

**NEVADA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**APPLICANT/OWNER:** Nevada County

**HEARING DATE:** December 8, 2016

**OWNER(s):** n/a

**FILE NO:** PLN16-0050; ORD16-1;  
EIS16-0001

---

**PROJECT:** Recommendation to the Board of Supervisors regarding the Nevada County Agricultural Advisory Commission’s September 21, 2016 recommendation to approve PLN16-0050; ORD16-1; EIS16-001, which includes proposed amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer’s Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County’s updated definition of Farmlands of Local Importance to the County Zoning Ordinance).

**LOCATION:** Unincorporated area of Nevada County

**PROJECT PLANNER:** Tyler Barrington, Principal Planner

---

**ATTACHMENTS:** (duplicates removed and replaced)

- ~~1. Draft Resolution – Negative Declaration (EIS16-0001)  
Exhibit A. Draft Initial Study and Proposed Negative Declaration  
Appendix B. Draft Ordinance Amendments showing “Track Changes”~~
- ~~2. Draft Ordinance – ORD16-1~~
3. Agricultural Advisory Commission Recommendation
4. Agency and Public Comments

**RECOMMENDATION:**

- I. Environmental Action: Recommend that the Board of Supervisors adopt the attached Resolution approving the proposed Negative Declaration (EIS16-0001), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (*Attachment 1*).

- II. Project Action: Recommend that the Board of Supervisors adopt the attached Ordinance (ORD16-1) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3, 3.10, 3.15 and 4.3.4 (*Attachment 2*).
- 

**BACKGROUND:**

This project is the result of the request of the Nevada County Agricultural Commissioner and the recommendation of Nevada County Agricultural Advisory Commission (*Attachment 3*) and includes the following amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer’s Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County’s updated definition of Farmlands of Local Importance to the County Zoning Ordinance) (*Attachments 1 and 2*).

**STAFF COMMENT:**

**Section L-II 3.3. Agricultural Uses:** At first glance, the proposed amendments within this Section of the LUDC appear to be the most substantial code amendments associated with this project. The changes proposed however are relatively minor as they are primarily intended to modernize existing agricultural use definitions and standards, but carry over the majority of the existing standards for similar agricultural uses that are provided within the existing Agricultural Uses ordinance. One of the purposes of these changes is to align the County’s definitions of agricultural uses with State of California Food and Agriculture Code, specifically related to Field Retail Stands, Farm Stands and Certified Farmers’ Markets. The proposed changes also add a definition of Community Supported Agriculture (CSA) where one did not previously exist and remove the definition of “Agricultural Products” as this is defined in other applicable sections of state law. The proposed amendments remove the specific land use of “Produce Stands” and replaces it with “Farm Stands,” as has been done by the California Food and Retail Code/Food and Agricultural Code and includes “Field Retail Stands” to replace the former “Farm Stand” use. Where applicable, the existing health and safety standards (contained within the existing ordinance) are carried over as they are still applicable to these agricultural support uses. Where the proposed ordinance most substantially deviates from the previous ordinance relates to the zoning districts where these uses are allowed and how those uses are permitted. Essentially, the proposed ordinance would expand the areas where Farm Stands and Certified Farmers’ Markets would be allowed based the zoning of a particular property.

Based upon their definitions, both Field Retail Stands and Farm Stands are essentially the same thing except Farm Stands allow for the sale of non-potentially hazardous pre-packaged foods

