

## EXHIBIT A

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### “Sec. L-II 3.19.1 Accessory Dwelling Units

- A. **Purpose.** To maintain the social fabric of families and to improve affordable housing opportunities for the County’s workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below market prices in existing neighborhoods in Nevada County.
- B. **Standards.** An accessory dwelling unit shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R1, R2, RA, AE, AG, FR and TPZ zoning districts, subject to zoning compliance and building permit issuance and the following standards:
1. Accessory dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted area within a legally existing residential unit or accessory structure provided that building permits are obtained, and the following size limitations are satisfied:
    - a. The accessory dwelling unit shall not exceed the following size limitations, as measured from the interior walls:
      - 1) Attached Units: maximum 50% of the existing residence gross floor area, but not to exceed 1,200 square feet.
      - 2) Detached Units: maximum size shall be 1,200 square feet.
      - 3) Detached accessory dwelling units may have an attached garage or carport that does not exceed 480 square feet.
      - 4) Covered decks and entryways shall not exceed a 10-foot depth. Enclosed decks or porches shall not exceed 15% of the total gross floor area of the accessory dwelling unit and shall be constructed as non-habitable space.
  2. There shall be no more than one accessory dwelling unit, as provided for in this Chapter, per parcel. The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented for long-term use only (30 consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
    - a. Short-term rentals (less than 30-days) are allowed on properties that qualify for agritourism activities as allowed by Land Use and Development Code Section L-II 3.3 and verified by the County Agricultural Commissioner;
    - b. Short-term rentals (less than 30-days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;
    - c. Renting an ADU within the Truckee Sphere of Influence for either a short or long term basis are subject to the same rental standards as established in the Town of Truckee Zoning Ordinance;

3. Deed Restriction. Prior to building permit issuance for an ADU, the owner shall record a deed restriction which addresses restrictions on such units set forth in Land Use and Development Code Section L-II 3.19.1.B.2 (Rental Standards). The declaration shall run with the land and be binding upon the applicant and successor property owners. A property owner may also voluntarily opt to deed-restrict an ADU for affordability in order to receive incentives outlined in Standard 9 below.
4. Previously approved senior citizen or disabled housing units may be modified to increase the square footage, not to exceed 1,200 square feet or change the occupancy to rescind previously recorded restrictive covenants, subject to all applicable development fees and standards in effect at the time and consistent with this Chapter.
5. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.
6. If the accessory dwelling unit is proposed to be constructed within a City's Sphere of Influence, the accessory unit must also comply with any standards (including, but not limited to, the unit's size and permitting requirements) of the City that are more restrictive than those provided for in this Chapter.
7. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Accessory Dwelling Units (ADU) constructed with kitchens, which includes cooking equipment, will be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the ADU. In the event that the existing disposal field cannot handle the additional load or flow from the ADU, a new, separate septic system shall be installed to accommodate the ADU.
8. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development, unless exempted by State law or herein, including Chapter II (Zoning), IV (Subdivisions), V (Buildings), VII (Street Addressing and Naming), XVI (Fire Safety Regulations), and XVII (Road Standards) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
9. Prior to issuance of a building permit for an accessory dwelling unit, the applicant shall pay all applicable permit and mitigation fees, unless the accessory dwelling unit meets one of the criteria provided below. If the accessory dwelling unit meets one of the criteria below, the applicant shall qualify for a fee deferral and the payment of all permit and traffic and sewer mitigation fees shall be completed prior to issuance of the certificate of occupancy for the accessory dwelling unit. At the time of building permit

submittal, the applicant shall submit a written request to the Building and Planning Department for the deferral of fees and shall submit an agreement to pay form specific to this request. The written request shall document which criteria the unit qualifies for to receive the deferral.

- a. The property owner may deed-restrict the accessory dwelling unit to very low or low income qualified individuals or families for a minimum of 10 years. Prior to issuance of a building permit for second dwelling unit, the owner shall record the deed restriction. The declaration shall run with the land and be binding upon the applicant and successor property owner.
  - b. Construction of an 800 square foot unit or less in size.
10. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 3.2.
11. All accessory dwelling units that are located beyond the dead-end road limit as established by Land Use and Development Code Chapter XVII are subject to the following provisions:
- a. The applicant shall provide a minimum of one turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 1.2. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.
  - b. The accessory dwelling unit shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.
  - c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the accessory dwelling unit is located beyond the dead-end road limit established by the Nevada County Land Use and Development Code Chapter XVII Road Standards.
12. All accessory dwelling units within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all accessory dwelling units beyond the dead-end road limit (as outlined in the Land Use and Development Code Chapter XVII) regardless of their SRA Fire Severity Zone, are subject to the following provision:
- a. As a part of the building permit application, the applicant shall submit a Fire Protection Plan, which shall be site specific and address the following issues:
    - 1) The proximity to emergency responders and estimated emergency response times;
    - 2) Describe the primary (and secondary if applicable) access road conditions;

