



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
AGRICULTURAL COMMISSIONER**

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Mali LaGoe  
Acting Community Development Agency Director

Chris de Nijs  
Agricultural Commissioner

**Agricultural Advisory Commission  
MINUTES, November 18, 2020, Meeting**

**Members Present:** Brad Fowler, Laura Barhydt, Seth Rosmarin, and Aleta Barrett

**Members absent:** Sue Hoek and Robert Graham

**Staff Present:** Chris de Nijs, Agricultural Commissioner; Christopher Lyon, Assistant Assessor; and Jennifer Acree, Office Assistant

**Public Present:** Dan Macon, UCCE Cooperative Extension; Chip Close, Nevada Irrigation District (NID); Debbie Tootoonchie, Nevada County Farm Bureau; Sabrina Nicholson, Nevada County Resource Conservation District (NCRCD); David Gallino, Diana Gamzon, Cannabis Alliance; and Rich Johansen

**1. Call to Order**

Commission Chair Fowler called the meeting to order at 6:02 p.m.

**2. Pledge of Allegiance**

Commission Chair Fowler led the pledge of allegiance.

**3. Approval of Agenda**

Commission Chair Fowler called for a motion to approve the agenda. Commission Member Barhydt motioned. Commission Member Rosmarin seconded the motion. **None abstained. None opposed. The motion was carried unanimously.**

**4. Approval of Minutes of the July 15, 2020, Meeting**

Commission Chair Fowler called for a motion to approve the July 15, 2020, Meeting Minutes. Commission Member Rosmarin motioned to approve the minutes as written. Commission Member Bierwagen seconded the motion. **None abstained. None opposed. The motion was carried unanimously.**

**5. Public Comment**

None.

**6. Agency Comment**

**A.) Nevada Irrigation District (NID)**

Chip Close reported Bowman Lake precipitation is 9 percent of average and water storage is 98 percent of average and 61 percent capacity. Treated water customers consumed more water during the 2020 summer months than they consumed over the past few summer season.

**B.) Nevada County Resource Conservation District (NCRCD)**

Sabrina Nicholson reported they are pursuing funding (sponsorship) to provide students with extra-curricular activities to participate in. Sabrina is reviewing the final draft of the invasive weeds booklet and hopes to have it published in December.

**C.) UCCE Farm Advisor**

Dan Macon reported recent educational classes have been successful and well attended. In October he met with local ranchers to exchange ideas about how to organize a rancher's fire-safe council to address ways to provide adequate resources (food and water) for livestock affected by wildfire.

The USDA's Farm Service Agency (FSA) requested Dan complete a 2020 forage survey. He reported some local areas had less forage and others had more than in the past years. He is also working with the State on a project to measure rangeland forage and he is looking for a site in Nevada County to have a 50 by 50-acre exposure for measuring.

**D.) Natural Resource Conservation Services (NRCS)**

Sabrina Nicholson reported that Maddison Easley is their new partner biologist stationed in Grass Valley. Maddison is learning quickly and working on several projects.

**F.) Sierra Harvest**

Commission Member Barrett reported Sierra Harvest continues to provide fresh produce to local schools. They are also providing scratch made lunches to students. They are in the process of reorganizing staff/staff roles. They have partnered with Ecological Farming Association (EcoFarm) to coordinate the 2021 farm conference.

**7. New Business**

**A.) Assessed Value of Conservation Easements vs. Ag Easements - Christopher Lyon, Assistant Assessor, Nevada County (Informational)**

Chris Lyon introduced himself to the Commission and guests and explained the basic requirements, guidelines, and methods used to assess Williamson Act properties. Land value and the earning capability of land is assessed by dividing the current amount the state pays and the current property tax rate by the lands net income.

Commission Chair Fowler asked Chris how the rental value amount is achieved. The County periodically surveys Williamson Act Contract landowners to determine leasing rent rates. The State Board of Equalization requests their office to conduct a yearly survey/questionnaire of farmers/ranchers.

Additionally, farmers and ranchers are surveyed by a private company and the data collected is published. The county also utilizes this information to assess properties. The current low-end amount is about \$5 per acre, per year (steep/rocky land). A vineyard's per acre, per year value is approximately \$1,500.00. The more typical is \$5.00 to \$10.00 to \$20.00 per acre per year value for most grazeland. Irrigated pasture's value per acre, per year is between \$110.00 and \$120.00. These value amounts are supposed to be adjusted annually; however, it has been flat the past few years and no changes have been made. Chris does not believe changes will be made this year either.

Commission Chair Fowler asked Chris to explain conservation easements. There are two types (as far as evaluation) of Ag Conservation Easements. Most are applicable to section 815 and could be entered into via the land trust. Approval by the Board of Supervisors or by the Department of

Conservation Farmland is not required. The County uses Section 402.1 as their reference for comparing similar property sales.

Commission Chair Fowler asked if other counties handle conservation easements the same way Williamson Act contracts. Chris answered some counties do and others do not depending on other land details. The key to having an ag conservation easement is that it is ran through the Department of Conservation.

The Bear Yuba Land Trust easements do not include the Department of Conservation (State department) in their process and therefore they do not meet certain qualifications. Their funding comes from other sources. People getting conservation easements now have to have the Department of Conservation's language included. Even if they are called ag preserve easements, the verbiage California Farmers Conservancy Program (CFCP).

Rich Johansen expressed concern about Proposition 19 and asked Chris how it will affect succession planning on larger properties. Chris answered that Proposition 19 language excludes other property exemptions and the gifted property has to be the primary residence of the person receiving it. Currently property may be gifted to children (or vice versa) valued up to 1 million dollars and may include assessed value of other property that could include a home and/or commercial property. The State Board of Equalization is in the process of defining what a "farm" is.

