

**RESOLUTION NO. 16-045**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
RECOMMENDING THE CITY COUNCIL APPROVE THE  
RESIDENTIAL GRADING ORDINANCE AMENDMENT / ZONE CHANGE 15-005**

**APPLICANT – CITY OF PASO ROBLES  
2016 GRADING ORDINANCE AMENDMENT**

**WHEREAS**, the City of Paso Robles has initiated an amendment to the City's Zoning Ordinance consisting of a comprehensive amendment to the City's Residential Grading Ordinance (Zoning Ordinance sections 21.14A and 21.16E) (Project); and

**WHEREAS**, the City Council appointed a Grading Ordinance Advisory Committee to review the existing Grading Ordinance and recommend changes to improve the City's review and permitting process; and

**WHEREAS**, the City's Grading Ordinance Advisory Committee has recommended the following amendments to the City Council;

1. Alternative digital slope mapping methodology.
2. Definitions of terminology.
3. New Hillside Development District mapping with separate standards for:
  - a. Infill Hillside Overlay District
  - b. Other Zoning District (Theater Drive area / Airport area)
  - c. Specific Plans
4. New pad grading allowance for existing lots.
5. Ridgeline protection requirements for specific plan areas.
6. 3D computer modeling of slopes on "challenging" sites.
7. Removal of mass grading prohibition and replacement with a flexible performance standard.
8. Creation of single grading performance standards table.
9. Consolidation and simplification of the landscape requirements.
10. Removal of redundant and antiquated sections; and

**WHEREAS**, the proposed Grading Ordinance amendments are consistent with the Goals and Policies of the General Plan Land Use Element and Housing Element; and

**WHEREAS**, the Planning Commission has reviewed and recommended the City Council approve the Negative Declaration prepared for the Project; and

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Paso Robles, as follows:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the facts and analysis presented to it, including all written and oral testimony, the Planning Commission hereby makes following findings regarding Zoning Ordinance Amendment 15-005:

- a. The Zoning Ordinance Amendment is consistent with the Goals and Policies of the General Plan Land Use Element and Housing Element to protect scenic views and provide adequate housing supply for all income categories.
- b. Zoning Ordinance Amendment 15-005 would provide for orderly development within the City.

Section 3. Based on all of the foregoing, the Planning Commission of the City of El Paso de Robles recommends that the City Council of the City of El Paso de Robles approve Zoning Ordinance Amendment 15-005 by adopting an ordinance to amend the Municipal Code (Grading Ordinance) as attached hereto and incorporated herein by reference:

- Repeal and replace Section 21.14A as shown on the Exhibit A
- Repeal and replace Section 21.16E as shown on the Exhibit B

**PASSED AND ADOPTED** by the Planning Commission of the City of Paso Robles this 9<sup>th</sup> day of August 2016 by the following vote:

AYES: Commissioners Donaldson, Barth, Rollins, Burgett, Davis, Agredano and Brennan

NOES:

ABSTAIN:

ABSENT:



Bob Rollins, Chairman

ATTEST:



Warren Frace, Planning Commission Secretary

Exhibit A - Repeal and replace Section 21.14A

Exhibit B - Repeal and replace Section 21.16E

# Exhibit A - Repeal and Replace Section 21.14A

## Chapter 21.14A - HILLSIDE DEVELOPMENT DISTRICT

### 21.14A.010 - Purpose.

The purpose of the Hillside Development District is to establish development standards that conserve the natural character of hillside areas, preserve and enhance the scenic amenities of the City and minimize the environmental impact resulting from extensive grading in visually sensitive areas.

The Hillside Development District is not a grading code; compliance with these hillside development standards does not in any way imply that the resultant development is safe from erosion, land slippage or other hazards related to development on land with significant slopes, cuts or fills. Any development in hillside areas shall be performed in a manner consistent with recommendations of licensed civil engineer and subject to approval of the City Engineer.

(Ord. 571 N.S. § 1 Exh. A (part), 1989)

### 21.14A.020 - Applicability.

A. The Hillside Development District is established as an overlay district on the properties shown on Figure 21.14A.020 and over all properties, including properties outside of the hillside development district boundaries, where the average natural (ungraded) slope of the net developable areas of a property is 10% or greater.

