized wastewater system containing six (6) or more connections, until the property to be served thereby is accepted for inclusion into public entity as required by Section 3.12, Paragraph 2 of this Section.

### **Sec. L-VI 3.7 Centralized Wastewater Disposal Permit Application Process**

The property owner or their designated representative must make application for a centralized wastewater disposal permit on a form provided by the Environmental Health Department for that purpose. A design package shall be submitted to the Environmental Health Department at the time of application. Said design package shall contain the following information and/or documents:

- A. Past and present conditions including but not limited to, all prior soil mantles, soils work, percolation tests, previous proposals, existing wastewater treatment, collection and disposal systems.
  
- B. Preliminary basis of design including, but not limited to, proposed dwelling structures, flow projections, topography, hydraulic design factors, materials, manholes, inspection chambers and well pumps and pressure pipes, objectives and standards, the design basis for the sewage treatment and final disposal, and the predicted quality and quantity of the final effluent.
  
- C. Proposed location of the treatment system and final disposal area plus locations of any repair or expansion areas (100% repair area for any subsequent subsurface soil absorption system).
  
- D. Location of all wells, water service connections, water distribution systems, or other water source.
  
- E. All required setback distances.
  
- F. Distances from wells on all parcels included in the proposed system.
  
- G. Location of ponds, creeks, springs, cut banks, rock out-croppings, etc.

- H. Direction and percent of slope in the wastewater disposal areas.
- I. Location and description of all proposed or existing structures, driveways, roads, etc.
- J. Two (2) copies of scaled maps showing all structures, electrical cables, telephone lines, and the collection system.
- K. Two (2) copies of detailed, scaled treatment and disposal site plans showing the locations of any structures, the sewage treatment and disposal system and repair area.
- L. Two (2) copies of scaled two (2) view drawing of all components of the system conforming to American Standard drawings and drafting room practice. Three (3) view drawings may be required if necessary to clarify component design.
- M. Two (2) copies of the calculations made to determine the quantity and quality of the final effluent.
- N. A statement of justification, alternative analysis and certification of the proposed system by the designer.
- O. A contingency plan, which outlines the immediate actions to be taken should a failure occur and an action plan for repairs, expansion or replacement of the system as is appropriate.
- P. Operation, maintenance, and monitoring instructions, which provide brief and simple guidance regarding the operation, maintenance, and monitoring of the system.
- Q. Grant easement for access by Health Department and Regional Board personnel and agents for periodic inspection as necessary.

### **Sec. L-VI 3.8 Location of Treatment System and any Soil Absorption Fields**

Those distances as prescribed in Section 1 shall apply as follows:

- A. For any primary/secondary treatment system or pumping well, location requirements shall be the same as for a septic tank.
- B. Non-acceptable areas shall be the same as under Section 1 of this Chapter.

### **Sec. L-VI 3.9 Percolation Test and Soil Mantle**

Minimum of six (6) percolation test holds and two (2) soil mantles are required in any proposed absorption field and the same in the proposed repair expansion area for the initial design review. Additional soils testing may be required to demonstrate soil consistency throughout the disposal area. Percolation tests shall be performed in a manner as prescribed by the Environmental Health Director. Any alternative percolation test procedure may be utilized only with the written approval of the Environmental Health Director. All mantle excavations must be adequately protected under applicable regulations and backfilled following logging of the soil profile by a registered civil engineer, registered engineering geologist, or registered sanitarian.

### **Sec. L-VI 3.10 Centralized Wastewater System Design**

A. The standards for design of centralized wastewater systems shall be adopted by the Environmental Health Director so as to ensure protection of the public health and safety. All centralized systems shall be designed and certified by a registered civil engineer, registered sanitarian, or registered engineer geologist. All such system designs shall be submitted to the Environmental Health Department prior to the issuance of the sewage disposal permit. Each centralized system design will be considered on an individual case-by-case basis in accordance with the latest sewage disposal ♦ Centralized System Package<sup>s</sup> as adopted by the Environmental Health Department. Such consideration may result in additional mitigating requirements or denial.

B. All centralized system installations shall be directly supervised by the designer who shall certify in writing to the permit file upon completion that the installation has met the design criteria as approved by the Environmental Health Department. The final approval by the Environmental Health Department of the sewage disposal system cannot be given until this certification is received.

C. Each centralized system design shall be reviewed in accordance with the following:

1. Cluster systems shall be directly reviewed and evaluated by Environmental Health Department staff on a man hour costs plus overhead basis. External technical consultants may be retained by the Health Department for evaluation of the system if necessary. The cost of such consultants shall be borne by the applicant or owner. An estimate of the costs for said evaluation shall be borne by the applicant or owner.
  
2. Small systems may be reviewed and evaluated by the Environmental Health Department staff or by an engineering consultant in accordance with the rules for selection of consultants established by the Board of Supervisors and included in this Chapter as Appendix I. The cost of such consultants shall be borne by the applicant or owner.
  
3. Large systems shall be reviewed and evaluated by the appropriate regional office of the State Water Quality Control Board.

### **Sec. L-VI 3.11 Applicable Standards**

All construction performed under this Section shall be performed under the direct supervision of the designer and in accordance with the Centralized System Design Package and the standards set forth in the approved design. The systems design and parcel/sewage disposal site maps as approved by the Environmental Health Department shall remain on the job site during construction.

### **Sec. L-VI 3.12 Responsibilities & Administrative Authority**

After the date of enactment of this document the following responsibilities and administrative authority requirements shall apply to centralized wastewater collection, treatment and disposal systems.

A. For cluster systems all owners of dwellings or commercial establishments attached to said system shall be required to accept responsibility for operation and maintenance of said system collectively. Said obligations shall be recorded on the deeds of parcels connected to the system. Easements shall be granted and recorded between each and every parcel to allow for repairs, maintenance and inspection of said system. Easements shall be granted and recorded by the owners allowing access to the property by the organization conducting any required monitoring. This easement must allow representatives of the Nevada County Environmental Health Department to accompany representatives of the monitoring organization onto the property. (Ord. 1486. (03/15/1988).)



B. Notwithstanding the above provisions of this Section, any properties connected to a clustered system which system was developed prior to April 1982, shall not be required to be collectively responsible for the maintenance and operation of the system, provided, however, that any such property shall have been an easement recorded in its favor authorizing the disposal of the sewage effluent from the property in the clustered wastewater system. No new parcels (property) may be connected to a clustered system unless easements are provided in the form required by Section 3.12.A.1 of this Section. (Ord. 1486. (03/15/1988).)

C. For small and large wastewater collection treatment and disposal systems, either a public entity must be formed or the system must be approved for inclusion in an existing public entity. As of the date of the enactment of this Chapter, the following public entities exist for the collection, treatment and/or disposal of wastewater. They are:

1. County Sanitation District;
2. Sanitary District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. Sewer Maintenance District;
7. Other Districts.

The formation of or approval for inclusion in a public entity must be assured before a permit can be issued for a centralized wastewater collection treatment and disposal system requiring such an entity.

### **Sec. L-VI 3.13 Environmental Health Director's Responsibility**

In individual cases, the Environmental Health Director may be required to make more stringent requirements than these standards where such higher requirements are essential to maintain and protect public health and safety.

### **Sec. L-VI 3.14 Relationship to a Regional Water Quality Control Board of the State of California**

When a large, centralized wastewater system (100 connections or more) is proposed and a discharge permit may be issued by a Regional Water Quality Control Board, review by the Nevada County Environmental Health Department may not be required.

### **Sec. L-VI 3.15 Inspections and Performance Monitoring**

A. Pre-issue inspections shall be made prior to the issuance of a centralized sewage disposal permit to ascertain the suitability of the site. A permit application will be denied when the Environmental Health Director determines the centralized disposal system could not be expected to function in a manner that will protect the public health and safety.

B. Trenches or beds shall be inspected prior to placement of any filter media.

C. Final inspection of each installation shall be made by the Sanitarian before any subsurface system is backfilled or covered.

D. A monitoring program will be established individually for each centralized system at the time of permit issuance. Said monitoring shall be performed to ensure that the centralized wastewater collection, treatment, and disposal system is functioning satisfactorily to protect the public health and safety. The specific requirements will be based primarily upon recommendations of the design engineer and the Environmental Health Department. Monitoring requirements will normally be expected to include:

1. Water usage or waste flow metering shall be recorded in a log book.

2. Effluent level measurements in the disposal system.

3. Water quality sampling (bacterial) at least quarterly in monitoring wells or drainages.

E. The owner(s) or administrative authority or their agent will be responsible for (1) and (2) of D above.

F. Nevada County Environmental Health Department and/or its designated representatives will be responsible for (3) of D above. Additionally, periodic inspections will be made of the condition of the disposal field, water levels in monitoring wells and equipment operation.

G. All centralized sewage disposal systems shall possess a valid annual certificate of operation issued by the Environmental Health Department. Said certificate permit may be revoked for due cause. The permit fee will cover monitoring and routine inspections costs.

### **Sec. L-VI 3.16 Violations, Nuisances, Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance, and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

### **Sec. L-VI 3.17 Conflict of Interest**

County personnel performing any work covered by this Ordinance shall comply with the latest conflict of interest policy adopted by the Nevada County Board of Supervisors.

## **EXHIBIT E**

### **LAND USE**

#### **CHAPTER VI SEWAGE DISPOSAL SECTION 4 GRAYWATER SYSTEMS**

##### **Sections:**

**Sec. L-VI 4.1 Definitions**

**Sec. L-VI 4.2 Graywater Use Permitted**

**Sec. L-VI 4.3 Standards of Graywater Use**

**Sec. L-VI 4.4 Capturing and Storing Graywater**

**Sec. L-VI 4.5 Prohibited Uses of Graywater**

**Sec. L-VI 4.6 Alternate Disposal of Graywater**

**Sec. L-VI 4.7 Revocation of Graywater Discharge Permit**

**Sec. L-VI 4.8 Permit Fees**

##### **Sec. L-VI 4.1 Definitions**

For the purpose of this Section, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

A. **BLACK WATER** means liquid and solid human body waste and the carriage waters generated through toilet usage.

B. **DWELLING** means any housing unit constructed for the purpose of housing one or more families and includes mobile homes, trailers, etc.

C. **GRAYWATER** means that wastewater from a dwelling which does not contain human or animal excreta, offal, or food matter and includes waste from sinks, washing machines, and other plumbing fixtures but not toilets, bidets, and kitchen sinks.

D. **ENVIRONMENTAL HEALTH DEPARTMENT** means the Environmental Health Department of the County of Nevada.

E. ENVIRONMENTAL HEALTH DIRECTOR means the Environmental Health Director of the County of Nevada, or their duly authorized representative.

F. PERSON means any person, firm, association, organization, partnership, business, corporation or company.

G. SEPTIC TANK means a watertight receptacle which receives the discharge of a drainage system or part thereof designed and constructed so as to retain solids, digest organic matter during a period of detention, and allow the effluent to drain into an absorption system.

H. SEWAGE means any and all waste substances, liquid or solid, associated with human habitation, which contain or may be contaminated with human or animal excreta or excrement, offal or any feculent matter and includes all liquid waste from toilets, bidets and kitchen sinks.

I. SEWAGE DISPOSAL SYSTEM means any sewer system, sewage disposal plant, septic tank, drainage system, seepage pit, chemical toilet, privy or any other facility constructed for the purpose of receiving sewage or its effluent. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.2 Graywater Use Permitted**

Graywater may be utilized for purposes of irrigation of plants if the owner of the building has in their possession a current valid graywater discharge permit from the County. Such a permit is revokable for noncompliance with standards of graywater use as outlined in this Section. Graywater usage shall not be permitted if plumbing fixtures have been utilized for the purposes of cleaning Sections contaminated with feculent matter, such as diapers, animal bedding, incontinent garments, and related. Additionally, graywater shall not be discharged onto the ground if it is contaminated with hazardous chemicals, such as resulting from changing vehicle oils, photographic developing, degreasing, drain cleaners, and related materials. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.3 Standards of Graywater Use**

A. PLUMBING: Graywater may be collected and disposed of as allowed for under this Section if, at the time of installation of plumbing in the building, a dual waste water plumbing system was installed in such a way that no waste water from kitchen sinks, toilets, or bidets can, under any circumstances, intermingle with the

other waste water system (graywater system). No cross connection between the two systems shall be allowed.

Alternatively, a building may be retrofitted with plumbing to allow the reuse of some graywater by directing wastewater from the washing machine, sinks other than kitchen sink, bathtub, shower, or other fixture excluding toilets, bidet and kitchen sink.

In the case of both approaches above, the Nevada County Building Department must attest to the Environmental Health Department at the time for which the graywater discharge permit is applied that the separate graywater plumbing system conforms to these requirements.

**B. GRAYWATER TREATMENT SYSTEMS:** Treatment of graywater before it is applied as irrigation to plants may be accomplished in a number of ways at the discretion of the owner of the building. These may include, but shall not be limited to the following:

1. Direct application with no treatment.
2. Sand filtration with subsequent application.
3. Disinfection with chlorine or other substance, and subsequent application.
4. Settling and biological treatment in a buried septic tank which is not contaminated by untreated sewage (black water), with subsequent application.
5. Filtration with some method other than sand filter.
6. Some other method as proposed by the owner of the building and acceptable to the Environmental Health Department.

**C. APPLICATION METHODS:** Graywater may be applied in irrigation of plants by any of the following methods:

1. Distribution through a drip irrigation system under the pressure of gravity alone.

2. Distribution through a drip irrigation system under pressure generated by a pump, pressure tank, or elevated holding tank.
3. Subsurface distribution by way of buried perforated pipes or leaker hose, or trenches and beds specifically designed for that purpose.
4. Episodic application into irrigating wells consisting of pipes installed vertically into the ground and filled with gravel to allow a temporary reservoir within the pipe which oozes out and is absorbed into the soil from the bottom of the pipe. This method is usually utilized for irrigating large trees.

D. The following application methods will not be allowed:

1. Spraying or sprinkling into the air.
2. Flooding of an area in such a manner that standing water accumulates for a period of time to contribute to nuisances such as odors and insect breeding.
3. Discharge to the surface which can run off into seasonal streams, or any other geological formation which could allow the graywater to come to flow directly into surface water.
4. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to Section 1 of this Chapter.
5. Application which would lead to graywater flowing onto the surface of adjacent property. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.4 Capturing and Storing Graywater**

Graywater may be collected in a reservoir as it leaves the building through a separate graywater plumbing system and may then be discharged to the irrigation system or be pumped to another reservoir for subsequent discharge to the irrigation system. Reservoirs in which graywater is collected and stored shall be maintained in such a way that bacterial growth will not reach levels such that nuisances including odors

and insect breeding will develop, and shall be designed in such a way that accidental drowning or human contact with the water in the reservoir is prevented.

Stored graywater may be reserved for use in fire protection but must be maintained to prevent nuisance as discussed above and must be labeled “used water - do not drink”. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.5 Prohibited Uses of Graywater**

The following uses of graywater shall be prohibited:

- A. Drinking.
- B. Bathing.
- C. Used as swimming pool or wading pool water.
- D. Irrigation of edible crops where the irrigating water will have routinely come into contact with the edible vegetation such as root crops. Crops where the edible portion grows on the surface of the ground and surface application methods were used. Examples of root crops are carrots and potatoes; examples of crops growing on the surface of the ground include lettuce and strawberries.
- E. Discharge through a garden hose which might be inadvertently picked up by someone and either drunk or sprayed at another human being.
- F. Returning the graywater to the building for utilization in any way including use in the tank of the toilet for flushing, unless specifically approved by the County Building Department. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.6 Alternate Disposal of Graywater**

The plumbing of the graywater system exterior to the house shall be such that the graywater can be immediately diverted to an approved sewage disposal system by the process of simply turning some valves. In cases of ground saturation during rainy season, revocation of the graywater discharge permit, malfunction of the graywater accumulation or distribution system, or need to work on the graywater application



distribution system, the graywater should be able to be diverted into the sewage disposal system. The calculation of leachfield size for the approved sewage disposal system shall be performed in such a way that all water discharged from the building, both black water and graywater, shall be able to be accommodated by the leachfield. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.7 Revocation of Graywater Discharge Permit**

A permit to discharge graywater in the County of Nevada may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the graywater system.
- C. Determination by the Environmental Health Department that graywater systems of the type permitted have begun to show evidence of Failure or have been shown to pose public health risk where permitted and/or installed elsewhere.
- D. Determination by the Environmental Health Director that continued functioning of the graywater system poses an imminent health hazard.

#### **Sec. L-VI 4.8 Permit Fees**

Fees for a graywater discharge permit may be set by the Board of Supervisors from time to time by ordinance. (Ord. 1802. (09/08/1992).)

## **EXHIBIT E**

### **LAND USE**

#### **CHAPTER VI SEWAGE DISPOSAL**

#### **SECTION 5 WATERLESS TOILET SYSTEMS**

##### **Section:**

**Sec. L-VI 5.1 Definitions**

**Sec. L-VI 5.2 Waterless Toilet Use Permitted**

**Sec. L-VI 5.3 Standards of Waterless Toilet Use**

**Sec. L-VI 5.4 Alternate Disposal of Waterless Toilet Waste**

**Sec. L-VI 5.5 Sewage Disposal System Sizing**

**Sec. L-VI 5.6 Revocation of Waterless Toilet Permit**

**Sec. L-VI 5.7 Permit Fees**

##### **Sec. L-VI 5.1 Definitions**

For the purpose of this Section, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

A. **BLACK WATER** means human body waste, toilet paper, water used to flush human body waste, and any other material intended to be deposited in a receptacle designed to receive urine and/or feces.

B. **COMMUNICABLE DISEASE TRANSMITTED BY BLACKWATER** means that group of pathogenic bacteria, viruses, protozoans and helminths which transmit diseases such as Hepatitis, Giardiasis, Dysentery, Salmonellosis, Shigellosis, Diarrhea or any other pathogenic illness transmitted through black water.

C. **COMPOSTING TOILET** means a device specifically designed for holding and processing black water and/or graywater. Composting devices employ the process of biological degradation, in which organic material is converted into a compost-like substance through action of microorganisms.

D. GRAYWATER is defined in “Graywater Systems” of this Chapter.

E. GRAYWATER DISPOSAL SYSTEM means any approved disposal system for the disposal of graywater including associated piping, tanks, pumps, disposal field or area, or any other facility constructed for the purpose of receiving graywater.

F. INCINERATING TOILET means a device specifically designed to reduce black water and/or graywater material to ashes through the process of incineration.

G. NATIONAL SANITATION FOUNDATION, or NSF, means the listing agency incorporated under the laws of Michigan which develops standards and criteria for products that bear upon health.

H. WATERLESS TOILET means a composting toilet or incinerating toilet as defined in this Article, or some other device as may be approved in the future for the holding and processing of black water and/or graywater.

#### **Sec. L-VI 5.2 Waterless Toilet Use Permitted**

A waterless toilet may be utilized for purposes of treatment and disposal of black water and/or graywater if the owner of the property has in his or her possession a current valid waterless toilet permit from the Department of Environmental Health. Said permit is revocable for noncompliance with standards of waterless toilet use as outlined in this Section. Disposal of waterless toilet waste shall not be permitted if the waste has been contaminated with any material other than black water or graywater waste.

#### **Sec. L-VI 5.3 Standards of Waterless Toilet Use**

A. Any waterless toilet proposed for use under this Section shall be a commercially manufactured unit, installed in accordance with the manufacturer’s recommendations or instructions, and accepted by any other governmental agency for a similar application.

B. The structure to be served by the waterless toilet shall also contain rough plumbing which will enable the installation of a conventional water flushing toilet as otherwise required by the Uniform Plumbing Code. In the case of connection of a

graywater disposal system to the waterless toilet, all applicable provisions of “Graywater Systems” of this Chapter shall be observed. The Nevada County Building Department must attest to the Environmental Health Department that the plumbing system conforms to these requirements.

EXCEPTION (For HCE 1): Limited density owner-built rural dwellings served by waterless toilets in compliance with this Section as the sole means of disposal of black water and graywater shall not be required to also contain rough plumbing pursuant to this subsection.

C. A waterless toilet shall only receive wastes for which it has been designed.

D. Waterless Toilet Treatment Systems: The treatment of waterless toilet wastes shall be conducted in strict observance of the manufacturer’s specifications, including the addition of any materials, the turning of drums, and the utilization of heating elements and timers. Adequate access to service and maintenance of all necessary components of the waterless toilet and its accessories shall be provided.

E. Composting Toilet Waste Disposal Methods: Disposal of the waste from composting toilets shall be disposed of only after such time as the material is thoroughly and completely decomposed and rendered noninfectious. Total and fecal coliform organisms shall not exceed the levels specified in the NSF Standard Number 41. The composted material may be disposed of as follows:

1. At an approved solid waste disposal facility capable of accepting human waste.
2. By an approved licensed septic tank pumper.
3. On the property containing the waterless toilet. Said disposal shall be performed in a manner which prevents contamination of humans, animals, surface waters or groundwaters. The process of removing the waste material shall be done with care for personal safety, with protective non-permeable gloves worn. Disposal methods permitted are:
  - a. Direct burial under a minimum of twelve inches (12”) of compacted soil.
  - b. Shallow subsurface tilling or a similar technique approved by the Department. Sites proposed for shallow subsurface disposal shall have access restricted to the

operator of the waterless toilet system, excluding children, pets, and persons not associated with the compost disposal, by fencing or other method approved by the Environmental Health Department. Surface distribution of end product prior to tilling shall be a maximum thickness of one-half inch (1/2"). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.

4. Disposal of the waste on the property shall not be carried out by methods designated in subsections 3.a or 3.b of subparagraph E above whenever an individual with a communicable disease transmittable by black water is utilizing the system.

F. Incinerating Toilet Waste Disposal Methods: Disposal of the material from an incinerating toilet shall be permitted by any of the methods listed above for the composting toilet, but shall also include disposal directly on the ground surface, so long as the waste has been completely reduced to an ash, and no odor is present.

G. The waterless toilet shall be maintained and operated in a sanitary condition. Screening, mechanical parts and structural soundness shall be kept in working order.

H. The following waste disposal methods for composting toilets are prohibited:

1. Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

2. Any disposal in areas subject to seasonal water runoff or areas seasonally inundated by water, or any other application which could permit the discharge to come to flow into surface or subsurface water.

3. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to Sec.-VI 1.7 of this Code.

4. Application which would lead to runoff from the composed material or ash flowing onto an adjacent property.

5. Any other manner which would otherwise result in a potential public health hazard or nuisance as determined by the Department of Environmental Health.

#### **Sec. L-VI 5.4 Alternate Disposal of Waterless Toilet Waste**

The plumbing of the structure serving the waterless toilet shall be such that the waterless toilet can be discontinued from use and the structure converted to a conventional flush toilet, or other methods of disposal approved by the Environmental Health Director. Disposal of the wastes from a waterless toilet shall be prohibited under the following circumstances:

- A. During periods of ground saturation.
- B. When the waterless toilet is inoperative or malfunctioning.
- C. Upon revocation of the operating permit for the waterless toilet.

Waterless toilet waste shall be disposed of pursuant to subsections E.1 and E.2 of Section VI 5.3 under these circumstances.

#### **Sec. L-VI 5.5 Sewage Disposal System Sizing**

The calculation of the sewage disposal system sizing, including a 100% repair area, shall not be reduced or downsized as a result of the use of a waterless toilet.

Exception: When an approved waterless toilet is used with an approved graywater and kitchen waste disposal system as permitted in other sections of this Chapter, no other type of septic system is required. The waterless toilet shall be sized for the maximum potential occupancy of the structure to be served.

#### **Sec. L-VI 5.6 Revocation of Waterless Toilet Permit**

A permit to utilize a waterless toilet in Nevada County may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the waterless toilet to meet design or operating specifications.

C. Determination by the Environmental Health Department that waterless toilets of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed.

D. Determination by the Environmental Health Department that continued functioning of the waterless toilet poses an imminent health hazard.

E. Excessive odors generated by either the waterless toilet or the application of the by-product. (Ord. 181., (01/12/1993).)

#### **Sec. L-VI 5.7 Permit Fees**

Fees for a waterless toilet permit shall be set by the Board of Supervisors by Resolution. (Ord. 1817. (01/12/1993).)

## **EXHIBIT F**

### **LAND USE**

#### **CHAPTER VII STREET ADDRESSING AND NAMING**

##### **SECTION 1 UNIFORM SYSTEM FOR ADDRESSING**

###### **Sections:**

**Sec. L-VII 1.1 Purpose and Intent**

**Sec. L-VII 1.2 Uniform System Established**

**Sec. L-VII 1.3 Base Lines Established and Numbering Relative Thereto**

**Sec. L-VII 1.4 Addresses Assigned**

**Sec. L-VII 1.5 Exemptions of Certain Communities and Developments**

**Sec. L-VII 1.6 Address Standards**

**Sec. L-VII 1.7 Posting Required for Building Permits**

**Sec. L-VII 1.8 Duty of Property Owners**

**Sec. L-VII 1.9 Penalty for Failure to Post Addresses**

###### **Sec. L-VII 1.1 Purpose and Intent**

It is the purpose and intent of this Section to provide a uniform and consistent system of numbering primary buildings and properties within the unincorporated County to facilitate the location of property for emergency service providers, property identification and mail service purposes. (Ord. 2474. (01/14/2020).)

###### **Sec. L-VII 1.2 Uniform System Established**

There is hereby established a uniform system for numbering all separate buildings developed on land and all primary and secondary houses fronting on all streets, avenues and public ways in the unincorporated area of the County of Nevada. All such buildings shall be numbered in accordance with the provisions of this Chapter. (Ord. 2474. (01/14/2020).)

###### **Sec. L-VII 1.3 Base Lines Established and Numbering Relative Thereto**

For the purpose of this Section, there are hereby established base lines for the numbering of buildings for the western and eastern parts of the County of Nevada.



All numbering shall commence and increase in magnitude to the north, south, east and west of the intersection of the base line.

A. WESTERN NEVADA COUNTY

1. State Highway 49 shall constitute the north/south base line and roads extending east and west of that highway shall carry address numbers indicating location east or west of that base street.

2. State Highway 20 shall constitute the east/west base line and roads extending north and south of that highway shall carry address numbers indicating location north and south of the base street.

B. EASTERN NEVADA COUNTY

1. State Highway 267 and State Highway 89 (north of Interstate 80) shall constitute the north/south base line for numbering.

2. Donner Pass Road from Soda Springs to Bridge Street in downtown Truckee shall constitute the east/west base line. (Ord. 2474. (01/14/2020).)

**Sec. L-VII 1.4 Addresses Assigned**

A. The numbering of all buildings or parcels on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand numbers per mile, or one number for every 5.28 feet.

B. All address numbers assigned within the unincorporated portion of the County shall consist of five digits except as exempted in Section 1.5 of this Chapter.

C. All buildings on the south and east sides of a street shall bear odd numbers. All buildings on the north and west sides of each street shall bear even numbers.

D. Addresses shall be assigned on the basis of the driveway access location.

E. Where any building has more than one entrance serving separate occupants, separate numbers shall be assigned to each entrance serving a separate occupant.

F. Where only one number can be assigned to any house or building, and the owner, occupant or agent of such building desires distinctive numbers for any portion of the building fronting on any street or public way, suffixes (A), (B), (C), etc., may be assigned.

G. The Planning Department shall be responsible for the assigning of address numbers within the unincorporated territory of the County of Nevada. (Ord. 2474. (01/14/2020).)

### **Sec. L-VII 1.5 Exemptions of Certain Communities and Developments**

The Board of Supervisors may recognize communities or developments having established separate and distinct numbering systems and, upon a majority vote, may authorize alternative numbering systems for such communities or developments. (Ord. 2474. (01/14/2020).)

### **Sec. L-VII 1.6 Address Standards**

A. Address identification shall be provided pursuant to the Cal. Code Regs. Tit. California Fire Code, Part 9, Chapter 5 Fire Service Features, Section 505 Premises Identification.

B. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

C. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out.

D. All address signs shall have minimum four (4) inch high numerals with a minimum one-half (1/2) inch stroke and be mounted or placed on a background with contrasting colors.

E. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

F. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

G. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.

H. Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.

I. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, as provided in Sec. 1.7 below. (Ord. 2474. (01/14/2020).)

#### **Sec. L-VII 1.7 Posting Required for Building Permits**

All new building permits of any kind will require the posting of street signs in accordance with Section two (2) of this Chapter, and addresses in the following manner:

A. The address shall be posted at the building site as part of the framing inspection, and on the main building or on the property in the vicinity of the main building prior to final inspection.

B. If the structure and/or address sign is not visible from the driveway intersection with the access road, the number shall be posted at that intersection. When posted at the driveway intersection it shall be visible from both directions of travel. Address signs for one-way roads shall be visible from the direction of travel. (Ord. 2474. (01/14/2020).)

#### **Sec. L-VII 1.8 Duty of Property Owner**

In order to preserve the continuity and uniformity of numbering of houses, buildings and structures, it shall be the duty of the owner or thier agent to procure the correct number or numbers for such property, as designated by the County Planning Department or responsible agency. Once assigned, they shall be installed and

maintained pursuant to the standards contained in Sections 1.6 and L-VII1.7 of thisSection. (Ord. 2474. (01/14/2020).)

**Sec. L-VII 1.9 Penalty for Failure to Post Addresses**

Any person, whether as principal, agent or employee, failing or refusing to display proper numbers after notice of such has been given in accordance with this Section, or willfully displaying or permitting to be displayed any improper number after aforesaid notice shall be subject to an infraction pursuant to the provision contained in this Code. (Ord. 2474. (01/14/2020).)

## **EXHIBIT F**

### **LAND USE**

#### **CHAPTER VII STREET ADDRESSING AND NUMBERING**

##### **SECTION 2 UNIFORM SYSTEM FOR ROAD NAMING**

###### **Sections:**

**Sec. L-VII 2.1 Purpose and Intent**

**Sec. L-VII 2.2 Definitions**

**Sec. L-VII 2.3 Uniform System Established**

**Sec. L-VII 2.4 Road Naming Standards**

**Sec. L-VII 2.5 Posting of Named Roads**

**Sec. L-VII 2.6 Changing a Road Name**

###### **Sec. L-VII 2.1 Purpose and Intent**

The purpose and intent of this Section is to provide a uniform system for the naming of public and private roads within the County of Nevada consistent with road naming standards of the incorporated cities and town located within the County of Nevada. This Chapter is intended to provide clarification of road naming policies and procedures and to assist emergency providers in locating properties. (Ord. 2474. (01/14/2020).)

###### **Sec. L-VII 2.2 Definitions**

A. Driveway: Vehicular access constructed pursuant to, Fire Safety Regulations, of this Code that serves no more than two (2) parcels with no more than two (2) dwelling units on each and any number of accessory buildings.

B. Public Road Vehicular access constructed pursuant to Fire Safety Regulations that serves more than two (2) parcels or connects two (2) or more roads, whether providing access or not, and is within the County maintained road system.

C. Private Road: Vehicular access constructed pursuant to Fire Safety Regulations, of this Code that serves more than two (2) parcels or connects two (2) or more roads,

whether providing access or not, and is not within the County maintained road system.

D. Standard Drawings: The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors. (Ord. 2474. (01/14/2020).)

### **Sec. L-VII 2.3 Uniform System Established**

A. The County Planning Department shall maintain records of all public and private roads within the County and shall process such names in accordance with procedures established in this Chapter.

B. The Planning Commission of the County shall report and recommend to the Board of Supervisors the naming of new County-maintained roads within the County.

C. Tentative maps approved by the Planning Agency shall contain conditions of approval which require the naming and posting of new roads, pursuant to the provisions established for the naming of roads in this Chapter.

