



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE AS FOLLOWS: 1) TABLES L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, 2.5.D, AND 2.6.F OF ARTICLE 2 AND SECTION L-II 3.3 OF ARTICLE 3 RELATED TO AGRICULTURAL USES; 2) AMENDING SECTION L-II 3.15 OF ARTICLE 3 TO ALLOW AN ADDITIONAL TWO YEARS FOR RECREATIONAL VEHICLE USE AS SECURITY HOUSING AT A PUBLIC LAND USE; AND 3) SECTION L-II 4.3.4 OF ARTICLE 4 TO CODIFY AN UPDATED DEFINITION OF FARMLANDS IN LOCAL IMPORTANCE (ORD16-1).

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

SECTION I:

Pursuant to Land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines as follows:

1. That the existing definitions for agricultural marketing in the County Land Use and Development Code Section L-II 3.3, specifically, farm stand, produce stand, farm store and certified farmers'/growers' markets are outdated and are no longer consistent with those found in the applicable State of California Codes and Regulations, such as the California Retail Food and Agricultural Code; and
2. That replacing the outdated definitions of farm stand, produce stand and certified farmers'/growers' markets with current State recognized definitions will assist in the enforcement of the applicable retail food laws by the County Agricultural Commissioner and Environmental Health Department; and
3. That allowing for additional opportunities to establish a farm stand and certified farmers' markets on lands not zoned with traditional agricultural or rural zoning will further support the County's agricultural economy by expanding on the availability for the sale of locally grown and processed agricultural food products; and
4. That adding a definition of community supported agricultural will recognize an on-going method used by local agricultural operators to expand the local food web; and
5. That the proposed amendments to the zoning regulations are consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Land Use and Development Code Chapter II Zoning Regulations, specifically Chapter 16: Agriculture and those policies of the County General Plan focused promoting and supporting a vibrant agricultural economy; and
6. That the Nevada County Planning Commission has consistently requested that the Planning Department look at potentially increasing the amount of time allowed to use a recreational vehicle as security housing on a public land use, such as a park, as a means to

reduce overall cost of the operation of the public amenity and ensure adequate security is maintained for the site; and

7. That adding an additional two years that a recreational vehicle can be occupied as security housing, through an extension of time, to the current allowance of five years (three years with approval of a use permit and one two-year extension of time) will be consistent with other similar use permit approvals, which allow for a total of seven years pursuant to Section L-II 5.10: Permit Time Limits, and will allow for a periodic review of the need for the continued use of the recreational vehicle; and
8. That the County's existing definition of Farmlands of Local Importance is outdated and not based on a measureable metric that would be beneficial towards the mapping of this resource; and
9. That the proposed definition of Farmlands of Local Importance will provide clear direction to the United States Department of Agriculture regarding how to map Farmlands of Local Importance in Nevada County; and
10. That the proposed definition of Farmlands of Local Importance will not change any standards necessary for the protection of agricultural lands nor will it conflict with agricultural zoning or existing agricultural uses in Nevada County; and
11. That the proposed definition of Farmlands of Local Importance will have no impact upon other important farmlands in Nevada County including Farmlands of Statewide Importance, Prime Farmlands or Unique Farmlands nor will it conflict with any existing Williamson Act contracted parcels; and
12. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the site development standards of the County's Zoning Code will ensure future projects conform to applicable regulations to ensure that the sites will be compatible with surrounding development. In addition, the specific standards of the ordinance will ensure that adequate infrastructure, including sewer, water, access and emergency services will be available to serve the sites at the time of development; and
13. That the proposed ordinance amendment will not result in the physical degradation of the environment, as reviewed by the Initial Study and Negative Declaration (EIS 16-0001).

SECTION II:

Tables L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, 2.5.D, and 2.6.F "Allowable Uses and Permit Requirements" of Article 2 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit "A.1", attached hereto and incorporated herein by reference.

SECTION III:

Section L-II 3.3 "Agricultural Uses" of Article 3 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit "A.2", attached hereto and incorporated herein by reference.

SECTION IV:

Section L-II 3.15 "Recreational Vehicle Use and Temporary Occupancies" of Article 3 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit "B", attached hereto and incorporated herein by reference.

SECTION V:

Section L-II 4.3.4 “Agricultural Lands, Important” of Article 4 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit “C”, attached hereto and incorporated herein by reference.