1. The average slope of the net developable area of a property shall consist of the gross acreage of a property, minus the following:
  - a. Any dedication necessary to provide for the full rights-of-way of arterial and/or collector streets, as designated by the circulation element of the general plan, adjacent to and/or within a proposed subdivision, parcel map or lot line adjustment, in accordance with adopted standards for city streets;
  - b. Any areas of the site with natural slopes of 35% or greater;
  - c. Any areas of the site within the outer driplines of a compact grouping of 10 or more oak trees ("mature" as defined in Chapter 10.01 of this code), where driplines between trees in the grouping are separated by 10 feet or less;
  - d. Any areas of the site within the floodway of the Salinas River.
2. Average slope of the net developable area shall be calculated using the following formula:

Average slope =	$\frac{i \times L \times 0.0023}{A}$
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Where:

i = Contour interval in feet. Contour intervals shall not exceed five (5) feet.

L = Combined length of contour lines measured within the net developable area.

0.0023 = A constant that converts square feet into acres and expresses slope in percent.

A = Acreage of net developable area.

B. Alternatively, a slope analysis map may be developed and presented to display:

1. slope ranges listed in Chapter 21.16E.030
2. surface boundary, reflecting all exceptions listed in Chapter 21.14A.020

3. labeled existing ground contours with an interval of at least two feet
  4. This slope map is presented with the statistics of the surface created, including average slope.
- C. The hillside development standards are in addition to those development standards established within Chapter 21.16 (district use tables) except where the development standards for the primary district, as listed in the district use tables, are more restrictive than the development standards for hillside areas.
  - D. Where necessary to accomplish the purposes of this chapter, the City Council, Planning Commission and Development Review Committee and Community Development Director may impose additional conditions which may serve to limit the types and intensities of land uses to achieve the purpose and intent of this chapter.
  - E. Where a slope map reveals that a proposed tentative tract map has areas that fall under several slope categories, and that one or more of these areas are relatively small or narrow, the planning commission and/or City Council may apply the standards applicable to the nearest predominant slope category to ensure that strict compliance with the minimum lot size, width and depth requirements would not result in a subdivision with non-uniform lot areas or non-orderly development.

(Ord. 807 N.S. § 1, 2001; Ord. 635 N.S. Exh. A (part), 1992; Ord. 571 N.S. § 1 Exh. A (part), 1989)

#### **21.14A.025 – Definitions**

- A. **Hillside:** The term **Hillside** pertains to those areas with average slopes over 10%.
- B. **Ridgeline:** A **ridgeline** is a geological feature consisting of a line formed against the horizon by hills or bluffs. **Ridgelines** are typically considered significant when visible from beyond the project site
- C. **Mass Grading:** **Mass grading** is the excavation or deposition (cut and fill) of earthwork across a parcel for the construction of multiple buildings or other improvements. Mass grading usually involves the movement of earthen materials across existing or proposed property lines for the purpose of balancing the overall earthwork. Typically **massing grading** would involve grading multiple single-family residential parcels within a tract.
- D. **Viewshed:** A **viewshed** is the geographical area that is typically visible from a location beyond a project site. It includes all surrounding points that are in line of sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).
- E. **Pad Grading:** **Pad grading** is the excavation or deposition (cut and fill) of earthwork to create a relatively flat area on a single parcel for the construction of improvements.
- F. **Native Slope:** **Native** slope is the existing gradient of a land surface prior to human disturbance.
- G. **Contour Grading:** **Contour grading** is the design of earthwork to blend the constructed landform with the surrounding landforms to create a more visually appealing fit.
- H. **Developable Area:** **Developable area** shall be defined as that area used for streets, driveways, graded pads for improvements, and graded slopes.
- I. **Slope Banding:** **Banding** is the subdivision of a contour map into bands of topography that fall into distinct categories or areas of similar gradient. See slope categories below.

**K. Slope Categories:** Slope categories for determining lot sizes, widths and depths shall be determined by the category of the natural (ungraded) slope of the developable area of the lot. For this purpose, the following slope categories are established:

- 0 to 4.99 percent,
- 5 to 9.99 percent,
- 10 to 14.99 percent,
- 15 to 24.99 percent, and
- 25 to 34.99 percent.