and processed agricultural products, where Field Retail Stands are limited to the sale of fresh non-processed agricultural products. Since they are very similar, Field Retail Stands and Farm Stands are proposed to be an allowed use (not subject to further land use permitting) when specific standards are met within the County's primary agricultural zoning districts, Agriculture Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agriculture (RA) as these are typically the areas of the County where active agricultural operations are occurring. This is consistent with how the prior ordinance treated Farm Stands and Produce Stands. To expand on opportunities for the sale of agricultural products at small scale Farm Stands, the proposed ordinance would allow Farm Stands within several non-agricultural zoning districts including all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC), subject to the approval of an Administrative Development Permit (ADP). In general these districts would typically be located within developed areas with adequate infrastructure/access to support a seasonal Farm Stand use. The ADP would allow individual County agencies to review individual proposals on a case by case basis to ensure they could meet the applicable standards of the ordinance. To ensure these agricultural uses do not conflict with the County's open space and more dense residential uses, Field Retail Stands and Farm Stands would be prohibited in the Open Space (OS), Timber Production Zone (TPZ), Single Family Residential (R1), Medium Density Residential (R2), and High Density Residential (R3) zoning districts.

Regarding Certified Farmers' Markets, the proposed amendments carry over all specific standards that previously applied to Certified Growers'/Farmers' Markets, (now called Certified Farmers' Markets) and update those standards where appropriate to ensure adequate review is being performed by the appropriate local agencies (Environmental Health, Agricultural Commissioner's Office, Fire, Public Works, etc.). The primary difference from the previous requirements is focused solely upon which zoning districts where Certified Farmers' Markets (CFMs) would be allowed subject to the approval of an ADP. Under the current ordinance, CFMs were allowed in all Residential (R1, RA, R2, R3) and Rural (AE, AG, FR, TPZ) zoning districts but were not allowed in other zones. Much like the Farm Stand discussion above, the proposed ordinance would continue to allow CFMs in the primary agricultural zoning districts (AE, AG, RA, and FR) but would also allow for CFMs to occur in all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC) but would prohibit CFMs in the R1, R2, R3 zoning districts and would continue to not allow CFMs in the OS and TPZ zoning districts. For a complete comparison and all of the proposed changes please refer to Appendix B of Attachment 1, which shows all of the proposed changes in "track changes".

The proposed changes to allow additional opportunities for the marketing and sale of agricultural products supports the Nevada County Agricultural Advisory Commission's goal of promoting farming in Nevada County by providing additional areas where these agricultural support uses would be allowed. Generally it is assumed that these agricultural support uses will be seasonal or temporary in nature, based on the growing season. The standards of the proposed ordinance would ensure adequate public health and safety is maintained, adequate parking is provided and sufficient access is available that would not result in significant traffic or circulation hazards.

**Section L-II 3.10/3.15. Employee Housing/Recreational Vehicle Use and Temporary Occupancies:** The proposed project would result in minor amendments to both LUDC Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies. Under Nevada County regulations two types of employee housing are allowed by Section L-II 3.10 regardless of allowed general plan or zoning density. The first of which applies to employee housing for 5 or more employees, which is permitted by the State Department of Housing and Community Development, herein referred to as “State employee housing.” The second relates to resource based employee housing for 4 or less attached or detached dwelling units which is permitted by the County of Nevada, herein referred to as “County employee housing.” Under the State employee housing regulations a variety of different housing types are allowed, included alternative type housing such as recreational vehicles, yurts and tents (California Employee Housing Act, codified in Health and Safety Code Sections 17000-17062). Under current County employee housing regulations, all employee housing is required to meet the applicable codes, standards and fees applicable to a single-family residence. This requirement limits the type of housing to more traditional stick built or manufactured homes. To be more in line with State employee housing regulations and to further reduce the overall cost of providing employee housing for the County’s agricultural community, the County Agricultural Advisory Commission has requested that seasonal temporary recreational vehicle use be allowed for legitimate agricultural uses for a period not to exceed 6-months.