D. All Roads as defined above shall be named. (Ord. 2474. (01/14/2920).)

### **Sec. L-VII 2.4 Road Naming Standards**

A. Road names should be no longer than fourteen (14) letters (exclusive of street, avenue, road, etc.) and preferably in one word.

B. Road names shall have simple spelling and easy pronunciation.

C. Numbers or letters used as road names are to be avoided.

D. Inappropriate or offensive names will not be permitted.

E. Road names identical, or sounding similar (“Karry” and “Carrie”), to others within the County will not be permitted.

F. Road names will be deemed duplicates even if they have a different suffix such as boulevard, lane, avenue, street, etc.

G. Road names which would be geographically misleading in regards to physical location, place or landmark are to be avoided (i.e., Lakefront Drive should be located along a lake front).

H. A road having a continuous alignment shall bear the same name.

I. Road extensions shall bear the same name as the existing road.

J. Roads intersecting each other or forming an angle of less than 110 degrees shall generally have different names.

K. Prefixes such as north and south, east and west, upper and lower, etc., should be avoided.

L. Dead end roads or cul-de-sacs that are less than 800 feet shall be known as "Courts" or "Places."

M. All roads which come off a named road and re-access onto that named road may be known as "Loops" or "Circles." (Ord. 2474. (01/14/2020).)

### **Sec. L-VII 2.5 Posting of Named Roads**

A. County maintained roads shall be posted by the Department of Public Works, pursuant to the County's Standard Drawings.

B. It shall be the responsibility of the property owner(s) to post non-County or State-maintained road names.

C. Road name signs shall be located so as to be visible from the street. Such signs shall be located at the convergence of the road with another named road. Posts shall be set six (6) to twelve (12) feet off the traveled way or two (2) feet from curb or dike face. The base of the street sign shall be a minimum of seven (7) feet above the plane level with the edge of the traveled way.

D. All non-County or non-State-maintained roads/driveways requiring a name shall be posted as a requirement of the issuance of any building permit for any use taking access from that road/driveway.

E. All addresses and road name signs shall be inspected for proper installation at the framing inspection of the subject building permit by the Building Inspector. The type, style and size of the private road name signs shall be in accordance with the County's Standard Drawings.

F. As a condition of approval of any tentative map, a road or driveway providing access to two or more lots shall be named and posted prior to map recordation.

G. Where two (2) to four (4) existing lots are served by an existing, common road or driveway identification may be provided by one of the following methods:

1. Name and post the access driveway or road, or
2. Post the addresses for all lots at the common intersection of the driveway and the road providing access to said driveway. (Ord. 2474. (01/14/2020).)

### **Sec. L-VII 2.6 Changing a Road Name**

A. County road name changes shall require a public hearing before the Planning Commission.

B. Non-County road name changes shall be reviewed and approved by the Planning Department.

C. Any decision of the Planning Department or Planning Commission may be appealed to the Board of Supervisors pursuant to this Code.

D. A road name change may be approved for any of the following reasons:

1. An existing road name is a duplication of another road name within either the Eastern or Western portion of the County.



2. The location or direction of a named road changes or is shown incorrectly on County maps.
  
3. An existing road name is determined to be contrary to road naming procedures established in this Chapter. (Ord. 2474. (01/14/2020).)

# **EXHIBIT G**

## **LAND USE**

### **CHAPTER IX: MITIGATION AND DEVELOPMENT FEES**

#### **SECTIONS 1 – 5**

<b>Section 1</b>	<b>RECREATION MITIGATION FEES</b>
<b>Sec. L-IX 1.1</b>	<b>Recreation Mitigation Fees for Truckee-Donner Recreation and Park District</b>
<b>Sec. L-IX 1.2</b>	<b>Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)</b>
<b>Sec. L-IX 1.3</b>	<b>Quimby Act Dedications of Land and Fees In-Lieu of Dedications.</b>
<b>Section 2</b>	<b>FIRE PROTECTION DEVELOPMENT FEES</b>
<b>Sec. L-IX 2.1</b>	<b>Purpose</b>
<b>Sec. L-IX 2.2</b>	<b>Definitions</b>
<b>Sec. L-IX 2.3</b>	<b>Establishment of Fee, Exemptions, Credits</b>
<b>Sec. L-IX 2.4</b>	<b>Application and Collection of Fee</b>
<b>Sec. L-IX 2.5</b>	<b>Use of Fees, Hold Harmless</b>
<b>Sec. L-IX 2.6</b>	<b>Appeal from Fee Assessment</b>
<b>Section 3</b>	<b>ROAD DEVELOPMENT FEES ON NEW DEVELOPMENT</b>
<b>Sec. L-IX 3.1</b>	<b>Purpose</b>
<b>Sec. L-IX 3.2</b>	<b>Road Development Fees, Reimbursement Fees</b>
<b>Sec. L-IX 3.3</b>	<b>Calculation and Payment of Fees</b>
<b>Sec. L-IX 3.4</b>	<b>Limited Use of Fees</b>
<b>Sec. L-IX 3.5</b>	<b>Developer Construction of Facilities</b>

**Section 4: PROCEDURES FOR PROTEST, LITIGATION AND/OR REFUNDS OF DEVELOPMENT FEES**

- Sec. L-IX 4.1 Intent of this Section**
- Sec. L-IX 4.2 Requirements for Protest as Prerequisite to any Suit**
- Sec. L-IX 4.3 Statute of Limitations**
- Sec. L-IX 4.4 Procedures for the Discretionary Refund of Development Fees**
- Sec. L-IX 4.5 Procedures for the Mandatory Refund of Development Fees**

**Section 5: RESERVED**

**Section 1: RECREATION MITIGATION FEES**

**Sec. L-IX 1.1 Recreation Mitigation Fees for Truckee-Donner Recreation and Park District**

- A. A development impact mitigation fee for recreation is hereby established in unincorporated Nevada County, within the jurisdiction of the Truckee-Donner Recreation and Park District ( “the District” ).
- B. The amount of the mitigation fee shall be adopted by resolution of the Board of Supervisors, after approval of a fee study by the District that meets the requirements of the “Mitigation Fee Act” (Cal. Gov’ t Code § 66000, or “ AB 1600” ). The study shall show a reasonable relationship, or nexus, between the purpose and amount of the fee, the need for public facilities to be financed by the fee, and the impacts and type of development on which the fee is imposed.
- C. The mitigation fee shall be imposed on new construction in a manner that is consistent with the Mitigation Fee Act. The mitigation fee proceeds shall be used exclusively for capital assets and improvements that mitigate impacts created by new development. The fee proceeds shall not be used to correct deficiencies, or to upgrade recreational facilities or service levels, for the primary benefit of existing development.
- D. This Section is intended to be fully consistent with the Mitigation Fee Act, the provisions of which are incorporated here by reference. In the event of any inconsistency between Section 1 of Chapter IX and the Act, the Act shall control. (Ord. 2281. (01/27/2009))

**Sec. L-IX 1.2 Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)**

- A. All single-family and multi-family residential development within the unincorporated areas of Nevada County and which are outside of the boundaries of the Truckee-Donner Recreation and Park District shall pay to the County of Nevada the following sums at the time of building permit issuance that shall be phased in over time starting from the date of adoption. The final fee amount shall be collected each year thereafter.

<b>Western County Recreation Benefit Zone</b>	<b>Single Family Dwelling - Year 1</b>	<b>Single Family Dwelling - Year 2</b>	<b>Single Family Dwelling - Year 3</b>	<b>Multi-Family Dwelling - Year 1</b>	<b>Multi-Family Dwelling - Year 2</b>	<b>Multi-Family Dwelling - Year 3</b>
<b>Grass Valley and Nevada City Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Twin Ridges Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Oak Tree Recreation Benefit Zone</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Bear River Recreation Benefit Zone Lake of the Pines</b>						
≥ 2,500 Square Feet	\$ 674	\$ 1,003	\$ 1,331	\$ 674	\$ 1,003	\$ 1,127
750 - 2,499 Square Feet	\$ 539	\$ 802	\$ 1,065	\$ 539	\$ 802	\$ 1,065
< 750 Square Feet	\$ 404	\$ 602	\$ 799	\$ 404	\$ 602	\$ 799
<b>Remaining Development Area</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
<b>Western Gateway Recreation Benefit Zone Lake Wildwood</b>						
≥ 2,500 Square Feet	\$ 413	\$ 478	\$ 542	\$ 413	\$ 478	\$ 458
750 - 2,499 Square Feet	\$ 330	\$ 383	\$ 434	\$ 330	\$ 383	\$ 434
< 750 Square Feet	\$ 248	\$ 287	\$ 325	\$ 248	\$ 287	\$ 325
<b>Remaining Development Area</b>						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669

**Western County Recreation Benefit Zone**

The above referenced Recreation benefit Zones shall mean those zones as such identified in the Nevada County Park and Recreation Facilities Fee Nexus Study.

- A. The Park and Recreation Facilities Mitigation Fee Schedule shall be automatically adjusted annually for the inflation of construction and acquisition costs. The Fee Schedule will be adjusted annually on July 1 of each year

beginning in Year 2 (fiscal year 2020/21) from the date of adoption. The adjustment will be based on the 20-City Construction Index as reported in the Engineering News-Record (ENR) for the 12-month period ending in March of the year of the adjustment.

B. Fees will be collected from new residential development in the unincorporated Western County; use of these funds, however, may need to wait until a sufficient fund balance can be accrued. According to Cal. Gov' t Code § 66006, the County is required to deposit, invest, account for, and expend the fees in a prescribed manner. The fifth fiscal year following the first deposit into the fee account or fund, and every five (5) years thereafter, the County is required to make all of the following findings with respect to that portion of the account or fund remaining unexpended:

1. Identify the purpose for which the fee is to be put.
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete facility improvements.
4. Designate the approximate dates on which the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The County must refund the unexpended or uncommitted revenue portion of the fee for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.

C. The following types of development specifically are exempt from the Park and Recreation Facilities Mitigation Fee:

1. All federal and state agencies, public school districts, special districts, and the County will be exempt from the fee program, unless other arrangements or agreements are established with the County.
2. Any replacement or reconstruction of any structure that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God. If the building replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building, the excess square footage is subject to the Recreation Development Fee. If a structure is replaced with an alternative land use, such as replacing a commercial building with residential units, no exemption shall apply.
3. Residential accessory structures that do not increase covered building square footage such as open decks and pools. (Ord. 2460. (01/08/2019))

**Sec. L-IX 1.3 Quimby Act Dedications of Land and Fees In-Lieu of Dedications.**

A. The provisions of the Quimby Act (hereafter “the Act” , or Cal. Gov’ t Code § 66477) are incorporated here by reference. A requirement of the dedication of land, or the payment of fees in lieu thereof, or a combination of both, is hereby established throughout unincorporated County of Nevada. The dedication, or payment of fees in-lieu, is for park and/or recreational purposes and is made a condition of the approval of a tentative map or parcel map [Cal. Gov’ t Code § 66477(a)]. The land, fees, or combination thereof, are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision [Cal. Gov’ t Code § 66477(a)(3)].

B. The provisions of this Section are to be applied in coordination with any local public agency that has territorial jurisdiction for recreation and park services. Pursuant to Cal. Gov’ t Code § 66477(c), the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the County and such other local public agency.

C. All dedications of land for recreation and park purposes, that are required as a condition of the subdivision of land, shall meet all the requirements of the Act. This Section does not apply to subdivisions containing less than five parcels and not used for residential purposes [Cal. Gov’ t Code § . 66477(a)(8)], nor does it apply to commercial or industrial subdivisions [Cal. Gov’ t Code § 66477(d)].

D. The amount of Quimby Act fees in-lieu of dedication of land shall be prescribed by resolution of the Board of Supervisors, in a manner that is consistent with the requirements of the Act. Such fees shall be in addition to any applicable development impact mitigation fee for recreation that is imposed pursuant to Sections 1.1 or 1.2. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less [Cal. Gov’ t Code § 66477(a)(7)].

E. Land or fees required under the Act shall be conveyed to, or be paid over to, the local public agency which provides park and recreational services on a communitywide level [ Cal. Gov’ t Code § 66477(b)]. (Ord. 2251. (01/27/2009))

**SECTION 2 FIRE PROTECTION DEVELOPMENT FEES**

## **Sec. L-IX 2.1 Purpose**

This Section is enacted to provide the authority for and process by which development fees may be imposed for fire prevention, suppression and safety within the unincorporated territory of the County of Nevada. Such fees may be imposed for each fire protection district or agency which causes to be prepared and presented a study adequate to demonstrate the reasonable relationship between new development and the fee to be charged. It is intended hereby that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on the fire protection district's ability to provide such service. (Ord. 1703. (04/09/1991))

## **Sec. L-IX 2.2 Definitions**

As used in this Section:

- A. COSTS OF CAPITAL IMPROVEMENTS means any costs related to acquisition, construction, repair and financing, but does not include costs of routine maintenance.
  
- B. DEVELOPMENT PROJECT means any project, not specifically exempted herein, undertaken for the purpose of development, regardless of the intended use thereof, and includes all projects involving the issuance of a permit for construction, but not a permit to operate.
  
- C. FLOOR AREA means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts or other uncovered areas. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Such unenclosed floor area may be subject to a different, separately calculated fee only if the supporting study and fee resolution so provide.
  
- D. LOCAL AGENCY includes any agency of a public entity, specifically including school districts and special districts.
  
- E. PUBLIC ENTITY means state, county, city, city and county, district, public authority, public agency or public corporation or other political subdivisions.
  
- F. PUBLIC FACILITIES includes facilities and equipment, public capital improvements, public services and amenities.



### **Sec. L-IX 2.3 Establishment of Fee, Exemptions, Credits**

A. A fire protection development fee is hereby established for all non-exempt new development projects within the unincorporated areas of Nevada County and within the boundaries of a fire protection district or area for which a fee is established pursuant to this Section. The Board of Supervisors shall establish the amount of such fee for each individual fire protection district or agency by resolution at a publicly noticed meeting upon completion by the fire protection district or agency of an adequate study, commissioned, adopted and provided by such district or agency. Said study shall establish a reasonable development fee for the district or area and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such development, satisfying the statutory requirements for fees for development projects contained in Chapter 5 of Division 1 of Title 7 of the Government Code ( Cal. Gov' t Code § § 66000 - 66008), commonly referred to as AB 1600. Said fees may from time to time be amended as circumstances warrant by the adoption of a subsequent resolution by the Board of Supervisors. Any action to adopt a resolution levying or increasing such fee for any individual fire protection district or agency shall follow the procedures set forth in Cal. Gov' t Code § § 66016 - 66019, and any subsequent amendments thereto including, without limitation, notice, public hearing and effective date provisions.

B. Public facilities and projects being constructed for use by a public entity or local agency shall be exempt from fees hereunder. Remodeling of, or reconstruction within three (3) years of damage to, a lawfully existing structure shall not be considered to be a new development project subject to a fee hereunder if rebuilt for the same general use on the same site or in the same fire protection district or fee area, except to the extent the structure is increased in size, in which event it shall be subject to assessment based upon the net increase in floor area.

C. To the extent, if any, that a fire protection district development fee or exaction was assessed and paid for any parcel as a condition for the approval of the subdivision which created the parcel, a credit for the fee paid or the cost of the exaction shall be given.

### **Sec. L-IX 2.4 Application and Collection of Fee**

Any developer or owner applying for a building permit for any new development project in an area for which a fire protection development fee has been established pursuant to this Section shall, as a condition to approval and issuance of said permit,

be assessed and pay the assessed fee directly to the applicable fire protection district or agency. A certificate issued by the fire protection district or agency or other satisfactory evidence of such payment shall be presented to the Nevada County Building Division prior to issuance of a building permit. Notwithstanding the foregoing, to the extent Cal. Gov' t Code § 66007 requires a delay of payment of the fee on residential development until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, said provisions shall control and fees shall be collected and proof of payment submitted prior to issuance of a certificate of occupancy.

### **Sec. L-IX 2.5 Use of Fees, Hold Harmless**

A. All fire protection development fees shall be collected by the local fire protection district or agency on whose behalf they are imposed. Said respective fire protection districts or agencies shall be responsible for compliance with Government Code Sections 66000, et seq., with regard to the fees assessed and collected. As a further condition of the imposition and collection of fees as established by this Section, each fire protection district or agency collecting such fees shall be conclusively presumed to have agreed to hold the County of Nevada harmless and to indemnify and defend the County from all actions, claims and damages related to said fees, including, without limitation, any challenge to the validity of or use of said fees. The fees collected, together with any interest thereon, shall be maintained and accounted for in a separate capital facilities account or fund in a manner to avoid any commingling of such monies with other revenues or funds and expended in a timely fashion only for approved purposes.

B. The fire protection development fees shall be used by the local fire protection districts or agencies for capital expenditures to mitigate the impacts attributed to new development. Specifically, these fees shall be used to pay all of the applicable portion of the costs of capital improvements to public facilities necessitated by the development projects, whether identified by a capital improvement plan or otherwise. Fees remaining unexpended or uncommitted five (5) or more years after deposit shall be subject to the provisions of Cal. Gov' t Code § 66001.

### **Sec. L-IX 2.6 Appeal from Fee Assessment**

A. Any developer or owner assessed fees for a project established pursuant to this Section may appeal the amount of such fees on the following grounds and no other:

1. That the project, in whole or in part, is exempt from any fee;
2. That the floor area upon which the fee was computed is in error; or
3. That the credit allocated to this project for prior exactions paid, as provided for in Section 2.3.B, is in error.

B. Any such appeal shall be filed in writing with the office of the fire protection district or agency imposing said fee, within thirty (30) calendar days of the date the fee is assessed, and shall include a statement on appeal setting forth the grounds for the appeal and, where applicable, the fee acknowledged to be correct, the correct computations thereof and the basis therefor.

C. Upon the filing of such an appeal, it shall be considered at the next regular meeting of the Board of Directors or other governing Board of such fire protection district or agency for which such matter can properly be adjudicated. At that time, the Board shall determine if the appeal was filed within the applicable time limits and on an allowable ground and shall summarily reject any untimely or improper appeal. The Board shall further determine if the appeal contains sufficient information as required by subsection B. If the Board determines that the information is insufficient, it may summarily reject the appeal for that reason or immediately notify the appellant of the insufficiency and allow an additional seven (7) calendar days in which to correct such deficiency. If, upon the expiration of any additional time, the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.

D. Upon determination that an appeal is timely and sufficient, the Board shall set the matter for hearing as soon as time on their agenda permits and upon at least ten (10) days prior notice, then and there to consider all evidence presented by or on behalf of staff and appellant as to the correct amount of fees to be assessed. At the conclusion of the appeal hearing, the Board may approve or change the fee assessed to reflect proper computations or excuse all or part of any fee to the extent it determines the project is exempt pursuant to this Section or the resolution establishing the applicable fee. Any action to change or excuse the fee shall be by not less than a majority of the full board, with any action culminating in fewer votes being deemed to constitute a denial of the appeal resulting in no change of fees. The Board charged with hearing such appeals may adopt reasonable procedures for conduct of such appeal hearings and may charge a reasonable appeal fee, subject to refund if the appeal is upheld.

E. The decision of the Board of Directors or other governing board on such fee appeal may be appealed to the Board of Supervisors within ten (10) calendar days by filing a Notice of Appeal conforming to the requirements of and following the procedure set out in Sections governing Appeals in the County' s Code. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the fire protection district or agency whose fee is being appealed. Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. At the appeal hearing, evidence shall be limited to the issues properly raised in the notice of appeal. The Board of Supervisors shall have the authority to limit the amount of time that the appellant and the fire protection district or agency may have in the appeal hearing to not less than fifteen (15) minutes each. At the conclusion of the appeal hearing, the Board of Supervisors may sustain or overrule the appeal and may approve or change the fee assessed or excuse all or any part thereof to the extent the project is exempt. The decision of the Board of Supervisors shall be final.

## **SECTION 3 ROAD DEVELOPMENT FEES ON NEW DEVELOPMENT**

### **Sec. L-IX 3.1 Purpose**

In order to implement the goals and objectives of the Circulation Element of the County of Nevada' s General Plan and to mitigate the cumulative impacts on roads caused by new development in the County, certain road improvements must be or had to be constructed. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development' s fair share of the construction costs of these improvements. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the County' s housing needs as established in the Housing Element of the General Plan. (Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992))

### **Sec. L-IX 3.2 Road Development Fees, Reimbursement Fees**

A. ROAD DEVELOPMENT FEE. A road development fee is hereby established and shall be levied against development in the unincorporated territory of the County to pay for road improvements. The Board of Supervisors shall, in a separate Resolution, set forth the specific amount of the fee based upon a study describing the benefit and impact area on which the development fee is imposed, listing the specific public improvements to be financed, describing the estimated cost of these road improvements and describing the reasonable relationship between this fee and the

various types of new developments. As set in the fee resolution, this development fee shall be calculated and paid as provided in Sec. 3.3. On an annual basis, the Department of Public Works shall review the study to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described road improvements are still needed. (Ord. 2239. (05/29/2007))

B. REIMBURSEMENT FEE. In addition to said road development fee, any person developing real property may also be required to contribute a sum, including an amount attributable to interest, to reimburse any other person who has been required as a condition of development to construct road improvements of supplemental size, length or capacity in proportion to the benefit enjoyed. Payment of said sum may be included as a condition of approval of a development permit, provided, however, that said reimbursement amount shall be required to be paid, whether or not imposed as a condition of approval, when a reimbursement agreement is in effect with another property owner (developer) pursuant to Sec. 3.5 which identifies the person's property to be developed as being within the benefit area subject to charges thereunder. The rate and amount of interest shall be determined by the County Auditor consistent with the interest earned by County investments during the applicable period of time. (Ord. 2239. (05/29/2007); Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992))

### **Sec. L-IX 3.3 Calculation and Payment of Fees**

ROAD DEVELOPMENT FEE CALCULATION. The applicable road development fees shall be calculated in accordance with the development fee schedule in effect as of the date that the fees are paid by the developer, property owner or other responsible party.

A. ROAD DEVELOPMENT FEE PAYMENT. The fees may be paid at any point in time that the developer or property owner chooses following the determination by the County Planning Department that an application for development has been properly filed with the Department and the application has been found to be complete, or is deemed to be complete under Cal. Gov't Code § 65943 provided, however, that in no event shall the fees be paid any later than upon the issuance of a building permit (as to any non-residential development) or upon the earliest of the final inspection, the issuance of a certificate of occupancy, or such time as may be authorized pursuant to Cal. Gov't Code § 66007(b) (as to residential development).

B. ROAD DEVELOPMENT FEE ON AS-BUILT CONSTRUCTION.

In the event that development on real property exists without proper permits, the Road Development Fee will be calculated in accordance with the development fee schedule in effect as of the date of the issuance of a building permit.

In cases where a property is acquired with existing, unpermitted structures, the Road Development Fee may be calculated in accordance with the applicable fee schedule in effect at the time of original building construction. (Ord. 2376. (01/28/2014); Ord. 1829. )04/13/1993); Ord. 1809. (11/10/1992))

### **Sec. L-IX 3.4 Limited Use of Fees**

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

A. Pay for the future construction of road improvements described in the Resolutions enacted pursuant to Sec. 3.2, or to reimburse the cost for those described or listed road improvements constructed with funds advanced from other sources to the advancing governmental entity, or

B. Reimburse developers who have been required or permitted by Sec. 3.5 to install such listed road improvements which are oversized with supplemental size, length, or capacity. (Ord. 2060. (06/05/2001); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992))

### **Sec. L-IX 3.5 Developer Construction of Facilities**

Whenever a developer is required, as a condition of approval of a development permit, to construct road improvements described in a resolution adopted pursuant to Sec. 3.2.A, which road improvements are determined by the County of Nevada to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the road network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this Section on the development project, shall be offered. When the road improvements required as a condition of approval of a development are determined to have supplemental size, length or capacity over that needed for the impacts of that development, but said improvements are other than those described in a Resolution adopted pursuant to Sec. 3.2.A, a reimbursement agreement with the developer, without a credit against fees, may be offered with regard to other properties which have the right to use and stand to benefit from such improvements. In any event, the reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the road improvements or the burdens created by the

development project. (Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992))

## **SECTION 4 PROCEDURES FOR PROTEST, LITIGATION AND/OR REFUNDS OF DEVELOPMENT FEES**

### **Sec. L-IX 4.1 Intent of this Section**

It is the intent of the Board of Supervisors in adopting this Section to establish and to codify in the County of Nevada ordinances the procedures by which any person or party may file a protest and any litigation against the County contesting the propriety of the imposition of any development fee or other exaction as a condition of the approval of any development or development project (as those terms are defined in Cal. Gov' t Code § § 65927 and 65928, respectively). To the extent that such procedures are established by State law, it is the intent of the Board that all applicable provisions of State law will be fully implemented within the County of Nevada, and to the extent that any reference is made herein to State law, such reference shall be made to the applicable code sections as they exist on November 10, 1992, and to any subsequent amendments thereto. To the extent that State law does not control, it is the intent of the Board to establish procedures and requirements which shall control as to the matters covered by this Section.

### **Sec. L-IX 4.2 Requirements for Protest as Prerequisite to any Suit**

Any person or party on whom a fee, dedication, reservation, or other exaction has been imposed, the payment of which is required as a condition of approval of any development or development project (as defined in Cal. Gov' t Code § § 65927 and 65928, respectively), may protest the imposition of any such fee or other exaction. Any such protest shall be filed in accordance with the provisions of Cal. Gov' t Code § 66020 (including any subsequent amendments thereto) within 90 days of the date of the imposition thereof.

For the purposes of this Section, the imposition of any fees, dedications, reservations, or other exactions occurs when the condition requiring the payment or dedication is incorporated into the approval of any development (project) through the approval of a tentative subdivision map or through the issuance of any use permit, site plan (permit), variance or any similar zoning permit.

### **Sec. L-IX 4.3 Statute of Limitations**

Any suit, litigation or other legal action to attack, review, set aside, void, or annul the imposition of any fees, dedications, reservations or others, including but not limited to, any request for the refund thereof, shall be filed within 180 days after the date of the imposition thereof. As a prerequisite to the filing of any such suit, a protest shall be filed in accordance with the provisions of Sec. 4.2. Thereafter, all persons or parties are barred from any action or proceeding to contest the propriety of the imposition of any such fees, dedications, reservations or other exactions and are barred from alleging the invalidity of any such imposition in defense of any action brought to enforce same.

#### **Sec. L-IX 4.4 Procedures for the Discretionary Refund of Development Fees**

Whenever the Board of Supervisors finds that the County has imposed and collected any development fees which are in excess of the amounts which are reasonably required to be contributed by any development project or projects to (1) offset the individual or cumulative impacts created by the projects on the infrastructure owned or operated or controlled by the County; or (2) pay for the estimated reasonable cost of providing the service or facilities by the County, which funds have been held by the County for less than five (5) years, then the Board of Supervisors may order the refund of such fees as follows:

- A. Prior to authorizing the refund of such fees to any particular project, the Board shall review the record of the approval of the development project (including any applicable environmental documents therefor) and any applicable studies concerning the imposition of the development fees to determine if: (1) the fees, when imposed, were unwarranted as not being reasonably necessary to offset the individual or cumulative impacts created by the development project, or are in excess of the estimated reasonable cost of providing the public service or facilities and/or (2) the need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source, and/or (3) the need for the infrastructure has been eliminated.
- B. Whenever the Board is considering refunding development fees to all project applicants on a pro rata basis (i.e., a 10% refund for all projects), the Board shall not be required to review individual project records, and instead the Board shall determine whether a refund is warranted based on any of the following findings:
  1. The need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source; and/or
  2. The need for the infrastructure has been eliminated; and/or
  3. The amount of the fees are in excess of that which was needed to provide infrastructure to offset the impact due to development.



- C. Any action by the Board to refund development fees shall be taken at a regularly scheduled meeting of the Board which shall be preceded by a notice of the intent to consider the refund which shall identify the development project or projects and shall be published pursuant to Cal. Gov' t Code § 6061 (publication once in a newspaper of general circulation) and shall be supported by evidence in the record.

**Sec. L-IX 4.5      Procedures for the Mandatory Refund of Development Fees**

In accordance with the provisions of Cal. Gov' t Code § 66001, the Board of Supervisors shall annually review all accounts containing development fees paid to the County to determine if there are any funds therein which have been in the account for five (5) or more years. If there are any such funds the Board shall review the reason for the imposition of the fee in order to identify the purpose to which the fee is to be put and to determine if there is (at the present) a reasonable relationship between the fee and the purpose for which the fee was imposed. For any fee as to which the Board determines that there no longer is a reasonable relationship between the fee and the purpose for which it was imposed, the Board shall order the refund of the fee to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis together with the estimated interest that was earned thereon while on deposit with the County.

**SECTION 5    RESERVED**

**EXHIBIT H**

**LAND USE CODE**

**CHAPTER X: WATER SUPPLY AND RESOURCES**

**ARTICLES 1- 6**

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**Sec. L-X 1.2 Definitions and Interpretation**

**Sec. L-X 1.3 Connection Required**

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**Sec. L-X 1.6 Determination of Yield**

**Sec. L-X 1.7 Storage Requirements**

**Sec. L-X 1.8 Potability**

**Sec. L-X 1.9 Surface Water Uses**

**Sec. L-X 1.10 Pressure**

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### **Sec. L-X 1.1 Reserved**

### **Sec. L-X 1.2 Definitions and Interpretation**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

A. ABANDONED WELL means any of the following:

1. A well, other than a monitoring well, which has been in continuous disuse for one year or more, unless such disuse is attributable to removal of the pump for repair or replacement and efforts to repair or replace the pump are being diligently pursued;
2. A monitoring well from which no monitoring data has been taken for a period of three (3) years;
3. A well which is in such a state of disrepair, that it cannot be made functional for its original use or any other use regulated by this Chapter.

B. ADMINISTRATIVE AUTHORITY means the private or public entity operating a water production, conveyance, and/or distribution system. As of the date of the enactment of this Chapter, the following public entities exist for the production, conveyance and/or distribution of water. They include but are not limited to:

1. Irrigation District;
2. Municipal Utility District;
3. Community Service District;

4. Public Utility District;
5. County Service Area;
6. County Water District;
7. California Water District;
8. Municipal Water District;
9. County Water Works District;
10. Reclamation District;
11. Water Storage District.

C. AN APPROVED WATER SUPPLY means any of the following:

1. A public water system under permit from the State Department of Health Services.
2. A public water supply approved by the Nevada County Environmental Health Department as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§ 116760 – 116762.60)
3. An approved individual water supply system.

D. ANNULAR SPACE means the space between an excavation and the casing of a well or the space between two (2) concentric casings.

E. BENTONITE means bentonite chips which are naturally mined, non-pelletized sodium montmorillonite and listed by the National Sanitation Foundation.

F. BOARD means the Nevada County Board of Supervisors.

G. CONCRETE “Class A” means concrete with six (6) ninety-four (94) pound sacks of Portland cement per yard; “Class B” shall mean concrete with five (5) ninety-four (94) pound sacks of Portland cement per yard.

H. CONCRETE GROUT means a mixture composed of not more than two (2) parts of sand and one part of Portland cement, and not less than four and one-half (4-1/2) nor more than six and one-half (6-1/2) gallons of water per sack of cement (ninety-four [94] pounds).

I. CONTAMINANT means any physical, chemical, biological, or radiological substance or matter in water.

J. CONTAMINATION means an impairment of the quality of water by waste to a degree which creates a hazard to the public health.