#### **21.14A.030 - Standards for hillside grading**

Within the Hillside Development Districts identified on Figure 21.14A.020, the requirements and standards for the creation of new lots, via tract or parcel maps, the reconfiguration of existing lots via lot line adjustment, or the development of existing lots shall be as follows in the respective primary zoning districts:

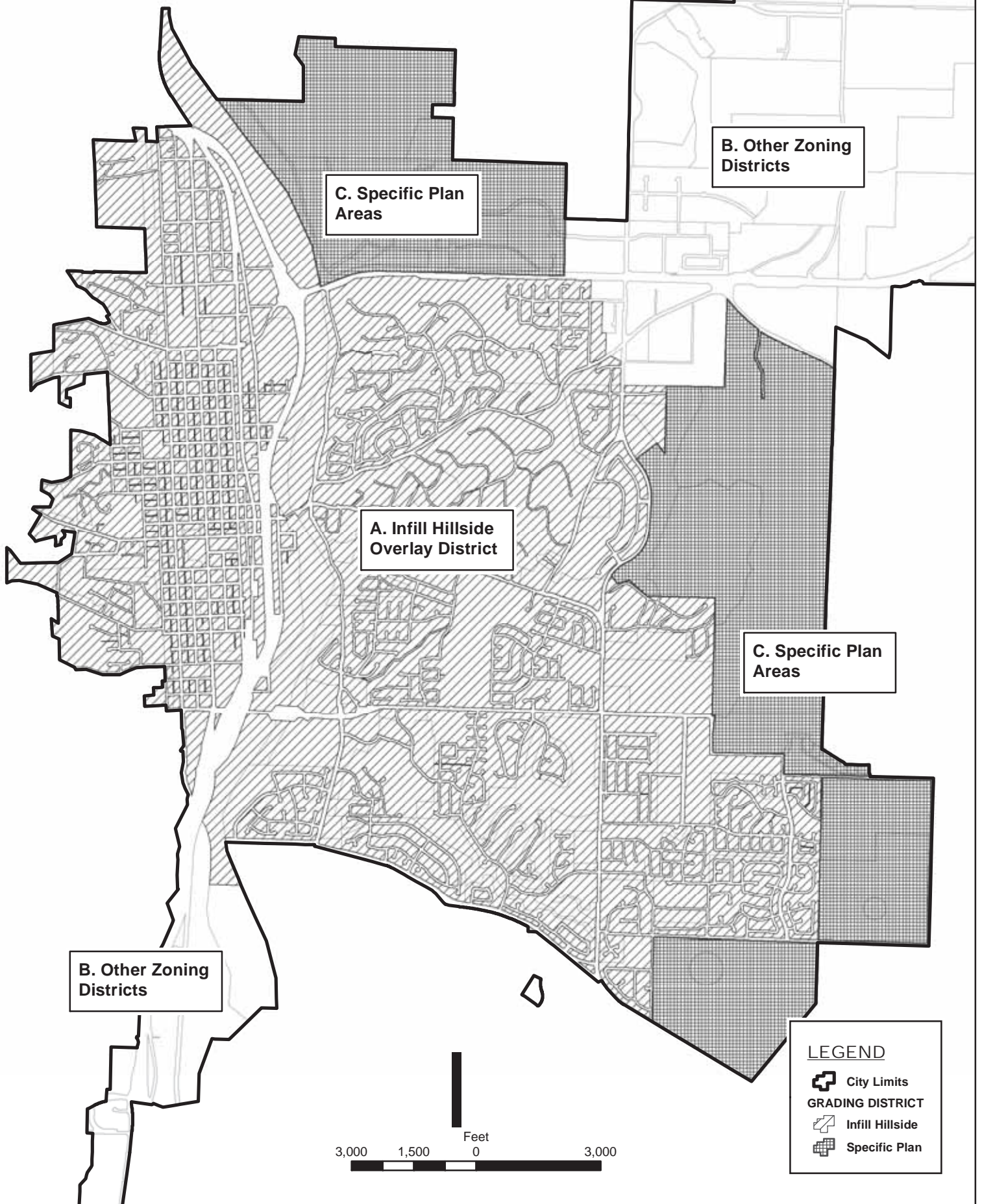
- A. Within the Infill Hillside Overlay District, as specified within the R-1 district regulations (Section 21.16.020);
- B. Within other zoning districts, the standards specified within the R-1 district regulations (Section 21.16.020) shall be used as guidelines, and may be used as the basis for requirements by the Planning Commission and City Council.
- C. Within the Chandler Ranch, Borkey, Olsen and Beechwood Specific Plan Areas the standards specified within the R-1 district regulations (Section 21.16.020) shall be used as guidelines for the preparation of individual specific plan grading standards. The City Council shall find the specific plan grading standards are consistent with the intent of the R-1 district regulations.