SECTION VI:

This Ordinance shall take effect and be in full force thirty (30) days from and after Introduction, public hearing and adoption pursuant to Government Code Section 25131, and it shall become operative on the ____ day of _____, 2017, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

Exhibit A.1

Table L-II 2.2.1.B			
Single Family Districts Allowable Uses and Permit Requirements			
<u>Key to Land Use Permit Requirements:</u>			
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:
...			
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
Field Retail Stand and Farm Stand	A	NP	3.3
Animal keeping and raising	Varies		3.4
Certified Farmers' Markets	DP	NP	3.3
....	A	A	3.3

Table L-II 2.2.2.B			
Multi-Family Districts Allowable Uses and Permit Requirements			
<u>Key to Land Use Permit Requirements:</u>			
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:
Agricultural, Resource, and Open Space Uses			
...			
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stands and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies		3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22

Table L-II 2.3.D

Rural 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)	AG	AE	FR	TPZ	L-II SECTIONS:
Agricultural, Resource, and Open Space Uses					
...					
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services.	UP	UP	NP	NP	
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	A	A	A	3.3
Field Retail Stand and Farm Stand	A	A	A	NP	3.3
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				3.4
Certified Farmers' Markets	DP	DP	DP	NP	3.3
...					

Table L-II 2.4.D

Commercial 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)	C1	C2	C3	CH	OP	L-II SECTIONS:
...						

Agricultural, Resource, and Open Space Uses

Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	A	A	3.3
...						

Table L-II 2.5.D

Industrial Districts Allowable Uses and Permit Requirements				
<u>Key to Land Use Permit Requirements:</u>				
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)	BP	M1	M2	L-II SECTIONS:
Residential Uses				
...				
Agricultural, Resource, and Open Space Uses				
Field Retail Stand	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	3.3
...				

Table L-II 2.6.F

Special Purpose 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)**

(1)
IDR

OS

(2)
PD

(3)
P

(4)
REC

**L-II
SECTIONS:**

Industrial Uses

None Listed

Agricultural, Resource, and Open Space Uses

Animal Keeping and Raising

Varies

3.4

Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on site, wholesale plant nurseries, and private stables.

A

NP

NP

NP

Field Retail Stand

NP

NP

NP

NP

NP

3.3

Farm Stand

DP

NP

DP

DP

DP

3.3

Certified Farmers' Markets

DP

NP

DP

DP

DP

3.3

Crop and Tree Farming

A

UP

A

A

A

3.3

Exhibit A.2

Section L-II 3.3 Agricultural Uses

- A. Purpose.** To encourage agriculture and to promote a strong and sustainable local agricultural economy.
- B. Definitions.**
- 1. Agricultural Products** - For the purpose of this section, includes fresh fruits, vegetables, nuts, herbs, flowers, honey, poultry, fish, animal & animal products, hay and Christmas trees, but does not include plant nursery stock, live animals, wine or wine products.
 - 2. Certified Farmers' Market (CFM)** (3 CCR § 1392.2) - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
 - 3. Community Supported Agriculture (CSA)** – Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may include either the host farm or an off-site location when permission is previously granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.
 - 4. Field Retail Stand** (FAC 47030) - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and land use codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
 - 5. Farm Stand** (FAC 47050) - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy (FAC 47000 (d)).
- C. Standards.**
- 1. Crop and tree farming.** In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use.
 - 2. Community Supported Agriculture.** Is an allowed use in any district where crop and tree farming is allowed. Pick-up locations shall be consistent with those outlined in the definitions above.

- 3. Field Retail Stands and Farm Stands.** The sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:
- a.** Field retail stands and farm stands are subject to authorization by the County Agricultural Commissioner and farm stands may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold.
 - b.** The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products.
 - c.** A producer may sell products they grow out-of-county as long as it's no more than 1/3 of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
 - d.** Field retail stands and farm stands shall be limited to a total of 1,000 square feet on any one site and shall be limited to 10 producers.
 - e.** Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
 - f.** Field retail stands and farm stands shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
 - g.** Any structure used for a field retail stand or farm stand shall meet the requirements of the California Fire Code regarding general fire safety.
 - h.** A field retail stand or farm stand shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Section 845 of the California Civil Code is required.
 - i.** All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
 - j.** Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
 - k.** Hours of operation are limited to daylight hours.
 - l.** Signage shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12.

4. **Farm Stands.** The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in LUDC Sec. L-II 3.3.C.3 and the following:
 - a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
 - b. Farm stands may be permitted for up to 3 years.
 - c. The Administrative Development Permit application for a farm stand shall include the following:
 - 1) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
 - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way;
 - b) The proposed location for the market and parking area for the market.
 - c) Location of sanitation facilities that will be used during operating hours.
 - d) Location of animal enclosures, if applicable.
5. **Certified Farmers' Markets.** Certified farmers' markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:
 - a. Certified famers' markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.
 - b. This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing certified farmers' markets.
 - c. The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
 - d. Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12, shall be temporary and removed at the close of the market each day.
 - e. The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Uniform Retail Food Facilities Law, Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.