K. DIRECTOR means the Nevada County Director of Environmental Health or their authorized representative.

L. DISINFECTATION means a chemical or physical process which kills or inactivates all pathogenic microorganisms. The type of disinfectant must be approved for domestic water usage.

M. DISTRIBUTION SYSTEM means system of conduits and their appurtenances by which a water supply is distributed to the users.

N. DRY HOLE means a well that produces less than one (1) gallon per minute.

O. ENFORCEMENT AGENCY means the Nevada County Department of Environmental Health.

P. HEALTH OFFICER means the Public Health Officer of the County of Nevada.

Q. INDIVIDUAL WATER SUPPLY SYSTEM means a source of water consisting of a well, spring, treated surface water, storage facilities, equipment or distribution system which is not a public water supply.

R. NEAT CEMENT means a mixture composed of one sack of Portland cement (ninety-four [94] lbs.) to not less than four and one-half (4-1/2) nor more than six and one-half (6-1/2) gallons of water.

S. PERSON means any individual, firm, corporation, partnership, or governmental agency, to the extent authorized by law.

T. PLANNING AGENCY means Nevada County Planning Department.

U. POLLUTION means an alteration of the quality of water by waste to a degree which unreasonably affects: (1) such waters for beneficial uses or; (2) facilities which serve beneficial uses. Pollution may include contamination.

V. POTABLE GROUNDWATER means water below the surface of the ground at a depth such that it has been protected from surface pollution or contamination by impervious soil stratum, or which has received an acceptable degree of natural treatment by filtration through a considerable amount of soil, and which is free from contaminants injurious to health.

W. PUBLIC ENTITY means a local agency, as defined in Cal. Gov't Code §§ 53090 – 53097.5, which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any water system or expansion of any water system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual water systems within a land development; and to design, finance, construct, operate and maintain any facilities necessary for the production, conveyance, and distribution of water pumped from water sources; and to conduct any monitoring or surveillance programs as required for water quality control purposes.

X. PUBLIC WATER SUPPLY means a system for the provision of piped water to the public for human consumption which has five (5) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.

Y. SANITARY SURVEY means an on-site review of an individual water supply system for the purpose of evaluating the adequacy of the water source, facilities, equipment operations, and maintenance for providing and distributing safe drinking water.

Z. SANITARY WELL SEAL means a device placed into the topmost part of a well casing which, by means of an expanding gasket, excludes foreign material from entering the top of the well casing or a device producing an equivalent effect, and is equipped with a pipe or plug through which disinfecting agents may be introduced directly into the well. Such a device shall be leakproof to prevent the entrance of surface water to the well.

AA. SEALING MATERIAL means neat cement grout, sand-cement grout, concrete, special quick-setting cement, or bentonite clay as defined in this Chapter or, if not defined in this Chapter, as defined in Bulletin 74-81 of the Department of Water Resources.

BB. SERVICE CONNECTION means any connection or arrangement, physical or otherwise, between a potable water source from an approved public water supply and any plumbing fixture, tank, receptacle equipment, or device.

CC. SEWAGE DISPOSAL SYSTEM means a septic tank and subsurface disposal field or other type of system or appurtenance thereto, whether public or private, receiving domestic or industrial sewage waste. Sewage disposal system does not include a sewer pipeline.

DD. SEWER LINE means a pipe conveying sewage waste matter from any building or premises to a point of disposal such as to a septic tank or sewage treatment or disposal plant.

EE. SHALLOW WELL means any well thirty (30) feet or less in depth.

FF. SMALL PUBLIC WATER SYSTEMS shall be as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60).

GG. SPRING means a naturally occurring flow of groundwater reaching the surface of the ground.

HH. STATE SMALL WATER SYSTEM means a public water system which meets one of the following criteria: (1) serves from five to fourteen (5-14) service connections and less than twenty-five (25) individuals any part of the year; (2) serves fifteen (15) or more service connections and any number of non-resident individuals less than sixty (60) days per year; (3) serves five to fourteen (5-14) service connections and twenty-five (25) or more individuals less than sixty (60) days per year.



II. SURFACE WATER means all those waters found on or immediately below the surface of the earth and that have not been filtered through any considerable amount of soil, and which normally do not meet California drinking water standards and are not protected so as to exclude real or potential sanitary hazards. In the event that a conflict of opinion arises as to whether or not any waters are “surface waters” within the meaning of this Chapter, the burden and expense of proving that said waters are not surface waters shall be upon the person or persons making such claim, and in the absence of finding to the contrary, the opinion and/or findings of the Director shall be final.

JJ. TEST HOLE means any excavation constructed in the earth exceeding a depth of fifteen (15) feet below the ground surface for the purpose of exploration of the earth.

KK. TRIMMIE means a tube, device or pipe which may be used to place sealing material into the annular space.

LL. WATER WELL OR WELL is defined as any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.

MM. WATER WELL DRILLER’S REPORT means Department of Water Resources Report Form DWR 188, or any subsequent form adopted by the Department of Water Resources.

NN. WELL COVER means a device to cover the topmost part of a well casing. The device must be so constructed as to be resistant to tampering, structurally sound, impervious, and prevent the entrance of foreign material.

OO. WELL DESTRUCTION means certain work done to an existing water well, the intent of which is to effectively seal the entire well up to the surface in such a manner that each intersected water stratum is sealed and isolated from every other stratum and from surface water.

PP. WELL RECONSTRUCTION means certain work done to an existing water well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include hydrofracking, developing, the cleaning out of sediments, surging or work related to the well pump.

QQ. AS DEFINED IN OTHER DOCUMENTS: Except as otherwise required by the context of this Chapter, the terms used in this Chapter should have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

RR. SECTION HEADINGS, when contained in this Chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SS. TENSE OR GENDER: Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and plural includes the singular. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.3 Connection Required**

Every habitable building or structure shall be connected to an approved water supply in accordance with the provisions of this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.4 Permit Required**

No construction, reconstruction, or destruction of a water treatment system, well or individual or public water supply system shall be commenced on any property until a permit to do such work shall have first been obtained from the enforcement agency. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.5 Minimum Yield**

If the source of the individual water supply system is a well or spring, then there shall be flow of not less than one (1) gallon per minute per service connection. Individual wells may be combined to provide the minimum flow requirement. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.6 Determination of Yield**

The determination of yield shall be made by a licensed well driller, licensed pump installer, registered civil engineer, registered engineering geologist, or registered environmental health specialist.

A. The procedure for testing the yield of wells for an individual water supply system with yields of less than three (3) gallons per minute shall be to draw down the water in the well until the water level stabilizes. The well shall then be pumped continually for a minimum of four (4) hours or longer, if needed, to produce a minimum of seven hundred and twenty (720) gallons of water as registered by an accurate meter or other approved method.

B. The procedure for testing the yield of wells for an individual water supply system with yields of three (3) gallons per minute or more shall be in accordance with the standards specified in Bulletin 74-81 of the Department of Water Resources and its supplements or by an alternate method approved by the enforcement agency.

C. The procedure for testing the yield of wells for public water systems shall be, as a minimum, the requirements specified in 1.6.B above, and for an amount of time as determined by the enforcement agency. Information regarding sustained yield and recovery rate shall be provided in a report and submitted to the enforcement agency.

D. The yield of a spring shall be tested in August or September. The period may be extended into October by decisions of the enforcement agency, depending on seasonal conditions. Yield shall be determined by pumping down and calculating recovery rate or by measuring an existing discharge flow rate from the spring. Historical data may be utilized for determination of production rates during the dry season on a case-by-case basis.

E. No release shall be given for issuance of a building permit for new construction of a building which requires a potable water supply until an adequate quantity of water is determined as follows:

1. The yield specified on the Water Well Driller's Report shall be valid for a period of one year from the "Date of Completion" noted on the report. A well without a valid Water Well Driller's Report shall be tested by a pump test in accordance with Section 1.6.A, B or C, as appropriate. The pump test report shall bear the original signature of the tester and shall be valid for one (1) year from the date inscribed on the report. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.7 Storage Requirements**

A water supply system consisting of a well or spring having a yield of less than three (3) gallons per minute per service connection shall have a water storage tank of construction and materials approved by the enforcement agency of the following size:

A. INDIVIDUAL WATER SUPPLY SYSTEM - a 1,000-gallon storage tank shall be required for each habitable structure.

B. PUBLIC WATER SUPPLY SYSTEM - storage shall be determined by a California registered civil engineer or environmental health specialist and shall take into consideration population served, fire flow requirements, and the quantity of water available, and shall comply with California Safe Drinking Water Act (5Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.8 Potability**

An individual water supply system shall provide water which is pure, wholesome, potable, and does not endanger the lives or health of human beings as defined by the California Safe Drinking Water Act (5Cal. Health & Safety Code §§116760 – 116762.60)).

The determination of bacteriological potability shall be by means of a bacteriological test conducted by a water laboratory approved by the State Department of Health Services.

Where the enforcement agency deems necessary, an analysis for contaminant(s) shall be conducted to demonstrate that the water supply meets the standards as set forth in California Safe Drinking Water Act (5Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.9 Surface Water Uses**

Use of surface water for drinking and domestic purposes shall be authorized only under the provisions of 3 of this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.10 Pressure**

The individual domestic water system shall be capable of providing an adequate supply of potable water under a minimum pressure of 15 p.s.i. at all times. Where pressure exceeds 80 p.s.i., the provisions of the Uniform Plumbing Code latest adopted edition shall apply. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.11 Issuance of Building Permit**

No building permit shall be issued for any building for human habitation until compliance with this Chapter is ascertained. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.12 Inspection**

Prior to final occupancy of a building for which a plumbing permit was issued, the enforcement agency may perform a sanitary survey, obtain water samples and approve the individual water supply system. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.13 Fees**

Fees will be set by Resolution of the Board for plan review, inspection, sampling of water sources and supply system, variance, permit to construct, destruction permit, surface water treatment permit, sanitary survey, and reinspection. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.14 Right of Entry and Inspection**

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of enforcement and administration of this Chapter. If any such premises are occupied, they shall first make a reasonable effort to locate the owner and any person having charge or control of same and demand entry. If such entry is refused, they shall have recourse to such remedies as are provided by law to secure entry. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.15 Protection of Water Supply**

No person shall install or maintain a well or test hole in any manner that will result in the pollution or contamination of groundwater or which allows the entrance of surface waters into the well. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.16 Enforcement - Generally**

The enforcement agency shall be empowered to enforce the provisions of this Chapter and of Bulletin 74-81 of the Department of Water Resources, including the amendments herein or hereafter adopted. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.17 Applicable Standards**

All approved water supplies shall comply with standards as set forth in the most recently Board adopted edition of the Uniform Plumbing Code. (Ord. 1717. (06/11/1991))

### **Sec. L-X 1.18 Effect of Partial Invalidity**

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code provision enacted by any ordinance-making body within the limits of the County of Nevada, California on July 12, 1991, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. If any provision of this Chapter should for any reason be declared invalid, such

decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect, and to this end the provisions of this Chapter are hereby declared to be severable.

## **SECTION 2 WATER WELLS**

### **Sec. L-X 2.1 Classes of Well Permits**

Well permits shall be classified as follows:

A. Class I Permits shall be issued for the installation of a well where such well location conforms with the minimum distances set forth in Table 1 of Section 2.10 below and where the enforcement agency deems conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class I Well shall be constructed with a minimum annular seal depth of twenty (20) feet below ground surface and shall be required for individual domestic wells, agricultural wells, observation and monitoring wells, and other wells if so determined by the enforcement agency. Class I Wells shall meet all minimum distances as set forth in Section 2.10.

B. Class II Permits shall be required and issued for the installation of a well where such well location is closer than the minimum distances set forth in Table 1 of Section 2.10 below or where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination unless special construction features are included in the well construction.

A Class II Well shall be constructed with a minimum annular seal depth of fifty (50) feet below ground surface and into an impervious stratum and shall be required for public water supply wells, industrial wells, and other wells where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination.

C. Class III permits shall be issued for a shallow well which conforms with the minimum distances set forth in Table 1 of Section 2.10 below and where the enforcement agency deems that conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class III shallow well shall be sealed to the top of the water-bearing stratum and in no case less than ten (10) feet below ground surface.

D. A reconstruction permit shall be required for any well reconstruction as defined in Section 1.2.

E. A destruction permit shall be required for any well destroyed in accordance with this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.2 Permit Application**

A. **WHEN REQUIRED:** No person shall dig, bore, drill, deepen, modify, reconstruct, repair, or destroy a water well, cathodic protection well, observation well or monitoring well without first obtaining a permit as provided in this Chapter exempted by law.

B. **EMERGENCY WORK:** The above provisions shall not apply to emergency work required to maintain drinking water or agricultural supply systems. For the emergency work, when County offices are closed, a permit may be issued after such work has begun, provided all of the following conditions are met:

1. The permit application is made the first day County offices are open following said work; and
2. The well system serves an existing structure or facility or agricultural operation; and
3. The person responsible provides written documentation to the enforcement agency that such work was urgently necessary; and
4. The permittee can demonstrate that all work performed was in conformance with this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.3 Permit Application Procedure**

A. A permit shall be issued only to a person licensed under State law as per Section 2.4.B of this Chapter.

B. Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this Chapter. The application shall be accompanied by the required filing fee.

C. The application for permit shall be deemed to be received by the enforcement agency only when the form is complete as detailed in subsection E below.

D. If the enforcement agency finds the application contains all necessary information and that the proposed work will comply with this Chapter, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purpose of this Chapter.

E. An application is complete only when the form (on its face) is completed in full, is signed by the licensed well driller and is accompanied by all required exhibits and fees. The exhibits shall include all of the following:

1. A vicinity map and clear directions to the property and well site.
2. Plans and specifications for the proposed work, including method of sealing the annular space.
3. Two (2) copies of an accurate site plan drawn to scale showing the proposed well location and all features of potential contamination (e.g., on-site sewage systems, sewer lines, animal feed lots, etc.) and property lines within 150 feet of the proposed well site. A scaled assessor's plot map may be used for this purpose.
4. Copy of assessor's plot.
5. Location of any restrictions such as easements on the property.
6. Any other information the enforcement agency finds necessary to complete the permit application.
7. Submission of appropriate permit filing fee.

F. **DRY HOLES:** In the event the primary well site results in a dry hole, one or more alternative sites may be drilled. The permittee shall advise the enforcement agency by submitting a revised site plan prior to the reinspection. A resulting abandoned well must be destroyed in accordance with Section 2.28 and so indicated by the permittee on the revised site plan. Said abandoned well destruction shall be performed under a separate permit and shall be the responsibility of the property owner. (Ord. 1717. (06/11/1991))

#### **Sec. L-X 2.4 Permit Conditions**

A. **LIMITATIONS:** When the enforcement agency issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of this Chapter. Conditions may include, but are not limited to, such quantity and quality testing methods as the enforcement agency finds necessary.

B. **PERSONS PERMITTED TO WORK ON WELLS:** All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses a valid C-57



contractor's license in accordance with the provisions of the California Business and Professions Code, or their designated employees.

C. **ABANDONED WELLS:** As a condition of a construction or modification permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.5 Permit - Denial**

A. The enforcement agency shall deny, in writing, a permit when, in its judgment, issuance of a permit is not in the public interest. Upon receipt of a completed application, the enforcement agency shall deny the permit if:

1. The application contains false information.
2. The proposed work would not comply with this Chapter.
3. There are abandoned wells on the property and no application for permits has been made to destroy such wells.
4. The proposed construction will contaminate or put groundwater at a risk of contamination.

B. The enforcement agency shall either issue or deny the permit within seven (7) calendar days after receipt of the completed application. Unless the permit is issued or denied within seven (7) calendar days, it shall be deemed approved.

C. Denied permits may be appealed pursuant to Section 5 of this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.6 Permit - Expiration**

The permittee shall complete the work authorized by the permit within one year of permit issuance. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received a new permit or renewal of the permit. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.7 Permit Issuance and Renewal**

A. A permit issued pursuant to this Chapter shall be effective for one (1) year from the date of issuance for the authorized work. The permit is non-transferable. Once a well is installed pursuant to the permit, conditions imposed as requirements for permit issuance shall continue in force as long as the well is used.

B. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for permit renewal shall conform to the requirements of Section 2.3. The permit shall be renewed or denied consistent with this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.8 Permit Suspension, Revocation and Stop-Work Order**

A. CIRCUMSTANCES FOR SUCH ACTION: The enforcement agency may suspend or revoke any permit issued pursuant to this Chapter whenever it finds that the permittee has violated any of the provisions of this Chapter or has misrepresented any material fact in their application or any supporting documents for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the Director. An appeal within fifteen (15) calendar days may be made as set forth in Section 5 of this Chapter.

B. STOP-WORK ORDER: In addition to suspension and revocation, the enforcement agency may issue a stop-work order.

C. CONSEQUENCES: No person whose permit has been suspended or revoked or for which a stop-work order has been issued shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency or, in the case of a stop-work order, the order has been released, in writing, by the enforcement agency.

D. ORDERED ADDITIONAL WORK: Upon issuance of a stop-work order, suspension or revocation of any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the groundwaters from pollution or contamination if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the groundwater. No permittee or person who has held any permit issued pursuant to this Chapter shall fail to comply with any such order. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.9 Building Permits**

A. The enforcement agency shall not issue a release for building permit issuance if wells drilled on the property are not in compliance with this Chapter.

B. The enforcement agency shall not issue a release for building permit issuance if there are any abandoned wells on the property that have not been destroyed or permitted to be destroyed pursuant to this Chapter.

C. The enforcement agency shall not issue approval for a Certificate of Occupancy or temporary occupancy for a building on property whereupon a well has been drilled unless the well is in compliance with this Chapter. Wells drilled prior to the effective date of this Chapter shall be exempt from the requirements of Section 2.18. (Ord. 1717.(06/11/1991))

**Sec. L-X 2.10 Well Location**

All wells shall be located as prescribed in Table 1.

**TABLE 1**  
**Minimum Distance\***

From property line**	50 feet
From easements	5 feet
From septic tank and septic system sumps	100 feet
From public or private sewer pipe line of approved water-tight piping and joint materials	25 feet
From other public or private approved sewer line	50 feet
From individual sewage disposal field	100 feet
From community sewage disposal field	200 feet
From pit privy	150 feet
From animal or fowl enclosures (pasturage excluded)	100 feet
From seepage pit	150 feet
From sanitary landfill	As approved by the enforcement agency
From water storage tank	10 feet

\*For Class I, II, and III Wells where, in the opinion of the enforcement agency, adverse conditions exist (e.g., petroleum storage or pipelines, hazardous materials storage or pipelines, etc.) these distances may be increased as determined by the enforcement agency.

\*\*1. A five (5) foot minimum setback shall be permitted for a Class I well if the adjoining property(s) meets one or more of the following:

- a. Is three (3) acres or greater in size.
- b. Has a developed or approved sewage disposal system (including repair area) that is 100 feet or more from the proposed well location.
- c. Has features that would preclude the development of a sewage disposal system (including repair area) within 100 feet of the proposed well location.
- d. Has a well which precludes development of a septic system within 100 feet of the proposed well location.

2. A five (5) foot minimum setback shall be permitted for a Class II well.

If the property cannot comply with either 1 or 2 above, then a 50-foot setback shall be required.

(Ord. 1717. (06/11/1991))

### **Sec. L-X 2.11 Protection**

At all times during construction, the well shall be protected in such a manner as to prevent tampering with the well, accidents to persons, the entrance of foreign matter into the well or the entrance of drilling mud into streams, etc. Water and drilling mud used in drilling shall be free from contamination. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.12 Well Standards**

Except as otherwise specified, the standards for the construction, modification or destruction of wells shall be as set forth in the California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California," as modified by subsequent revisions or supplements. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.13 Casings**

A. All metal casing used in well construction shall be new and shall have a minimum thickness of twelve (12) gauge for wells up to and including eight (8) inches in diameter, and a minimum thickness of ten (10) gauge for wells ten (10) inches in diameter or over. Casings shall be placed to a sufficient depth to insure well integrity and to prevent well-collapse.

- B. All casings shall be placed with sufficient care to avoid damage to casing sections or joints. The uppermost perforation shall be at least five (5) feet below the annular seal.
- C. All concrete pipe casing used in well construction shall be new, free of defects, and shall conform to California Department of Water Resources Bulletin 74-81, as modified by subsequent supplements or revisions.
- D. All polyvinylchloride casing used shall be new, free of defects, and shall meet ASTM standard F480.
- E. The casing shall extend at least eight (8) inches above the ground surface or at least two (2) inches above the surface of the concrete slab.
- F. Any well construction utilizing a pitless adapter shall only be constructed with steel casing meeting standards specified in Bulletin 74-81 and its supplements.
- G. Other casing materials may be approved by the enforcement agency when such materials are approved for use by the Department of Water Resources. (Ord. 1717. (06/11/1991))

#### **Sec. L-X 2.14 Sealing of the Annular Space**

- A. The annular space shall be effectively sealed with a sealing material to prevent surface or sub-surface pollution entering the well through casing joints or flowing down the outside of the casing and into the well at the lower end.
- B. In unconsolidated formations the annular space shall be filled with sealing material having a minimum thickness of two (2) inches, except in the case of a concrete pipe cased well, which shall have a minimum thickness of three (3) inches.
- C. Prior to sealing, a packer of cement, concrete, steel or other approved material shall be installed at the bottom of the annular space to be grouted. The seal shall be applied in one continuous process either by pressure or by gravity in accordance with proper construction practice and in such a manner as to exclude surface and other undesirable water from the well.
- D. If bentonite clay is used as the sealing material, the uppermost two (2) feet of the annular space shall be sealed with cement. (Ord. 1717. (06/11/1991))

#### **Sec. L-X 2.15 Well Pits**

Well pits or below ground discharge pipes may be permitted at the discretion of the enforcement agency. Where the well casing terminates in a pit below the ground surface, the pit shall be constructed so as to be drained with a minimum three (3) inch diameter pipe

discharging water by gravity to the ground surface. The drain shall be screened at both ends. The casing shall be carried at least eight (8) inches above the pit floor. The well pit shall be so constructed and protected that floodwaters cannot enter the pit. Pits shall have easy access for proper operation, maintenance and inspection of the equipment. Doorways or hatches shall at all times effectively keep water out of the pit. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.16 Access Openings Into Well Casings**

Access openings into the well casing or conductor pipe for addition of gravel to a gravel packed well, for sounding the well, for air release, for disinfection, and for any other purpose necessary for maintenance and operation of the well are required but must terminate above flood and high water levels or have a watertight seal. These openings shall be protected against entry of small animals, insects, floodwater, drainage or pump drippage, and other contaminating matter, by caps. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.17 Special Groundwater Protection**

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require special well seal(s) in these designated areas to prevent mixing of water from several aquifers. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.18 Inspections**

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site prior to the issuance of a well permit, an inspection at the completion of the work, and inspections at such other times as it deems appropriate. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.19 Inspection of Well Seal**

The enforcement agency shall inspect the annular space grout depth prior to the sealing.

A. **REQUIRED NOTICE:** The well driller shall notify the enforcement agency a minimum of two (2) hours prior to sealing the annular space of a well. Notification consists of submitting:

1. A valid Assessor's Parcel Number;

2. Date and specific time of well sealing;
3. Location of well sealing;
4. Permittee name.

B. **SHOULD ENFORCEMENT AGENCY FAIL TO BE PRESENT:** If the enforcement agency fails to be present at the requested seal inspection time, the driller shall seal the well in accordance with the standards of this Chapter and any permit conditions.

C. **FAILURE OF WELL DRILLER TO APPEAR:** If the well driller fails to appear and perform the well construction work as specified by the required confirmation notice indicating date and time, after fifteen (15) minutes the enforcement agency may leave the site. The well driller shall notify the enforcement agency of the need for reinspection for any future inspection of the work. The well driller shall pay a reinspection fee within two (2) working days following the reinspection.

D. **FAILURE OF THE WELL DRILLER TO BE READY:** The well driller may postpone the seal time without any consequences, providing the driller notifies the enforcement agency at least one (1) hour prior to the previously arranged well seal inspection time. If the notification is less than one (1) hour and the enforcement agency appears at the well site, the well driller may be required to proceed as in subsection C above.

E. **AFTER THE FACT INSPECTIONS:** In the event that reliable technology exists, then the enforcement agency may, at its option, waive inspection of the sealing of a well's annular space. It may choose to inspect such seal installations after the fact, using such means as will determine the presence of a seal and not damage the well. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.20 Completion**

Upon completion of a well, the driller shall be responsible for the sanitary well seal or a well cover. The driller shall also submit a completed water well driller's report or photocopy of same, completed in detail on the State Department of Water Resources reporting form, to the Health Department. Said photocopy shall contain the assessor's parcel number of the subject property and permit number. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.21 Final Inspection**

If requested by the enforcement agency, the driller shall notify the enforcement agency within seven (7) calendar days of the completion of their work at each drilling site. The enforcement agency may make a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter. (Ord. 1717. (06/11/1991))

## **Sec. L-X 2.22 Completion Reports**

A. SUBMITTAL OF STATE “WATER WELL DRILLER’S REPORT”: A copy of the Water Well Driller’s Report shall be submitted by the permittee to the enforcement agency within ninety (90) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards as set forth in the Department of Water Resources Bulletin 74-81 and all additional permit conditions. This Section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

B. CONFIDENTIALITY OF REPORT: In accordance with Cal. Water Code § 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. OTHER AGENCY’S REQUIREMENTS: Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of Cal. Water Code §§ 13750.5 - 13755 relating to notices and reports of completion or any other federal, state, or local reporting regulations.

D. Well drillers that fail to comply with this Section shall not be issued any future well construction permits. Permits may be issued once all required reports are on file with the enforcement agency. (Ord. 1717. (06/11/1991))

## **Sec. L-X 2.23 Well Permit Completion**

A. No person shall connect to or use any well subject to this Chapter for which a Well Permit Completion has not been issued. The enforcement agency shall issue a Well Permit Completion only if, upon inspection of the work, the work complies with this Chapter and the conditions of the permit.

B. If inspected work does not comply with this Chapter and the conditions of the permit, the permittee shall be notified in writing. Work deficiencies shall be explained and satisfactory well completion or well destruction required. A Well Permit Completion shall be issued upon satisfactory completion.

C. A Well Permit Completion shall only be issued where the enforcement agency has the Water Well Driller’s Report.

D. Denial of a Well Permit Completion may be appealed in accordance with Section 5 of this Chapter. (Ord. 1717. (06/11/1991))



### **Sec. L-X 2.24 Disinfection**

Newly constructed or repaired wells shall be adequately treated with chlorine to a strength of at least fifty (50) PPM of available chlorine, in such a manner as to disinfect all parts of the well before or as the pump is set, and shall not be pumped for at least eight (8) hours. Prior to use for domestic purposes, the well shall be pumped sufficiently to eliminate the disinfectant residual. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.25 Pump Installation**

All pumps shall be installed so as to prevent contamination of the water supply by surface water or other contaminants. The pump shall be mounted through a sanitary well seal. There shall be access for introduction of chlorine into the well and gravel pack as needed. A faucet shall be provided on the discharge line, ahead of the storage tank, constructed so that a representative sample of the water in the well may be obtained. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.26 Abandoned Wells**

The owner of any property shall be responsible for destroying any uncapped or abandoned well, test hole, monitoring well or exploratory well located thereon. The well will not be considered abandoned if the owner declares their intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well a) has no defects in construction which would cause pollution or contamination of the potable groundwater by surface water; b) is covered with a well cover, c) is so marked as to be clearly seen; and d) the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.27 Wells Constructed After July 12, 1991**

Wells constructed after July 12, 1991, and which are not in compliance with this Chapter shall be made to comply with this Chapter or destroyed pursuant to this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.28 Destruction Methods**

Prior to destroying a well, a detailed evaluation and report on the well shall be submitted to the enforcement agency by a licensed well driller. Such report shall indicate the type of well to be destroyed, all known geological conditions and the methods and material to be

used in the destruction process. The methods and materials used in destroying wells and test holes shall be such that the potable or usable groundwater is protected from pollution or contamination or the entrance of surface water thereto. All abandoned wells shall be destroyed as follows:

- A. Any obstruction in the well shall be removed when possible.
- B. As much casing or lining in dug wells shall be removed as is physically possible.
- C. Where necessary (depending on the type of casing) the remaining casing shall be ripped or perforated to fill any annular space or nearby voids.
- D. The well shall be entirely filled with impervious material such as class B concrete, concrete grout, neat cement or puddled clay.
- E. The placement of the material shall be done in such a way as to assure a dense seal, free of voids, in order to exclude surface water.
- F. Other methods of destroying wells and test holes may be approved by the enforcement agency if an equivalent effect will result, and no contamination or pollution to the potable or usable groundwater will occur. (Ord. 1717. (06/11/1991))

### **Sec. L-X 2.29 Variances**

- A. The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced within this Chapter and to prescribe alternative requirements in their place. Any variance from the requirements of this Chapter shall be granted only with written approval of the Director.
- B. **SPECIAL CIRCUMSTANCES:** Variances from any requirements of this Chapter shall be granted in specific cases only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application and enforcement of the requirements of this Chapter would involve practical difficulties or unnecessary hardship depriving such property of privileges enjoyed by other similar property in the vicinity. In these instances, a variance may be granted by the enforcement agency only if, in the opinion of the Director, no public health or water quality hazard would be created.

Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity.

1. An application for a variance shall be submitted to the enforcement agency by the property owner or licensed well driller on forms provided by the enforcement agency and accompanied by the appropriate filing fee. Upon receipt of the application and

filing fee, the enforcement agency shall make an investigation to determine whether a variance should be granted under the provisions of this Chapter. After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying the variance. The enforcement agency shall respond to the filing of a completed application for a variance within fifteen (15) calendar days. If the enforcement agency fails to respond to the filing within fifteen (15) calendar days, the variance shall be deemed denied.

2. A representative from the enforcement agency must be present to witness the drilling, casing, and sealing of the annular space of any well constructed pursuant to this variance procedure.

3. Where setback requirements are reduced pursuant to this variance procedure, the Director may require larger and/or deeper annular seals, special casings, or other construction features to protect the public health and the groundwater quality.

4. For any well constructed pursuant to this variance procedure, the enforcement agency may require the submittal of samples to a State licensed laboratory for analyses as determined by the enforcement agency. The results of these tests shall be submitted to the enforcement agency within fifteen (15) calendar days of the completion of the test.

5. The enforcement agency, at its discretion, may sample any well constructed pursuant to this variance procedure for chemical and/or bacteriological quality for a period not to exceed twenty-four (24) months from date of completion. Should such sampling reveal contamination or pollution of the well or groundwater, appropriate repairs or destruction of the well shall be required by the enforcement agency.

6. The decision of the Director regarding a variance request may be appealed by any interested party to the Health Officer within fifteen (15) calendar days of the variance decision pursuant to 5 of this Chapter.

7. A variance shall not be granted to allow the creation of substandard or nonconforming lots or parcels.

C. INTENT OF CHAPTER NOT COMPROMISED: The granting of a variance shall be consistent with the purposes of this Chapter. (Ord. 1717. (06/11/1991))

## **SECTION 3 TREATMENT OF SURFACE WATER FOR DOMESTIC PURPOSES**

### **Sec. L-X 3.1 Use of Surface Water for Domestic Purposes**

#### **A. GENERAL**

Treated surface water supplies used for domestic purposes must meet the provisions of: (1) The laws, standards and regulations of the California Safe Drinking Water Act; (2) California Domestic Water Quality Monitoring Regulations relating to certification of water treatment facility operation as excerpted from the California Health and Safety Code, California Code of Regulations, and the California Water Code. Surface water used for domestic purposes must be under administrative authority of a private or public entity formed for the purpose of collecting, treating, storing and distributing water for human consumption. All such entities treating surface water for drinking or domestic use shall be required to possess a valid Certificate of Operation issued by the enforcement agency and pay an annual inspection fee set by the Board of Supervisors or possess a Domestic Water Permit issued by the California Department of Health Services.