It is recognized that the minimum lot sizes, widths, depths and development standards prescribed for the R-1 district may not be appropriate for hillside development within other zoning districts. Therefore, where necessary to accomplish the purposes of this chapter, the Planning Commission and City Council may require minimum lot sizes, widths, depths and development standards which are greater (more restrictive) than those prescribed by the primary district regulations other than the R-1 district. In no instance shall lot sizes or development standards be less than those prescribed in either the R-1 district or the other primary zone district, whichever is more restrictive.

(Ord. 571 N.S. § 1 Exh. A (part), 1989)



Figure 21.14A.020



#### **21.14A.040 - Standards applicable to existing hillside lots.**

Within the Infill Hillside District, the following requirements and standards for development of already-created lots shall be in addition to those required in the regulations for the primary zoning districts:

- A. Those existing hillside lots which were created prior to the effective date of the ordinance (1989) codified in this chapter shall incorporate into their development all of the above-referenced standards for development of already-created lots, to the maximum extent feasible.
- B. It is not the intent of these regulations to preclude development of an existing and legally recognized parcel, and the Planning Commission and City Council may modify these standards to allow reasonable development of existing parcels where such modifications can be found by the Planning Commission and City Council to be consistent with the purpose and intent of these regulations.
- C. Individual pad grading shall be permitted on an existing lot with an average slope less than 15%.
- D. Individual pad grading may be approved by the Development Review Committee on existing lots with an average slope over 15% based on review of grading plans, slope landscape plan and preliminary architectural elevations.
- E. Development Review Committee approval, in accordance with Chapters 21.23A and 21.23B, shall be obtained prior to issuance of grading and building permits on lots with average slopes over 15%.

(Ord. 571 N.S. § 1 Exh. A (part), 1989)

#### **21.14A.045 - Ridgelines.**

Subdivisions shall be designed to minimize landform alteration as viewed from outside the site. Landscaping and contour grading shall be used to mitigate the visual effects of grading. Each Specific Plan shall include grading policies for the protection of prominent ridgelines.

#### **21.14A.060 - Development Review Committee requirements.**

A. Applications for development review of development on hillside lots shall consist of the plans (including topographic detail), drawings and other information to explain a development project as required in the City's standardized development handbook. Additional information shall be provided when it is determined by the Community Development Director to be necessary to illustrate the applicant's intent and/or impacts resulting from a specific project design element.

B. On particularly challenging sites, the Community Development Director, Development Review Committee, or Planning Commission may require 3D computer modeling of the raw grading landforms to better describe the land surface. Additional architectural rendering of site features and landscaping may be submitted at applicant's discretion.

(Ord. 635 N.S. Exh. A (part), 1992; Ord. 571 N.S. § 1 Exh. A (part), 1989)

# Exhibit B - Repeal and Replace Section 21.16E

## Article I. - SINGLE-FAMILY RESIDENTIAL GRADING STANDARDS

### 21.16E.010 - Purpose.

The purpose of the R-1 district is to provide a district reserved for the development of single-family residential (one dwelling unit per lot) neighborhoods and compatible land uses, in both hillside and non-hillside areas.

(Ord. 572 N.S. § 2 Exh. A (A), 1989)

### 21.16E.020 - Applicability of hillside regulations.

The infill hillside overlay district is defined in Chapter 21.14A. The overlay district defines geographic areas subject to hillside development standards when average slope of the net developable area of the property exceeds 10%.

(Ord. 572 N.S. § 2 Exh. A (B), 1989)

### 21.16E.030 - Planned development overlay district applicability.

- A. The planned development overlay district (Chapter 21.16A) may be used as an overlay district to the R-1 district for the purposes of modifying the R-1 development standards contained within this chapter in order to create a subdivision with uniform lot areas and/or dimensions or to cluster lots in order to provide common open space.
- B. The number of single-family lots that may be created on a property via a subdivision or parcel map in the R-1, PD zoning district may be determined via application of density factors to the net developable acreage of a property via the two-step process outlined in Section 21.14.A.020.
- C. Determine Maximum Density for Average Slope. The maximum density, (single-family lots per acre) of a property proposed for development shall be determined by multiplying the property's net developable acreage by the maximum number of dwelling units (single-family lots) per net developable acre listed in the table below for the average slope of the net developable area.