- f.** Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.
- g.** The market site must have direct access to a County maintained road and may not be located in any public right of way or roadway.
- h.** Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i.** The certified farmers' market site must provide adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j.** Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.
- k.** Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to 3 years.
- l.** The Administrative Development Permit application for certified farmers' markets shall include the following:
 - 1)** Written authorization from the property owner(s) on whose land the use is proposed.
 - 2)** A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
 - 3)** Certified farmers' markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.
 - 4)** A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
 - a)** The location of any existing uses including structures, parking, driveways, and road rights-of-way;
 - b)** The proposed location for the market and parking area for the market.
 - c)** Location of sanitation facilities that will be used during operating hours.
 - d)** Location of animal enclosures, if applicable.
 - e)** Certified and non-certified sections of the market. (Ord. #2235)

Exhibit B

Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies

- A. Purpose.** To provide for the temporary occupancy of recreational vehicles on property not located within a mobilehome park or a campground, and which are not subject to the Employee Housing regulations established in Sec. 3.10 of this Chapter.
- B. Definitions.**
- 1. Recreational Vehicle** - Shall be as defined by Section 18010 of the California Health & Safety Code.
- C. Standards.** A recreational vehicle may be used for temporary occupancy subject to zoning compliance and building permit issuance, if necessary, based on the following standards which shall be met before any temporary occupancy of a recreational vehicle occurs or is allowed to continue pursuant to this subsection C:
- 1.** Unless specifically exempted by the Section, a Temporary Residence Permit shall be obtained from the Building Department upon proof of compliance with applicable standards. A reasonable fee may be collected for issuance of the Permit, and renewals thereof. Said fee shall be as established pursuant to the latest adopted resolution of the Nevada County Board of Supervisors.
 - 2.** No more than one recreational vehicle may be occupied per parcel for any and all permitted occupancies.
 - 3.** All site development standards and separation requirements applicable to single-family dwellings shall apply to placement of the recreational vehicle to be occupied.
 - 4.** Sewage disposal and water for service supply shall be approved by the Department of Environmental Health.
 - 5.** A recreational vehicle used for temporary occupancy shall be structurally sound and protect its occupants against the elements.
 - 6.** The County Fire Marshal or his/her designee shall inspect the site to ensure that the placement of the recreational vehicle complies with the flammable vegetation clearance requirements of Public Resources Code 4291.
 - 7.** Smoke and Carbon Monoxide Detectors: Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. If an internal combustion generator powers the recreational vehicle, and such generator is incorporated into or within 10' of the qualified recreational vehicle, a minimum of one carbon monoxide monitor/alarm shall be required. A carbon monoxide detector shall be required for any unit that contains a carbon-fueled appliance or heating device.
 - 8.** Heating Systems: Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid- or liquid-fuel burning appliances to be used in a recreational vehicle shall be installed, used and maintained in accordance with the listing for

the appliance and the manufacturer's requirements, including provisions allowing their use in recreational vehicles.

9. LP-Gas System: LP-gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions of the California Building and Fire Codes as adopted in Chapter V of this Code.
10. Any water, sewage drain, electrical, fuel supply or other utility connection and installation shall conform to State and local regulations and require inspection by the Building Department and a permit.
11. A current DMV registration and operating permit shall be required and maintained on the recreational vehicle at all times.
12. The recreational vehicle shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures (except ramadas where necessary to meet the applicable snow load requirements) may be permitted with regard thereto for the temporary occupancies provided for herein.
13. No rent may be charged or collected for any of the temporary occupancies provided for herein.
14. Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

D. Security Housing. Security personnel may occupy a recreational vehicle on the site of a church or other community facility or public use land requiring on-site security, for a maximum 3-year period, subject to the issuance of a use permit. Pursuant to Section L-II 5.10, security housing approved through a use permit is eligible for two 2-year extension of times for the use permit, for length of occupancy.

