

Nevada County Code

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1. **RA (Residential Agricultural).** The RA District establishes provisions for low density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to 1.5 acre minimum parcel size, or 3 acre minimum parcel size where neither a public water nor public sewer system is available. Within the Residential and Estate General Plan designations, the single-family dwelling is of primary importance and agricultural uses are Secondary. Within Rural General Plan designations, agricultural operations and natural resource related uses and residential uses are of equal importance.

2. **R1 (Single-Family).** The R1 District implements the General Plan's Urban Single-Family designation. It is intended to provide for single-family dwellings, as well as other dwelling unit types, at densities of up to 4 dwelling units per acre.

Table L-II 2.2.1.B**Single-Family Districts Allowable Uses and Permit Requirements****Key to Land Use Permit Requirements:**

- A** Allowed subject to zoning compliance and building permit issuance
- DP** Development Permit required per Section 5.5
- UP** Use Permit required per Section 5.6
- NP** Not Permitted
- NA** Not Applicable
- Varies** Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Residential Uses			
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.	NP	UP	
Day Care Home, small family (8 or fewer children)	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	UP	UP	3.17
Dwelling, Accessory Unit	A	A	3.19.1

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Dwellings, Second Units consistent with allowed density	DP	DP	3.19.2
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	3.10
Dwellings, Duplexes, Duets and Four-plexes ⁽¹⁾	A	A	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Residential Guest Quarters	A	A	3.18
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Commercial Uses (cont'd)			
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	2.7.10
Medical Marijuana Dispensary	NP	NP	
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	NP	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	3.3
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	DP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	NP	3.26
Woodyard	UP	NP	
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Churches	UP	UP	3.7
Communication Towers	UP	NP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

Footnote:

- (1) Duplexes, duets and four-plexes may be allowed in Community Regions consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

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

Key to Site Development Standards:

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

C/L Centerline

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

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

Minimum Road Frontage ^{(3) (4)}	120'	60'	
Minimum Parcel Size:			
Parcel w/public water & sewer ⁽³⁾	(3)	10,000 s.f.	4.1.3.E.4.c
Parcel w/public water or sewer ⁽³⁾	(3)	1.5 acres	4.1.3.E.4.c
Parcel w/private water & sewer ⁽³⁾	(3)	3 acres	4.1.3.E.4.c

Footnotes:

- (1) Setbacks may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.
- (2) Check General Plan Policy 1.23 for more restrictive standards.
- (3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the zoning district map. Where clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section L-II 4.1.5)
- (4) For subdivisions and boundary line adjustments, flagpole parcels shall have a minimum frontage width of 50'. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.
- (5) For arterial and collector roads, the front yard setback shall be 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section L-II 4.2.5.F)
- (6) Maximum impervious surfacing may be increased to 60% for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.
- * Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2447, 3/13/18; Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17; Ord. 2427, 1/24/17; Ord. 2366, 8/13/13; Ord. 2339, 07/12/11)

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1. **R2 (Medium Density).** The R2 District implements the General Plan's Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to 6 dwelling units per acre are permitted. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.
2. **R3 (High Density).** The R3 District implements the General Plan's Urban High Density Designation and provides for high density multiple-family housing, as well as other dwelling unit types. Densities of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere are permitted unless otherwise designated on the official zoning map.

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

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

Table L-II 2.2.2.B
Multi-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

- A** Allowed subject to zoning compliance and building permit issuance
- DP** Development Permit required per Section 5.5
- UP** Use Permit required per Section 5.6
- NP** Not Permitted
- NA** Not Applicable
- Varies** Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Residential Uses			
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.	UP	UP	
Community Care facilities for 7-12 people, including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities where the facility is federally funded and where registered sex offenders are excluded as clients.	UP	UP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Day Care Home, small family (8 or fewer children)	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP ⁽¹⁾	
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	DP	DP	3.17
Dwelling, Accessory Unit	A	NP ⁽¹⁾	3.19.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	3.19.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Emergency shelter housing for 6 or fewer people	A	A	
Residential Uses (cont'd)			
Emergency shelter housing for more than 6 people	UP	UP	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	3.20
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Hospitals and convalescent homes	UP	UP	
Medical clinics and medical support services, non-profit	UP	UP	
Medical Marijuana Dispensary	NP	NP	
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stand and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining	UP	UP	3.22
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Emergency services (including fire and ambulance stations)	UP	UP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

Footnote:

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

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

Key to Site Development Standards:

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

C/L Centerline

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

SITE DEVELOPMENT STANDARDS	R2	R3	L-II Section
Setback Standards ⁽⁵⁾			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	4.2.5
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	4.2.5
Exterior yard (ROW at least 50' in width)	15' from ROW	10' from ROW	4.2.5
Exterior yard (ROW less than 50' in width)	40' from ROW C/L	35' from ROW C/L	4.2.5
Interior yard (Parcel at least 3 acres)	30'	30'	4.2.5
Interior yard (Parcel less than 3 acres) ⁽¹⁾	30'	30'	4.2.5.G
Rear yard (Parcel at least 3 acres)	30'	30'	4.2.5
Rear yard (Parcel less than 3 acres) ⁽¹⁾	30'	30'	4.2.5.G
Other Standards (See Sections 4.2 Design Standards & 4.3 Resource Standards)			
Building Height Limit	35' or 3 stories, whichever is less		4.2.4
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	4.2.6
Maximum Impervious Surface ^{(2) (6)}	50%	60%	4.2.10
On-Site Parking	See Table 4.2.9.F.12.b		4.2.9
Signs	Sign Standards see Section 4.2.12.K		4.2.12
Maximum Density (dwelling units per acre)	6	15 / 20 ⁽⁷⁾	4.1.3.E.4.c
Minimum Road Frontage ^{(3) (4)}	60'	60'	
Minimum Parcel Size:			
Parcel w/ public water & sewer ⁽³⁾	10,000 s.f.	10,000 s.f.	4.1.3.E.4.c
Parcel w/ public water or sewer ⁽³⁾	1.5 acres	1.5 acres	4.1.3.E.4.c

Parcel w/ private water & sewer ⁽³⁾	3 acres	3 acres	4.1.3.E.4.c
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Footnotes:

- (1) Setbacks may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.
- (2) Check General Plan Policy 1.23 for more restrictive standards.
- (3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the zoning district map. Where clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section L-II 4.1.5)
- (4) For subdivisions and boundary line adjustments, flagpole parcels shall have a minimum frontage width of 50'. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.
- (5) For arterial and collector roads, the front yard setback shall be 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section L-II 4.2.5.F)
- (6) Maximum impervious surfacing may be increased to 60% for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.
- (7) Twenty dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, 15 dwelling units per acre.
- * Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17; Ord. 2427, 1/24/17; Ord. 2366, 8/13/13; Ord. 2339, 07/12/11)

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2018 Sunrise/Sunset on the first of each month

January	7:24	4:51
February	7:11	5:24
March	6:37	5:56
April	6:49	7:27
May	6:06	7:56
June	5:40	8:24
July	5:41	8:35
August	6:04	8:17
September	6:32	7:36
October	7:00	6:48
November	7:31	6:04
December	7:04	4:42

State of California

PENAL CODE

Section 626.9

626.9. (a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.

(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (4) of subdivision (e), shall be punished as specified in subdivision (f).

(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:

(1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.

(2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.

(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision does not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.

(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645.

(5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is not in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but within a distance of 1,000 feet from the grounds of the public or private school.

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (4) of subdivision (e).

The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

(1) "Concealed firearm" has the same meaning as that term is given in Sections 25400 and 25610.

(2) "Firearm" has the same meaning as that term is given in subdivisions (a) to (d), inclusive, of Section 16520.

(3) "Locked container" has the same meaning as that term is given in Section 16850.

(4) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(f) (1) A person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years.

(2) A person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by any provision listed in Section 16580.

(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to Section 25400.

(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or five years, in all cases other than those specified in subparagraph (A).

(3) A person who violates subdivision (d) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for three, five, or seven years.

(g) (1) A person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(2) A person convicted under this section of a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 23515, if probation is granted or if the execution of sentence is suspended, it

shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) A person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in Section 16580, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding Section 25605, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(i) Notwithstanding Section 25605, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an existing shooting range at a public or private school or university or college campus.

(o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to any of the following:

(1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) Section 25650.

(3) Sections 25900 to 25910, inclusive.

(4) Section 26020.

(5) Paragraph (2) of subdivision (c) of Section 26300.

(p) This section does not apply to a peace officer appointed pursuant to Section 830.6 who is authorized to carry a firearm by the appointing agency.

(q) (1) This section does not apply to the activities of a program involving shooting sports or activities, including, but not limited to, trap shooting, skeet shooting, sporting clays, and pistol shooting, that are sanctioned by a school, school district, college, university, or other governing body of the institution, that occur on the grounds of a public or private school or university or college campus.