- 3) Identify the project's emergency water supply or emergency water storage facilities consistent with Article 4 of Chapter XVI of the Land Use and Development Code;
- 4) Identify if a fire sprinkler system is proposed or required;
- 5) Provide a Fuels Management Plan that requires:
  - a) Defensible space design consistent with Public Resources Code 4291;
  - b) Identification of high fuel load areas;
  - c) How adequate defensible space will be ensured;
  - d) The mechanism for maintaining defensible space; and
  - e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project."

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**“Sec. L-II 3.19.2 Second Dwelling Units-Consistent with Allowed Density**

- A. **Purpose.** To allow for second dwelling units on parcels with available density without limiting the size of the unit.
- B. **Standards.** A second dwelling unit, consistent with allowed density, shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the RA, the R1, the R2, the AE, the AG, the FR, and the TPZ zoning districts, where the property is at least twice the minimum lot size, subject to an Administrative Development Permit pursuant to Section L-II 5.5 of the Land Use and Development Code Chapter II, but not subject to design review, provided the following standards are satisfied:
  1. The second unit shall comply with zoning density established for the parcel on which the second unit is located.
  2. No more than one second dwelling unit may be allowed on any one parcel pursuant to this section.
  3. The unit must comply with all applicable standards of the Land Use and Development Code, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.
  4. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.
  5. Compliance is required with all local Fire Safety Regulations, including Section L-II 4.3.18, and Chapters XVI and XVII of the Land Use and Development Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.”

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**“Sec. L-II 4.2.7 Landscaping**

- A. **Purpose.** Landscaping is of considerable importance to both existing and proposed development in Nevada County, contributing to the overall quality and character of our communities, especially when native vegetation is used or retained. Properly designed and maintained, landscaping provides visual interest and variety, complements structures, provides a transitional area between competing land uses, and aids in reducing air pollution, heat and glare. This Section encourages flexibility to achieve the Purpose of the Site Development Standards of this Article. It also ensures the efficient use of water used for landscaping by establishing standards for the design, installation and management of landscapes that avoid excessive water demand.
- B. **Applicability.** Landscaping standards shall apply to Development Permits, Use Permits, and subdivisions, unless otherwise excepted in this Section.
- C. **Definitions.**
  - 1. **Landscaping** - The use of suitable vegetation in conformity with the requirements of this Chapter and the continued maintenance thereof.
- D. **Native Vegetation Retention.** The County strongly encourages the retention of on-site native vegetation where it does not pose a fire hazard. Where native oaks are retained, plant materials within the dripline of the oaks shall be drought-tolerant to minimize the application of water at the base of oaks. Existing, on-site native vegetation may serve as alternative landscaping to that landscaping required below where the Planning Agency finds that the existing vegetation has the same practical effect and furthers the intent of this Section.
- E. **Standards.**
  - 1. **Plans.** A Landscape Plan shall be submitted for each applicable project and all discretionary projects shall require said plans be prepared by a licensed Landscape Contractor, Landscape Architect, Landscape Designer or Horticulturist.
    - a. **Preliminary Plans.** Preliminary plans, drawn to scale, shall be submitted at the time of project application and shall include the following:
      - 1) The location of planting areas, consistent with the requirements of this Section;
      - 2) The size, number and type of plants existing and proposed, including the location of shade trees, required to provide 40% parking lot coverage within 15 years, as required by subsection 4.2.7.b of this Section;
      - 3) The type(s) of irrigation to be used;
      - 4) The amount of area devoted to turf, drought-tolerant plants, and native plants;