Since the County already has code standards for both Employee Housing and Temporary Recreational Vehicle use, including those that relate to building and health and safety (e.g. water, sewage disposal, electrical, heating, fire safety), protection of sensitive environmental resources (LUDC Chapter II Zoning Regulations, Article 4, Division 4.3 Resource Standards), and for the siting and orderly design of land uses/structures (LUDC Chapter II Zoning Regulations, Article 4, Division 4.1 Site Development Standards and 4.2 Community Design Standards), this revision focus solely on removing barriers for allowing the seasonal use of recreational vehicles for County agricultural based employee housing. This amendment has been reviewed by the potentially impacted public agencies (Public Works, Environmental Health, Building and Fire) who have agreed that existing rules and regulations for both Employee Housing and Temporary RV Use would apply unilaterally to seasonal temporary RV use as agricultural employee housing. Therefore, consistent with other employee housing in Nevada County, the use of a RV as seasonal employee agricultural housing is proposed to be allowed through zoning compliance and building permit issuance without requiring additional permitting (e.g. administrative or discretionary development permits). Through the public/agency review process, some minor changes were suggested to Section L-II 3.15 by both the Office of the Nevada County Fire Marshall and the Penn Valley Fire Protection District, related to outdated references to the uniform building code and requirements for smoke and carbon monoxide detectors in RVs. Based on this input these changes have been made.

In addition to the proposed amendments focused on furthering Nevada County’s commitment to providing low cost employee housing for agricultural operations, there is one other unrelated amendment being proposed to LUDC Section L-II 3.15. This change is the result of consistent and recent input from the Nevada County Planning Commission related to the duration of time

allowed for the use of a RV for security housing at a church, community facility or public land use. Under current standards, a RV is allowed to be used for security housing at the aforementioned land uses subject to the approval of a use permit for a period of 3-years with one 2-year extension allowed. The Planning Commission has requested that it be cheaper, easier and that more time be allowed for this specific use. Therefore, the proposed amendments increase the amount of time that a RV can be used for security housing by allowing one additional 2-year extension of the use permit. This change would allow for up to 7-years which is the standard amount of time allowed for a use permit by Nevada County LUDC Section L-II 5.10 Permit Time Limits (original approval is good for 3-years and projects are eligible for two 2-year extension of times).

**Section L-II 4.3.4. Important Agricultural Lands:** This component of this overall project proposes to add an updated definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code under the section of the Ordinance that relates to Important Agricultural Lands. As a result, the County's Farmlands of Local Importance will be remapped through the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program. The proposed updated definition for Farmlands of Local Importance however is the only requested change being proposed to be codified as a part of this overall project.

Farmland of Local Importance, as defined by the Department of Conservation, is land of importance to the local economy as defined by each county's local advisory committee and adopted by its Board of Supervisors. It is further defined as either currently producing or having the capability of production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Board of Supervisors, of each county, has the authority to adopt or recommend changes to the category of Farmlands of Local Importance. The current definition of Nevada County's Farmlands of Local Importance is:

*Farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Farmlands that produce crops that are not listed under Unique Lands but are important to the economy of the county are: Christmas trees, Sudan grass, Meadow hay, chestnuts, poultry houses and feedlots, improved dryland pasture (not rangeland), and irrigated pasture (it is under Statewide or Prime if soils are listed as such, otherwise as Local).*

*Also, lands that are legislated to be used only for agricultural (farmland) purposes, such as Williamson Act land in western Nevada County.*

The Nevada County Agricultural Advisory Commission has been discussing revising the Farmlands of Local Importance definition, for years. The County's current definition is based on historical agricultural uses that have little relevance to current agricultural use in Nevada County. Mapping of these lands is prepared by the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program and follows historic patterns of agricultural use in Nevada County. Under the proposed definition, the resultant mapping would be based on soils types with an emphasis on grazing land with high-rated range production.