(2) This section does not apply to the activities of a state-certified hunter education program pursuant to Section 3051 of the Fish and Game Code if all firearms are unloaded and participants do not possess live ammunition in a school building.

(Amended by Stats. 2017, Ch. 779, Sec. 1. (AB 424) Effective January 1, 2018.)

shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) A person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in Section 16580, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this subdivision, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this subdivision, in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding Section 25605, any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(i) Notwithstanding Section 25605, any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years. Notwithstanding subdivision (k), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Article 4 (commencing with Section 26000) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an existing shooting range at a public or private school or university or college campus.

(o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to any of the following:

(1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) Section 25650.

(3) Sections 25900 to 25910, inclusive.

(4) Section 26020.

(5) Paragraph (2) of subdivision (c) of Section 26300.

(p) This section does not apply to a peace officer appointed pursuant to Section 830.6 who is authorized to carry a firearm by the appointing agency.

(q) (1) This section does not apply to the activities of a program involving shooting sports or activities, including, but not limited to, trap shooting, skeet shooting, sporting clays, and pistol shooting, that are sanctioned by a school, school district, college, university, or other governing body of the institution, that occur on the grounds of a public or private school or university or college campus.

(2) This section does not apply to the activities of a state-certified hunter education program pursuant to Section 3051 of the Fish and Game Code if all firearms are unloaded and participants do not possess live ammunition in a school building.

(Amended by Stats. 2017, Ch. 779, Sec. 1. (AB 424) Effective January 1, 2018.)

Chapter 9: Noise

Introduction and Setting

California State law requires that all Counties adopt a noise element which identifies and appraises noise problems and the solutions to these problems. Consistent with this mandate, this element has been divided into two parts. This chapter includes a brief summary of existing and projected noise problems, goals and objectives based on this analysis and implementing policies necessary to achieve the goals and objectives. The Noise Analysis, contained in Volume 2, Section 3 of the General Plan, provided that detailed discussion of noise problems summarized in this chapter.

Noise has been defined in many different ways. It has been described as discordant sound resulting from non-periodic vibrations in the air, disagreeable vibrations in atmospheric pressure caused by a vibrating source, or more simply, unwanted sound. Noise is normally defined in terms of its amplitude (loudness), frequency (pitch), and duration (time).

Noise can be evaluated in many different ways. More sophisticated testing normally records noise over a given period of time. Some noise standards simply determine the “average” amount of noise for this time period. Others “weight” this average with a built-in bias toward nighttime activity penalizing that noise generated at night. Many private and public bodies have developed noise standards for specific land uses to assist local government and private industry in determining what is an acceptable levels of noise

The Noise Analysis contained in Volume 2 of the General Plan includes data from the Nevada County Noise Monitoring Study. This study, through the use of several Sound Level Meters, has determined the existing level of noise for many areas within Nevada County. Both noise generators, such as highways, airports, railroads, and industrial land uses, as well as those residential and rural areas of the County sensitive to noise, have been monitored. This monitoring forms the foundation upon which the goals, objectives and implementing policies are based.

In general, most noise is created in Nevada County adjacent to transportation routes. Noise contours show that major highways in the County, as well as local streets and roads, impact nearby residences. The Southern Pacific Railroad also strongly impacts Eastern Nevada County,

Chapter 9: Noise Element

particularly downtown Truckee. Local airports impact nearby noise sensitive land use to only a limited degree.

Because most industrial areas in the County are considered to be “light”, such areas do not appear to be major noise generators.

However, specific industrial land uses involved in resource development, primarily lumber mills and mining operations would appear to impact surrounding land uses depending upon their location, level of activity, and nature of affected areas.

Most noise sensitive land uses, including residences, schools, hospitals, nursing homes, churches, and libraries exist in relatively quiet areas of the County. Higher noise levels for such areas are normally caused by transportation routes and/or the noise sensitive land uses themselves.

Projected noise problems will likely continue to center around the above-mentioned sources. As transportation routes become more heavily used, it is likely they will provide for greater noise impacts on nearby land uses. The County will also have to deal with the noise-related issues of resource development and ways to minimize their impacts on residential and rural areas. Finally, as the County’s population growth continues, it can be expected that the overall ambient noise level for many residential and rural areas will slowly increase commensurate with the population growth.

Additional discussion of noise and the noise environment in the County is contained in Section 3: Noise Analysis, of Volume 2 of the General Plan, and in Section 10 of the Nevada County Master Environmental Inventory, which is part of Volume 3 of the General Plan.