## B. CONDITIONS

A surface water source with treatment may be utilized for domestic use on a case-by-case basis if the following conditions are fulfilled:

1. For existing developed parcels where there is a legal residence and wells or springs:  
(a) yield less than one (1) gallon per minute, (b) are contaminated, or (c) setback requirements from the waste water disposal system prohibits the use of a well or spring;  
and
2. A raw water source approved by the enforcing agency for treatment is available from a public or private entity either existing or to be created; and
3. An affidavit stating a raw water service connection will be provided to the user is received by the enforcement agency from the Administrative Authority of said entity;  
and
4. Compliance with Sections 3.3 through 3.8 of this Chapter is ascertained.

The drilling and testing of a well as specified in Section 3.1.B.(1) above may be waived by the enforcement agency on a case-by-case basis provided that valid historical data are available as provided by a well driller, geologist, civil engineer, or enforcement agency records. Said data must show that groundwater resources are minimal or nonexistent and/or groundwater is contaminated. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.2 Prohibitions**

After the effective date of this Chapter, it shall be unlawful for a person or persons to utilize untreated surface water for domestic purposes for any new construction other than as allowed under the provisions stated herein. No building permit shall be issued for a dwelling proposing to use treated surface water as its source of domestic water. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.3 Treated Surface Water Availability**

For an existing dwelling proposing to use treated surface water as its source of domestic water, the treatment system and source shall be approved by the enforcement agency and the California State Department of Health Services. Before any water availability affidavit is issued by a private or public entity and can be approved by the enforcement agency, the water treatment system, all equipment specifications and design must meet the provisions of this. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.4 Surface Water Treatment Permit**

A. The property owner or their designated representative must make application for a Surface Water Treatment System permit on a form provided by the enforcement agency. Said application shall include, as a minimum, the following:

1. A certificate bearing the original signature from a California registered civil engineer or a registered environmental health specialist stating that the proposed water treatment system, when properly installed and maintained, will produce water continuously meeting the California Safe Drinking Water Act, California Water Works Standards, and this Chapter. Said system shall be installed under the supervision of the designer signing the Certificate who, after the system is installed, shall certify in writing that the water treatment system has been installed in conformance with the approved design;
2. The reason and substantiation for request (e.g., hardship, less than one gallon per minute yield on well, well is contaminated, etc.), along with supporting data. Said reason shall be provided on a “request for waiver” form;
3. A Facilities Plan and Project Report prepared by a California registered civil engineer or environmental health specialist. Said report shall include, as a minimum, a detailed equipment plan, materials and specifications, flow calculations, retention time, treatment method, top and side views, and other information as is necessary to justify the treatment system;
4. Analyses of raw source water samples collected and tested by a State licensed laboratory;
5. A contract agreement between the property owner and the designer or installer certifying that the contractor will maintain the system according to the approved system design.

B. All documents, information, designs, analysis reports and plans required in subsection A above shall be submitted in triplicate. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.5 Surface Water Treatment Requirements**

- A. The treatment plant, piping, and appurtenances shall be designed, located, constructed, and composed of materials sufficient to withstand the physical stresses imposed during normal operation and during all weather conditions. All portions of the treatment facilities shall be readily accessible for maintenance and operation.
- B. The treatment system is to be designed and installed so that there is disinfection at all times to provide potable water for domestic use.
- C. In systems with media-type filters, a proportional feed pump shall be used to add effective coagulation chemicals prior to filtration and filter in proportion to the rate of water flow. A suitable coagulant solution container shall be provided.
- D. An accurate pressure gauge shall be provided on both the inlet side and on the outlet side of the filter to provide a visual assessment of pressure loss due to filter clogging and thereby facilitate proper filter backwash frequency.
- E. All filters shall be constructed and installed so that the design filtration rate cannot be exceeded.
- F. Filters shall be constructed so that they can be backwashed only with clear, filtered, and chlorinated water meeting drinking water standards. Backwash flow rates shall effectively clean the filter media. Piping shall be valved so that filters can be isolated for repairs while the other units are functioning. Initial filter runs, after backwash, are to be directed to waste. There shall be no bypass or leakage of untreated or partially treated water to the point of use. Other approved methods of backwash may be approved on a case-by-case basis. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.6 Disinfection**

Disinfection is to be by chlorination or other approved methods.

#### **A. WHEN USING CHEMICAL DISINFECTION**

1. A contact tank or tanks shall be provided to allow for a minimum of thirty (30) minutes retention time to accomplish adequate disinfection during periods of peak water flow through the treatment plant. The chlorine contact facilities shall be installed in a manner which will effectively maximize retention time and reduce "short circuiting".
2. Disinfectant Solution Storage Container. A container constructed of materials resistant to corrosion by the disinfectant shall be provided for the storage of the prepared

solution being supplied to the proportional disinfectant feeder. The container shall be sized to provide at least a one (1) week supply of disinfectant solution during normal demand, but not more than a two (2) week supply.

3. When using chlorine, a DPD free chlorine residual test kit with appropriate reagents shall be supplied as part of each water treatment plant installation.

B. SAMPLING TAP. A faucet or other suitable fixture shall be provided immediately upstream and downstream from the contact facilities to permit collection of water samples for bacteriological, turbidity, and disinfectant residual measurements. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.7 Monitoring**

A. For any installation of a surface water filtration and treatment system constructed after the effective date of this Chapter, monitoring shall be required to determine that the water system is performing satisfactorily as per the design. Monitoring shall be accomplished by any one of the following:

1. A contract agreement between the property owner and the designer or installer for sample collection and analysis by a State certified laboratory, or
2. By the enforcement agency on a fee for service basis.

B. The owner or contractor shall provide the enforcement agency a report of monitoring on a quarterly basis. Said monitoring shall include, as a minimum, quarterly bacteriological sample analysis, daily turbidity analysis, and daily chlorine residual.

C. If sample results demonstrate that the treatment system is not achieving minimum water quality requirements, the designer shall submit new plans and specifications to the enforcement agency, as per Section 3.4, to bring the treatment system performance within minimum potability standards. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.8 Alternative Surface Water Treatment Systems**

Use of alternative surface water treatment systems may be considered on a case-by-case basis only. Said proposed systems must provide assurance of meeting minimum potability standards and equipment reliability and otherwise conform to this Section. The State Department of Health Services shall also approve of a proposed alternative surface water treatment system. Additional testing and monitoring requirements may be imposed as a result of approval of an alternative surface water treatment system. (Ord. 1717. (06/11/1991))

### **Sec. L-X 3.9 Surface Water Connection to an Existing Dwelling**

No new hookup of an existing dwelling to an untreated surface water source shall be permitted after July 12, 1991, other than by the provisions of Section 2.29.

## **SECTION 4 WATER AVAILABILITY FOR DIVISION OF LAND**

### **Sec. L-X 4.1 Applicability of This Chapter**

The requirements of this Chapter shall apply to the determining of adequacy of water supply for any division of land in the County of Nevada approved as a tentative map after the adoption of this Chapter. (Ord. 1717. (06/11/1991))

### **Sec. L-X 4.2 Water Studies Required for Land Use Projects**

For any proposed division of land where water is to be supplied by individual wells, the following standards shall be applicable as conditions of approval of the tentative and the final map:

A. For any division of land, the subdivider shall drill wells on a percentage of the lots and submit a Water Well Driller's Report indicating water availability in a quantity and quality adequate for domestic purposes. For purposes of this Section, quantity adequate for domestic purposes is a minimum of three (3) gallons per minute, as determined under procedures in Section 1.6. Water Well Driller's Reports for existing wells on the land to be divided may be used as part of this percentage where the "Date of Completion" disclosed on the Water Well Driller's Report is dated within one (1) year of the submittal of the land use application to the planning agency. Where the Water Well Driller's Report does not meet the aforementioned requirement or where a Water Well Driller's Report is not available, a valid report from a pump test conducted in accordance with Section 1.6 may be submitted. Such pump test report shall be accompanied by the Water Well Driller's Report if the driller's report is available.

In the event that the number of parcels in the subdivision is not evenly divisible by ten (10), an additional well shall be required for any remaining fractional requirement. When test wells are drilled, they shall be dispersed throughout the site in a manner approved by the enforcement agency in order to give a representative sample of groundwater availability on the lots.

The percentage of parcels requiring studies and wells are as follows:



WITH PLANNING AGENCY APPLICATION

1. Submit a licensed geologist's report to the enforcement agency certifying that groundwater adequate in amount to meet this Chapter for domestic water supply is available to every parcel in the subdivision; or
2. Drill wells on ten percent of the parcels and submit a Water Well Driller's Report indicating water availability.

PRIOR TO RECORDATION

MINIMUM PARCEL SIZE

5 acres or less	50% of parcels
5.1-10 acres	30% of parcels
10.1-20 acres	10% of parcels

For divisions of land creating parcels of more than twenty (20) acres, proof of availability of groundwater shall only be required where the enforcement agency deems it necessary based on evidence of groundwater shortages in the area of the proposed subdivision.

B. For any division of land where water supply is to be by individual wells, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that water is available on any lot or parcel on the recorded map.

C. **CONDITIONAL USE PERMIT, SITE PLAN, GENERAL PLAN AMENDMENT AND ZONE CHANGE.** The information required will be on a case-by-case basis. With the Planning Agency application, the results of water resource studies representative of the area shall be provided as required by the enforcement agency.

D. **AREA VARIANCE:** The information required will be on a case-by-case basis.

E. **ENVIRONMENTAL IMPACT REPORT:** If drilled wells are proposed, water resource information on each and every parcel of the project shall be provided at the time of application. This requirement may be waived if the enforcement agency has determined it possesses adequate information on said water resources.

F. For any land use project proposing to create a public water system, a Preliminary Basis of Design shall be submitted at the time of application to the planning agency. Said design shall include as a minimum the following information:

1. Information on source availability, including total quantity and quality of water available.
2. Projected water quantity demands, including peak flows, fire flows, and other applicable flows.
3. Storage requirements.
4. Specifications on well construction demonstrating compliance with this Chapter.
5. Proposed treatment facilities, if any.
6. Proof of financial responsibility in accordance with the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60). (Ord. 1717. (06/11/1991))

#### **Sec. L-X 4.3 Connections to Public Water Supply**

For any division of land where an approved public water supply system is available within 200 feet of the parcels, said parcel shall be connected to the approved system unless water meeting California Drinking Water Standards is proven to be available from other sources.

A “will serve” letter from an approved water supply system shall be provided with the application to the planning agency.

Proof of service from an approved water supply system shall be provided before final approval of the map can be given. (Ord. 1717. (06/11/1991))

#### **Sec. L-X 4.4 Creation of Public Entity**

For any division of land where a public water system is to be created for the supply of water, either a public entity shall be formed, or the system must be approved for inclusion in an existing public entity. Said entity shall comply with the provisions of the California Health and Safety Code, California Code of Regulations, and/or Government Code for the creation of such entities. The formation of said entity shall be a condition of approval for the tentative map. (Ord. 1717. (06/11/1991))

## **SECTION 5 APPEALS**

### **Sec. L-X 5.1 Appeal Procedures**

A. **RIGHT OF HEARING:** Any person whose application for a permit has been denied or granted conditionally, or whose permit has been suspended or revoked, or whose Well Permit Completion has been denied, or whose application for variance has been denied, may appeal to the Health Officer, in writing, within fifteen (15) calendar days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken and shall be accompanied by the appropriate fee. The Health Officer shall set such appeal for hearing within fifteen (15) calendar days.

B. **ACTION BY THE HEALTH OFFICER:** After such hearing, the Health Officer may affirm, reverse wholly or partly, or modify the order or determination appealed from.

C. **APPEAL TO THE BOARD OF SUPERVISORS:** Any person shall have a right to appeal an adverse decision of the Health Officer to the Board of Supervisors within ten (10) calendar days of the adverse decision.

An appeal shall be filed with the Clerk of the Board of Supervisors on the required form. Any such appeal shall be accompanied by a fee, the sum of which shall be the same as that for appeals of land use matters under Sections 33 and 35 of the Chapter governing Zoning of this Code and which shall be paid to the Clerk of the Board of Supervisors. The purpose of a statement on the appeal is to facilitate the Board's initial determination as to the propriety and merit of the appeal as per subsection D below.

D. An appeal shall only be filed on the official form to be provided by the Clerk of the Board of Supervisors, together with such additional pages as may be necessary. A statement of appeal shall include:

1. Identification of the project and the decision of the enforcement agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the appellant.
6. Identification of the appellant.

E. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present any such appeal to the Board of Supervisors at their next regular meeting. At that time, the Board shall determine if the appeal was filed within the applicable time limits and shall

summarily reject any appeal which is filed beyond the time limits. Further, the Board shall determine if the appeal contains sufficient information as required by “D” above. If the Board determines that the information as supplied in the appeal is incomplete, it may:

1. Summarily reject the appeal for any such insufficiency of statement on appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.

F. Upon presentation of the Notice of Appeal, together with the required statement on appeal to the Board of Supervisors, the Board may summarily reject the appeal if it finds that the matter being appealed is a requirement of law or if, by unanimous vote, it finds the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on its agenda permits, and in accordance with any other time requirements of law.

G. **DECISION BY BOARD:** The Board may reverse or affirm, wholly or in part, or modify the decision and may make such order as should be made. Such action shall be final. (Ord. 1717, 6/11/91)

## **SECTION 6 ENFORCEMENT**

### **Sec. L-X 6.1 Criminal Enforcement**

A. The Director shall be the person primarily responsible for enforcing the provisions of this Chapter. To the extent any violation is designated to be an infraction, the Code Enforcement Division of the County of Nevada is also authorized to enforce such provisions and both shall have the authority to issue citations for infractions.

B. Any act in violation of the terms of this Chapter and the standards established pursuant thereto is hereby declared to constitute a public nuisance which shall be punishable as an infraction as provided for in Section 37 of the Chapter governing Zoning Nevada County Code. (Ord. 1717. (06/11/1991))

## **Sec. L-X 6.2 Notice of Violation**

A. NOTICE OF VIOLATION RECORDATION: Whenever the enforcement agency determines that a well (1) has not been completed in accordance with a well permit or the plans and specification relating thereto, or (2) has been constructed without the required permit, or (3) is abandoned and has not been destroyed in accordance with this Chapter, the enforcement agency may record a notice of violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner(s) or authorized agent disagree with the determination, they may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the Health Officer in accordance with the provisions of 5 of this Chapter.

B. REMOVAL OF VIOLATION NOTICE: The enforcement agency shall submit a removal of notice of violation to the County Recorder when (1) it is determined by the enforcement agency or the Health Officer, after review, that no violation of this Chapter exists; or (2) all required and corrective work has been completed and approved by the enforcement agency; or (3) when so directed by the appeal decision of the Health Officer or the Board. (Ord. 1717. (06/11/1991))

## **Sec. L-X 6.3 Civil Enforcement - Nuisance**

A. Any well dug, bored, drilled, deepened, modified, reconstructed, repaired or maintained contrary to the provisions of this Chapter or conditions attached to any permit or variance is unlawful and a public nuisance and the duly constituted authorities of the County of Nevada may commence any action or proceeding for the abatement, removal or enjoinder thereof in the manner provided by law.

B. Failure to comply with the conditions attached to a permit or variance to dig, bore, drill, deepen, modify, reconstruct, repair or maintain a well, or operate, monitor or maintain an approved water supply may result in the revocation of the permit by the enforcement agency. (Ord. 1717. (06/11/1991))

## **Sec. L-X 6.4 Remedies Cumulative**

The remedies available to the enforcement agency to enforce this Chapter are in addition to any other remedies available under ordinance or statute and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 1717. (06/11/1991))

**Sec. L-X 6.5 Notification of Licensing Agencies**

The enforcement agency shall notify licensing agencies of any contractor that performs unauthorized work that violates this Chapter. (Ord. 1717. (06/11/1991))

# EXHIBIT I

## LAND USE CODE

### CHAPTER XII: FLOODPLAIN MANAGEMENT REGULATIONS

#### SECTION 1 FLOODPLAIN MANAGEMENT REGULATIONS

##### Sections:

<b>Sec. L-XII 1.1</b>	<b>Purpose &amp; Intent</b>
<b>Sec. L-XII 1.2</b>	<b>Definitions</b>
<b>Sec. L-XII 1.3</b>	<b>General Provisions</b>
<b>Sec. L-XII 1.4</b>	<b>Administration</b>
<b>Sec. L-XII 1.5</b>	<b>Provisions for Flood Hazard Reduction</b>
<b>Sec. L-XII 1.6</b>	<b>Procedures for Exception</b>

##### **Sec. L-XII 1.1 Purpose & Intent**

- A. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of the County of Nevada does hereby adopt the following floodplain management regulations.
- B. This Chapter will provide the floodplain management criteria for all development in areas of special flood hazard within the unincorporated areas of the County of Nevada. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
  2. To minimize expenditure of public money for costly flood control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
  6. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
  7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- C. In order to accomplish its purpose, this Chapter includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which results in damaging increases in erosion or flood heights or velocities;
  2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  4. Controlling filling, grading, dredging and other development which may increase flood damage, and
  5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

## **Sec. L-XII 1.2 Definitions**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. **ACCESSORY STRUCTURE** means a structure or a portion of a structure, either attached or detached, which is subordinate to, and the use of which is incidental to, that of the main structure or use on the same premises.
- B. **AREA OF SPECIAL FLOOD HAZARD** - See Special Flood Hazard Area.
- C. **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood).
- D. **BASEMENT** means any area of the building having its floor subgrade (below ground level) on all sides.



- E. **BREAKAWAY WALLS** are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
- F. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- G. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- H. **COMMISSION OR PLANNING COMMISSION** - The Planning Commission of Nevada County.
- I. **DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations including the physical extension and/or construction of urban land uses. Development activities include the subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (except for agricultural activities). Routine repair and maintenance activities are exempted.
- J. **EXCEPTION** means a grant of relief from the requirements of this Chapter, which permits construction in a manner that would otherwise be prohibited by this Chapter.
- K. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 25, 1988.

- L. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION the preparation of additional sites by the construction of facilities for servicing the locates which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- M. FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
- N. FLOOD BOUNDARY AND FLOODWAY MAP means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- O. FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Nevada County.
- P. FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- Q. FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).
- R. FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- S. FLOODPLAIN ADMINISTRATOR is the community official designated by title to administer and enforce the floodplain management regulations. SEE ZONING ADMINISTRATOR.

- T. FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state and local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- U. FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- V. FLOODWAY means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway”.
- W. FUNCTIONALLY DEPENDENT USE means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term does not include private docks and piers.
- X. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- Y. HISTORIC STRUCTURE means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminary determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in state with historic preservation programs which have been approved by the Secretary of Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of Interior in states without approved programs.

- Z. **LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.
- AA. **MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- BB. **MANUFACTURED HOME PARK OR SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.
- CC. **MEAN SEA LEVEL** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- DD. **NEW CONSTRUCTION** means for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by this community.
- EE. **ONE HUNDRED YEAR FLOOD OR 100-YEAR FLOOD** means a flood, which has a one percent annual probability of being equaled or exceeded. It is identical to the base flood which will be term used throughout this Chapter.
- FF. **PERSON** means an individual or their agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.
- GG. **REMEDY A VIOLATION** means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

HH. SPECIAL FLOOD HAZARD AREA (SFHA) means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A1-30 or AE.

II. START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

JJ. STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

KK. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

LL. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
4. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

MM. RECREATIONAL VEHICLE means a vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

NN. RECREATIONAL VEHICLE, QUALIFIED means a Recreational Vehicle that meets all of the following minimum construction standards:

1. Either:
  - a. Manufactured after 1974 and before 1999 in compliance with the 1974 ANSI 119.2 standard or better as provided herein and with requirements of the State Department of Housing and Community Development (HCD) and bearing its certification sticker, or
  - b. Manufactured after 1998 in compliance with the 1998 Edition of the ANSI standard A119.5 for park trailers, and the 1996 Edition of the ANSI standard 119.2 for all other recreational vehicles or better and bearing a label or insignia indicating the manufactures compliance to the appropriate ANSI standard.
2. Certified, to the satisfaction of the Building Department, to meet the snow load requirements of Cal. Code Regs tit. 25 §and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed (or placed under an approved protecting ramada if the recreational vehicle does not itself meet the required minimum load standards);
3. Contains a minimum of 320 square feet of internal living area;
4. Set up in compliance with no less than the manufacture's minimum specifications or engineer's certification, with provisions for attachment of not less than 6 ground anchors to the chassis being provided unless other methods are determined necessary for safety by the Building Official (when over-the-roof ties are provided, strapping shall conform to Federal Specification QQS 781-H); and

5. Manufactured or modified with HCD or HUD approval to meet the fire safety requirements of ANSI A119.5 Standard for Park Trailers Sections 3-2.3, 3-2.4 and 3-4 (including 3-4.1, 3-4.2, 3-4.3 and 3-4.4).

OO. VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by the County of Nevada's Floodplain Management Ordinance is presumed to be in violation until such time as that documentation is provided.

PP. ZONING ADMINISTRATOR - The Planning Director of the County of Nevada shall be the Zoning Administrator; provided, however, that the Planning Director shall be authorized to appoint no more than two of the senior staff planners as Deputy Zoning Administrators who shall be entitled to serve in lieu of the Zoning Administrator.

The Zoning Administrator and/or the Deputy Zoning Administrator shall have the authority under this Chapter to review and to approve or disapprove the following types of applications subject to the other provisions of this Chapter: area variances, site plans (permits), use permits and any other matters which are assigned to the Zoning Administrator pursuant to this Code.

### **Sec. L-XII 1.3 General Provisions**

- A. LANDS TO WHICH THIS CHAPTER APPLIES. This Chapter shall apply to all areas of special flood hazards within the unincorporated area of the County of Nevada.
- B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the County of Nevada titled "Flood Insurance Study for Nevada County, California Unincorporated Areas" dated July 19, 1982, revised July 2, 1987, with accompanying Flood Insurance Rate maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated January 19, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. The FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and

FBFMs are on file at the Nevada County Planning Department, 950 Maidu Ave. Suite 170, Nevada City, California 95959.

- C. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations of the Nevada County Codes. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as necessary to prevent or remedy any violation.
  
- D. ABROGATION AND GREATER RESTRICTIONS. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
  
- E. INTERPRETATION. In the interpretation and application of this Chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
  
- F. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Nevada County Board of Supervisors, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.
  
- G. SEVERABILITY. This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.



## **Sec. L-XII 1.4 Administration**

- A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The Planning Commission or Zoning Administrator is hereby appointed to administer and implement this Chapter by granting or denying Use Permits in accordance with its provisions.
- B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
1. Permit Review. Review all development permits to determine:
    - a. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
    - b. All other required state and federal permits have been obtained;
    - c. The site is reasonably safe from flooding;
    - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada; and
  2. All Letters of Map Revisions (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.
  3. Development of Substantial Improvement and Substantial Damage Procedures.
    - a. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, including defining “Market Value.”
    - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

- c. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section L-XII 1.3.B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 1.5 herein.

NOTE: A base flood elevation may be obtained by using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Appropriate Zone A Areas - A Guide to Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- d. Notification of Other Agencies.
- e. Alteration or Relocation of a Watercourse.
- f. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.
- g. Submit evidence of such notification to the Federal Emergency Management Agency; and
- h. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

#### 4. Base Flood Elevation Changes Due to Physical Alteration.

- a. Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter or Map Revision (LOMR).
- b. All LOMRs for flood control projects are approved prior to the issuance of public permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

5. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and including a copy of a map of the community clearly delineating the new corporate limits.
6. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:
  - a. Certification required by Section 1.5.A.3.a and Section 1.5.D (lowest floor elevations);
  - b. Certification required by Section 1.5.A.3.b (elevation or floodproofing of nonresidential structures);
  - c. Certification required by Section 1.5.A.3.c (wet flood proofing standard);
  - d. Certification of elevation required by Section 1.5.C.1.c (subdivisions and other proposed development standards);
  - e. Certification required by Section 1.5.F.2 (floodway encroachments); and
  - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
7. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard where there appears to be a conflict between mapped boundary and actual field conditions. The person contesting the location of boundary shall be given reasonable opportunity to appeal the interpretation as provided in Section 1.4.D.

C. USE PERMIT REQUIRED. A Use Permit pursuant to Section L-II 4.3.10 and L-II 5.6 of the Nevada County Land Use and Development Code Chapter II-Zoning Regulations, shall be obtained before construction or development, including manufactured homes, begins within any special flood hazard area established in Section L-XII 1.3.B. Application for a Use Permit shall be made on forms furnished by the County of Nevada Planning Department. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:
    - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
    - b. Proposed locations of water supply, sanitary sewer, and other utilities;
    - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
    - d. Location of the regulatory floodway when applicable;
    - e. Base flood elevation information as specified in Section 1.3.B or Section 1.4.B.3;
    - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
    - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 1.5.A.3.b of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
  2. Certification from a registered civil engineer or architect that the nonresidential flood proofed building meets the flood proofing criteria in Section 1.5.A.3.b.
  3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 1.5.A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  5. All appropriate certifications listed in Section 1.4.B.5 of this ordinance.
- D. APPEALS. The Board of Supervisors of the County of Nevada shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

## **Sec. L-XII 1.5 Provisions for Flood Hazard Reduction**

A. STANDARDS FOR CONSTRUCTION. In all areas of special flood hazards, the following standards are required:

1. Anchoring.
  - a. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All manufactured homes shall meet the anchoring standards of Section 1.5.D.
2. Construction Materials and Methods.
  - a. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
  - b. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed using methods and practices that minimize flood damage;
  - c. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  - d. All new construction and substantial improvements of structures, including manufactured homes, within Zones AH or AO, shall be constructed so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
3. Elevation and Floodproofing.

- a. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
  - 1) In the AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
  - 2) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the Flood Insurance Rate Map (FIRM), or elevated at least two (2) feet above the highest adjacent grade if not depth number is specified.
  - 3) In an A Zone, without Base Flood Elevation (BFE) specified on the FIRM [Unnumbered A Zone], elevated one (1) foot above the BFE; as determined under Section 1.4.B.3.

Upon the Completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community-building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- a. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to Section 1.5.A.3.a or:
  - 1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 1.5.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3) Be certified by a registered civil engineer or architect that the standards of Section 1.5.A.3.b.1 and 2 are satisfied. Such certification shall be provided to the Floodplain Administrator.
- b. Flood Openings. All construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- 1) For non-engineered openings:
- 2) Have a minimum of two openings on different sides having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding;
- 3) The bottom of all openings shall be no higher than one (1) foot above grade;
- 4) Openings may be equipped with screens, louvers, valves or other coverings or devices proved that the permit the automatic entry and exist of floodwater; and
- 5) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
- 6) Be certified by a registered civil engineer or architect.
- 7) Manufactured Homes See Section 1.5.D.
- 8) Garages and Low-Cost Accessory Structures.
- 9) Attached Garages.
  - a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 1.5.A.3.c. Areas of the garage below the BFE must be constructed with flood-resistant materials. See Section 1.5.A.2.
  - b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

#### 4. Detached Garages and Accessory Structures.

- a. "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 1.2, may be constructed such that its floor is below the BFE, providing the structure is designed and constructed in accordance with the following requirements:
  - 1) Use of the accessory structure must be limited to parking or limited storage;
  - 2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

- 3) The accessory structure must be adequately anchored to prevent floatation, collapse, and lateral movement;
- 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- 5) The accessory structure must comply with floodplain encroachment provisions in Section 1.5.F; and
- 6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 1.5.A.3.c

Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 1.5.A.

#### B. STANDARDS FOR UTILITIES

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

#### C. STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT

1. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, shall:
  - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
  - b. Identify the elevations of lowest floors of all proposed structures and pads on final plans.
  - c. If the site is filled above the base flood elevation, the flowing as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application



for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

- 1) Lowest floor elevation.
- 2) Pad elevation.
- 3) Lowest adjacent grade.
- 4) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- 5) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- 6) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

#### D. STANDARDS FOR MANUFACTURED HOMES

1. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and flood-proofing requirement in Section 1.5.D.
2. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in Section 1.5.C and D. Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.
3. All manufactured homes that are placed or substantially improved, on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:
  - a. Within Zones A1 30, AH, and AE on the community’s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
4. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, and AE on the community’s Flood Insurance Rate Map that are not subject to the provisions of Section 1.5.D.3 will be securely fastened to an adequately

anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

- a. Lowest floor of the manufactured home is at or above the base flood elevation; or
- b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### E. STANDARDS FOR RECREATIONAL VEHICLES

1. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
  - a. Be on the site for fewer than 180 consecutive days; or
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the permit requirements of Section 1.4.C of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 1.5.D.3.

F. FLOODWAYS. Located within areas of special flood hazard established in Section 1.3.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will

not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada.

2. Within the adopted regulatory floodway, the County of Nevada shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If Section 1.5.F.1 and 2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 1.5.

### **Sec. L-XII 1.6 Procedures for Exception**

A. EXCEPTION. The Planning Agency shall consider all requests for exception from the requirements of this Chapter. Any exception shall be filed pursuant to the requirements of this Chapter and Nevada County Codes governing Zoning, Use Permits.

#### **B. EXCEPTION REVIEW**

1. In reviewing such applications, the Planning Agency shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger of life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Generally, exception may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 1.4 and Section 1.5 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the exception increases.
  3. Upon consideration of the factors of Section 1.6.C and the purposes of this Chapter, the Planning Agency may attach such conditions to the granting of exception, as it deems necessary to further the purposes of this Chapter.
  4. The Planning Agency shall maintain the records of all appeal actions and report any exceptions to the Federal Insurance Administration upon request.

### C. CONDITIONS FOR EXCEPTION FINDINGS

1. Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

2. Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
4. Exceptions shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the exception would deny the applicant the right to develop the property, and would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of a exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
5. Exceptions may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 1.6.B through Section 1.6.C are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
6. Any applicant to whom an exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Clerk to the Planning Agency in the office of the Nevada County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

## **EXHIBIT J**

### **LAND USE CODE**

#### **CHAPTER XIII: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

##### **SECTION 1 COUNTY CEQA GUIDELINES AND PROCEDURES**

###### **Sections:**

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

**Sec. L-XIII 1.2 Definitions**

**Sec. L-XIII 1.3 General Responsibilities of Planning Department as Coordinating Agency**

**Sec. L-XIII 1.4 Fees**

**Sec. L-XIII 1.5 Consultants**

**Sec. L-XIII 1.6 Environmental Impact Report Consultant Selection Procedures**

**Sec. L-XIII 1.7 Time Limits**

**Sec. L-XIII 1.8 Delegation of Responsibilities**

**Sec. L-XIII 1.9 Ministerial Projects**

**Sec. L-XIII 1.10 Scope of Environmental Review**

**Sec. L-XIII 1.11 Initial Study**

**Sec. L-XIII 1.12 Negative Declaration**

**Sec. L-XIII 1.13 Consideration of Negative Declaration**

**Sec. L-XIII 1.14 Notice of Determination**

**Sec. L-XIII 1.15 EIR Process**

**Sec. L-XIII 1.16 Notice of Completion**

**Sec. L-XIII 1.17 Public Review of EIR**

**Sec. L-XIII 1.18 Response to Comments**

**Sec. L-XIII 1.19 Certification of EIR**

**Sec. L-XIII 1.20 Appeals of the Adequacy of the EIR**

###### **Sec. L-XIII 1.1 Authority and Purpose**

A. The guidelines set forth in this document are intended as a supplement to the California Environmental Quality Act of 1970, (CEQA, Cal. Pub Res. Code §§ 21000 - 21194), and the Guidelines for Implementation of CEQA (Cal. Code Regs.