According to the Nevada County Agricultural Advisory Commission, it is the State Department of Conservation's recommendation to update the mapping criteria and definition at the same time. The Department of Conservation creates choice agricultural soil maps throughout the State by using Geographical Informational Systems and the United States Department of Agriculture Soil Conservation Service soil surveys. The mapping criteria for Nevada County's Prime Farmland, Statewide Important Farmland, and the Unique category is specified by certain soil types. The County Agricultural Advisory Commission has recommended that the County follow this same protocol when looking at redefining the Farmlands of Local Importance mapping criteria. With data supplied by the Natural Resource Conservation Service (NRCS), the Agricultural Advisory Commission identified 5 soil types (not currently considered choice soils) that meet the criteria for Farmlands of Local Importance in Nevada County. These soils include: 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). Further under the new definition, the lands must be outside of any Prime, Statewide or Unique farmlands and must be within one of the County's Rural-Agricultural Zoning categories such as Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ). The proposed project will better define Farmlands of Local Importance with a measureable source of data for mapping the resource. In full the proposed definition is as follows:

*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).*

Overall, this component of the project will only add a definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code Chapter II Zoning Regulations. Should the Board of Supervisors adopt this definition it will result in the remapping of Farmlands of Local Importance by the USDA-Dept. of Conservation. Based on preliminary estimates, utilizing County Geographical Information Systems (GIS) data, the new definition has the potential to reduce the amount of mapped Farmlands of Local Importance in Nevada County by over approximately 10,000-acres. As described above however, this existing mapping is based on historical agricultural uses and lands and therefore has not been updated to take account for historical land use development patterns as Nevada County has grown and parcel-ized nor does it take into account and existing zoning, which might allow for much smaller parcels than would be conducive towards economically viable agricultural use of that property. Subsequently the current mapping of Farmlands of Local Importance in Nevada County is somewhat arbitrary. This change would establish a tangible metric for what would be considered Farmlands of Local Importance, based on soils types and rural-agricultural zoning designations. This portion of this overall project will not result in impacts to any established/mapped Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands nor would it impact any existing Williamson Act contracts. Further, the new

definition will not change any agricultural zoning that would allow for agricultural operations and their support uses.

**ENVIRONMENTAL REVIEW:**

This proposed Zoning Text Amendment (ORD16-1) project will result in amending the Nevada County Land Use and Development Code to update definitions, standards and uses related to supporting and promoting the success of agriculture in Nevada County. Based on the proposed amendments, staff prepared a draft Initial Study and proposed Negative Declaration provided in the attached draft Resolution, pursuant to the CEQA Guidelines, for the Planning Commission's consideration and recommendation to the Board of Supervisors (*Attachment 1*). This initial study was circulated for public comment from November 7 to December 6, 2016. This initial study was posted on the Planning Department website and the Notice of Availability was sent to specific local and state agencies, including the State Clearinghouse, as well as all property/home owners associations and special interest groups on the County Planning Departments notification list and no public comments were received.

**SUMMARY:**

In summary, the proposed Zoning Ordinance Amendments were prepared on behalf of the Nevada County Agricultural Commissioner and Nevada County Agricultural Advisory Commission. On September 21, 2016 the Nevada County Agricultural Advisory Commission held a public meeting to review the proposed amendments and recommended that the Board of Supervisors, with the Planning Commission's recommendation, approve the proposed amendments (*Attachment 3*). Staff has circulated the amendments for an initial public comment period and only received comments from the Agricultural Commission (recommending that the PC/BOS adopt the proposed amendments) and the Penn Valley Fire District (requesting updates to the references to the applicable building and fire codes). Based on the comments received the draft ordinance sections were updated to reflect the requested changes. Staff then prepared a draft initial study for the project that found that the minor text amendments would not result in significant environmental impacts with the adherence to the standards of the ordinance. This initial study was available for a 30-day public review period and no adverse comments were received. Subsequently, staff is recommending that the Planning Commission take the recommended actions of the Agricultural Advisory Commission and recommend approval of the Negative Declaration and Ordinance to the Board of Supervisors.

---

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- I. Environmental Action: Recommend that the Board of Supervisors adopt the attached Resolution approving the proposed Negative Declaration (EIS16-0001), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (*Attachment 1*).
  
- III. Project Action: Recommend that the Board of Supervisors adopt the attached Ordinance (ORD16-1) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3, 3.10, 3.15 and 4.3.4 (*Attachment 2*).