Goals, Objectives, and Policies

Significant noise sources in the County include traffic on major roadways, railroad operations, airports, and localized noise sources. However, the overall noise environment in the County is such that most activities do not exceed the background ambient noise levels. Guidance of land use patterns in relation to transportation facilities along with mitigation measures in new development are means to ensure that future problems can be minimized.

Additional goals, objectives, and policies generally related to noise are located in Chapter 1: Land Use; Chapter 4: Circulation; and Chapter 17: Minerals Management.

Goal 9.1

Provide for the health, safety, and welfare of the people of Nevada County through a set of policies designed to encourage an environment free of unnecessary and annoying noise.

Objective 9.1

Determine the existing noise environment and continue to reassess this environment so that a realistic set of noise standards can be developed reflecting the varying nature of different land uses.

Directive Policies**Policy 9.1**

The following noise standards, as performance standards and land use compatibility standards, shall apply to all discretionary and ministerial projects excluding permitted residential (including tentative maps) land uses.

Exterior Noise Limits				
Land Use Category	Zoning Districts	Time Period	Noise Level, dBA	
			L_{eq}	L_{max}
Rural	"A1" "TPZ"	7 am - 7 pm	55	75
	"AE" "OS"	7 pm - 10 pm	50	65
	"FR" "IDR"	10 pm - 7 am	40	55
Residential and Public	"RA" "R2"	7 am - 7 pm	55	75
	"R1" "R3"	7 pm - 10 pm	50	65
	"P"	10 pm - 7 am	45	60
Commercial and Recreation	"C1" "CH" "CS"	7 am - 7 pm	70	90
	"C2" "C3"	7 pm - 7 am	65	75
	"OP" "REC"			
Business Park	"BP"	7 am - 7 pm	65	85
		7 pm - 7 am	60	70
Industrial	"M1" "M2"	any time	80	90

- a. Compliance with the above standards shall be determined by measuring the noise level based on the mean average of not less than three (3) 20 minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient noise level is adequately determined.
- b. Where two different zoning districts abut, the standard applicable to the lower, or more restrictive, district plus 5 dBA shall apply.
- c. The above standards shall be measured only on property containing a noise sensitive land use as defined in Policy 9.8 and may be measured anywhere on the property containing said land use. However, this measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement or as determined in a recorded letter of agreement between all affected property owners and approved by the County.

- d. If the measured ambient level exceeds that permitted, then the allowable noise exposure standard shall be set at 5 dBA above the ambient.
- e. Because of the unique nature of sound, the County reserves the right to provide for a more restrictive standard than shown in the Exterior Noise Limits table contained in this policy. The maximum adjustment shall be limited to be not less than the current ambient noise levels and shall not exceed the standards of this policy or as they may be further adjusted by Policy 9.1b. Imposition of a noise level adjustment shall only be considered if one or more of the following conditions are found to exist:
 - 1. Unique characteristics of the noise source:
 - (a) The noise contains a very high or low frequency, is of a pure tone (a steady, audible tone such as a whine, screech, or hum), or contains a wide divergence in frequency spectra between the noise source and ambient level.
 - (b) The noise is impulsive in nature (such as hammering, riveting, or explosions), or contains music or speech.
 - (c) The noise source is of a long duration.
 - 2. Unique characteristics of the noise receptor when the ambient noise level is determined to be 5 dBA or more below the Policy 9.1 standard for those projects requiring a General Plan amendment, rezoning, and/or conditional use permit. In such instances, the new standard shall not exceed 10 dBA above the ambient or the Policy 9.1 standard, whichever is more restrictive.
- f. The above standards shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions.
- g. The standards of this policy shall be enforced through compliance inspections and/or complaints.

- h. Recognizing that this chapter must work toward the solution to existing noise problems, those land uses that are inconsistent with the above standards and are therefore non-conforming in nature, shall comply with said standards as these land uses are upgraded or intensified or after abandonment through the use permit or site plan process. Said standards shall apply only to that portion of the land use requiring approval. In any event, the use or portion subject to a land use permit must meet the standards in the Exterior Noise Limits table in this policy and cumulatively the noise generated from the entire site must be equal to or less than the pre-land use permit ambient noise level. All such projects will require a comprehensive noise analysis per Policy 9.10 and the Nevada County Noise Element Manual.

Policy 9.2

The Nevada County Planning Department shall be the lead agency responsible for coordination of all local noise control activities and intergovernmental group activities and subsequent enforcement efforts.