Tit. 14 §§ 14100 - 15007). Any inconsistencies between these guidelines and the State CEQA Guidelines, as they presently exist or may hereinafter be amended, shall be resolved by applying the State Guidelines to the exclusion of these Guidelines.

B. These guidelines are binding on all officers, boards, departments, agencies, and commissions of Nevada County government.

## **Sec. L-XIII 1.2 Definitions**

A. THE ADVISORY REVIEW COMMITTEE (ARC) is hereby established as a committee composed of the Planning Director, Director of the Department of Public Works, Chief Building Inspector, and the Environmental Health Director or their specific designated representatives. The purpose and function of the ARC is to review the initial environmental study for projects undertaken by the County or subject to County approval in order to determine the environmental impacts stemming from such projects. Each member of the ARC is to be responsible for reviewing the environmental impacts of projects and for making determinations which are consistent with State and County guidelines. Decisions of the ARC shall be treated as recommendations only. Members of the ARC shall be required to file conflict of interest statements in accordance with the County's conflict of interest code. (Ord. 2239. (05/29/2007))

B. LEAD AGENCY: As used in the State law and the County guidelines, the term "Lead Agency" shall refer to the County official, board, commission, or committee with the original authority to approve or to carry out a project. Whenever any project is subject to the review and approval of both the Board of Supervisors and the Planning Commission (i.e. zoning ordinances or general plan), the Planning Commission shall act as Lead Agency and shall be the body responsible for certification of the adequacy and adoption of the environmental document, and both the Planning Commission and the Board shall review and consider the environmental document as part of their decision making process (see CEQA Guidelines, Cal. Code Regs. tit. 14 §15090). The decision of the Lead Agency on the adequacy of the environmental review may be appealed as provided for herein.

Notwithstanding anything to the contrary herein, the Board of Supervisors may delegate the responsibility for the preparation, conducting of public hearings, and certification of the adequacy and adoption of the environmental document to staff or to any board, committee, or commission (hereinafter collectively the "County"); provided however that the Board of Supervisors or the decision-making body or person shall be required to read and consider the environmental document before it takes action to approve or carry out a project.

### **Sec. L-XIII 1.3 General Responsibilities of Planning Department as Coordinating Agency**

The County Planning Department shall be responsible for insuring that the environmental review required by CEQA occurs for all land use projects requiring the issuance of any discretionary permits within the unincorporated territory of the County.

Whenever the County undertakes any project subject to CEQA, the County Officer or Department principally responsible for the project shall submit the project to the Planning Department for environmental review. The Planning Department shall be responsible for the preparation of the appropriate environmental documents and to that end shall be responsible for the selection and oversight of any consultants retained for that purpose. The officer or department overseeing the project shall be responsible for the cost of conducting the environmental review.

### **Sec. L-XIII 1.4 Fees**

A. Nevada County, in preparing EIRs or Negative Declarations or Initial Studies for projects to be carried out by any person other than the County itself, shall charge and collect a reasonable fee from such person or entity in order to recover the estimated costs incurred in preparing the Initial Study, Negative Declaration, or EIR.

B. Nevada County shall charge and collect a reasonable fee, not to exceed the actual cost of reproduction, from members of the public for a copy of an environmental document.

### **Sec. L-XIII 1.5 Consultants**

A. The County may retain consultants in the preparation and evaluation of the Initial Study, Negative Declaration, and Environmental Impact Reports. If consultants are retained for the preparation of environmental documents, the expenses involved in the preparation shall be borne by the applicant for the project.

B. Following notification by the Planning Department that a consultant is to be retained, the applicant shall initiate the preparation of the environmental documents by filing with the Planning Department a request for preparation of a work program



for the necessary work. Any supplemental information requested by the Planning Department related to the preparation of such a document shall be submitted with the request. The Planning Department, upon receipt of a request, shall prepare a request for proposals (RFP) to be sent to qualified consultants. The RFP shall include the following:

1. Primary topics or aspects of the environment or proposed project which require detailed exploration and evaluation; and
2. Tasks to be performed in preparation of the report; and
3. List of resources and/or types of consultants to be utilized in the report preparation; and
4. A request for the consultants to submit their work program, scope, and approach to complete the EIR together with their estimated costs of services, their time frame for completion, and any other information that is pertinent.

C. The applicant may review the “work program” and indicate to the Planning Department in writing concurrence with or suggested alterations to the program. Such suggestions may be considered by the Department, but it is not bound to comply with the applicant’s suggestions. Prior to initiation of work on the documents, the applicant shall deposit with the County of Nevada the total estimated cost to complete the document. During the preparation of the report, the applicant will be kept apprised of the costs of the County-retained consultants.

D. Any failure of the applicant to comply with these provisions shall constitute grounds for the denial of the applicant’s project.

#### **Sec. L-XIII 1.6 Environmental Impact Report Consultant Selection Procedures**

A. The Planning Department shall establish a list of qualified environmental impact report consultants. The established list will also indicate the firms’ particular fields of expertise.

B. Environmental impact report consultants wishing to do work for the County may submit a resume indicating the firm’s principal personnel, work experience, statement of qualifications, and any other information deemed necessary for the Planning Department to make the determination.

An invitation to bid will be based on experience, knowledge of the County and available expertise to ensure high quality, in-depth and comprehensive environmental impact reports for the project requiring the EIR.

C. The selection of the consultant shall be determined by the Planning Department after review, and evaluating the scope and comprehensiveness of each proposal submitted by the consultants. The scope, quality, and cost of the proposal will be major factors in the selection of a consultant.

D. Consultants with a possible conflict of interest, either direct or indirect, in the project shall not be considered.

### **Sec. L-XIII 1.7 Time Limits**

A. Pursuant to the provisions of Cal. Gov't Code § 65950 and Cal. Pub. Res. Code § 21151.5, whenever the County is the Lead Agency for any "Development Project" (as defined in Cal. Gov't Code § 65928), the County shall complete its environmental review within the following time limits from the date on which an application requesting approval is accepted as complete by the County, in accordance with the provisions of Cal. Gov't Code § 65943.

1. One year for projects for which an EIR is prepared.
2. 105 days for projects for which a Negative Declaration is prepared.

B. The time limits established by this Section may be extended in the event that compelling circumstances justify additional time and the project applicant consents thereto. As used herein, compelling circumstances shall include, but shall not be limited to any of the following:

1. The failure of the applicant to pay in advance all costs associated with the preparation of the environmental document.
2. The failure of the applicant to provide any information requested by County and/or County's consultant.
3. The filing of any appeal or litigation contesting any action taken by the County with regard to a project.

4. A determination by County, following preparation of a Negative Declaration, that an EIR is required.

C. The date of acceptance by the County of Nevada of an application requesting approval of the project shall be the date the application is found to be complete and so certified by the County. The date of acceptance shall not be the date of filing the application, but will be on the date that the applicant is expressly notified in writing that the County has thoroughly reviewed the application and has found it to be complete. In the event of County's failure to formally accept an application as complete, the application shall be deemed complete thirty (30) days after its filing.

D. In the event that the applicant does not consent to an extension of time, the Lead Agency may deny the project at a duly noticed public hearing.

E. Notwithstanding the foregoing, any application for a land use permit which is accompanied by a request or dependent upon a change in any ordinance or general or specific plan shall be deemed to be an incomplete application unless and until the ordinance or general or specific plan amendment is adopted. The permit application will be deemed accepted thirty (30) days after the enactment of the general or specific plan and/or ordinance amendment which the application was dependent upon. These provisions shall not be affected or abrogated by any decision or action by the County to include the land use permit (project) in its environmental review of the proposed general or specific plan or ordinance amendments. The purpose of this provision is to avoid any assertion or finding that an application for a land use permit has been "deemed approved" when at the time of the filing of the application it was inconsistent with the County's general or specific plan and/or ordinances.

### **Sec. L-XIII 1.8 Delegation of Responsibilities**

A. The Lead Agency within the County may assign specific functions to County staff, or to any board, committee, or commission to assist in administering CEQA. Functions which may be delegated include but are not limited to:

1. Determination of whether a project is exempt from CEQA.
2. Preparation and circulation of an initial study.
3. Preparation and circulation of a Negative Declaration or EIR.
4. Conducting hearings on the environmental documents.
5. Preparation of responses to public comments.

6. Preparation of suggested findings.
7. Certification and adoption of the environmental document.
8. Preparation and filing of notices.

B. The Lead Agency, or the Board of Supervisors if a project is before the Board for final action thereon, may not delegate the following functions:

1. Review and consideration of a final EIR or Negative Declaration prior to approving a project.
2. The adoption of findings as required by the State CEQA Guidelines.

### **Sec. L-XIII 1.9 Ministerial Projects**

The following projects are deemed ministerial and do not require formal environmental review:

- A. Issuance of building permits.
- B. Approval of the recordation of parcel maps and final maps if all of the conditions of tentative map approval have been complied with.
- C. Approval of individual utility service connection and disconnections.
- D. Transportation (overload and over-width) permits.
- E. Grading permits in conjunction with the construction of a single-family residence with an approved site plan pursuant to Chapter governing Building Nevada County Codes.
- F. All licenses issued by the County of Nevada.
- G. Any other action by the County which does not require the exercise of discretion and/or judgment.

H. All land uses that qualify as ministerial projects under the County's zoning ordinance. (Subsection E amended by Ord. 1919. (11/05/1996))

### **Sec. L-XIII 1.10 Scope of Environmental Review**

The project to be studied shall be the total proposal for the development of the property. If the proposal is for a change in the general or specific plan and/or a rezoning of property, the environmental review shall present a discussion of all of the potentially significant impacts that could occur from the maximum development that may occur under the proposed general plan amendment and/or rezoning. In addition to the foregoing analysis, if the applicant for the general or specific plan amendment and/or rezoning presents a specific proposal for the development of the subject land, the environmental review should also consider the impacts associated with the proposal. The Planning Department may require such information about the project as it deems necessary in order to include the project in the environmental analysis.

### **Sec. L-XIII 1.11 Initial Study**

Whenever a project requiring environmental review is approved or undertaken by the County as Lead Agency, an initial study should be prepared unless it has already been determined (1) that the project could not have any significant adverse environmental impacts, or (2) an EIR should be prepared. The initial study should be prepared using the forms set out in Appendices 1 and 2 and shall include factual information in support of the answers provided to the questions contained in these forms.

### **Sec. L-XIII 1.12 Negative Declaration**

Where the initial study shows that a Negative Declaration should be prepared, procedures shall be as follows:

A. The County shall prepare or cause to be prepared a Negative Declaration which shall include the information required in Cal. Code Regs. tit. 14 § 15071 of the State CEQA Guidelines.

B. The Planning Department shall publish notice of the preparation of the Negative Declaration in a newspaper of general circulation within the County no less than ten (10) days prior to the meeting of the Board, Commission, Committee, or County staff, (hereinafter collectively the "County") which considers the adoption of

the proposed Negative Declaration; provided, however, that when a Negative Declaration is required to be submitted to the State Clearinghouse, the notice of preparation of the Negative Declaration shall be published no less than thirty (30) days prior to the meeting which considers its adoption. Notice should also be given to all organizations and individuals who have previously requested same and to the owners of all property contiguous to the subject project, by mail, ten (10) days in advance of the Board, commissioner, committee, or County staff meeting. Following the publication of the notice required by this Section, the proposed Negative Declaration shall be available for public inspection.

C. The Planning Department shall send a copy of the public notice of the proposed Negative Declaration together with a copy of the proposed Negative Declaration to all Responsible and Trustee Agencies within the State. Where one or more State Agencies will be a Responsible or Trustee Agency, the Planning Department shall send copies of the notice and the proposed Negative Declaration to the State Clearinghouse for distribution to the State Agencies. It shall also send such notice to Federal and Local Public Agencies having to issue subsequent permits for the projects and other interested persons, organizations and private utility companies interested in the project and requesting same.

D. Notwithstanding anything to the contrary in this Section, the period for review by the public and the State Agencies may be shortened to less than thirty (30) days if approved by the State Clearinghouse (reference is to Cal. Code Regs. § 15073(d) of the guidelines).

E. At the time and place specified in the above-referenced notice, or at any duly continued meeting thereof, the Lead Agency shall conduct a public hearing at which members of the public shall be permitted to speak on the proposed Negative Declaration.

F. Following the public hearing the Lead Agency shall consider the proposed Negative Declaration and all testimony and evidence submitted with regard thereto. The Lead Agency may adopt the Negative Declaration or mitigated Negative Declaration only if it finds that there is an absence of substantial evidence that the proposed project might have a significant adverse impact on the environment. If it could be fairly argued that such substantial evidence does exist (in the record), an EIR shall be required.

1. The decision to adopt a Negative Declaration may be appealed to the Board of Supervisors within ten (10) days of the adoption thereof by filing a Notice of Appeal following the procedure set out in Section of the Nevada County Code governing Zoning, 5.12.F . All appeals shall conform to the requirements and procedures set out in Sections under Zoning, 5.12.D, 5.12.F, 5.12.G, 5.12.H, 5.12.L and 5.12.N of the County of Nevada Code. If an appeal is filed on multiple actions, the appeal of the

adoption of the Negative Declaration must be explicitly stated as a separate ground for the appeal. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any). Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and grounds for the appeal. Failure to comply with these requirements may result in the summary denial of the appeal. (Subsection amended by Ord. 2047. (02/06/2001))

2. At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest, and staff, on each of the issues raised in the notice of appeal and the written statement of appeal provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes each.

3. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure required by law, including but not limited to the failure to provide proper or timely notice, the appeal hearing shall be deemed to be curative of any procedural omissions or errors stemming from the hearing held by the lower body.

4. The intent of these provisions is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.

5. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

### **Sec. L-XIII 1.13 Consideration of Negative Declaration**

Prior to approving any project, the Lead Agency shall read and consider the Negative Declaration.

### **Sec. L-XIII 1.14 Notice of Determination**

After the Lead Agency decides to carry out or to approve a project for which a Negative Declaration has been approved, the Planning Department shall file a Notice of Determination in compliance with Cal. Code Regs. tit. 14 § 15075 of the Guidelines after the expiration of the ten (10) day appeal period.

### **Sec. L-XIII 1.15 EIR Process**

A. Environmental Impact Reports for public projects may be prepared by using the methods provided below or through the County's own effort.

B. The Environmental Impact Report for private projects shall be prepared according to one of the following methods:

1. EIR prepared through County-retained consultants.

a. The applicant shall initiate the preparation of the EIR by filing an authorization with the Planning Department for staff to prepare a Request for Proposals together with a fee in the amount consistent with the latest adopted resolution or ordinance of the Board of Supervisors.

b. Any supplemental information compiled by the applicant related to the preparation of such a document may also be submitted with the request.

c. Staff shall secure the preparation of an EIR following the procedures set out in this Article.

2. Project sponsor submittal of preliminary draft EIR.



- a. The project sponsor can initiate the review process by filing environmental data in the form of a preliminary draft EIR with the Planning Department along with the fee amount as established by the latest resolution adopted by the Board of Supervisors. In such cases the applicant's project shall not be accepted as filed with the County until the preliminary draft EIR is submitted to the County
- b. The sponsor's preliminary draft EIR shall be subject to an independent evaluation and analysis by a County-retained consultant as required by Cal. Code Regs. tit. 14 § 15084 of the officially adopted State CEQA Guidelines.
- c. The cost of modifying the sponsor's preliminary draft EIR to reflect the independent judgment of the County will be directly related to the scope, completeness and in-depth analysis of the environment and project provided in the document.
- d. The Planning Department, upon receipt of the preliminary draft EIR, shall prepare a work program outlining the process necessary to modify the EIR to reflect the independent judgment of the County.

#### **Sec. L-XIII 1.16 Notice of Completion**

- A. Public notice of the completion of a draft EIR shall be provided by the Lead Agency within the County at the same time as notice of completion is sent to the Resources Agency. Notice shall be given to all organizations and individuals previously requesting such notice and shall also be published in a newspaper of general circulation in the area affected by the proposed project.
- B. The method of providing notice specified in subsection A above shall not preclude the County from providing additional notice, nor shall it preclude the County from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such projects.

#### **Sec. L-XIII 1.17 Public Review of EIR**

- A. **CONSULTATION:** After completing a draft EIR, the Lead Agency within the County shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project.

B. REVIEW TIME: In order to provide sufficient time for public review of a draft EIR, review periods for draft EIRs shall not be less than thirty (30) days nor longer than ninety (90) days except in unusual situations.

C. PUBLIC HEARINGS: The Lead Agency shall hold a public hearing on the draft EIR. The public hearing may be conducted either in separate proceedings or in conjunction with other proceedings of the public agency. Notice shall be given of the public hearing in the same manner as that required for rezonings.

D. HEARING BODY: Notwithstanding subparagraph C above, on general or specific plan amendments and changes to the zoning ordinances, the Planning Commission shall be the body with the duty to conduct hearings and to review, approve, and to certify the adequacy of the EIRs.

E. AVAILABILITY OF COPIES OF DRAFT EIR: Copies of the draft EIR shall be filed in the County public libraries in Grass Valley, Nevada City and Truckee for public use and copies may be purchased in the County Planning Department.

### **Sec. L-XIII 1.18 Response to Comments**

Following the public review period and the conclusion of the public hearing, the Lead Agency shall have responses to all pertinent comments prepared. The responses shall be in writing and shall describe the disposition of all significant environmental issues raised. The response shall provide a good faith reasoned analysis. The responses may take the form of revisions to the draft EIR or may be in a separate section in the final EIR.

### **Sec. L-XIII 1.19 Certification of EIR**

Following preparation of the response to comments, the final EIR shall be reviewed for its adequacy. Any interested citizen or party may submit written comments on the adequacy of the proposed response to comment to the Planning Department at any time up to seven (7) calendar days before the response to comments and the draft EIR are submitted to the Lead Agency for certification as a final EIR; provided, however, that the County shall not be required to respond to comments received or to revise the EIR. If the Lead Agency finds that the EIR is complete and has been prepared in accordance with the requirements of CEQA, the Lead Agency shall certify same.

## **Sec. L-XIII 1.20 Appeals of the Adequacy of the EIR**

A. Within ten (10) days of the Lead Agency's decision to certify an EIR, an appeal of the adequacy of the EIR may be submitted to the Board of Supervisors by filing a Notice of Appeal following the procedures set forth in Section governing Zoning 5.12.F of the Nevada County Code. If an appeal is filed on multiple actions, the Notice of Appeal must expressly state each deficiency in the EIR as a basis for the appeal. All appeals shall conform to the requirements and procedures set out in Zoning Sections 5.12.D, 5.12.F, 5.12.G, 5.12.H, 5.12.L and 5.12.N of the Nevada County Code. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and ground for the appeal. Failure to comply with these requirements may result in the summary denial of the appeal. (Subsec. Amend. by Ord. 2047. (02/06/2001))

B. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any).

At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest and staff on each of the issues raised in the notice of appeal; provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes.

C. Appeal fees shall be pursuant to the latest adopted resolution and/or ordinance of the Board of Supervisors.

D. Failure to comply with these requirements will exclude consideration by the Board of Supervisors as to the adequacy of the EIR offered by the persons appealing the decision to approve or to disapprove any project.

E. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure or other legal requirement, including but not limited to, the failure to provide proper or timely notice, the conducting of an appeal hearing

shall be deemed to be curative of any such procedural omissions or errors stemming from the hearing held by the lower body.

F. The intent of this provision is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.

G. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

## **EXHIBIT K**

### **CHAPTER XIV: AGRICULTURAL LANDS AND OPERATIONS**

#### **SECTION 1 AGRICULTURAL LANDS AND OPERATIONS**

#### **SECTION 2 BEEKEEPING**

#### **SECTION 1 AGRICULTURAL LANDS AND OPERATIONS**

##### **Sec. L-XIV 1.1 Definitions**

##### **Sec. L-XIV 1.2 Nuisance**

##### **Sec. L-XIV 1.3 Disclosure**

##### **Sec. L-XIV 1.4 Resolution of Disputes**

##### **Sec. L-XIV 1.5 Noncompliance with this Section**

#### **SECTION 2 BEEKEEPING**

##### **Sec. L-XIV 2.1 Findings and Purpose**

##### **Sec. L-XIV 2.2 Definitions**

##### **Sec. L-XIV 2.3 Apiary Locations—Encroachment, Stocking Limit & Nuisance**

##### **Sec. L-XIV 2.4 Enforcement**

#### **SECTION 1 AGRICULTURAL LANDS AND OPERATIONS**

##### **Sec. L-XIV 1.1 Definitions**

A. **AGRICULTURAL LAND** shall mean and include all those land areas of the County of Nevada now used for agricultural operations or upon which agricultural operations may be established in the future in conformity with applicable zoning regulations.

B. **AGRICULTURAL OPERATION** shall mean and include, but not be limited to, cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including production of timber, trees, shrubs, flowers, herbs and all other plants, viticulture, horticulture, apiculture, the raising of livestock and horses, fur-bearing animals and all other kinds of animal husbandry, the culture of breeding of

poultry, fish, marine life, mollusca, all other types of animal or plant life, and commercial practices performed as incident to or in conjunction with such agricultural operations, including agritourism, selling, processing, packing, preparation for market, delivery to storage or market or to carriers for transportation to market. (Ord. 1627. (03/20/1990); Ord. 2225. (12/12/2006); Ord. 2499. (11/16/2021))

### **Sec. L-XIV 1.2 Nuisance**

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance when it began. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

### **Sec. L-XIV 1.3 Disclosure**

Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of the California Civil Code, commencing with Section 1102:

### **NEVADA COUNTY RIGHT TO FARM NOTICE**

Nevada County permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, agritourism, traffic, operation of machinery during any time of the day or night, storage and disposal of manure, and the ground or aerial application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and

regulations and accepted customs and standards. Nevada County has determined in the Nevada County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Nevada County Code and that residents or users nearby property should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Nevada County Right to Farm Ordinance see Agriculture in the Nevada County Code or contact the Nevada County Agricultural Commissioner' s Office.

The County elects to require this additional disclosure under the authority of Cal. Civ. Code § § 1102.6 - 1102.15, and failure to comply therewith is subject to the same remedies as other violations of the State disclosure statutes. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

#### **Sec. L-XIV 1.4 Resolution of Disputes**

A. A party who believes in good faith that an agricultural operation (described in Section 1.1 above) is causing inconvenience or discomfort to them shall notify the operator in writing of such concerns. The submission of said notification should be accompanied by personal discussions, if possible, to enable the claimant and the operator to attempt to reach a mutually agreeable reconciliation.

B. If both parties are unable to reach a mutually agreeable reconciliation as set forth above, then the parties may notify the county agricultural commissioner as set forth below in an attempt to resolve the matter:

1. The aggrieved party shall notify the agricultural party and the county agricultural commissioner within thirty (30) days of the occurrence of the agricultural operation giving rise to the controversy.
2. Within fifteen days after receiving the complaint, the county agricultural commissioner shall set a meeting with the affected parties and shall attempt to mediate the dispute.
3. If the dispute cannot be successfully mediated by the county agricultural commissioner, then both parties may agree to enter into an arbitration agreement providing for an arbitration proceeding in accordance with Title 9 (commencing with Section 1280) of Part III of the Code of Civil Procedure. The expense of such

arbitration shall be the responsibility of the affected parties. (Ord. 2499. (11/16/2021))

### **Sec. L-XIV 1.5 Noncompliance with this Section**

No transfer subject to this article shall be invalidated solely because of the failure of any person to comply with the provisions of this Section- see Cal. Civ. Code § 1102.13. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021))

## **SECTION 2 BEEKEEPING**

### **Sec. L-XIV 2.1 Findings and Purpose**

The Board of Supervisors hereby finds and determines as follows:

A. The health of local bee populations as related to the sustainability of our local environment and ecosystems is vitally important.

B. Many beekeepers find the County of Nevada to be an ideal summer holding ground for apiaries due to potential foraging opportunities for bees and minimal pesticide use within the County.

C. Due to the demand for apiary sites in the County of Nevada as summer holding grounds for hives destined for pollination in other counties, both commercial and recreational beekeepers in the County of Nevada are facing an imminent threat of deleterious overstock of the local landscape.

D. The oversubscription of food sources may result in a significant reduction in honey production and pollination, as well as an increase in the prevalence of bee pests and diseases.

E. The Nevada County Board of Supervisors desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and beekeeping industry and the public health, safety and welfare from public nuisances, by ensuring there will be ample space between colonies of beehives.



F. This Section is intended to supplement and harmonize with the Apiary Protection Act, Cal. Food & Agric. Code § § 29000 -29812, and related regulations.

G. Based on the findings set forth in this Section XIV 2.1, this Ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors. (Ord. 2466. (05/14/2019))

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## **Sec. L-XIV 2.2 Definitions**

As used in this Article, the following definitions shall apply:

A. AFRICANIZED HONEY BEE means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.

B. BEEKEEPER means the owner, operator and/or person in control of any Apiary.

C. COMMERCIAL APIARY is any Apiary containing ten (10) or more hives or nucleus colonies of bees but does not include a Hobbyist Apiary or a Pollination Apiary.

D. COMMISSIONER means the Nevada County Agricultural Commissioner or their designee.

E. HOBBYIST APIARY means an apiary containing nine (9) or fewer colonies.

F. MATING NUCLEUS APIARY means a Commercial Apiary containing nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner for that purpose.

G. POLLINATION APIARY means an apiary of any size established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Any word or phrase used in this Section and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Food and Agriculture Code (Cal. Food & Agric. § § 29190-29195). (Ord. 2466. (05/14/2019))

## **Sec. L-XIV 2.3 Apiary Locations—Encroachment, Stocking Limit & Nuisance**

### **A. Locational Requirements.**

1. **Protection from Encroachment.** No person shall establish, place, keep, cause or allow a Commercial Apiary closer than two (2) miles (by GPS coordinates) from any other registered Commercial Apiary location, except if:

a. All Commercial Apiary locations within a two-mile radius are being kept or maintained by the same Beekeeper; or

b. The proposed location of the encroaching Commercial Apiary was listed on the beekeepers 2018 Apiary Registration, and the Commercial Apiary location has been registered by the same Beekeeper, or registered transferee, every subsequent year; or

c. Written permission is provided to the Commissioner from the owner of the existing Commercial Apiary being encroached upon; or

d. The encroaching Commercial Apiary is a Pollination Apiary.

2. **Availability of Water.** No person shall place, keep, cause or allow any Apiary to remain in any location unless one of the following conditions exists:

a. There is a natural water supply in existence within a distance of one-half mile from the Apiary; or

b. An artificial water supply for the Apiary is maintained within one hundred fifty (150) feet from any such Apiary. If the artificial water supply is not owned or controlled by the Beekeeper, the Beekeeper shall have written consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

B. Transfer of Encroachment Protection to New Owner. A Commercial Apiary location that has been registered with and approved by the Commissioner may be transferred by a Beekeeper to another party only if:

1. The selling party has an active Commercial Apiary at the approved location at the time of transfer;
2. The Commercial Apiary is in compliance with the registration and permit requirements of Cal. Food & Agric. Code § 29040; and
3. The active Commercial Apiary is sold or transferred to the transferee.

A Beekeeper proposing to transfer an approved location must present written documentation of the sale or transfer to the Commissioner within thirty (30) days after the date of sale or transfer. The transferee must register the transferred Apiary and pay the appropriate registration fee for the current calendar year within thirty (30) days after the date of sale or transfer.

C. Expiration of Protection from Encroachment. Every Commercial Apiary Location must be occupied and re-registered on an annual basis. After a lapse of registration of one year, or if colonies are not placed on a site within the annual registration period, then previous registration rights to a location as well as protection from encroachment will expire.

D. Seasonal Hive Limit. Except for Mating Nucleus Apiaries and Pollination Apiaries, no parcel may contain more than 48 live colonies of bees between May 15 and October 15. Commercial Apiaries that are part of a research or educational project are exempt from the colony limit herein described.

E. Permission of Property Owner. No person shall place, keep, cause or allow any Apiary to remain on land not owned or possessed by such person unless the person has the permission of the owner or person lawfully in possession of such land, or an authorized agent thereof, and can establish proof of such approval upon demand of the Commissioner. The approval shall include the name and phone number of the person granting approval.

F. Overly Defensive and Africanized Honey Bees. No person shall keep an Apiary of overly-defensive or Africanized honey bees. (Ord. 2466. (05/14/2019))

#### **Sec. L-XIV 2.4 Enforcement**

Any act in violation of any provision of this Section is hereby declared to constitute a public nuisance, the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner prescribed by law.  
(Ord. 2466. (05/14/2019))

## EXHIBIT L

### LAND USE CODE

#### CHAPTER XVI: FIRE SAFETY REGULATIONS

##### SECTION 1 DEFINITIONS

###### Sections:

**Sec. L-XVI 1.1 Reserved**

**Sec. L-XVI 1.2 Definitions**

###### **Sec. L-XVI 1.1 Reserved**

###### **Sec. L-XVI 1.2 Definitions**

- A. **ACCESSORY BUILDING:** Any building used as an accessory to residential, commercial, recreational, industrial or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter II, Group M, Division 1, Occupancy that requires a building permit.
- B. **AGRICULTURE:** Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.
- C. **ALL WEATHER SURFACE:** An asphalt or concrete surface designed and certified by a registered professional engineer to carry the imposed weight load of a legally loaded 40,000 pound vehicle. (Ord. 2323. (07/13/2010)).
- D. **BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter II, except Group M, Division 1, Occupancy. For the purposes of this Section, building includes mobile homes and manufactured homes, churches and day care facilities. (Ord. 2323. (07/13/2010).)
- E. **CAL FIRE:** California Department of Forestry and Fire Protection. (Ord. 2323. (07/13/2010).)
- F. **CALIFORNIA FIRE CODE (CFC):** California Code of Regulations, Title 24, Part 9, or as amended.
- G. **DEFENSIBLE SPACE:** The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter, as used in this Chapter, is the area encompassing the parcel or parcels proposed for construction

and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

- H. DEVELOPMENT: As defined in Cal. Gov't Code § 66418.1.
- I. DIRECTOR: The Director of the Department of Forestry and Fire Protection or their designee.
- J. DRIVEWAY: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- K. EXCEPTION: As alternative to the specified standard, requests by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites to provide mitigation of the problem.
- L. FIRE VALVE: See hydrant.
- M. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- N. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- O. GREENBELT: A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.
- P. HAMMERHEAD/T: A road or driveway that provides a "T"-shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.
- Q. HYDRANT: A valved connection on a water supply or storage system having one two-and-a-half (2½) inch outlet with a cap for pressurized systems or a four and a half (4½) inch to two and a half (2½) inch reducer with a cap. Outlets shall be male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.
- R. LOCAL JURISDICTION: Any county, city/county agency or department or any locally authorized district that issues or approves building permits, use permits, parcel maps or tentative parcel maps or has authority to regulate development and construction activity.
- S. OCCUPANCY: The purpose for which a building, or part thereof, is used or intended to be used.
- T. ONE-WAY ROAD: A minimum of one traffic lane width designed for traffic flow in one direction only.
- U. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-

built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. tit. 14 § 1270.01 (c).