Respectfully submitted,

---

Brian Foss  
Director of Planning





**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES**

950 Maidu Ave, Suite 170, Nevada City, CA 95959  
(530) 470-2690 FAX (530) 273-1713 <http://new.mynevadacounty.com/agcomm>

Sean Powers  
Community Development Agency Director

Chrisandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 13, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *tej*  
Re: Nevada County Agricultural Use Definitions and Standards (LUDC Sec. L-II 3.3)

**Background:** The majority of the agricultural land use authority can be found in Section L-II 3.3 of the Nevada County Zoning Regulations. The section defines "farm stands", "produce stands", "farm stores", "community supported agriculture (CSA's)" and "certified farmer's markets". One of the reasons the Agricultural Advisory Commission (AAC) decided to update this section was to make the language and definitions consistent with the California Food and Agriculture Code which defines "field retail stands" and "farm stands". The State definition of "field retail stand" is more in line with Nevada County's current definition of "farm stand" and the State definition of "farm stand" is more in line with Nevada County's current definition of "produce stand". For simplicity and consistency, it would be easier if the State and local definitions were the same, as the County Agriculture Department enforces State and local laws, regulations and ordinances. Through a series of meetings and discussions in 2015, with a final recommendation on December 16, 2015, the AAC has submitted draft language changes to the Nevada County Zoning Regulations, Section L-II 3.3, to the Nevada County Planning Department.

The AAC's proposed draft of Section L-II 3.3 was circulated among various Community Development Agency (CDA) departments for comments. Planning staff met with the CDA Director and the Agricultural Commissioner to analyze and discuss comments received and the proposed draft. The current draft has been changed to simplify the content (i.e. the standards for Field Retail Stands and Farm Stands were combined) but the intent of the proposal was maintained. On September 1, 2016, the Planning Department sent out a Request for Comments on this proposed change. Comments were due, in writing, to the Planning Department by 5:00 pm, Friday, September 30, 2016. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

**AAC Recommendation:** After a brief discussion, a motion was made by Commission Member Fowler to support the proposed draft language as written. Commission Member Shapero seconded the motion. Commission Chair Jochim called for a voice

vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.





**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES**

950 Maidu Ave, Suite 170, Nevada City, CA 95959  
(530) 470-2690 FAX (530) 273-1713 <http://new.mynevadacounty.com/agcomm>

Sean Powers  
Community Development Agency Director

Chrisandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 13, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *tey*  
Re: Nevada County Farmlands of Local Importance

**Background:** Farmland of Local Importance, as defined by the Department of Conservation, is land of importance to the local economy as defined by each county's local advisory committee and adopted by its Board of Supervisors. It is further defined as either currently producing or having the capability of production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Board of Supervisors, of each county, has the authority to adopt or recommend changes to the category of Farmlands of Local Importance.

The current definition of Nevada County's Farmlands of Local Importance is:

"Farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Farmlands that produce crops that are not listed under Unique Lands but are important to the economy of the county are: Christmas trees, Sudan grass, Meadow hay, chestnuts, poultry houses and feedlots, improved dryland pasture (not rangeland), and irrigated pasture (it is under Statewide or Prime if soils are listed as such, otherwise as Local).

Also, lands that are legislated to be used only for agricultural (farmland) purposes, such as Williamson Act land in western Nevada County."

The Agricultural Advisory Commission has been discussing revising the Farmlands of Local Importance definition, for years. Most recently, in March 2016, a subcommittee was formed to review the current definition of Farmlands of Local Importance, and the mapping criteria. The subcommittee consisted of the UC Cooperative Extension Farm Advisor, the Agricultural Commissioner, and two members of the Agricultural Advisory Commission. On March 16<sup>th</sup>, 2016, during its regularly scheduled meeting, the subcommittee submitted a definition proposal and the Agricultural Advisory Commission made a recommendation to change the Farmlands of Local Importance definition to the following:



“Farmlands not covered by the categories of Prime, Statewide, or Unique. They include lands zoned for agriculture by County Ordinance and the California Land Conservation Act as well as dry farmed lands, irrigated pasture lands, and other lands of significant agricultural economic importance to the County and include lands that have a potential for irrigation from an irrigation district.”