E. Temporary Urgent Medical Care. A recreational vehicle may be used as a temporary residence, in addition to a legally established permanent dwelling existing on any parcel, when one is occupied by a person in serious medical need of 24-hour on-site care, and the other is occupied by a qualified person providing such care, subject to issuance of an Administrative Development permit from the Planning Department, if all the general criteria established in Subsection C of this Section are complied with, and so long as the following special criteria are also met:

1. There shall be no other available accommodations (i.e. second units, guest houses) on the property that could be utilized for the purpose of providing urgent medical care, and evidence of such shall be submitted to the satisfaction of the Planning Department;
2. Permits shall be valid for six months, renewable every six (6) months, at an at-cost hourly planning fee, so long as the serious urgent medical need continues, and require current confirmation of a licensed physician of the medical need for continual care. The Permit shall expire and the use discontinued when the need ceases. The RV shall be unoccupied within ten (10) days of permit expiration.
3. Where the unit is to be placed on property subject to recorded deed restrictions or CC&R provisions, not required by the County, that may preclude such a unit, any approval shall not

become effective until thirty (30) days after the applicant has given written notice thereof to the active Homeowners' Association or other entity entitled to enforce such restrictions or CC&Rs. If no such entity can reasonably be located, the applicant shall provide notice to all property owners subject to same restrictions or CC&RS. The applicant shall provide the County with proof of notice to be included in the Building Department file.

- F. Seasonal Use.** Seasonal stays in a recreational vehicle are permitted for the owners of any parcel with no permanent dwelling thereon, not to exceed a total of 90 days between April 15th and October 15th of any one calendar year. Seasonal use is not subject to a Temporary Residence Permit, provided that:
1. The recreational vehicle must be currently licensed.
 2. Siting of the recreational vehicle must satisfy Public Resources Code (PRC) Section 4291 for vegetation clearance around the recreational vehicle.
 3. The property owner is required to notify his/her Fire District, or the California Department of Forestry where there is no local Fire District, of the location of, and access to, the recreational vehicle, and to obtain PRC Section 4291 regulations.
 4. The property owner must have an operating 2A10BC fire extinguisher available within or on the recreational vehicle at all times.
- G. Overnight Guest Stays.** Overnight stays in a recreational vehicle are permitted for non-paying guests of the occupants of any legally established permanent dwelling on the parcel, not to exceed a total of 90 days per parcel in any calendar year, without a Temporary Residence Permit, provided that standards of Section 3.15.F.1 through Section 3.15.F.4, above, are satisfied.
- H. Severability of Provisions.** If any subsection of this Section or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other subsection or application of this Section which can be given effect without the invalid or unconstitutional provision or application and, to this end, the provisions of this Section are severable.

(Ord. #2247.)

Exhibit C

Section L-II 4.3.4 Agricultural Lands, Important

- A. Purpose.** To minimize the conversion of important agricultural areas to non-agricultural uses, the adverse impact of potentially incompatible land uses upon important agricultural land and operations, and the impairment of agricultural productivity of important agricultural land.
- B. Definitions.**
- 1. Farmland of Local Importance** - Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).
 - 2. Important Agricultural Lands** - Prime farmland, farmland of Statewide importance, unique farmland, and farmland of local importance as defined by the State Department of Conservation's Important Farmland Map.
 - 3. Non-Agricultural Project** - For the purpose of this Section shall be any use of land, except for a single family residence and garage that does not meet the definition of "Agricultural Operation" in this Chapter.
- C. Standards.**
- 1.** Non-agricultural projects shall be approved only when they are not within or adjacent to Important Agricultural Lands unless a Management Plan is prepared consistent with #2 below.
 - 2.** If the above standard effectively precludes development of the project, or adversely affects another environmentally sensitive resource, a Management Plan that avoids or minimizes impacts to the important agricultural lands may be prepared consistent with the provisions of Section 4.3.3.C. of this Chapter, and the following standards:
 - a.** The Management Plan shall be prepared by one of the following agricultural professionals: a Registered Professional Forester, a certified rangeland manager, or an USDA/NRCS-certified conservation planner.
 - b.** If the entire project site is mapped within or adjacent to important agricultural lands, the Management Plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the agricultural resource.
 - c.** Management Plans shall be reviewed by the Nevada County Agricultural Commissioner.
 - 3.** Non-agricultural projects adjacent to important agricultural lands shall be designed to minimize impacts and shall be subject to the following standards:

- a. Subdivisions within or adjacent to important agricultural lands shall provide a 100' building setback from the property line(s) within or adjacent to the important agricultural land, limiting the use of the land to agricultural or open space uses compatible with adjacent agricultural land.
- b. Require the recordation of a declaration acknowledging proximity to agricultural resources and the potential for conflict, which may be in the form of the Nevada County Right to Farm Notice provided in Nevada County Land Use and Development Code Section L-XIV 1.4.

Ord. #2286.