- V. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes.
- W. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.
- X. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- Y. SAME PRACTICAL EFFECT: As used in this Chapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics and provisions for fire fighter safety including:
  - 1. Access for emergency wildland fire equipment.
  - 2. Safe civilian evacuation.
  - 3. Signing that avoids delays in emergency equipment response.
  - 4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire.
  - 5. Fuel modification sufficient for civilian and fire fighter safety.
- Z. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- AA. STATE BOARD OF FORESTRY (SBOF): A nine (9) member board, appointed by the Governor, which is responsible for developing the general forest policy of the State, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the State's interest in federal land in California.
- BB. STATE RESPONSIBILITY AREAS (SRA): As defined in Cal. Pub. Res. Code §§ 4126-4127.
- CC. STRUCTURE: That which 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.
- DD. SUBDIVISION: As defined in Cal. Gov't Code § 66424.
- EE. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.
- FF. TURNAROUND: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.
- GG. TURNOUTS: A widening in a roadway or driveway to allow vehicles to pass. Minimum twelve (12) feet wide and thirty (30) feet long with a twenty-five (25) foot taper on both ends.
- HH. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway.
- II. WILDFIRE: As defined in Cal. Pub. Res. Code §§ 4103 & 4104.

## **EXHIBIT**

### **LAND USE CODE**

#### **CHAPTER XVI: FIRE SAFETY REGULATIONS**

##### **SECTION 2 GENERAL REQUIREMENTS**

###### **Sections:**

**Sec. L-XVI 2.1 Purpose and Intent of Chapter**

**Sec. L-XVI 2.2 Scope**

**Sec. L-XVI 2.3 Project Consultation and Review**

**Sec. L-XVI 2.4 Violations**

**Sec. L-XVI 2.5 Inspection Authority**

**Sec. L-XVI 2.6 Exceptions to Standards**

**Sec. L-XVI 2.7 Appeals**

**Sec. L-XVI 2.8 Distance Measurements**

**Sec. L-XVI 2.9 Maintenance of Defensible Space Measures**

###### **Sec. L-XVI 2.1 Purpose and Intent of Chapter**

The regulations contained in this Chapter and the provisions in Zoning Regulations, Subdivision Regulations, Street Addressing and Naming, and Buildings and County adopted road standards collectively provide the necessary minimum wildfire protection standards that will minimize public safety effects with the establishment of land uses and buildings within State Responsibility Areas (SRA) lands within the County of Nevada. These regulations are intended to mitigate effects of wildland fire exposure to such land uses within the State Responsibility Areas and they are further adopted to equal, exceed, or provide the same practical effect contained in the California State Board of Forestry's Fire Safe Regulations adopted on November 7, 1990.

The fire safety regulations contained in these Chapters provide measures for emergency access, street name and building address signage, water reserves for emergency fire use, and vegetation modification.

These regulations are not to be applied retroactively to existing dwelling units as reflected on the official tax rolls as of October 10, 1991, or to any approved and unexpired entitlements (tentative maps, use permits, site plans, building permits,



etc.). They shall be applied to all activities set forth in Sec. 2.2. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.2 Scope**

Activities affected by this Chapter include, but are not limited to:

- A. Subdivisions.
- B. Application for mobile home set-up permits and building permits for new construction, not related to an existing structure, filed on or after October 10, 1991.
- C. Application for a use permit and all ministerial and discretionary site plans.
- D. Road construction, including construction of a road that does not currently exist, or extension of an existing road, not including roads for agricultural or mining use solely on one ownership, and roads used solely for the management and harvesting of wood products. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.3 Project Consultation and Review**

- A. All projects subject to this Chapter shall be sent for review and comment to the appropriate fire district, to the California Department of Forestry Director (or designee) and/or any other designated fire official having expertise in wildland fire mitigation. Any conditions imposed by said fire agencies shall not be a substitute for or be less restrictive than the minimum requirements contained in these Chapters of the Nevada County Code.
- B. All projects located on SRA lands shall be reviewed for compliance with all regulations in the Nevada County Code that provide fire safety requirements. No project may be authorized until the decision-making body or County agent has verified that all appropriate requirements have become a condition of project approval. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.4 Violations**

Any permittee or applicant who violates any provision contained in this Chapter shall be guilty of an infraction. (Ord. 1734.(09/10/1991).)

## **Sec. L-XVI 2.5 Inspection Authority**

- A. Inspections of the various fire safety regulations on SRA lands shall be completed by the County department under whose jurisdiction the fire safety standard exists and which has inspection authority. The Board of Supervisors may, by Resolution, authorize a different County department, division or officer with fire protection responsibility to perform all or part of such inspection duties.
- B. Within local fire district boundaries, inspections established by this Chapter may be performed by district personnel with the approval of the California Department of Forestry Unit Chief. (Ord. 2323. (07/13/2010).)
- C. All necessary inspections must be performed and approval obtained prior to final occupancy, map recordation or other authorization to occupy as applicable to the use or permit being finalized. (Ord. 1734. (09/10/1991).)

## **Sec. L-XVI 2.6 Exceptions to Standards**

- A. Unless otherwise provided in this Chapter, all exceptions or modifications to the stated standards not contained in the Chapter governing Zoning in this Code shall be considered by the planning agency having jurisdiction over the land use entitlement. The planning agency shall consider all the facts associated with the requested exception and request for mitigated practices. In approving same, the hearing body must find that the substituted mean(s) provide the same overall practical effect. Such evidence shall be supported by the Director.

Exceptions or modifications to any portion of the Zoning Chapter shall be considered pursuant to Section governing Variances. In addition to the findings required to approve an area variance, any exception or substitution to the stated standards shall have the same practical effect as supported by the Director and by finding of the appropriate hearing body. (Ord. 2323. (07/13/2010).)

- B. All requests for exceptions and area variances shall include the following information:
  - 1. The specific Section of the applicable Chapter of the Nevada County Code that is being sought to be modified.
  - 2. Material facts and reasons supporting the request.
  - 3. Details of the exception and substitute standard being proposed along with a demonstration that the same practical effect is being achieved.
  - 4. Site plan and/or other supporting documentation showing the location of the exception, proposed modifications and any mitigating factors that contribute to the exception request. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.7 Appeals**

All appeals from this Chapter pursuant to Administration and Enforcement Sections within this Code. Appeals may only be filed from actions taken by the appropriate hearing body. No appeal may occur without first having it considered as an exception or an area variance. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.8 Distance Measurements**

All specified or referenced distances as to road lengths and vegetative clearing areas are measured along the ground, unless otherwise stated. (Ord. 1734. (09/10/1991).)

### **Sec. L-XVI 2.9 Maintenance of Defensible Space Measures**

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for continued annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval, in an emergency access covenant or similar binding agreement. The persons or entity responsible for maintenance must be designated in the development plans. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

## EXHIBIT

### LAND USE CODE CHAPTER XVI: FIRE SAFETY REGULATIONS SECTION 3 DRIVEWAYS

#### Sections:

##### **Sec. L-XVI 3.1 Purpose**

##### **Sec. L-XVI 3.2 Private Driveway Construction Standards**

##### **Sec. L-XVI 3.3 Exception to Driveway Permit Requirement**

##### **Sec. L-XVI 3.4 Petition for Exception to Driveway Standards**

#### **Sec. L-XVI 3.1 Purpose**

Proper emergency access providing all season, all-weather evacuation and access by emergency response vehicles is of paramount importance in order to assure that the spread of a wildland fire can be retarded. (Ord. 1734. (09/10/1991); Ord. 2323. 07/13/2010.)

#### **Sec. L-XVI 3.2 Private Driveway Construction Standards**

All newly constructed single-family residences shall be served by a driveway. Any subdivision proposing that two (2) lots be served by a common driveway shall have the driveway constructed prior to the map recordation. The driveway shall meet the following construction standards as administered by the Building Department through a driveway permit when a grading permit is not applicable.

##### **A. Driveway Grade.**

1. Below 4,000 feet elevation, driveway grade shall not exceed 16% unless a Petition for Exceptions is supported by the County Fire Marshal or their appointed designee and granted by the planning agency having jurisdiction over the land use entitlement. Notwithstanding Sec. 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of 25%.
2. At or above 4,000 feet elevation, driveway grade shall not exceed 16% maximum. Notwithstanding Sec. 2.6, Exceptions to Standards, there shall be

no exceptions granted for grades in excess of 16% where elevations range above 4,000 feet.

B. Driveway Surface.

1. Driveway surfaces shall be capable of supporting a 40,000 pound legally-loaded vehicle as outlined below:
  - a. Driveways and segments thereof that are between 0% and 16% grade shall be capable of supporting a 40,000 pound legally loaded vehicle as certified by a registered civil engineer, or a minimum of four (4) inch Class II aggregate base.
  - b. Driveways and segments thereof that are 16.1% grade and above, shall be designed and certified by a registered civil engineer. Prior to foundation inspection, the engineer shall provide stamped and signed written verification to the County Fire Marshal or their appointed designee that the rough grade complies with the site plan. Prior to, or concurrent with, final inspection, the engineer shall provide stamped and signed written verification that the final driveway complies with the site plan.
2. Driveways between 16.1% and 20.0% grade shall be engineered with an all-weather surface.

C. Driveway Design.

1. At least the first thirty (30) feet of the driveway encroachment from the edge of pavement of the primary roadway shall be paved and shall conform to the design standards for driveway encroachments as illustrated in the Nevada County Department of Public Works Standards Drawings, available from the Department of Public Works.
2. The driveway must be built to within fifty (50) feet of the nearest point of each dwelling unit.
3. Surface width shall be ten (10) feet minimum with one (1) foot shoulders and fourteen (14) feet unobstructed horizontal clearance for driveway grades up to 16%. For grades between 16.1% and 20%, a twelve (12) foot minimum surface width with additional one (1) foot shoulders is required.
4. Vertical clearance shall be fifteen (15) feet minimum, measured from the outside edge of the shoulder.

5. Curve radius shall be fifty (50) feet minimum from centerline. For all driveway radii less than one hundred (100) feet, an additional four (4) feet of surfacing shall be provided on said curves. For all driveway radii between one hundred (100) and two hundred (200) feet, an additional two (2) feet surfacing shall be provided on said curves. All driveways shall also comply with Road Design Standards regarding Curve Widening and Design Geometrics: Curve Widening.
6. Back-out maneuvering area in front of parking garages and open parking stalls shall be twenty-four (24) feet.
7. Turnouts and Turnarounds.
  - a. For driveways that are three hundred (300) feet or more in length, a turnaround or hammerhead with a maximum grade of twelve (12) percent shall be provided within fifty (50) feet of the dwelling.
  - b. Driveways exceeding one hundred fifty (150) feet in length, but less than eight hundred (800) feet in length, shall provide a turnout near the midpoint of the driveway.
  - c. Driveways exceeding eight hundred (800) feet shall provide turnouts no more than four hundred (400) feet apart.
  - d. Turnaround: The terminus bulb shall have a minimum forty (40) foot radius.
  - e. Hammerhead T: The long axis shall be a minimum of sixty (60) feet and the leg shall be a minimum of forty (40) feet.
  - f. Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.
8. All bridge and culvert portions of the driveway shall support a 40,000 pound legally loaded vehicle.
9. Roadside vegetation: A fuel modification area shall be provided for a distance of ten (10) feet on each side of the driveway measured from the shoulder.
10. All appropriate grading, drainage and erosion control shall be included pursuant to Building Codes.
11. Lateral slopes must be designed and installed to accommodate a minimum two percent (2%) and maximum four percent (4%) cross slopes, taking topography into consideration. (Ord. 1748. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2323. 07/13/2010).)

#### D. Gates on Driveways.

1. Gate entrances shall be at least two (2) feet wider than the width of the traffic lanes serving the gate and shall provide a minimum width of fourteen (14) feet unobstructed horizontal clearance.
2. All gates providing access from a road to a driveway, or another road shall be located at least thirty (30) feet away from the edge of pavement of the primary roadway and shall open to allow a vehicle to stop without obstructing traffic on that primary road. (Ord. 2323. (07/13/2010).)
3. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010).)

### **Sec. L-XVI 3.3 Exception to Driveway Permit Requirement**

A driveway permit pursuant to this Section shall not be required for a driveway legally constructed prior to November 21, 1991. (Ord. 1773. (05/12/1992).)

### **Sec. L-XVI 3.4 Petition for Exception to Driveway Standards**

A. All exceptions or modifications to the Driveway Standards shall be considered by the Planning Director in consultation with the Fire Marshal. The Planning Director shall consider all the facts associated with the requested exception and request mitigations as deemed appropriate by the Planning Director and Fire Marshal. In approving the same, the Planning Director shall find that the mitigations provide the same overall practical effect as strict compliance with the Driveway Standards. In addition, the Planning Director shall make the following findings:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exception will not constitute a grant of special privileges inconsistent with the limitations upon similar property; and
5. That the exception will provide the same practical effect of fire protection and is supported by an entity responsible for assuring compliance with Cal. Code Regs. tit. 14; Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5, §§ 1270-1276.05. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010).)

## **EXHIBIT**

### **LAND USE CODE**

#### **CHAPTER XVI: FIRE SAFETY REGULATIONS**

##### **SECTION 4 EMERGENCY WATER SUPPLY**

###### **Sections:**

**Sec. L-XVI 4.1 Purpose and Intent**

**Sec. L-XVI 4.2 Application**

**Sec. L-XVI 4.3 General Standards**

**Sec. L-XVI 4.4 Standards for Hydrants/Fire Valves**

###### **Sec. L-XVI 4.1 Purpose and Intent**

To provide available and accessible emergency water for wildfire protection on SRA lands, in specified quantities and locations to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available. (Ord. 1734. (09/10/1991).)

###### **Sec. L-XVI 4.2 Application**

A. Subdivisions, Use Permits, Site Plans. The provisions of this Section shall apply when new parcels, use permits or site plans are approved. The water supply shall be available on-site prior to map recordation in the case of subdivisions or building construction in the case of use permits or site plans.

Remote Single-Family Residential Buildings. The provisions of this Section shall apply when building permits are approved for residential structures that are in excess of eight (8) miles from the closest fire department water tender and which otherwise do not meet the requirements of Sec. 4.3. The stored amount of on-site water available for fire protection shall be compliant with the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Firefighting." The minimum amount of stored water required is 2500 gallons and may be higher dependent on the size of the structures to be protected and will be exclusive of domestic requirements. The water shall be available on-site at the time of the framing



inspection. Construction of the water storage facility shall be in compliance with the drawings kept on file in the Office of the Fire Marshal.

(Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

### Sec. L-XVI 4.3 General Standards

Each subdivision shall install a water supply system as provided in the following chart. All emergency water to meet fire flow requirements is in addition to the domestic water source.

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING
SINGLE-FAMILY	0-.5	Public (Note 1)	1,000	500
	.5-1.0	Public (Note 1)	500	500
	1.01-1.5	Public (Note 1)	500	1,000
	1.51-3	Public (Note 1)	500	1,000
		Community (Note 2)	500	1,000
	3-5*	Public (Note 1)	500	2,000
		Community (Note 2)	500	2,000
		Class 8 (Note 3)		1 mile
	5+*	Public (Note 1)	500	2,000
		Community (Note 2)	500	1 mile
		Class 8 (Note 3)	500	1 mile
MULTIPLE-FAMILY DWELLINGS		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING
COMMERCIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
INDUSTRIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

\*NOTE: Subdivisions using Class 8 may require installation of strategic water supply with storage volumes based on the formula for community water systems.

Note 1. PUBLIC WATER SYSTEM - Nevada Irrigation District or other public water purveyor standards.

Note 2. COMMUNITY WATER SYSTEM - Centrally located water storage system maintained by property owners.

In no case shall the water storage quantity be less than 4,000 gallons regardless of the number of parcels served. All such systems shall be designed to avoid contamination of potable water supplies in accordance with Environmental Health Standards.

The minimum water supply shall be determined by using the Formula  $Q=1500F$  when Q=quantity of water storage and F=the number of units or parcels served.

Note 3. CLASS 8 - Those areas within a fire jurisdiction where the Insurance Services Office (ISO) has issued a dwelling Class 8 rating, typically within five (5) miles of a fire station and within eight (8) miles of a water tender, the stored water requirement for fire protection of single-family residences may be waived.

The minimum water supply shall be determined by using the Formula  $Q=1500F$  when Q=quantity of water storage and F=the number of units or parcels served. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

## **Sec. L-XVI 4.4 Standards for Hydrants/Fire Valves**

- A. The hydrant shall be located eighteen (18) inches above grade in a turnout/turnaround or other approved location, not less than fifty (50) feet from any building. Flammable vegetation shall be removed within eight (8) feet of the hydrant.
  
- B. The hydrant shall be: (1) brass or anodized aluminum with two and a half (2½) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4½) inch National Hose male thread with a four and a half (4½) inch to two and a half (2½) inch National Hose reducer with cap for draft systems; or (2) any hydrant approved by the American Water Works Association. Such hydrants shall be an insulated wet barrel or dry barrel as required by the delivery system. It shall have suitable crash protection if required by the local jurisdiction.
  
- C. Signing of Water Sources - Each hydrant/fire valve or access to water shall be identified as follows:
  - 1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or
  - 2. If located along a street or road, it shall be marked/signed to the satisfaction of the fire agency with fire protection responsibility or the hydrants located along state highways shall be as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

## **EXHIBIT**

### **LAND USE CODE**

#### **CHAPTER XVI: FIRE SAFETY REGULATIONS**

##### **SECTION 5 FUEL MODIFICATION**

###### **Sections:**

###### **Sec. L-XVI 5.1 Purpose and Intent**

###### **Sec. L-XVI 5.2 Disposal of Flammable Vegetation and Fuels**

###### **Sec. L-XVI 5.3 Fuel Modification/Greenbelts**

###### **Sec. L-XVI 5.1 Purpose and Intent**

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, these areas shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire; and (3) strategic siting of fuel modification and greenbelts. (Ord. 1734. (09/10/1991).)

###### **Sec. L-XVI 5.2 Disposal of Flammable Vegetation and Fuels**

Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction and fuel modification, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, shall be completed prior to completion of road construction or final inspection of a building permit or subdivision, whichever is appropriate. (Ord. 1734. (09/10/1991).)

###### **Sec. L-XVI 5.3 Fuel Modification/Greenbelts**

- A. All structures within the State Responsibility Area are required to comply with the defensible space regulations in Cal. Code Regs. tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
- B. All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

- C. When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect, which reduce the likelihood of home-to-home ignition. Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structural hardening such as those required in the California Building Code, Cal. Code Regs. tit. 24, Part 2, Chapter 7A.
- D. As determined by the Director, a fuel modification zone or greenbelt may be required along all or some subdivision exterior boundaries. All subdivisions in excess of ten (10) lots with a density of one residence per 1-1/2 acres or greater shall provide greenbelts or fuel modification areas as a separation between wildland fuels and the lots within the subdivision. In all cases, the minimum width of a greenbelt or fuel modification zone shall be determined by the Director.
- E. Depending on the fire hazard severity classification and other factors, those subdivisions providing a greenbelt may reduce or otherwise eliminate the setbacks required in the base zoning district in Zoning Ordinance requiring thirty (30) feet to interior side and rear yards. The less setbacks provided for may be used in lieu of the thirty (30) feet. Such reduction or elimination of setbacks must be determined as part of the review of the tentative map and shall be incorporated as notes on the final map. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

## EXHIBIT

### LAND USE CODE

#### CHAPTER XVI: FIRE SAFETY REGULATIONS

#### SECTION 6 SOUTH YUBA RIVER CORRIDOR BURN PROHIBITION

##### Sections:

##### **Sec. L-XVI 6.1 Findings and Purpose**

##### **Sec. L-XVI 6.2 South Yuba River Corridor Burn Prohibitions**

##### **Sec. L-XVI 6.1 Findings and Purpose**

- A. The State of California has designated the South Yuba River, from Lang Crossing to its confluence with Kentucky Creek below Bridgeport as a designated component of the California Wild and Scenic River System that contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of the state as provided in the California Wild and Scenic Rivers Act, pursuant to Cal. Pub. Res. Code §§ 5093.50 – 5093.71.
- B. In 2001, the Nevada County Board of Supervisors adopted Resolution 01-355 to join the Memorandum of Understanding (MOU) between the United States Department of Agriculture (USDA) Forest Service, Bureau of Land Management and the California Department of Parks and Recreation on the management of the South Yuba River to develop a comprehensive, coordinated management plan called the South Yuba River Comprehensive Management Plan to coordinate a cohesive management strategy to manage public land resources and uses with the planning area of the South Yuba River Wild and Scenic System designation.
- C. The South Yuba River Wild and Scenic System designated corridor covers the lower 39-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet).
- D. As stated in the South Yuba River Comprehensive Management Plan, the “South Yuba River corridor, with its local weather and steep topography, can produce wildfires with the potential to quickly and intensely spread

across ownership boundaries and human-caused fires are the primary concern both in the corridor and in the watershed. Human-caused fires have created the most damage, per event, of all wildfires within the watershed. Lightning fires are of secondary concern.” (p. 24)

- E. As further stated in the South Yuba River Comprehensive Management Plan, “Open campfires on public lands are not allowed anywhere within the corridor year-round. Where camping is allowed, gas camp stoves are allowed unless fire restrictions are in effect. Fires are allowed only in agency-provided pedestal grills and fire rings in designated sites.” (p. 42)
- F. As further stated in the South Yuba River Comprehensive Management Plan, “Land ownership in the South Yuba River corridor is a patchwork of private and public lands. As a result, visitors have the potential to pass through private lands when accessing and recreating on public lands within the corridor. Some property owners welcome visitors to share their land. Others prohibit public access. There are conflicts at times between the visiting public and private property owners. Private property has been misused and occasionally damaged by thoughtless (and sometimes malicious) recreation visitors.” (p. 27)
- G. The Yuba River Public Safety Cohort, a multi-agency workgroup that includes federal, state and local public, fire and law enforcement agencies, as well as community private and nonprofit organizations and representatives, are in support of banning open fire on private property within the South Yuba River Wild and Scenic System designated corridor during fire season to mitigate severe high-fire risk from human-caused fires. The corridor contains thick dry brush and flammable vegetation along steep slopes as well as limited and/or restricted access of the topography and the potential for high wind, making it very difficult to fight fires in this area, due to the potential speed of a fire to spread.
- H. Per Board Resolution 18-062, a Nevada County 2018 Priority Objective is to “Prioritize the implementation of existing County policies and programs to reduce the risk of wildfire and the effects of wildfire on life, property and the environment. Pursue hazard vegetation mitigation funding sources and support related community partners with their efforts. Explore other ways to reduce the threat and damage from wildfires.”
- I. For purposes of consistency of public policy, should the County of Nevada consider implementing a ban on open fire on private property during fire season, the South Yuba River Public Safety Cohort recommends using the boundaries of the South Yuba River Wild and Scenic designated corridor

that covers the lower 39-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet) as the boundaries for a ban on open fire given the increased risk of human caused fire from the restricted access of the topography and potential for high wind events and dangers thereof.

- J. Any ban on open fire on private property considered and/or implemented by the County of Nevada shall not be considered an action from the MOU Comprehensive Management Plan party between the County of Nevada, USDA Forest Service, Bureau of Land Management and the California Department of Parks and Recreation but rather shall be considered an action of the sole discretion of the County of Nevada with input and support from the South Yuba River Public Safety Cohort.
- K. Given the concerns regarding the restrictions on private property rights, it is recommended that any ban on open fire on private property considered and/or implemented by the County of Nevada be implemented as a pilot program in order to gain public input and feedback following the 2018-2019 fire seasons for future fire restrictions and/or consideration of a permanent ordinance.
- L. For purposes of consistency, upon the adoption of ordinance codified in this Section, all outdoor burning regulations shall be located in this Chapter and any outdoor burning regulations shall be removed from other sections of the Nevada County Codes.
- M. Northern California is experiencing a destructive fire season and catastrophic wildfires have already resulted in massive structural damage and deaths. It is necessary to take immediate action to mitigate the hazards of human caused wildfire that would have devastating impacts on the watershed, the surrounding community and the County as a whole.
- N. The proposed ordinance is an urgency measure, which if adopted by 4/5ths vote, will become effective immediately. The Board of Supervisors is authorized to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety” as per Cal. Gov’t Code § 25123(d).
- O. Per Board Resolution 20-041, a Nevada County 2020 Priority Objective is to “Reduce the loss of life during a wildfire by improving evacuation routes and early warning systems; creating more defensible space around private properties and driveways, building a network of maintained fuel breaks,



engaging residents in emergency preparedness and fire-safe stewardship, and enhancing critical infrastructure.”

- P. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor would have on the watershed and surrounding area, as well as the restrictions on private property rights, it is recommended that a one-year extension prohibiting open fire on private property within the South Yuba River Wild and Scenic Corridor will provide an additional year to gain public input and feedback following the 2021 fire season for future fire restrictions and/or consideration of a permanent ordinance.
- Q. Per Board Resolution 22-092, a Nevada County 2022 Priority Objective is to “Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal and fire-safe land stewardship.”
- R. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor can have on the watershed and surrounding area, as seen during the Jones Fire in 2020 that burned 705 acres, destroyed twenty-one (21) structures, injured seven (7) people, resulted in evacuation of thousands of people and directly threatened the cities of Nevada City and the City of Grass Valley between August 17th to 28th, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended.
- S. And given the major risks of wildfire due to human causes that can result in catastrophic impact on wildfire and surrounding area, as seen in the River Fire in 2021 that burned 2,619 acres, destroyed 142 structures, injured four (4) people, and resulted in the evacuation of thousands of people between August 4th to 13th within both Placer County and Nevada County, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended in perpetuity on an annual basis.
- T. And given the impacts due to the restrictions on private property rights, it is noted that the Board of Supervisors retains the right to review, amend or repeal its permanent ordinance at its sole discretion at any time within applicable law. (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018).)

## **Sec. L-XVI 6.2 South Yuba River Corridor Burn Prohibitions**

- A. This prohibition is immediately from the start of declared fire restrictions (fire season) to the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) on an annual basis.
  
- B. Every firm, person or corporation is prohibited from conducting any and all outdoor burning on private property within the portion of the South Yuba River corridor that covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet), as described and shown in Attachment A, attached hereto and incorporated herein by reference, with the following exceptions:
  - 1. Wood and charcoal fires in permanent provided pedestal grills and fire rings in a designated developed recreation site (i.e. organized campground) in an area that is cleared of all non-structural flammable material in all directions at least ten (10) feet in diameter from the fire's edge.
  - 2. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside:
    - a. Enclosed stove, grill, barbecue or portable brazier that is located in a designated developed recreation site (i.e. organized campground) or improved parcel with readily available access to an emergency water supply system within thirty (30) feet of the fire, that meets the general standards provided in 4.3 and California Fire Code, Cal. Code Regs. Tit 24, §§ 307-308, in an area that is cleared of all non-structural flammable material at least ten (10) feet, in all directions, from the fire's edge with an occupying resident or owner present on the property.
    - b. A permanent fire ring or pit no larger than five (5) feet in diameter on an improved parcel that is located more than twenty-five (25) feet away from a combustible structure with readily available access to an emergency water supply system within thirty (30) feet of the fire, that meets the general standards provided in 4.3 and California Fire Code sections 307-308, in an area that is cleared of all non-structural flammable material in all directions at least ten (10) feet in diameter from the fire's edge, with an occupying resident or owner present on the property.

3. Smoking within an enclosed vehicle or building, or while stopped in an area that is cleared of all non-structural flammable material in all directions at least (5) five feet in diameter.
- C. The foregoing shall not apply to any individual, firm or corporation who obtains a special permit from the U.S. Forest Service, Bureau of Land Management or California Department of Forestry which shall be necessary for the preservation of the public health, public safety or general welfare. This section shall apply to any and all outdoor burning of any kind, nature or description except campfires and cooking fires in designated allowable locations as outlined in Section II Subsection B above.
  - D. Persons who violate any provision of this Code or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000.00) or imprisonment not exceeding 90 days in the County Jail, or both such fine and imprisonment.
  - E. The ordinance codified in this article will remain in effect in perpetuity on an annual basis during fire season as declared by California Department of Forestry and Fire Protection (CAL FIRE). (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018).)

**EXHIBIT M**

**LAND USE**

**CHAPTER XVII: ROAD STANDARDS**

**SECTION 1.1 – 8.5**

**Sections:**

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## **Sec. L-XVII 1.1 Purpose**

It is the purpose of these Improvement Standards to set design and construction standards for public and private works under the jurisdiction of the County of Nevada in order to provide for the coordinated development of facilities to be used by and for the protection of the public. These Nevada County Road Standards shall set the guidelines for the design, plan preparation and construction of roads, drainage and related improvements. These Nevada County Road Standards are not meant to apply to work within any other governmental jurisdiction's highways, streets, or roads unless adopted separately or by reference by that jurisdiction. These Nevada County Road Standards shall apply to applications deemed complete after February 15, 2021. (Ord. 2488. (01/12/2021))

## **Sec. L-XVII 1.2 Scope**

This Chapter shall be known as and may be referred to as "Nevada County's Road Standards" or "Road Standards". Unless modified by these Road Standards, design and construction shall be performed in accordance with the latest editions of the State of California, Department of Transportation's "Highway Design Manual", "Traffic Manual", "Standard Specifications" and "Standard Plans". References in the State Standards to State maintained roads shall be construed to apply to County roads unless different provisions are specified in these Nevada County Road Standards.

Any details of road construction not specifically included in these Road Standards, including the above-referenced State Standards, shall be designed in accordance with accepted engineering practice, subject to approval by the Engineer. The Board of Supervisors may adopt by separate Resolution "Nevada County Standard Drawings" or "Standard Drawings" for the purpose of delineating what constitutes accepted practices for those minor details of road construction not set forth in this Chapter, but necessary for complete design of improvements. The Standard Drawings, in supplementing the Road Standards, may also graphically depict said Road Standards, but shall not supersede them and in the case of conflict, the provisions of this Chapter shall prevail. All construction shall comply with the standards of this Chapter as supplemented by the Standard Drawings adopted by Resolution, unless a Petition for Exception, pursuant to of this Chapter, has been granted for a specific standard.

## **A. PRECEDENCE**

These Standard Specifications and Standard Plans, CALTRANS Standard Specifications and Plans, and any special provisions or supplementary documents are essential parts of Nevada County's Standard Specifications, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work.

Nevada County's Road Standards and Construction Specifications shall govern over CALTRANS' Standard Specifications and Plans in right-of-way under Nevada County's jurisdiction. Special provisions shall govern over both of these Standard Specifications in right-of-way under Nevada County's jurisdiction.

In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct. Detail drawings shall prevail over general drawings. (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 1.3 Definitions**

In these Standards, the intent and meaning of the terms that are used shall be defined in Section I of the State Specifications except as modified or added herein.

- A. **AVERAGE DAILY TRAFFIC, OR AVERAGE DAILY TRIPS ("ADT"):** The weighted average vehicle traffic or trips occurring during a twenty-four (24)-hour period on a weekday. The future ADT shall be computed using the sum of the existing traffic, plus any additional traffic generated from land uses allowed under the County's General Plan and Zoning Provisions of this Code. A vehicle trip is a single or one-direction vehicle movement.
- B. **COLLECTOR ROAD:** An urban road connecting principal and minor arterial roads to local roads. Equivalent in function to a (rural) major collector road.
- C. **CONSULTING ENGINEER:** Any person or persons, firm, partnership or corporation legally authorized to practice engineering in the State of California. For the purpose of this Chapter, "Consulting Engineer" shall refer to an engineer retained by a project proponent or developer.
- D. **COUNTY:** The County of Nevada.
- E. **DEAD END ROAD:** A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.