Policy 9.3

The County will continue an ongoing County-wide noise monitoring program. The purpose of this program is to assess the changing noise environment in the County in terms of the existing ambient noise level for typical rural, residential, commercial and industrial areas and to ensure that the Policy 9.1 standards realistically reflect the current needs of the County.

Action Policy

Policy 9.4

This chapter of the General Plan shall be implemented, in part, through the incorporation of the Policy 9.1 noise standards within the Land Use and Development Code and the adoption of the Noise Element Manual providing detailed direction and implementation measures. This Manual is adopted as a part of the Plan and can be found in Volume 2, Section 3-Noise Analysis, Appendix A.

Objective 9.2

Encourage public awareness of noise and its hazards and means to minimize its existing and future impacts.

Directive Policies

- Policy 9.5** Encourage heavy truck traffic to those routes outside residential areas.
- Policy 9.6** Encourage cities within Nevada County to adopt noise control programs compatible with County efforts.

Objective 9.3

Develop a realistic policy framework designed to function as a guide to planning for appropriate land uses in relation to hazardous and annoying noise.

Directive Policies

- Policy 9.7** Strongly discourage those General Plan amendments and zone changes that would likely create land use conflicts relative to noise.
- Policy 9.8** Strongly encourage future noise sensitive land uses, including residences, schools, hospitals, nursing homes, churches, and libraries, to those location of the County where the impact of noise generators is limited so that compliance with standards found in Policy 9.1 will be maintained. This policy shall apply to the approval of all tentative maps for residentially zoned parcels. As an additional guide in evaluating land use compatibility, those standards as found in Figure 1 shall be used.
- Policy 9.9** Limit future noise generating land use to those location of the County where their impacts on noise sensitive land uses will be minimized, consistent with the standards found in Policy 9.1.
- Policy 9.10** Require the preparation of a comprehensive noise study for all land use projects determined to have a potential to create noise levels inconsistent with those standards found in Policy 9.1, and in accordance with the methodology identified in the Noise Element Manual contained in General Plan Volume 2, Section 3 - Noise Analysis Appendix A.
- Policy 9.11** Provide for adequate design controls to assist in mitigating on-site the significant adverse impacts of future noise generating land uses through increased setbacks, landscaping, earthen berms, and solid fencing.
- Policy 9.12** Strictly enforce the noise insulation standards for new construction as required by Title 24 of the California Administrative Code.

- Policy 9.13** Minimize the noise impact from automobiles, trucks, motorcycles, and off-road vehicles by continuing to request enforcement of those sections of the California Vehicle Code relative to vehicle exhaust system maintenance by the County Sheriff and State Highway Patrol.
- Policy 9.14** Where realistically possible, encourage noise sensitive land uses away from railroad operations.
- Policy 9.15** The routing and design of new or expanded transportation facilities by the County shall incorporate feasible measures necessary to mitigate increases in noise levels.
- Policy 9.16** Encourage the minimization of noise emission from all County-controlled activities consistent with Policy 9.1 standards.

Objective 9.4

Protect the safety and general welfare of people in the vicinity of the Truckee-Tahoe Airport and Nevada County Airpark by promoting the overall goals and objectives of the California Airport Noise Standards (California Administrative Code, Title 21, Section 5000 et seq.) and the California Noise Insulation Standards (California Administrative Code, Title 25, Section 28), to prevent the creation of new noise-generated complaints around the two airports, and to minimize the public's exposure to excessive aircraft-generated noise.

Directive Policies

- Policy 9.17** Ensure the development of compatible land uses adjacent to the Nevada County Airpark-Airport through the approval of development consistent with the land use maps of the General Plan, recommendations of the Airport Land Use Commission, and the continued enforcement of the Airport Land Use Noise Compatibility Criteria as found in the Nevada County Airpark Master Plan. (See Figure 1.)
- Policy 9.18** Ensure the development of compatible land uses adjacent to the Truckee-Tahoe Airport through the approval of development consistent with the land use maps of the Nevada County General Plan, recommendations of the Airport Land Use Commission, and by encouraging the implementation of the Truckee-Tahoe Airport Master Plan.

Policy 9.19

The County shall enforce noise standards consistent with the airport noise policies included in the Foothill Airport Land use Commission Comprehensive Land Use Plans for the Truckee-Tahoe Airport, adopted on December 3, 1986, and for the Nevada County Airpark, adopted on June 3, 1987, as those standards are in effect and may hereafter be amended.