Average Slope of Net Developable Area (%)	Maximum number of dwelling units (single-family lots) per net developable acre					
	R-1,PD	R-1,B-1,PD	R-1,B-2,PD	R-1,B-3,PD	R-1,B-4,PD	R-1,B-5,PD
0-4.99	4.2	4.0	3.3	1.7	0.9	0.45
5-9.99	3.3	3.3	3.3	1.7	0.9	0.45
10-14.99	2.7	2.7	2.7	1.7	0.9	0.45
15-24.99	2.1	2.1	2.1	1.7	0.9	0.45
25-34.99	1.7	1.7	1.7	1.7	0.9	0.45



## Exceptions.

- a. On properties where the land use element of the general plan establishes maximum densities at one, two or three units per acre (i.e., RSF-1, RSF-2 and RSF-3 land use categories), maximum densities shall not exceed that established by the general plan.
- b. On properties that have been assigned zoning that includes a density factor appended to the base zoning district (e.g., R-1, PD2, which allows up to two single-family lots per acre), maximum densities shall not exceed the appended density factor.

(Ord. 771 N.S. Exh. A, 1999; Ord. 635 N.S. Exh. A (part), 1992; Ord. 572 N.S. § 2 Exh. A(C), 1989)

## Article II. - New Single-Family Residential Lots

### 21.16E.050 - Applicability.

The minimum standards set out in this article shall apply to the creation of new lots via parcel or tract maps or the reconfiguration of existing lots via lot line adjustments consistent with the requirements of Section 21.14A.

(Ord. 572 N.S. § 2 Exh. A(E) (part), 1989)

### 21.16E.060 - Maximum developable slope.

No new lots shall be created which would necessitate the placement of building foundations upon natural slopes of 35% or greater. An applicant may be required to demonstrate that a lot has an adequate buildable area, in a manner subject to the approval of the Planning Commission and/or City Council. Exception: The Development Review Committee may approve decks and similar features on slopes over 35% if a finding can be made that there will be no changes or negative impacts to the native slope.

(Ord. 572 N.S. § 2 Exh. A(E)(1), 1989)

### 21.16E.090 - Lot sizes.

Minimum lot sizes shall be as set out in Table 21.16E.090. (Note: lot sizes are shown in square feet, unless otherwise noted. Lot sizes do not include fee or easement dedications for public street purposes.)

**TABLE 21.16E.090  
MINIMUM LOT SIZE PER ZONING DISTRICT**

Slope	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5
(percent)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)
0-4.99	7,000	7,500	10,000	20,000	1 acre	2 acres
5-9.99	10,000	10,000	10,000	20,000	1 acre	2 acres
10-14.99	12,500	12,500	12,500	20,000	1 acre	2 acres
15-24.99	15,000	15,000	15,000	20,000	1 acre	2 acres
25-34.99	20,000	20,000	20,000	20,000	1 acre	2 acres

(Ord. 572 N.S. § 2 Exh. A(E)(4), 1989)

#### **21.16E.100 - Lot widths.**

Minimum lot widths shall be as set forth in Table 21.16E.100. Lot widths shall be measured at the front building setback line for all lots and shall not include driveway strips for flag lots.

**TABLE 21.16E.100  
MINIMUM LOT WIDTH PER ZONING DISTRICT**

Slope	R-1	R-1, B-1	R-1, B-2	R-1, B-3	R-1, B-4	R-1, B-5
(percent)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)
0-4.99	70	70	80	100	100	100
5-9.99	80	80	80	100	100	100
10-14.99	100	100	100	100	100	100
15-24.99	120	120	120	120	120	120
25-34.99	150	150	150	150	150	150

(Ord. 572 N.S. § 2 Exh. A(E)(5), 1989)

#### **21.16E.120 - Buildability Demonstration.**

A. As part of an application for a tract or parcel map or lot line adjustment, it shall be the responsibility of the applicant to demonstrate, to the satisfaction of the Community Development Director, that the new lots to be created are buildable in a manner consistent with this code. For the purpose of demonstrating that lots are buildable, detailed drawings of conceptual site and grading plans for individual lots may be required by the Community Development Director to be submitted with the application.