#### **B.) Nevada County Right to Farm Ordinance - (Informational)**

Chris de Nijs explained the Right to Farm Act was first introduced to the County Land Use Code in the early 1990's and has not been revised since. The State has changed laws relative to Right to Farm. Nevada County Farm Bureau, County Counsel, and Commission Vice-Chair Barhydt volunteered to review the current County ordinance and make recommendations to make it current and in line with the States.

The draft ordinance is provided by the Nevada County Farm Bureau and was included in the meeting packet. Proposed revisions include Agritourism as an allowed activity, clarifies that ag operations will not be considered a nuisance, it also requires the transfer of real property include a statement of disclosure be signed by the county recorder and filed/recorded with the Clerk Recorder's office, and it authorizes the Agricultural Commissioner to act in dispute resolution situation.

The proposed recommended changes are informational at this time. The Board of Supervisors expect to have a recommendation in January. It is being reviewed by County Counsel Realtors have concern how the updates may affect home sales/prices. Commission Vice Chair Barhydt believes the changes will have minimal impacts to realtors.

Commission Chair Fowler and Commission Vice Chair Barhydt would like feedback from the Board of Realtors. Commission Chair Fowler thanked David Gallino and the Nevada County Farm Bureau for their recommendations.

#### **C.) Proposed Zoning Ordinance to Prohibit the Cultivation of Industrial Hemp in the Unincorporated Areas of Nevada County (Discussion)**

Chris reported the Board of Supervisors gave direction in February of this year for the Community Development Agency to amend portions of the Zoning Regulations to prohibit the cultivation of industrial Hemp. Legalizing cultivation of industrial hemp would have significant impacts on staff and there is a concern about hemp and cannabis cross-pollination. Commission Member Rosmarin asked how many folks have inquired about cultivating hemp. Chris answered over the past several months less than six have asked.

Commission Chair Fowler does not agree with the Board of Supervisors supporting cannabis and not a legal commodity and one recognized as an agricultural commodity. Commission Member Barrett understands the cross-pollination issue/concern and asked what is the proximity to avoid this. Chris is not aware of any scientific research done relative to mitigating cross-pollination.

Commission Member Barrett asked what is the additional regulatory cost associated with hemp cultivation. Chris answered cultivators would have to register with the ag department. Additionally, the department would be responsible for ensuring testing was done within the required timeframe and meet potency standards. Commission Member Barrett understands the cross-pollination concern and asked if there different growing one of the commodities indoor and the other outdoor would be feasible.

Sabrina Nicholson asked Chris what is the penalty for an illegal hemp grow. Chris answered it would be considered and classified as an illegal cannabis grow.

Rich Johansen mentioned the Planning Commission is reviewing this December 10, 2020. Commission Chair Fowler commented he is embarrassed the Board of Supervisors is prohibiting this.

Diana Gamzon reported the Cannabis Alliance supports consideration of options for hemp cultivation The State has not developed their laws and regulations for it yet. Cross-pollination/pollination drift can destroy cannabis crops. Currently premium hemp is valued at \$10.00 per pound. Discussion in the community should include what hemp would be grown for to determine what makes the most sense. She supports further community discussion in the future.

Commission Vice-Chair Barhydt asked approximately how many cannabis growers are there in the County permitted. Diana answered approximate 150-200 growers have permits or are in the permit process. The numbers will continue to increase. Diana mentioned their “get legit” program, which is a mentoring program that pairs new farmers with experienced farmers. It has been beneficial relative to education and outreach to minimize impacts. Brad thanked Diana for helping clean up the cannabis industry.

Wade Laughter explained in previous years (2014) he had five different plant versions that would qualify as hemp. He agrees it is the same plant as cannabis. He explained the County has spent a lot of staff time developing the process for growing cannabis and he encourages community support so all can be successful in farming.

## **8. Old Business**

### **A.) Harvest Host Update – Informational**

Chris reported a subcommittee was formed to explore this further. After discussions with Code Compliance it is best to not pursue this for the time being. There is an ordinance in place that allows for this. Under the current ordinance payment is prohibited. Some issues of potential concern are ADA compliance and sanitation.

### **B.) Commercial Horse Boarding Update – Informational**

Chris reported Commissioner Stone was working on this and has since resigned from the Commission and moved out of the State. A few community members have expressed interest in this and are willing to pursue it. Commission Chair Fowler requested the vacant equine position be fulfilled prior to pursuing further.

**8. Agricultural Commissioner’s Report**

Chris reported he is working with Supervisor Hoek to fill commission vacancies. They are working hard to have as many qualified applicants apply. The County has been downgraded to the purple tier. The Ag Department is open and providing all services by appointment only. During the late summer months/early fall over 900 N95 masks were distributed to ag industry members. More are available if needed. Single use surgical masks are available also. The Crop Report shows a decrease in the timber industry. Cannabis will be included as a supplemental report to the crop report for 2020. The Building Department revised their hoop house electrical requirements and now allow for electrical to be used. Commission Vice-Chair Barhydt asked if including cannabis in the Crop Report is a new requirement. Chris explained State law was passed to include it.

**10. Member Announcements**

None.

**11. Adjournment**

With no further business to discuss, the meeting was adjourned at 7:40 p.m.

Respectfully submitted: \_\_\_\_\_  
Jennifer Acree, Office Assistant II

Approved on: \_\_\_\_\_

Commission Chair, Brad Fowler

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