- 5) Planting symbols shall be clearly drawn and plants labeled by botanical name, common names, container size, spacing and quantities of plants indicated.
- b. **Final Plans.** Final plans shall be approved by the Planning Department prior to the start of any on-site construction or soil disturbance and prior to the issuance of a building permit. Final plans shall include:
- 1) All details depicted on the Preliminary plans and any modifications or additions included by conditions of approval;
  - 2) The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping, street buffer yards, and residential buffer yards);
  - 3) Provide a legend listing the type, number and size of plant materials, indicating both the required number and the provided number, of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydro zone, for each plant type. List plant materials in groupings of trees, shrubs and ground cover plants. Show both common names and botanical names of plants;
  - 4) Irrigation plan per subsection D.4 of this Section;
  - 5) Evidence that a licensed landscape contractor will be responsible for plant and irrigation installation;
  - 6) If existing landscaping, including native vegetation, is to be retained, a note shall be provided on the plan stating that “any existing landscaping or native vegetation shown on the approved plan for retention, that is damaged or removed during construction, shall be repaired or replaced in kind with equivalent size;
  - 7) A Note on the Plan, certified by a Licensed Landscape Architect, Landscape Designer or Horticulturist, that trees are located on the Plan so as to cover 40% of the parking area with tree canopies within 15 years, consistent with Section 4.2.7.2.g of this Article;
  - 8) Assurance that the property owner will be responsible for the replacement of landscaping that does not survive or that deteriorates due to neglect.
2. **Required Landscaping.** Landscaping shall be installed along street frontages, within parking lot interiors, along property lines of commercial or industrial sites abutting residential properties, and between multi-family parking areas containing 6 or more parking stalls, and properties zoned for single-family residential use. Modifications to subsections e, f, and g of this Section may be approved by the Planning Agency, where a finding can be made that alternatives to the project design, or site constraints, will result in the same overall effect. Site constraints may include sensitive resources, historic features, or parcel size. Project design features that may warrant a modification include: a plan that provides parking at the rear of the building, additional landscaping against the base of the building, increased landscaping in other areas of the site where it will provide a more

effective buffer, or any other treatment that enhances the visual environment of the site. In no case shall landmark or heritage trees be removed in order to provide alternatives to the requirements of this Section.

- a. All required trees shall be a minimum 15-gallon container size, with the trunk diameter no less than 1.5 inches for canopy trees, and 1-1.5 inches for understory trees. Shrubs shall be a minimum 5-gallon container size, and live groundcover plants shall cover bare ground.
- b. Varied tree and plant materials shall be used throughout the parking lot. No one species shall comprise more than 75% of the plantings within each of the following categories: canopy tree, understory tree and shrubs. Native vegetation shall be included in all required plantings unless confirmed by a licensed Landscape Architect that a native species will not satisfy a specific requirement.
- c. Planting areas within paved parking lots shall be separated from vehicular areas and street right-of-way by a permanently installed concrete or wooden perimeter curb at least 6" high.
- d. Where required, earthen berms shall be a minimum 3 feet in height.
- e. **Street Buffer Landscaping:** A landscaped strip shall be provided along all street frontages, as follows:
  - 1) A minimum 15-foot buffer yard shall be established adjacent to State highways.
  - 2) A minimum 10-foot buffer yard shall be established adjacent to all roads within Community boundaries as mapped on the General Plan land use maps.
  - 3) A minimum 5-foot buffer yard shall be established adjacent to all roads within Rural Regions as mapped on the General Plan land use maps.

Shrub heights in street buffer yards shall not impair sight distance for each 5 feet of buffer yard width, each 100 lineal feet of street frontage shall include at least 5 trees and 5 shrubs. Trees shall include a mix of conifers, understory and canopy trees.

- f. **Residential Buffers:** Nonresidential development and associated parking that abuts residentially-zoned property shall provide for sufficient landscaping, fencing, walls, berms, or any combination of screening techniques to ensure visual screening of said development to the maximum extent possible. Where fencing is used, a minimum 5-foot wide landscaped area shall be located on the residential side. If the non-commercial side of the fence is visible from any street or adjacent property, a 5-foot wide landscaped area shall be provided adjacent to the fence. If adjacent to parking, that area may be counted towards required interior parking lot requirements. Trees shall include a mix of conifers, understory and canopy trees.
- g. **Interior Parking Lot Landscaping:** Shall be evenly dispersed throughout the parking lot at a ratio of 45 square feet of landscaped area for each provided parking stall. Each 450 square foot unit of landscaping for every 10 parking

stalls shall include at least 4 trees and 5 shrubs. Landscaped islands shall be designed and installed to separate at least every 10 linear parking spaces. Planter islands shall be surrounded by 6” wide curbing that is rounded at island ends.

Parking lot landscaping shall include shade trees placed so as to cover 40% of the total parking area with tree canopies within 15 years of securing a building permit. Issuance of a certificate of occupancy for the use requiring landscaping improvements.

Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years, as estimated on the approved tree list. The percentage of area required to be shaded shall be based on the number of uncovered, aboveground parking spaces provided.

This subsection shall not apply to expansions of nonconforming structures that otherwise satisfy all requirements for expansion, provided the proposed expansion does not exceed 20% of the gross floor area at the time of the expansion and is consistent with Section 5.19.C of this Chapter.