B. The number and location of existing trees, especially oak trees, shall be a consideration in the design and sizing of lots. Oak tree preservation is a high priority for the City of El Paso de Robles, and parcels shall be configured in a manner designed to preclude future conflicts between creation of an adequate building envelope and the preservation of oak trees consistent with the City's Oak Tree Ordinance.

(Ord. 797 N.S. § 1 (part), 2000; Ord. 572 N.S. § 2 Exh. A(E)(7), 1989)

#### **21.16E.130 - Flag lots.**

The driveway strips for flag lots may not be used for calculation of minimum lot size.

(Ord. 572 N.S. § 2 Exh. A(E)(8), 1989)

#### **21.16E.140 - Grading limitations.**

The following grading standards shall apply:

- A. Preliminary grading plans shall be submitted with every application for a subdivision map and may be required for submittal of parcel maps and lot line adjustment applications.
- B. Where mass or pad grading can be conducted in a manner consistent with the purpose and intent of this chapter and such grading is necessary for the reasonable use of the property. The goal shall be to minimize exposed slopes and retaining wall heights and to install mitigating landscaping.
- C. The vertical height of graded slopes and/or exterior retaining walls to create pads shall be limited as specified in Table 21.16E.140-1. The maximum vertical height of a graded slope or combination of graded slope and the exposed face of an exterior retaining wall used to create a pad shall be related to the size of the lot and shall not exceed the following limits.

**Table 21.16E.140-1**

Lot Size (sq ft)	Side / Front Yards			Rear Yards			All Yards
	2:1 Slope Max Vertical Change (feet)	3:1 Slope Max Vertical Change (feet)	Retaining Walls **  Vertical Wall Face (feet)	2:1 Slope Max Vertical Change (feet)	3:1 Slope Max Vertical Change (feet)	Retaining Walls **  Vertical Wall Face (feet)	≥ 4:1 Slope Max Vertical Change (feet)
≤ 7,000	4	6	4	6	10	6	unlimited
7,001 – 9,999	8	10	4	8	12	6	unlimited
≥ 10,000	12	15	4	12	18	6	unlimited

\*\* Multiple retaining walls may be permitted consistent with Figure 21.16E.020A

The graded slopes and / or retaining walls between two adjacent lots should be constructed on the lower lot.

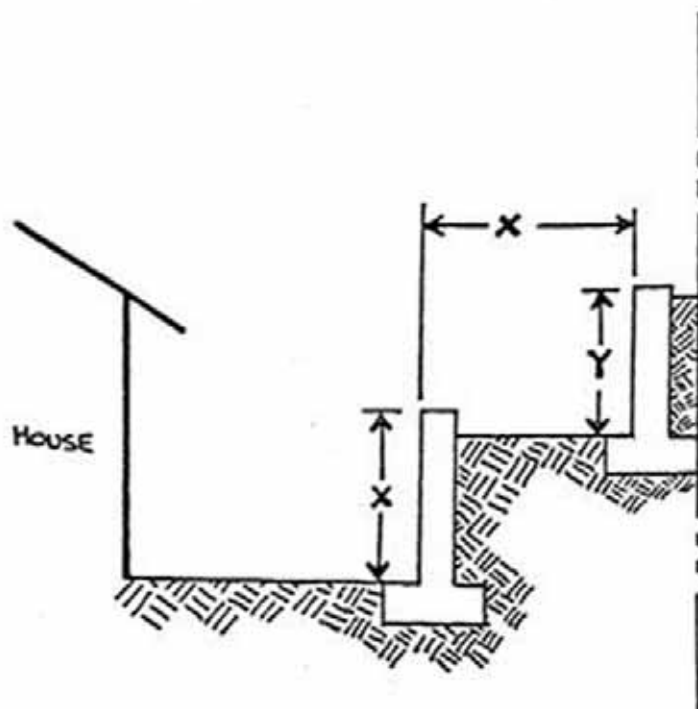
Between two adjacent lots, property lines must be located at the top of slopes.

Setbacks from property lines to graded slopes shall be consistent with California Building Code.

- E. All retaining walls to create building pads shall be constructed of masonry materials.
- F. The exposed face of a building stem wall shall not exceed nine (9) feet in average height and shall be landscaped and/or screened in a manner subject to approval of the Development Review Committee.
- G. Usable Yards. All lots shall provide a usable, unobstructed natural or manufactured (graded) area ten (10) feet in depth. "Usable" means that the slope is not more than five (5) percent. Where a residential building is designed to be built into existing natural slopes, this requirement may be met by providing either a five (5) foot wide usable manufactured area no less than the full width of a dwelling unit, or a deck a minimum of ten (10) feet in depth and no less than the full width of a dwelling unit. When the standard cannot be met, an alternative useable area may be approved by the DRC.
- H. The underside of decks that are three feet or higher above grade shall be screened with landscaping and/or architectural features.