It is the State Department of Conservation’s recommendation to update the mapping criteria and definition at the same time. The Department of Conservation creates choice agricultural soil maps throughout the State by using Geographical Informational Systems and the United States Department of Agriculture Soil Conservation Service soil surveys. The mapping criteria for Nevada County’s Prime Farmland, Statewide Important Farmland, and the Unique category is specified by certain soil types. The subcommittee made a recommendation to the Agricultural Advisory Commission to follow this same protocol when looking at redefining the Farmlands of Local Importance mapping criteria. An emphasis was placed on grazing land with high-rated range production capacities. With data, supplied by the Natural Resource Conservation Service (NRCS), the subcommittee identified 5 soil types (not currently considered choice soils) that meet the criteria for Farmlands of Local Importance in Nevada County. Four of the five soil types have a Range Production Rating of 1700 pounds per acre per year, or more. NRCS defines total range production as the amount of vegetation that can be expected to grow annually in a well-managed area that is supporting the potential natural plant community.

During the Agricultural Advisory Commission’s July 2016 meeting, the subcommittee proposed that the Agricultural Advisory Commission make a recommendation to adopt the following five soil types as the new mapping criteria for Farmlands of Local Importance in Nevada County:

- 1) AdD – Ahwahnee sandy loam, 15 to 30% slopes  
(Range Production Rating = 2125)
- 2) ArC – Argonaut gravelly loam, 2 to 15% slopes  
(Range Production Rating = 1700)
- 3) HnC – Hoda sandy loam, 9 to 15% slopes  
(no Range Production Rating, although Hoda sandy loam 5 to 9% slopes is considered Prime Farmland)
- 4) SoD – Sobrante loam, 15 to 30% slopes  
(Range Production Rating = 2040)
- 5) TrC – Trabuco loam, 5 to 15% slopes  
(Range Production Rating = 1700)

The total acreage affected in the Area of Interest (western Nevada County) is 7,532.8 acres. The current acreage identified as Farmlands of Local Importance is 23,411 acres

(2014 DOC data) although some of this land is also considered Prime Farmland, Statewide Important Farmland and Unique Soils. When looking at a map, one will note that the Farmlands of Local Importance sometimes overlap with these other choice agricultural soils.

The Agricultural Advisory Commission's recommendations for a new definition and mapping criteria were submitted to the Nevada County Planning Department. After some analysis, it was suggested that the proposed mapping criteria be included within the proposed definition. The following definition is being proposed as an additional definition within Nevada County's Zoning Regulations, Section L-II 4.3.4 Agricultural Lands, Important:

**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).

On September 1, 2016, the Planning Department sent out a Request for Comments on this proposed change. Comments were due, in writing, to the Planning Department by 5:00 pm, Friday, September 30, 2016. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

**AAC Recommendation:** After a brief discussion, a motion was made by Commission Member Hoek to support the proposed changes to the County of Nevada's Farmlands of Local Importance definition. Commission Member Barhydt seconded the motion. Commission Chair Jochim called for a voice vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.