- F. DEPARTMENT: The Nevada County Department of Public Works. (Ord. 2239. (05/29/2007)).
- G. DEVELOPER: Any person or persons, firm, partnership, corporation or combination thereof financially responsible for the improvements.
- H. DIRECTOR: The Director of the Department of Public Works of the County of Nevada. (Ord. 2239. (05/29/2007))
- I. DRIVEWAY: A vehicular access constructed pursuant to Chapter XVI, Fire Safety Regulations, of the Land Use and Development Code, that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- J. ENGINEER: The Director of the Department of Public Works of the County of Nevada or their designee. (Ord. 2239. (05/29/2007))
- K. FIRE STANDARD ACCESS ROAD: Minimum standard road for new construction. A Fire Standard Access Road serves more than two(2) parcels with no more than two (2) dwellings on each, and any number of accessory buildings.
- L. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- M. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- N. HAMMERHEAD/T: A road or driveway that provides a “T”-shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.
- O. IMPROVEMENT: Work performed in accordance with these Road Standards.
- P. INTERSTATE HIGHWAYS AND FREEWAYS: Limited access highways.



- Q. LABORATORY: Any testing agency or testing firm which has been approved by the Department.
- R. LOCAL ROAD: A road that functions primarily to provide access to individual properties.
- S. MAJOR COLLECTOR ROAD: A (rural) road connecting local roads and (rural) minor collector roads to arterial roads.
- T. MINOR ARTERIAL ROAD: A road providing primary access from freeways and principal arterials to major origins and destinations.
- U. MINOR COLLECTOR EQUIVALENT LOCAL ROAD: A local road that is projected to serve a buildout volume in excess of 2,000 Average Daily Trips but is not classified as a minor collector on the General Plan Circulation Plan Map.
- V. MINOR COLLECTOR ROAD: A rural road connecting local roads to major collector and arterial roads
- W. PRINCIPAL ARTERIAL ROAD: A road carrying some regional traffic and connecting the major population centers within the County or immediate counties.
- X. PROJECT: The proposed improvements by the County or others.
- Y. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. Tit. 14§ 1270.01 (c).
- Z. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes under the jurisdiction of the County of Nevada.
- AA. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.

- BB. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- CC. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- DD. SPECIAL CIRCUMSTANCES: Unusual circumstances not covered by these Road Standards which require additional specific review and evaluation by the Engineer in order to determine appropriate design standards.
- EE. SPECIAL PROVISIONS: Specific clauses setting forth conditions or requirements peculiar to the work and supplementary to these Road Standards.
- FF. SPECIFICATIONS: The directions, provisions and requirements contained in these Road Standards.
- GG. STANDARD DRAWINGS: The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors.
- HH. STATE SPECIFICATIONS: Shall mean the latest edition of the State of California, Department of Transportation (CALTRANS) Standard Specifications and Standard Plans, the CALTRANS Highway Design Manual, and the CALTRANS Traffic Manual.
- II. TELECOMMUNICATION: Refers to data, voice, video or other information provided by wire, fiber optic cable or other technology.
- JJ. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.
- KK. TURNAROUND: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.
- LL. TURNOUT: A widening in a road or driveway to allow vehicles to pass. Minimum twelve (12) feet wide and thirty (30) feet long with a twenty-five (25) foot taper on both ends.

MM. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020))

## SECTION 2 GENERAL REQUIREMENTS

### **Sec. L-XVII 2.1 Grading**

All grading which is not subject to or done in conjunction with these Road Standards shall be done in accordance with Chapter V of this Code or the latest adopted encroachment permit procedures. (Amended by Ord. 1919. (11/05/1996))

### **Sec. L-XVII 2.2 Work in County Rights-of-Way**

All work within the County rights-of-way shall be subject to the requirements of latest adopted Nevada County Encroachment Permit Procedures. Minor work within the rights-of-way may be performed without improvement plans, as defined herein, but is subject to the encroachment permit procedures. Minor work includes, but is not limited to, constructing standard driveway approaches, normal utility maintenance related work or minor structures such as signs, fences or walls. No work shall be done in the County rights-of-way without a traffic control plan approved by the Engineer.

### **Sec. L-XVII 2.3 Other Agency Notifications**

The Consulting Engineer is responsible for obtaining the approval and necessary permits from governmental, municipal or district agencies when their facilities are involved.

### **Sec. L-XVII 2.4 Inspection Requirements**

A. All improvements constructed under the requirements of these Standard Construction Specifications shall be subject to inspection during construction by the Department. The Consulting Engineer shall inspect and certify the construction (as required per Section 2.5 of this Chapter). The Contractor shall submit to the Consulting Engineer a practicable progress schedule in accordance with Section 8, "Progress Schedule", State Specifications. Two (2) working days

prior to the commencement of work the Consulting Engineer shall submit the “Progress Schedule” to the Department. Each salient feature of work shall be inspected by the Consulting Engineer and approved by the Department prior to proceeding to subsequent salient features of work.

- B. When the improvements are completed, the Contractor shall request a final inspection by the Department and the Consulting Engineer (as required per Section 2.5). The Department shall inspect the work and notify the Contractor, the Consulting Engineer and the Developer of any defects or deficiencies to be remedied. At such time as these defects or deficiencies are corrected or completed in accordance with the plans or as specified by the Department, the Department shall recommend acceptance of the work to the Nevada County Board of Supervisors.
- C. Fees for inspection of improvements shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

#### **Sec. L-XVII 2.5 Consulting Engineers’ Certification**

All improvements required to be constructed as a condition of approval shall be inspected during construction by the Consulting Engineer. Upon completion of a salient feature(s) of the work, the Consulting Engineer shall notify the Department, in writing, certifying that the improvements were constructed in accordance with the approved plans and specifications. The Department will then schedule inspection(s) in accordance with Section 2.4, above.

#### **Sec. L-XVII 2.6 Permits and Notices**

The Developer or Developer’s Agent shall be responsible for insuring that all necessary permits have been obtained and all required notices have been given prior to commencement of work, including:

- A. An approved set of plans shall be available at the project site at all times during the work, and the Department shall be notified as required by this section.
- B. All utility companies affected by the project shall be notified in advance of the work.
- C. “Underground Service Alert” (phone 800-642-2444) shall be notified at least two (2) working days in advance of any excavation.

D. The Contractor shall be responsible for receiving rights-of-entry for any work done on private property or in non-public easements.

### **Sec. L-XVII 2.7 Testing of Materials**

Testing of all materials utilized in work performed under these standard construction specifications shall conform to the requirements and methods for testing of the California Department of Transportation and their standard specifications. All materials must meet minimum specifications. Where testing may be allowed to be performed by the Consulting Engineering or authorized laboratory, signed copies of the test results shall be submitted to the Department within forty- eight (48) hours or prior to commencement of a subsequent salient feature of work. Test results shall show clearly the names of the individual and firm performing the tests, as well as the project name, the dates of sampling and testing, origin of the sample and the actual results of the test. The test result shall also indicate whether the test result met minimum specification for the material as well as any corrective action by the Contractor and any retest by which the material was found to be in compliance. The Department reserves the right to verify test results.

## **SECTION 3 ROAD DESIGN STANDARDS**

### **Sec. L-XVII 3.1 General**

The following standards for the design of roads represent the minimum values or the lowest acceptable limit in design of roads. These standards apply to both public and private construction. In cases where California State Laws, Nevada County Codes, Resolutions or Ordinances or Project Conditions of Approval provide for more stringent standards than those shown herein, the more restrictive standard shall prevail. (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.2 Road Classification**

Roadways within Nevada County are designated by a functional classification system. Minimum road design standards are based upon the classification of the road or roads being constructed or improved. Roads functionally classified as Minor Collector or greater may be constructed to a standard of a lessor classified road when it can be demonstrated to the Director's satisfaction that the minimum level of service (LOS) criteria of the Nevada County General Plan can be met for the street or road in question at buildout of the General Plan. Routine repair, maintenance, and

safety enhancement projects are exempted from strict compliance with these standards.

## A. GENERAL PLAN CLASSIFICATIONS

Interim Classification Map, Until final adoption by the Nevada County Board of Supervisors of the revised Nevada County General Plan, the 1992 Functional Classification Map approved by the Federal Highway Administration (FHWA) on September 8, 1993, shall be the map referred to by the following paragraph. Upon final adoption of the Nevada County General Plan that map will be superseded by the Nevada County General Plan Land Use and Circulation Maps. The FHWA maps served as a basis for the recommended classification of County roads in the Nevada County General Plan. Upon final adoption of the General Plan, requests will be submitted to amend the FHWA Maps to be consistent will the Nevada County General Plan.

Regionally significant roads are classified by the General Plan or addendum to the General Plan. These roads are identified on General Plan or specific plan maps or other descriptions. Some of these roads may be maintained by the state or by the cities.

1. Interstate Highways and Freeways. Limited access highways (e.g., Interstate 80 and the Golden Center Freeway).
2. Principal Arterials. Roadways carrying some regional traffic and connecting the major population centers within the County (e.g., State Route 49 south of Grass Valley and State Route 20 west of Grass Valley).
3. Minor Arterials. Roadways providing primary access from freeways and principal arterials to major origins and destinations (e.g., Nevada City Highway, Brunswick Road and State Route 174).
4. Collectors (Major and Minor). Streets connecting arterials to local roads. Collectors are broken down into the subcategories of Major and Minor in the rural area of the County (e.g., [Urban] Collector, Sutton Way; [Rural] Major Collector, Alta Sierra Drive; [Rural] Minor Collector, Norlene Drive).
5. Local Road Classifications. The classification of roads not classified as Minor Collector and above by the General Plan Circulation Map is Local Road. These roads function primarily to provide access to individual properties. The standard to which these roads are to be constructed is determined by the type and intensity of the adjacent land uses. The class of local road will be determined by the estimated future Average Daily Traffic (ADT). The future ADT shall be computed using the sum of

existing traffic, plus any additional traffic generated from land uses allowed under the County’s current General Plan and the Zoning Chapter I of this Code. For the purpose of implementing the General Plan, local roads can be broken into the following subcategories:

- a. Minor Collector Equivalent (Local Class 3) Road: Serves a buildout volume in excess of 2,000 Daily Trips (A.D.T.) and is constructed to the same standard as those roads classified as Minor Collector on the General Plan Circulation Plan.
- b. Local Class 2: Serves a buildout volume of 401 to 2,000 Average Daily Trips (A.D.T.).
- c. Local Class 1: Serves a buildout volume of 101 to 400 A.D.T.
- d. Fire Standard Access Road: Is the minimum standard for access to a driveway for new construction and serves a maximum of 100 A.D.T.

**B. FUTURE TRAFFIC GENERATION**

Future traffic generation from allowed land uses will be based on the trip generation factors in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless specific local studies have been conducted and accepted for conditions unique to Nevada County. In the case of uses not specifically listed in the ITE Trip Generation Manual or for which local studies have not been conducted, the most similar use will be used.

The Chart on the following page summarizes the above Classifications.

**TABLE I**

**NEVADA COUNTY ROAD CLASSIFICATION SYSTEM**

<b>Functional Classification</b>	<b>Jurisdiction</b>	<b>Criteria</b>	<b>Example</b>	<b>Purpose</b>
Interstate	State	See Purpose	I-80	Limited access highways carrying regional and interstate traffic
Other Freeways or Expressways	State	See Purpose	Golden Center Freeway	Limited access highways carrying regional traffic
Other Principal Arterials	State	See Purpose	SR 49 South of Grass Valley	Major roadways providing access from rural to urban areas and access to freeways

Functional Classification	Jurisdiction	Criteria	Example	Purpose
Minor Arterial	State, County or City	See Purpose	Nevada City Hwy., SR 174	Streets providing through service to industrial and commercial areas and between cities and/or providing access to highways and freeways
Collector (Urban)	County or City	See Purpose	Sutton Way	Serves high density urban, industrial or commercial areas
Major Collector (Rural)	County	See Purpose	Alta Sierra Dr.	Roads that collect traffic from minor collectors and local roads
Minor Collector (Rural)	County	See Purpose	Bitney Springs Road	Roads that collect traffic from local roads and individual parcels
Local Class 2	County	401-2000 ADT	Jones Bar Rd.	Roads whose primary purpose is to provide access to individual properties
Local Class 1	County	101-400 ADT	Augustine Road	Roads whose primary purpose is to provide access to individual properties
Fire Standard Access Road	County	Up to 100 ADT		Minimum standard vehicular access to a driveway for new construction
Driveway	County	Up to 2 parcels		Minimum standard vehicular access to a dwelling. See Chapter XVI: Fire Safety Regulations, Nevada County Land Use and Development Code, for complete driveway specifications

(Ord. 2488. (01/12/2021))

**Sec. L-XVII 3.3 Construction of Major Roads**

When a subdivider is required to provide as an improvement a road functionally classified as a Minor Collector or greater within or adjacent to their development, the right-of-way shall conform to the width and alignment standards contained herein for functionally classified roads. Oversizing of improvements may be required due to the eventual capacity needs of cumulative growth beyond the infrastructure needs generated by an individual project. Such oversized improvement may be subject to a reimbursement agreement pursuant to Sections 3.2 and 3.5 of this Code. If the project needed to accommodate cumulative growth is contained within the list of projects upon which development fees are based, credit towards an individual project’s development fees may be given in lieu of entering into a reimbursement agreement for the oversized improvement. All construction, including cut and fill slopes, shall be contained within the right-of-way offered for dedication.

**A. OFFSITE ACCESS**

The subdivider shall provide proof of adequate offsite right-of-way. Adequate offsite right-of-way is defined as the legal right of the developer and his assignees to use of a road that is of sufficient width to contain the entire road prism (including cut and fill slopes) which is required under this Chapter and which provides access to a County road or State highway. When the parcels being created are less than three (3)



acres in size, the subdivider shall improve offsite County roads to a minimum of the local class road standard appropriate to the project based on the future ADT. In the case that an existing offsite County maintained access road is not within the Nevada County Department of Public Works Five Year Road Capital Improvement Program for upgrading to be adequate in capacity to accommodate the additional traffic to be generated by a specific project, the developer shall be responsible for upgrading the offsite County road to the standard appropriate to the existing traffic plus the traffic calculated to be produced by the project. (Ord. 2239. (05/29/2007))

## B. EXISTING COUNTY ROADS

The subdivider shall surface existing onsite County roads in accordance with the standards based on the traffic that will be generated by his or her subdivision. The minimum road prism, including cut and fill slopes, to be constructed shall be that standard appropriate to accommodate cumulative growth and shall be subject to the oversizing provisions as discussed above under “Construction of Major Roads”.

## C. STREET EXTENSIONS

Streets which are to be extended in the future are not required to be constructed providing they do not exceed one (1) lot in depth and provided all lots adjacent to such streets have adequate frontage on and access to another street. Right-of-way and slope easements sufficient for construction shall be provided. (Ord. 2488. (01/12/2021))

## **Sec. L-XVII 3.4 Design Geometrics**

### A. DESIGN WIDTHS AND SPEEDS

The minimum design widths, speeds and other major design criteria for road construction are as follows in the chart on the following page. Further details are provided in the County’s Standard Drawings which supplement this Chapter.

#### **TABLE II**

#### **NEVADA COUNTY STANDARD SPECIFICATION SUMMARY CHART**

Functional Classification	Min. Right-of-Way Width Note 4	Standard Lane Width	Standard Shoulder Width	Fuel Mod. Area Width	Standard Design Speed	Standard Max. Grade Below 3500'	Standard Max. Grade Above 3500'	Required Surface
Minor Arterial (Urban)	60-100'	12'	Varies	10' min.	35 mph	10%	8%	Note 1
Minor Arterial (Rural)	60'	12'	6'	10' min.	35 mph	10%	8%	Note 1
Collector (Urban)	60-100'	12'	Varies	10' min.	35 mph	10%	8%	Note 1
Major Collector (Rural)	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Minor Collector (Rural)	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Local Class 3 Over 2000 ADT	60'	12'	4'	10' min.	35 mph	10%	8%	Note 1
Class 2 401-2000 ADT	50'	10'	4'	10' min.	25 mph	10%	8%	Note 1, 5, 6
Class 1 101-400 ADT	50'	10'	2'	10' min.	20 mph	10%	8%	Note 1, 5, 6
Fire Standard Access Road Up to 100 ADT Two-Way	50'	10'	2'	10' min.	20 mph	16%	16%	Note 2, 5, 6
One-Way Driveway	36'	12'	2'	10' min.	20 mph	16%	16%	Note 2,5 Note 3

Note 1: All structural sections for this classification based on future year traffic and estimated percentage of that traffic which will be heavy vehicle.

Note 2: Surface capable of supporting a 75,000 lb. vehicle with a minimum six (6)inch A.B. compacted to ninety-five percent (95%) with subgrade compacted to ninety-five percent (95%).

Note 3: Driveway standard specifications are contained in the Nevada County Code, Fire Safety Regulations.

Note 4: Intersection channelization may increase the minimum right-of-way at spot locations.

Note 5: If approved by the Engineer, all grades over ten percent (10%) will require minimum three inch (3") A.C. surface (Section 3.4[C])

Note 6: All roads shall be constructed to provide a minimum of a two(2) ten (10) foot traffic lanes, not including shoulder and striping.

The Nevada County Department of Public Works Standard Drawings, available from the Nevada County Department of Public Works, illustrate and clarify the standard specifications contained within this Chapter, as well as the Driveway specifications. (Ord. 2239. (05/29/2007))

## B. HORIZONTAL ALIGNMENT

Changes in horizontal alignment of roads shall be made with horizontal circular curves with the edges of the pavement parallel to and equidistant from the centerline. Design of the horizontal alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in accordance with the appropriate design speed. Unless otherwise approved by the Engineer, the centerline of the road improvement shall coincide with the right-of-way centerline or other previously approved alignment.

## C. VERTICAL ALIGNMENT

Grade changes in the vertical alignment greater than two percent (2%) shall be designed with parabolic vertical curves. The maximum grade, unless otherwise specified or approved by the Engineer, is ten percent (10%) below 3,500-foot elevation and eight percent (8%) above 3,500-foot elevation. The maximum grade without an Exception shall be sixteen (16%). The minimum grade for all classes of roads is one-half percent (0.5%). The design of the vertical alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in accordance with the appropriate design speed.

The minimum vertical curve data to be complete and shown on the improvement plans shall identify the point of intersection elevation, the tangent gradients, the middle ordinate and the length of curve.

The minimum length of a vertical curve shall be one hundred (100) feet.

## D. ROSS SLOPE DESIGN

The standard cross slope for all roads shall be two percent (2.0%), sloping both directions from the “crown” or highpoint at the centerline towards road edge. Any deviation from this standard requires prior approval from the Engineer.

Superelevated cross sections in horizontal curves shall have a maximum rate of superelevation of six percent (6%) for roads below 3,500 elevation. For roads at elevation 3,500 or above, the maximum rate of superelevation shall be four (4%).

#### E. INTERSECTION DESIGN

Intersecting roads shall not exceed six percent (6%) grade for a minimum of thirty (30) feet from the edge of the traveled way of the intersecting road.

All roads shall intersect as nearly as possible at right angles, but in no case shall the angle of intersection be less than sixty (60) degrees.

Roads intersecting any road from opposite sides shall have their centerlines directly opposite, or the offset between intersections shall be a minimum of one hundred fifty (150) feet.

Minimum sight distances for intersections shall be designed to meet all standards as shown in the Nevada County Standard Drawings, Required Sight Distance at Intersection/Driveways.

#### F. CURVE WIDENING

No road or roadway structure shall have an inside radius of less than fifty (50) feet. In cases where the centerline radius of a road is less than or equal to two hundred (200) feet, the inside edge of pavement shall be widened by four (4) feet. In cases where the centerline radius is one hundred (100) to two hundred (200) feet, the inside edge of pavement shall be widened by two (2) feet.

#### G. ADDITIONAL RIGHTS-OF-WAY

The advisory agency may require additional rights-of-way to accommodate traffic or parking on business or major traffic streets. The advisory agency may also require

right-of-way for non-vehicular traffic (i.e., bikeway, equestrian path, foot path, if the right-of-way is shown on an adopted master plan or specific plan).

## H. SLOPE EASEMENTS

Slope easements shall be provided wherever they are needed to contain the cut or fill slopes. The slope easement line shall be set at the toe of the fill or top of the cut plus ten (10) feet.

## I. CUL-DE-SAC

Roads that dead end or transition to a driveway or non-standard road shall be terminated with a bulb-shaped cul-de-sac at the point where the road ends or transitions as shown in Standard Drawings. Cul-de-sacs shall have a minimum forty (40) foot radius surfaced bulb, measured from the center of the bulb to the edge of the surfacing if parking is not allowed on the road. If parking is allowed on the road, a minimum fifty (50) foot radius surfaced bulb shall be provided. Said surfacing shall be the same as required for the terminating road.

Hammerhead turnaround designs may be utilized subject to approval by the Engineer for local class roads when unusual topographic or other conditions prevent cul-de-sac construction. If a hammerhead-T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

The maximum length for a cul-de-sac or other dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcels zoned for less than one (1) acre 800 ft.

Parcels zoned for one (1) acre to four and ninety-nine one-hundredths (4.99) acres 1320 ft.

Parcels zoned for five (5) acres to nineteen and ninety-nine one hundredth (19.99) acres 2640 ft.

Parcels zoned for twenty (20) acres or larger 5280 ft.

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

For parcels zoned for five (5) acres or larger, turnarounds shall be provided at maximum 1,320-foot intervals.

Each dead-end road, including gated access roads, shall have a turnaround constructed at its terminus.

## J. UTILITIES PLACEMENT

1. In no case shall utility poles, light standards, guy wires, etc. be placed closer than six feet (6') to the edge of the traveled way. Manhole covers, grates, valve boxes, etc. shall be set so as not to interfere with snow removal.
2. New utilities shall be located as follows:
  - a. Water – three (3) feet from edge of pavement on the north or west side of the road;
  - b. Sewer – five (5) feet from the road centerline on the south or east side of the road;
  - c. Storm Drains – five (5) feet from the road centerline on the north or west side of the road;
  - d. Joint trenches, telecommunications and other utilities – either side of the road and at least six (6) feet from the centerline of roadside ditches
3. Telecommunication Requirements - The installation of conduit for telecommunication purposes is required for all Capital Improvement Projects, development projects and Encroachment Permit work that includes any of the following:
  - a. All new arterial/collector road and bridge construction.
  - b. All new subdivision roads where underground utilities are required.
  - c. Arterial/Collector road reconstruction/widening involving reconstruction of the base and/or subbase on sections of a road spanning: 1) between two road intersections or more; or 2) 1,000 feet in length or more.
  - d. Bridge reconstruction.
  - e. Trench work on arterial/collector roads spanning: 1) between two road intersections or more; or 2) 1,000 feet in length or more.

An exception may be granted in writing by the Director per the following:

- a. Capital Improvement Projects: Separate alternative bid items will be required for all projects where telecommunication conduit is required per the above. If funding is not identified from the County or others upon award of a construction contract or upon commencement of the work by the County, an exception may be granted.
- b. Development project, non-County maintained road and/or Encroachment Permit work: An applicant may request funding from the County for the cost to construct telecommunication conduit if other funding sources are not available, less any costs shared by other utilities. Requests must include the associated project name, associated County permit numbers, an engineer or contractor estimate with a separately identified cost for construction of conduit for telecommunication use, the amount requested and any additional pertinent information. Approval of funding from the County will require Board of Supervisor approval of a funding agreement. In addition, an applicant may request to install conduit on other roads (other than arterials and collectors) for County consideration.
- c. Any location where trenching is not advisable per a stamped and signed report from a licensed Geologist, Geotechnical Engineer or Civil Engineer.

Conduit for telecommunication purposes shall be a minimum of four inch (4”) HDPE constructed per County trench backfill requirements with pull boxes every 250 feet. Telecommunication conduit must be constructed in road right-of-way or in Public Utility Easements or equivalent and may be constructed in joint trenches with other dry utilities. Completed telecommunication conduits must be granted to a telecommunication company or the County of Nevada.

#### K. ONE-WAY ROADS

One-way roads may be permitted subject to the approval of the Engineer. In no case shall one-way roads serve more than ten (10) dwelling units or exceed 2,640 feet in length. Standard one-way road structural sections are as shown on the Nevada County Standard Specifications Summary Chart. The surfacing requirements for one-way roads shall be the same as for the overall project of which they are a part. One-way roads shall serve only one direction of traffic and shall be signed

appropriately and to the satisfaction of the entity responsible for fire protection. One-way roads shall connect on both ends to a two-way road.

#### L. MINIMUM VERTICAL CLEARANCE

The minimum vertical clearance over all roadways shall be fifteen (15) feet.

#### M. GATES ON ACCESS ROADS

1. Gate entrances shall be at least two feet wider than the width of the traffic lanes serving the gate and shall have a minimum gate opening of fourteen (14) feet.
2. All gates providing access from a road to a driveway or another road shall be located at least thirty (30) feet away from the primary road right-of-way or easement and shall open to allow a vehicle to stop without obstructing traffic on that primary road.
3. All gates installed on emergency access roads after May 14, 2010 shall be subject to the following provisions:
  - a. At no time shall a gate on an emergency access road be locked.
  - b. The following standard signage shall be required on all gates on emergency access roads: “Emergency Access Only. This Gate Shall Remain Unlocked.”
  - c. Pursuant to the enforcement powers established by the Nevada County Code 8.3 and 8.4, the County, or an agent of the County, reserves the right to remove locks from gates or to remove other encumbrances, including but not limited to boulders, ditches, and berms, that inhibit the use of an emergency access road for its intended purpose.
4. All gates installed prior to May 14, 2010, shall be subject to the legal requirements, standards and/or conditions that were applicable at the time of original approval and installation.
5. Security gates shall not be installed without approval of the Fire Marshal’s Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020))

#### **Sec. L-XVII 3.5 Structural Section Design**



**A. MINIMUM STRUCTURAL SECTION STANDARDS ACCORDING TO ROAD CLASS AND PARCEL SIZE**

Streets within the parcel(s) being developed and offsite non-county maintained access to the parcel(s) are to be brought/constructed to the minimum structural section condition indicated in the following table for the classes of streets within the parcel and the offsite access street and the parcel size being created. Higher standards are required if dictated by the projected traffic from the project.

**TABLE III**

**MINIMUM SURFACING STANDARDS BY PARCEL SIZE AND FUNCTIONAL CLASSIFICATION**

<b>Parcel Size Acres</b>	<b>Fire Standard Access Rd &lt;100 ADT Note 2</b>	<b>Local Class 1 101-400 ADT Note 1</b>	<b>Local Class 2 401-2000 ADT Note 1</b>	<b>Collector Minor &gt;2000 ADT Note 1</b>	<b>Collector Major &amp; Urban</b>	<b>Arterial Minor</b>	<b>Elevation</b>
0-2.999	N/A	N/A	3"A.C./8"A.B.	3"A.C./8"A.C.	Engineered Design	Engineered Design	
3-4.999	6" A.B. plus improve. Plans and Right-of-Way	3"A.C./6"A.B. 3"A.C./8"A.B.	3"A.C./8"A.B.	3"A.C./8"A.B.	Engineered Design	Engineered Design	<3500' >3501'
5-9.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	3"A.C./8"A.B.	Engineered Design	Engineered Design	
10-39.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. plans and Right-of-Way	
40 UP	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	

Note 1: Minimum requirements. Actual structural section design to be based on "R" value and "T.I."

Note 2: six inches ( 6") A.B. = 6" A.B. at ninety-five (95%) compaction over subgrade compacted to ninety-five ( 95%). If grade exceeds ten percent (10%), surface shall be three inch (3") A.C. over six inch (6")A.B.

Higher Standards are required if dictated by projected traffic from project.

## B. STRUCTURAL SECTION DESIGN

The structural section design shall be based on the R-value of the underlying material, with the minimum structural sections as shown above and on the Standard Drawings. The location of R-value tests within the project area shall be selected so as to provide representative samples for the entire project area. Additional testing may be required in specific soil areas as directed by the Engineer.

## C. AGGREGATE BASE (AB) OR BASE

Class 2 Aggregate Base is aggregate base in conformance with the provisions of Section 26, "Aggregate Bases" of the CALTRANS Standard Specifications.

## D. DOUBLE SEAL

Double seal coat is seal coat in conformance with the provisions of Section 37, "Bituminous Seals" of the CALTRANS Standard Specifications.

## E. ASPHALT CONCRETE (AC) PAVING OR PAVEMENT

Type B asphalt concrete is asphalt concrete in conformance with the provisions of Section 39, "Asphalt Concrete" of the CALTRANS Standard Specifications. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020))

## **Sec. L-XVII 3.6 Signing**

Sign type and location shall conform to the following:

### A. STREET SIGNS

Street signs shall be of the type and size as shown in the Nevada County Standard Drawings. A street sign installation with four sign plates on each post is required at each intersection. The location of street sign installations shall be shown on the improvement plans.

## B. TRAFFIC SIGNS

Stop signs, speed limit signs and other traffic control signs shall be of the size and type and shall be installed in locations that are in conformance with the State of California, Department of Transportation Traffic Manual and as required and approved by the Engineer. (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.7 Curb, Gutter and Sidewalk**

A. Curb, gutter and/or sidewalk shall be installed adjacent to all road improvements where required by Ordinance, Resolution or as a Condition of Approval for the project. Type E rolled curb and gutter and the sidewalk adjacent to the curb and gutter shall be placed upon a layer of Class 2 aggregate base compacted to ninety-five (95%) percent relative compaction. The depth of the aggregate shall be thick enough so that when combined with the concrete above the resulting structural section is equivalent to that of the adjoining roadway. In no case shall the depth of Class 2 aggregate be less than two (2) inches.

B. Type A2-6 curb and gutter shall be placed upon a layer of Class 2 aggregate base as described for Type E rolled curb and gutter except that the sidewalk adjacent to Type A2-6 curb and gutter need not be placed upon aggregate base, provided that the subgrade is compacted to ninety five (95%) percent relative compaction. All curb, gutter and sidewalk shall be constructed in accordance with the latest edition of the State of California, Department of Transportation Standard Plans and Section 73, "Concrete Curbs and Sidewalks" of the Standard Specifications.

C. In areas above the 3,500 foot elevation, Type E rolled curb and gutter shall be constructed (see CALTRANS Standard Plans).

D. The minimum width for all sidewalks shall be four (4) feet except as otherwise specified or required.

E. Sidewalks shall be six (6) feet wide at bus turnouts and at signalized intersections. Where utility poles or other obstructions are situated within street-side sidewalks, a minimum of four feet of clear uninterrupted sidewalk area shall be provided. Where it is necessary to widen the sidewalk beyond the standard width to

obtain the four (4) foot clearance, the widened area shall extend a minimum of five (5) feet beyond each side of the obstruction and a ten foot taper on each side of the widening shall be required.

F. All construction shall comply with the Americans With Disabilities Act of 1990 (42 U.S.C.S. Secs. 12101, et seq.). (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.8 Bikeways**

All bikeways shall be constructed in locations designated by and designed in conformance with the Nevada County Bicycle Master Plan and the CALTRANS Highway Design Manual, Chapter 1000, "Bikeway Planning and Design." (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.9 Snow Stakes**

Snow stakes shall be provided and placed by the Department where applicable. The Developer shall be responsible for payment to the Department for this service on a one-time-only basis. (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.10 Snow Storage Easements**

Snow storage easements shall be provided in subdivisions above 3,500 feet elevation and shall be ten (10) feet wide on both sides of the road right-of-way. (Ord. 2488. (01/12/2021))

### **Sec. L-XVII 3.11 Maintenance Agreements**

If the roads constructed within a subdivision are to remain private, then a maintenance entity shall be formed to insure continued maintenance on the road system. Maintenance of the road system shall include maintenance of the fuel modification zones and minimum vertical clearances. The entity shall be formed in accordance with the Standard Maintenance Agreement on file in the Department of Public Works. The subdivider may be required to annex to an adjacent existing maintenance entity. (Ord. 2488. (01/12/2021); Ord. 2239. (05/29/2007))

### **Sec. L-XVII 3.12 Petition for Exception**

Modification of the required standard, except as provided within this Chapter, for the construction of specific roads shall follow the petition for exception process as specified in Section governing Subdivisions 2.6 of this Code. Otherwise, the Advisory Agency, in the case of petitions for exceptions from the Road Standards, shall be required to make findings of fact in support of the following in addition to those findings of fact specified in Section governing Subdivisions 2.6:

That an exception to any Fire Safe Standard, including those standards adopted by Chapter governing Fire Safety Regulations of this Code and the Chapter governing Fire Standard Access Road improvements, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Code Regs. Tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Subchapter 2, Articles 1-5.