FIGURE 21.16E.020A

HORIZONTAL DISTANCE BETWEEN  
EXTERIOR RETAINING WALLS



In this illustration, "x" is greater than "y."  
The walls shall be separated by "x" feet.



## 21.16E.145 – Visual Mitigation Measures

### A. Contour Grading

1. The overall shape, height and grade of graded slopes shall not exceed 2:1; 3:1 slopes are preferred. (Exception: The City Engineer may approve steeper cut slopes for construction of streets, where a registered soils engineer recommends such approval.)
2. Slope grading design shall be based on the concepts of "contour grading," a technique that strives to maintain the pre-existing landform or to replicate natural landform patterns in the case of extensive grading.
3. The crest of all graded slopes in excess of six (6) feet vertical height shall be rounded. Where graded slopes intersect, the ends of each slope shall be horizontally rounded and blended.

### B. Slope Landscape, Maintenance and Fencing

1. All graded slopes with vertical heights of three (3) feet or greater shall be provided with planting materials and an irrigation system that are under the control of a single property owner or under the jurisdiction of a common maintenance organization. The owner shall be responsible for the installation and maintenance of the irrigation.
2. A Conceptual Slope Landscape, maintenance and fencing plan shall be submitted with any map, development plan or site plan that proposed cut or fill slopes with vertical heights of three feet or greater. The plan shall be prepared by a landscape architect or qualified professional, reviewed and approved by the Development Review Committee, and contain the following minimum information:
  - a. Identification of all manufactured slopes that are visible from a public street.
  - b. Conceptual Landscape planting plans including:
    - i. Adequate mixture of trees, shrubs and groundcover to assure complete landscape coverage, soil stabilization and to promote varying height and mass of landscaping.
    - ii. Minimum of one tree for every 500 square feet of slope area.
    - iii. Use of drought tolerant, native plant species when possible. Plantings should be compatible with the natural vegetation and that on surrounding properties.
    - iv. Planting within 30 feet of buildings should be fire-resistant.
  - c. Conceptual irrigation plan.
  - d. Phasing plan for the timing of landscaping and irrigation installation.
  - e. Identify the proposed future maintenance mechanism or parties responsible for short term and long term maintenance.
  - f. Color and materials for retaining walls.
  - g. Provide location, construction detail, materials and heights for all fencing located on and along slopes.
    - i. Transparent view fencing should be used along the top on slopes exceeding 10 feet in height.
    - ii. Fencing should be placed at the top of manufactured slopes.
3. Final landscape, irrigation and fencing installation plans shall be submitted concurrently with residential building permits applications for lots with slopes identified on the Conceptual Slope Landscape Plan. All landscaping, irrigation and fencing shall be installed prior to final inspection.

(Ord. 807 N.S. § 2, 2001; Ord. 797 N.S. § 1 (part), 2000; Ord. 747 N.S. § 2, 1998; Ord. 727 N.S. Exh. A, 1997; Ord. 572 N.S. § 2 Exh. A(E)(9), 1989)

#### **21.16E.150 - Oak tree preservation.**

Creation of new lots and streets shall be designed to protect oak trees in a manner consistent with the city's oak tree preservation ordinance (Chapter 10.01).

(Ord. 797 N.S. § 1 (part), 2000; Ord. 572 N.S. § 2 Exh. A(E)(10), 1989)

#### **21.16E.160 - Utilities.**

- A. All utility service lines shall be under-grounded.
- B. Transformers, control points and other utility housings shall be located so as to minimize their visual impact and shall be screened in a manner approved by the architectural review committee.

(Ord. 572 N.S. § 2 Exh. A(E)(11), 1989)

#### **21.16E.170 - Hillside street standard.**

Use of the hillside street standard shall be subject to Planning Commission or City Council approval in conjunction with applications for tract maps, parcel maps, or a waiver of street improvements to be approved as specified in Chapter 21.23A.

(Ord. 572 N.S. § 2 Exh. A(E)(12), 1989)