**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES**

950 Maidu Ave, Suite 170, Nevada City, CA 95959  
(530) 470-2690 FAX (530) 273-1713 <http://new.mynevadacounty.com/agcomm>

Sean Powers  
Community Development Agency Director

Chriandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 12, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *ty*  
Re: Nevada County Temporary Agricultural Employee Housing (LUDC Sec. L-II 3.10)

The Nevada County General Plan Policy 16.12 refers to "temporary" housing for seasonal employees and specifically states, "Allow housing for the farm operator and employees of the farm operator and their families (including temporary or permanent housing for seasonal employees) on all lands zoned predominantly for agricultural use..." The Agricultural Advisory Commission (AAC) has noted that the current zoning regulations are silent regarding "temporary" agricultural employee housing. The AAC, at various meetings in 2015, discussed what would qualify as "temporary" agricultural employee housing. They also discussed if there was a necessity for temporary agricultural housing. They concluded that as most agricultural production in Nevada County is seasonal in nature, that standards for temporary agricultural housing would be relevant. Seasonal workers are important to agricultural production.

During the March, 2016 AAC meeting, the topic was revisited. The Commission's discussion consisted of what would be an appropriate timeframe for temporary agricultural housing. The Commission agreed on 9 months to allow time to move in, set up and prepare for the agricultural growing season.

The AAC's recommendation to allow temporary agricultural employee housing for a time period of no more than nine (9) months, was circulated among various Community Development Agency (CDA) departments for comments. Planning staff met with the CDA Director, the Environmental Health Director and the Agricultural Commissioner to analyze and discuss comments received. To be consistent with State standards, it was decided to propose a temporary timeframe of no more than 6 months. The following draft language has been proposed and inserted into the existing Zoning Regulation, Section L-II 3.10 Employee Housing. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

Seasonal Temporary RV Use. Resource based employee housing may be allowed in a Recreational Vehicle as defined by Section 18010 of the California Health and Safety Code for a period not to exceed 6 months subject to the standards contained herein and those outlined in LUDC Sec. L-II 3.15.C except those standards that restrict density (Sec. L-II 3.15.C.2) and prohibit the collection of rent or fees for occupants of employee housing (Sec. L-II 3.15.C.13).

After a brief discussion, a motion was made by Commission Member Johansen to support the proposed draft language changes of Section L-II 3.10 Employee Housing regarding temporary RV use for agricultural employee housing. Commission Member Fowler seconded the motion. Commission Chair Jochim called for a voice vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.



# PENN VALLEY FIRE PROTECTION DISTRICT

**Fire Chief**  
Don Wagner  
P.O. Box 180  
Penn Valley, CA 95946  
(530) 432-2630  
(530) 432-4561 Fax



**Directors**  
Dave Farrell, Chairperson  
Kurt Grundel, Director  
John Pelonio, Director  
Bruce Stephenson, Director  
Terry McMahan, Director

September 21, 2016

Tyler Barrington, Principal Planner  
Nevada County Planning Department  
950 Maidu Ave.  
Nevada City, CA 95959

Re: Zoning Ordinance Amendments for Agricultural Use and Employee Housing  
File No: PLN 16-00050, Ord 16-1, EIS 16-0001

Tyler,

I have reviewed the request for comments and supporting documentation regarding the proposed changes to the county Land Use and Development Code, sections L-II 3.3 and L-II 3.10. I appreciate your solicitation of comments and have some to provide you. They are enumerated below.

1. Sec. L-II 3.3- Agricultural Uses.

This section should ensure that the general requirements of the California Fire Code are in effect for all such uses. The proper classification of these retail establishments, in my mind, is a "U" occupancy. These have some general fire safety regulations that are contained in the CFC.

2. Sec. L-II 3.15 C.7- Employee Housing.

A carbon monoxide detector should be required in all housing units that contain any carbon-fueled appliance or heating device.

3. Sec L-II 3.15 C.9- Employee Housing

The model for both the Building and Fire Codes is developed by the International Code Council (ICC). As such, reference to the "Uniform Building and/or Fire Code" would be incorrect. I strongly encourage use of the actual adopted California codes as they are the ones enforceable in this state, not the model codes they are derived from.



Thank you for the opportunity to review and comment on this code review project.  
Should you have any questions please feel free to contact me at (530) 432-2630.

Respectfully,



Clayton Thomas  
Captain

Cc: Matt Furtado, County Fire Planner