The same practical effect can be met in some cases by incremental improvements of offsite access roads proportional to the intensity of development proposed.

It is intended that every effort be made to grant a petition for exception that includes feasible road improvement requirements for tentative parcel maps for living persons, or the testamentary disposition of deceased persons, who owned their property prior to March 4, 1972. The Board finds that such property owners have contributed significantly to the public trust through open space conservation by avoiding development of their property in prior years.

All requests for design exceptions shall be reviewed and approved by the County Engineer. In the case of requests for design exceptions for privately funded improvement projects, the Advisory Agency shall take action on the recommendation of the County Engineer and the findings for or against the exception shall be noted in the finding of facts either approving or denying the petition. All Petitions for Exceptions shall contain, at a minimum, the information requested on a Design Exception Information Form to be provided by the Department. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2161. (10/05/2004))

## **SECTION 4 IMPROVEMENT PLANS**

## **Sec. L-XVII 4.1 General**

Improvement plans, specifications and cost estimates prepared for all proposed private and public road, drainage and related improvements, including any necessary dedications, easements and rights-of-entry, shall be submitted to the Department of Public Works for approval. Approval, substantiated by the signature of the Engineer, is required prior to the beginning of construction of any such improvements. The Engineer shall order work to cease on any project if the contractor does not have approved plans in his/her possession. Enforcement/appeal of the stop work notice shall be as outlined in Section 8 of this Chapter. (Ord. 2239. (05/29/2007))

The fees for the Department's review of the plans shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

### **A. REFERENCE TO STANDARDS**

The general notes and special provisions of all plans shall include the following note:

“All construction and materials shall be in accordance with the latest edition of the County of Nevada Standard Construction Specifications.”

### **B. PLAN REQUIREMENTS**

Two (2) sets of plans, complete and in accordance with these Road Standards, along with any required specifications, computations, test data, cost estimates and other material requested by the Engineer shall be submitted to the Department for review.

The drafting of the plans must be heavy and large enough (hand lettering 1/8-inch minimum size, CAD lettering 1/10-inch minimum) to produce clear, sharp prints from microfilmed copies.

One (1) copy of the reviewed plans with corrections required by the Engineer shall be returned to the Consulting Engineer. The required corrections shall be made to the original tracing and two sets of the revised plans shall then be submitted to the Department along with the signature sheet for final review and signature. Any changes or additions to the plans other than those as required by the Department shall be highlighted or by some other means identified on the revised prints submitted by the Consulting Engineering. When approved and signed, the Department will return the signature sheet to the Consulting Engineer. Throughout

the project the consultant will supply the County with prints as required by the County. After the project is completed, the Consultant will supply the County with one reproducible set of “As-Built” drawings.

1. Standard Sheets and Scales: Improvement plans shall be prepared on plan and profile sheets twenty-four (24) inches by thirty-six (36) inches.

Scales shall be horizontal 1" = 20', 40' or 50', vertical 1" = 4', 8' or 10'.

Horizontal scale of plan and profile shall match.

2. Title Sheet: A title sheet for all plans shall be prepared showing the entire project complete with any district boundaries, city limits, street names, section lines and corners; and the location within the County.
3. The title sheet shall also include an index of the sheets, the date and scale of the drawing, and signature blocks for the Consulting Engineer and the approvals of the Engineer and other officials as required. Typical sections, construction details, etc. shall be placed elsewhere in the plans unless otherwise approved by the engineer.

Title Blocks: Each sheet shall have an approved title block showing the sheet title, number, scale, date, the Consulting Engineer's name and the name of the project. Samples may be obtained from the Department. The preferred location is across the bottom of the plan sheets.

4. Typical Sections: A typical section for each type of road or facility proposed within the improvement shall be included as part of the plan.
5. Right-of-way: Right-of-way lines, lot boundaries and numbers, drainage easements, utility easements, section lines and corners and temporary construction easements, both existing and proposed, shall be shown on the plans. All right-of-way and easement lines shall be properly dimensioned and labeled.
6. Topography: All pertinent topographic features which are affected by design or construction shall be shown. The tops of cuts and toes of fills shall be shown on the layout plans.

7. Profiles: The plans shall clearly show the existing and proposed profiles of all roadways, drainage ditches, storm drains and utilities. Curb returns and edge of pavement profiles shall be furnished for each intersection. Where driveways are to be built, profiles and work limits shall be shown on the plans.

Centerline stationing and elevations shall be shown at 50-foot intervals. Vertical curve lengths and tangent gradients shall also be included, and all ground lines, ditches, gutters and pipes shall be shown by distinctive symbols and labeled.

8. Bench Marks: Bench marks and datum shall be clearly shown on the plans both as to location, description and elevation. The datum shall be 1929 Sea Level Datum (USGS or USC & GS).

When there are no existing USGS or USC & GS bench marks within one thousand (1000) feet of the project, the Consulting Engineer may use an assumed datum after obtaining approval from the Engineer. In all cases, permanent bench marks shall be placed on each project in sufficient number and durability and efficiently placed so as not to be readily disturbed to assure the perpetuation or facilitate reestablishment of the elevation of any point in the project. The location(s) of the permanent bench marks shall be shown on the plans.

9. Basis of Bearing: The location, description and relationship of monuments used for horizontal control shall be clearly shown on the plans with reference made to supporting recorded maps or unrecorded maps on file with the Department.

10. Stationing and Orientation: Insofar as practical, the plans shall be arranged such that the north arrow is pointed toward the top of the sheet. The stationing on the plan and profile shall read from left to right. Centerlines or right-of-way lines shall be labeled with linear, angular and radial data sufficient to determine their bearings and lengths and relationship to those monuments shown on the plans per Section 4.3.I., above.

11. Cross-Sections: Cross-sections shall be submitted with the plans and prepared at fifty (50)-foot intervals and more often where determined necessary by the Engineer. A cross-section at each culvert location and all existing or proposed driveway locations shall be shown. Cross-sections for roads shall be at ninety (90) degrees to, or radial with the centerline of the road.



The cross-sections shall be plotted on an appropriate scale on standard cross-section sheets. The roadway template shall be accurately plotted and properly stationed. Centerline elevations of the original ground and finish grade shall be shown and properly labeled. Right-of-way lines and slope easement lines shall be shown and labeled.

12. Required Notes: A list of notes required by the Department shall be clearly drafted onto the original plan drawings. These required notes are available on request from the Department of Planning. In addition, notes specifically required by the project's Conditions of Approval shall also be made part of the plans. (Ord. 2239. (05/29/2007))

13. Drainage List and Profiles: A drainage list shall be made part of the plans. The drainage list shall show the size, gauge, slope, length and type of all drainage structures to be placed on the project, including culverts, drainage inlets, pipes, headwalls, wingwalls, end sections, etc.

Drainage profiles shall be prepared and included as part of the plans. Each drainage profile sheet shall include the type, size, length, slope, invert elevations and location of culverts. Drainage appurtenances (headwalls, wingwalls, drainage inlets, etc.), all flowline elevations, existing ground lines and proposed finished grade shall be shown and properly labeled and/or dimensioned.

14. Superelevation Diagram: When superelevation is used, a diagram shall be drawn on the profile sheet. Superelevation diagrams shall be designed in accordance with the standards outlined in the CALTRANS "Highway Design Manual".

For superelevation through intersections, a separate plan and profile of the intersection shall be included. Cross slopes, elevations at drainage structures and flowline of drainage ditches or curb and gutter (if applicable) shall be shown and properly labeled.

### C. CONFLICTS, ERRORS AND OMISSIONS

Excepted from approval are any features of the plans that are contrary to, in conflict with, or do not conform to any California State law, Nevada County Ordinance or Resolution, conditions of approval or generally accepted good engineering practice in keeping with the standards of the profession, even though such errors, omissions or conflicts may have been overlooked in the Department's review of the plans.

#### D. PLAN REVISIONS

No changes shall be made to the approved plans unless authorized by the Engineer. Should changes become necessary, the Consulting Engineer shall resubmit two (2) copies of the affected plan sheets with the authorized changes noted and dated in a revision block on the title sheet. The changes shall be identified by the revision number in a triangle delineated on the plans adjacent to the change. The proposed changes shall be reviewed by the Department and approved by the Engineer. The Engineer may order changes in the plans in order to complete the necessary improvements.

#### E. UTILITIES

All existing and proposed utilities shall be shown on the plans to the extent practical. The Consulting Engineer shall submit copies of both the preliminary and approved plans to the affected utility companies. The Developer or the Developer's agent is responsible for obtaining approvals and necessary permits from utilities or other governmental agencies when required. The Department may condition approval of the plans upon receipt of proper permits from other agencies.

#### F. AS-BUILT PLANS

The Consulting Engineer or the developer's construction engineer shall keep an accurate record of all approved deviations from the plans and shall provide a reproducible set of plans to the Department upon completion of the work before final approval of the completed improvements.

#### G. ESTIMATES

An estimate of the cost of work, showing quantities and unit prices prepared by the Consulting Engineer, is required for all projects where the project proponents desire to enter into a Subdivision Improvement Agreement in accordance with Section governing Subdivisions 3.9. Two (2) sets of computations showing how the quantities in the estimate were determined shall be furnished to the Department with the Improvement Plan submittal. Unit prices must be based upon the current approved prevailing wage schedule available at the Department.

**Sec. L-XVII 4.2 Tentative Map Approval - Improvement Plans,  
Inspection, Completion, Acceptance**

In addition to the General Requirements for Improvement Plans, the following shall apply in the case of tentative map approval:

**A. GENERAL**

Following approval of the tentative map, the subdivider shall cause to be prepared and submitted for approval complete construction plans for the improvements required by this Chapter.

**B. REQUIREMENTS**

The plans shall be prepared under the direction of a registered civil engineer, licensed by the state of California, and shall show the complete plans, profiles and details for all street work, drainage channels and structures, retaining walls or other improvements to support cut slopes and embankments, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters, driveways, if constructed in conjunction with subdivision improvements, structures and drainage facilities to control slides, location of street lights, sanitary sewers and other improvements which may be required to complete the work. If the plans include three (3) or more sheets, a key map showing the streets, lots, street names, storm drains, the area covered by each sheet of the plans, and a list showing the sheet numbers of the plans and of the profiles for streets and storm drains shall be included on the first sheet of the plans.

**C. CHANGES**

Requests shall be made by the subdividers or engineer for review of changes appearing necessary or desirable prior to or during construction and shall be submitted to the Department of Planning and shall be accompanied by four (4) sets of revised drawings showing the proposed revision. The Department of Planning shall review such requests and shall return one (1) copy of such drawing showing any corrections necessary for approval or notification of approval to the subdivider's engineer. (Ord. 2239. (05/29/2007))

**D. REVIEW PREREQUISITE FOR FINAL AND PARCEL MAP APPROVAL**

The review and signing of the improvement plans by the Department of Planning shall be a condition precedent to the approval of the final or parcel map for the subdivision by the Board of Supervisors when improvements are required. (Ord. 2239. (05/29/2007))

#### E. SUPPLEMENTARY PLANS AND DOCUMENTS

Supplementary plans and documents shall include grading plans, hydrology, hydraulic computations and structural computations as required.

#### F. INSPECTIONS REQUIRED

All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the Department of Transportation.

#### G. RIGHT OF ENTRY

The Department of Transportation shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this Chapter.

#### H. PRIOR WORK REJECTED

If any work on improvements is done by the subdivider prior to the approval of the improvement plans or prior to the inspection of the improvements as required by the Department of Transportation, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

#### I. COMPLETION

1. General Requirements: The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable causes.
2. Delay - Penalty: Delay on completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the Board of Supervisors and the surety company, may result in forfeiture of the

cash deposit and/or security, or a portion thereof, for the completion of the work.

## J. ACCEPTANCE

1. Recommendation by Department of Transportation: When all improvement work required by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the Department of Transportation, the Department of Transportation shall notify the Board of Supervisors that such work has been satisfactorily completed and recommend the acceptance of the Board of Supervisors of the completed work.
2. Resolution Filing: Upon satisfactory completion of all work required to meet the requirements of this Section and its acceptance by the Board of Supervisors, the Board of Supervisors shall cause to be filed a resolution of acceptance.

## SECTION 5 STORM DRAINAGE

### **Sec. L-XVII 5.1 Hydrologic Design**

Watershed areas of six hundred forty (640) acres and less can be analyzed by the Rational Method. Watershed areas larger than six hundred forty (640) acres shall be analyzed utilizing the Soil Conservation Service (SCS) Unit Hydrograph Method or a method agreed upon by the Consulting Engineer and the Engineer prior to submitting the analysis to the Engineer for review.

The submittal of the improvement plans shall be accompanied by the drainage analysis consisting of a watershed area map and drainage design calculations (two (2) copies each).

## A. DESIGN STORMS

Drainage design calculations shall show the calculations used to determine the hydraulic load for both the ten (10)-year and one hundred (100)-year design storms at each drainage facility. The specific design requirements are detailed in Sections 5.2, 5.3, 5.4, 5.5 and 5.6 of this Chapter.

## B. RATIONAL METHOD OF ESTIMATING PEAK RUNOFF

1. Time of Concentration. The time of concentration is the time required for the runoff from the most remote point in the watershed to reach the point of concentration at which the flow is to be calculated. It is generally composed of two parts, the overland flow time (sheet flow) and the concentrated flow time.
  - a. Overland Flow Time. In undeveloped or lightly developed watersheds, the initial runoff is usually in the form of sheet flow. This overland flow time shall be determined using Standard Drawing D-8.
  - b. Concentrated Flow Time. Concentrated flow time is the time required for the water to flow from one point of concentration to the next. This flow may take place in a man-made or natural conveyance. The velocity chosen for use in this calculation should accurately reflect the hydraulic conditions in the drainage system.
2. Rainfall Intensity. Rainfall intensities for the ten (10)year and one-hundred year storms shall be determined using Standard Drawings D-11 and D-12.
3. Runoff Coefficient. The runoff coefficient shall be chosen to reflect the ultimate development of the drainage area. This shall be based on the County's General Plan, the County's Zoning Maps and the Soil Conservation Service Soil Survey of Nevada County. The runoff coefficient shall be determined using Standard Drawing D-15.

## C. UNIT HYDROGRAPH METHOD OF ESTIMATING PEAK RUNOFF AND VOLUMES

The Army Corps of Engineers' computer program, HEC-1, shall be used to calculate flow rates for all watersheds over 640 acres. The SCS method shall be the method used with HEC-1.

Copies of the HEC-1 program as well as technical support are available through private vendors. For a list of these vendors, contact the U.S. Army Corps of Engineers, Water Resources Support Center, The Hydrologic Engineering Center in Davis, California.

1. Lag Time. Lag time can be considered as a weighted time of concentration. It is discussed in detail in the Soil Conservation Service Publication SCS-TP-149. The equation for calculating lag time is as follows:

$$L = 0.6tc$$

Where L = lag in hours

tc = time of concentration

2. Rainfall Duration-Depth. The rainfall duration-depth relationships to be used in unit hydrograph calculations are shown on Standard Drawings D-13 and D-14.
3. Loss Rate. Precipitation losses due to land surface interception, depression storage and infiltration shall be determined using SCS Curve Numbers. Hydrologic soil group information may be found in the "Soil Survey of Nevada County Area, California" published by the Soil Conservation Service. Curve numbers shall represent the ultimate development of the drainage area.

#### D. DRAINAGE AREA MAPS

A drainage area map shall be prepared to accompany all drainage calculations and shall reflect the following criteria:

1. All maps shall be of adequate scale to show a clear representation of the drainage conditions. Contours shall be shown and labeled throughout. Prominent features (roads, lakes, streams, etc.) shall be shown on the map.
2. All individual watersheds and subwatersheds shall be clearly defined with colored pencil shading and heavy lines delineating the boundaries.
3. Travel paths of all flow shall be clearly defined. Where concentrated flow exists, the type and dimensions of the conveyance shall be noted on the map. Where sheet flow exists, note this on the map.
4. Points of concentration for each structure shall be shown throughout. At each point of concentration, note the peak flow rates, generally the ten (10) and one-hundred year flows (Q10 and Q100).

5. The areas (in acres) of all individual watersheds and subwatersheds shall be noted on the map.
6. Rational Method “C” values or SCS Method Curve Numbers shall be shown for each watershed and subwatershed.
7. Unusual features: N.I.D. irrigation ditch spillways for discharging excess storm runoff, upstream drainage facilities discharging onto the project, etc. shall be shown including expected values for Q10 and Q100.

**Sec. L-XVII 5.2 Hydraulic Design**

Nevada County uses Manning’s Equation to calculate friction losses and the pressure-momentum equations and energy equations to calculate junction or change in cross-section energy losses.

**A. MINIMUM FREEBOARD REQUIREMENTS**

<u>Facility</u>	<u>Freeboard (FT.)</u>	<u>From HGL to:</u>
Cross Culverts (Q10)	0	Top of Culvert
Cross Culverts (Q100)	0	Crown of Road
Closed Conduit Storm Drains (Q10)	1.0	Gutter Flow Line
Closed Conduit Storm Drains (Q100)	0	Top of Curb
Open Channels (Q10)	1.0	Top of Bank
Open Channels (Q100)	0	Top of Bank
Roadside Ditches (Q10)	0	Top of Bank
Roadside Ditches (Q100)	0	1/3 Travel Way
Curb and Gutter (Q100)	Shall inundate no more than 1/3 of the traveled way	



Bridges (Q100) 2.0 Lowest Member

## B. FRICTION LOSSES

The Mannings Equation shall be used to calculate friction losses for hydraulic profiles. The following Mannings “n” values shall be used:

<u>Facility</u>	<u>“n”</u>
Corrugated Metal Pipe	
Annular	0.021
Helical	0.018
Spiral Rib	0.012
Reinforced Concrete Pipe	0.014
High Density Polyethylene Pipe	
Corrugated	0.021
Smooth Wall	0.012
Concrete or Asphalt lined Ditches & Channels	0.015
Cast in Place	0.015
Precast	0.014
Earth Ditches and Channels Smooth Geometric	0.030
Irregular or Natural	Refer to Brater & King “Handbook of Hydraulics”
Patented Products	See Manufacturer’s Specs

### C. JUNCTION LOSSES

At points in the hydraulic profile where there is a change in the flow rate or conveyance geometry, the energy loss being experienced due to these changes and the corresponding change in water surface elevation shall be calculated using either the pressure-momentum method or the energy equation method. The value of the loss coefficient,  $k$ , used in the energy equation shall be at the discretion of the consulting engineer and subject to the approval of the Engineer.

### D. MINIMUM AND MAXIMUM VELOCITIES

<u>Facility</u>	<u>Minimum Velocity, fps</u>	<u>Maximum Velocity, fps</u>
Earth Ditches & Channels Concrete or Asphalt Lined	2.0	4.0 - 6.0
Ditches & Channels	2.0	14.0
Closed conduits	2.0	14.0

$V_{max} > 4.0$  fps subject to prior approval by Engineer.

Velocities exceeding 14 fps are special circumstances and criteria shall be established on a case by case basis to provide for protection from scour and unstable flow conditions.

### E. DETENTION FACILITIES

Detention facilities are intended to reduce the peak discharge of a watershed by storing the excess flow in a reservoir and slowly releasing it back into the system after the peak of the storm has passed. Reservoir size and outlet configuration shall be designed using an inflow hydrograph computed using HEC-1. The required storage volume and outflow requirements shall be determined using a flood routing method established in the engineering profession as being acceptable. An example of an acceptable method is the Modified Puls Method.

All detention reservoirs shall be designed such that the water surface returns to its base elevation within twenty-four (24) hours of the end of the storm and shall be placed as required by the Engineer.

### **Sec. L-XVII 5.3 Culverts**

The following are minimum standards. They shall in no way relieve the consulting engineer from designing culverts to meet actual design conditions. All storm drain pipe intended for use within the roadway shall be checked for maximum allowable cover utilizing manufacturer's design values. The gauge or class of pipe shall be specified on the plans.

#### **A. ROAD CROSS CULVERTS**

Culverts crossing the roadway shall be adequate to carry the design flows. The culvert shall be reinforced concrete pipe, corrugated steel pipe, corrugated aluminum pipe or high density polyethylene plastic pipe. The minimum culvert diameter shall be eighteen (18) inches when the culvert length does not exceed eighty (80) feet and twenty-four (24) inches when culvert length exceeds eighty (80) feet. The maximum spacing between cross culverts shall be five hundred (500) feet, and the maximum differential in elevation between successive cross culverts shall be twenty (20) feet unless otherwise approved by the Engineer.

All corrugated metal pipe (both steel and aluminum) shall be a minimum of twelve (12) gauge. All reinforced concrete pipe shall be a minimum of Class III. The minimum cover depth for all culverts shall be one (1) foot.

#### **B. DRIVEWAY CULVERTS**

Culverts crossing driveway entrances shall be adequate to carry the design flow and shall be of the materials specified in Section 5.3.A, above. Minimum pipe size shall be twelve (12) inches.

#### **C. CROSS CULVERT INLETS**

In cut areas with other than concrete curb and gutter, cross culvert inlets shall be installed as shown on Standard Drawing D-3, as required.

Cross culverts in fill areas shall be provided with a flared end section (FES) as shown on Standard Drawing D-2, as required.

#### **Sec. L-XVII 5.4      Open Ditches**

All open drainage facilities shall be adequately protected from erosion by the use of an appropriate lining, and shall, as a minimum, meet the design criteria set forth in “Erosion and Sediment Control Guidelines for Development Areas of the Sierras”, prepared by the High Sierra RC&D. Temporary and permanent drainage structures not specifically included in these specifications are “Special Circumstances.”

##### **A. EXISTING DITCHES**

Unless justified within the calculations, all abrupt changes in alignment or profile and all underbrush and debris which seriously restricts the flow in existing ditches shall be regraded and improved. Such work shall be shown on the improvement plans. Unless previously approved by the Engineer, centerline curve radius of an open ditch shall be a minimum of thirty-five (35) feet.

##### **B. DIVERSION**

The diversion of natural drainage, subject to Engineer’s approval, will be allowed only within the limits of the proposed project. All natural drainage must leave the improved area at its original horizontal and vertical alignment unless a special agreement, approved by the Engineer, has been executed with the adjoining property owners.

##### **C. NEW CONSTRUCTION**

When selecting a ditch section or a lining material, consideration shall be given to the esthetics of the area. A trapezoidal section shall take precedence over a deep “V” ditch whenever possible.

A lining material shall be used which will adequately protect the channel from erosion.

1. Seeded Earth Ditches. This type of ditch may be used, subject to approval by the Engineer, only where the velocity does not exceed four (4) feet per second (6 fps with Engineer's approval) and the native material, when scarified, will support plant growth. Information regarding approved seed mixtures is available at the Department.
2. Concrete Poured in Place or Air Blown. Minimum thickness to be four (4) inches with welded wire fabric WW F6x6 - W2/W2, fiber mesh reinforcement or other approved reinforcing method in sides and bottom.
3. Asphaltic Concrete (Type B). Minimum thickness shall be three (3) inches after compaction (90% relative).

#### D. ROADSIDE GUTTERS

When roadside gutters are used to convey storm drainage, the flow from the ten (10) year design storm (Q10) shall not inundate the traveled way, and the flow from the one hundred (100) year design storm (Q100) shall not inundate more than 1/3 of the traveled way.

The maximum length of a roadside gutter shall be five hundred (500) lineal feet between cross culverts unless otherwise approved by the Engineer. The maximum length of an asphalt concrete dike shall be five hundred (500) lineal feet between down drains.

#### E. TOE DITCHES

Rock-lined toe ditches may be used, subject to the approval of the Engineer, only at the base of fills. This type of ditch shall not be used as a roadside ditch. Rock lining shall conform to the provisions of Section 72 of the State Specifications. The minimum size shall satisfy the specifications for No. 2 Backing. The minimum thickness of the rock lining shall be twelve (12) inches.

### **Sec. L-XVII 5.5      Closed Conduit Storm Sewers**

#### A. CAPACITY

Special provisions shall be made within the drainage system to ensure that the inlet flow line elevation and the capacity of the drainage system is such that it may be extended to serve the entire drainage basin at the time of ultimate development. This is to include the entire upstream portion and the portion of the basin outside the development, regardless of existing conditions.

## B. PIPE

Closed conduit storm drains shall be constructed of reinforced concrete pipe, corrugated metal pipe or high-density polyethylene plastic pipe.

## C. STRUCTURES

Unless otherwise approved by the Engineer, all manholes, junction structures and catch basins shall conform to the following standards:

<u>Facility</u>	<u>Type</u>	<u>Reference</u>
Manhole	RCP	Nevada County Std. Dwg. D-4
Junction Structures	GMP or	CALTRANS Std. Plan D75 OCP (1)
Catch Basins	GO or	CALTRANS Std. Plan D74 GT3 (2) or Standard Nevada County Std. Dwg. D-3 Drop Inlet
	1)	Use type 36RX grate or steel cover, redwood cover prohibited
	2)	Use type 24-13 grate

## D. OUTFALLS

All drainage outfalls shall be shown in both plan and profile on the improvement plans until a definite daylight condition is established.

When the outfall is from a closed conduit drain into a natural drainage course, an energy dissipater approved by the Engineer must be provided.

## COVER REQUIREMENTS

At locations where the general minimum cover requirements cannot feasibly be obtained, the conduit shall be either encased in concrete or provided with a concrete cover, or another method of pipe protection as specified by the Consulting Engineer and approved by the Engineer.

### **Sec. L-XVII 5.6 Headwalls, Wingwalls, Endwalls and Trash Racks**

The location and design of all proposed structures shall be considered individually and shall be designed in accordance with the State Standard Drawings and the Nevada County Standard Specifications. The design shall be as approved by the Engineer.

### **Sec. L-XVII 5.7 Easements**

The boundary lines of all drainage easements shall be shown on the plans.

#### **A. FOR IMPROVED DRAINAGE FACILITIES**

Easements shall be provided for all ditches, culverts and conduit systems whether constructed as newly-built improvements or as rebuilt improvements.

#### **B. FOR EXISTING DRAINAGE FACILITIES**

Easements shall be provided for all existing drainage facilities within the boundaries of and/or affected by any land areas to be improved.

#### **C. EXTENT**

All drainage easements shall extend from the point at which a flow is concentrated to: 1) the point of confluence with a natural drainage course, or 2) the point where the flow is returned to sheet flow.

#### **D. FOR OFFSITE DRAINAGE FACILITIES**

All concentrated drainage leaving the boundaries of the area to be approved in other than natural drainage courses will require either specific easements or drainage release letters from the property owners of the lands from the point at which the drainage leaves the limits of the improvement area to the point at which it is deposited in a natural water course. The requisite easements must include adequate provision for all of the drainage structures to be used in the offsite drainage (i.e., culverts, ditches, dissipaters, etc.).

## SECTION 6 EROSION PROTECTION

### **Sec. L-XVII 6.1 General**

All soil exposed by the construction shall be protected from erosion. The erosion protection measures shall be made part of the improvement plans and subject to approval by the Engineer. Temporary erosion protection measures shall be installed during the construction to contain all material within the project boundary. Permanent erosion protection measures shall be installed when the work is complete. Additional measures, as deemed necessary by the Engineer, shall be installed prior to final approval of the work.

### **Sec. L-XVII 6.2 Erosion Control Plan**

In addition to the ditch linings and the energy dissipaters required by Section 5 of these standards, an Erosion Control Plan to prevent sediment runoff from all disturbed soils is required. The Erosion Control Plan shall be submitted with, or be made a part of, the Improvement Plans and shall be reviewed by the Engineer and the Resource Conservation District prior to approval of the Improvement Plans. Revegetation and stabilization with specific amounts and types of vegetative species, mulch and fertilizer materials and timing of placement shall be listed in the Erosion Control Plan. Sediment catchment installations shall be required to contain sediment runoff from migrating beyond the project boundaries. Soil disturbing activities may be limited to specific times of the year by either the Department or the Resource Conservation District.

## SECTION 7 SURVEY MONUMENTS

### **Sec. L-XVII 7.1 General**



The Consulting Engineer shall place a note in the Improvement Plans stating that the Contractor is responsible for the protection of all survey monuments, markers and accessories. Any such survey feature that is disturbed or removed during the course of construction shall be restored or replaced by a person legally authorized to survey in the State of California.

### **Sec. L-XVII 7.2 Horizontal Control Monuments**

Survey monuments shall be placed at right-of-way boundaries, property boundaries or sectional corners within the improvement as required by the Engineer. These monuments shall be placed in such a way so as to provide easily accessible horizontal control for the work.

### **Sec. L-XVII 7.3 Vertical Control Monuments**

If an established benchmark or other vertical control monumentation is not easily accessible, the Consulting Engineer shall establish vertical monumentation to control the work. The location and datum shall be shown on the Improvement Plans. An assumed datum may be used with Engineer's approval.

### **Sec. L-XVII 7.4 Construction Staking**

All construction staking shall conform to established staking methods and shall be uniform throughout the project. The staking method shall be supplied to the Engineer upon request. The Contractor shall keep the Consulting Engineer informed in advance of the times and locations where construction staking is needed. Stakes damaged or destroyed by the operations of the Contractor will be replaced at his expense.

## **SECTION 8 ENFORCEMENT**

### **Sec. L-XVII 8.1 General**

The Engineer may issue a stop work notice for good cause, subject to appeal to the Board of Supervisors. However, no work shall be performed pending appeal except as authorized by the Engineer.

## **Sec. L-XVII 8.2 Stop Work Notice**

- A. Whenever it comes to the attention of the Engineer that any person is performing work in violation of the provisions of this Chapter, the Engineer may serve upon such person a written notice citing such violations and directing that person performing the work to stop work immediately.
- B. Upon receipt of such stop work notice, the person performing the work shall:
1. Stop work immediately until authorized by the Engineer to proceed; and
  2. Within twenty-four (24) hours provide the Engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this Chapter; and
  3. Within twenty-four (24) hours after acceptance of such remedies by the Engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this Chapter.
  4. If engineering work is required to identify and define the proper course of action, as determined by the Department, such work shall be provided by the violator at no cost to the County.

## **Sec. L-XVII 8.3 Criminal Enforcement**

Any person violating a stop work notice shall be guilty of a misdemeanor. Any person who violates any other provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; two hundred dollars (\$200) for a second violation of the same Section within a twelve month period; and five hundred dollars (\$500) for a third or subsequent violation of the same Section within a twelve month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

## **Sec. L-XVII 8.4 Nuisance Abatement**

Any act in violation of any provision of this Chapter is hereby declared to constitute a public nuisance the maintenance or continuance of which may be abated, removed and/or enjoined by any appropriate proceeding in the manner provided by law.

## **Sec. L-XVII 8.5 Nonexclusive Remedies**

The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law.