- h. **Maintenance:** All landscaping and irrigation shall be maintained by the developer and any subsequent owners of such real property. Landscaped areas shall be kept free of weeds, litter and debris. All pruning and maintenance shall be pursuant to acceptable horticultural practices and in any case where a required planting has not survived, said planting shall be replaced with new material within 30 days unless a licensed landscape architect verifies that, due to weather or season conditions, planting should be delayed for a specified time. Project owners shall be required to maintain all landscaping included in the plans. If the appearance of the property deteriorates due to neglect, a citation shall be issued. Trimming and maintenance of on-site vegetation shall ensure visibility of parking areas, building entrances and other areas accessible to the public, adequate to provide for public safety.
- i. No trees that will grow to more than 20 feet in height may be planted, or allowed to grow within, 20 feet of any high voltage power line.
- j. **Brush Management/Fuel Modification:** Brush management and fuel modification are provided for in State law and in local fire safety regulations, codified in Chapter XVI of this Code, adopted pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard. Said provisions shall prevail in the event of conflict with any provisions of this Section.”

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**“Sec. L-II 4.3.18 Wildland Fire Hazard Areas**

- A. **Purpose.** To prevent or minimize the impact of wildland fire hazard associated with development.



**B. Definitions.**

1. **Dead End Road** - A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.
2. **Wildland Fire Hazard Areas** - Those areas within the unincorporated area of Nevada County that are mapped on the CAL FIRE "Fire Hazard Severity Zone" maps which are rated for wildland fire potential.

**C. Standards.**

1. All development shall comply with the applicable fire protection-related provisions of the following chapters of the Land Use and Development Code:
  - a. Chapter II: Zoning Regulations, which establishes residential and rural base district side yard and rear yard setback standards.
  - b. Chapter V: Article 5, Fire Safety Standards, which establish fire safe building codes relative to building construction.
  - c. Chapter VII: Street Addressing and Naming, which requires the naming and posting of roads and the posting of street addresses.
  - d. Chapter XVI: Fire Safety Regulations, which establishes regulations for fuel modification, water storage, and driveway construction.
  - e. Chapter XVII: Road Standards, which establishes minimum standards for fire safe road construction and maintenance.
2. Unless otherwise exempted by this Chapter, all discretionary and Administrative Development Permit projects within a high or very high fire hazard zone shall comply with the following standards:
  - a. Create defensible space by removing and reducing brush, flammable vegetation or combustible growth consistent with the provisions of California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard and the Nevada County Defensible Space Standard described in General Plan Policy FP10.11.1.1. Defensible space treatment shall be completed, and inspected by the County Fire Marshal or his/her designee, prior to the granting of any occupancy of new structures.
  - b. Provide secondary access where the project is served by a dead-end road that exceeds the maximum length established by County Road Standards, Section L-XVII 3.4.I. Secondary access roads shall be improved to the Fire Standard Access Road standard and consistent with the provisions of Chapter XVII, County Road Standards.
3. All driveways serving new residential units, and that are between 150 feet and 800 feet in length shall construct a turnout near the midpoint of the driveway. Driveways exceeding 800 feet in length shall provide turnouts no more than 400 feet apart.
4. All discretionary projects within the very high wildland fire hazard area severity zone shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee. The approved original shall be kept on

file at the County Planning Department and an approved copy shall be provided to and kept on file with the appropriate fire district. The plan shall be site specific to the project and shall include the following:

- a. Identification of the proximity to emergency responders and estimated emergency response times;
- b. Description of the primary and, if applicable, secondary, access road conditions;
- c. Identification of the project's emergency water supply or emergency water storage facilities consistent with Article 4 of Chapter XVI of the Land Use and Development Code;
- d. Identification of any proposed or required fire sprinkler system;
- e. Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project;
- f. Identification and use of clustered buildings and/or building sites and where feasible, the use of common driveways and access roads; and
- g. A Fuels Management Plan that includes:
  - 1) Identification of the project's defensible space design, consistent with California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard;
  - 2) Identification of high fuel load areas;
  - 3) Provisions to ensure that adequate defensible space is provided including, but not limited to, the use of increased property line setbacks or fuel modification zones or easements around newly created lots;
  - 4) Identification of the mechanism proposed for maintaining defensible space; and
  - 5) Use of fire-resistant plantings for all landscaping required by County Ordinance using the most current Fire-Wise Plant Book prepared by the Fire Safe Council of Nevada County, or similar publication.

The above fire prevention measures shall be incorporated into the project unless specific findings can be made and supported by the responsible fire agency which demonstrate that one or more of the Fire Protection Plan components are not necessary because of the project's location, design and/or specific site features and because the project will not add to the cumulative fire hazard within the project area."