



COUNTY OF NEVADA

COMMUNITY DEVELOPMENT AGENCY

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: October 13, 2020

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Ordinance Amending Article 2 of Chapter V of the Nevada County General Code: Outdoor Events

RECOMMENDATION: Introduce/Waive further reading and adopt the Ordinance.

FUNDING: Not applicable.

ATTACHMENTS:

1. Ordinance to amend Article 2 of Chapter V of the General Code: Outdoor Events
2. Draft ordinance with proposed amendments highlighted

BACKGROUND: The existing Outdoor Event Ordinance standards contained in Article 2 of Chapter V of the General Code were adopted in 2014 which allowed up to four events per year on private property at locations that were not previously permitted for outdoor events. The ordinance established standards for operating special events on private property and excluded non-profit events from the standards. Numerous public hearings were held and a subcommittee worked to create the ordinance standards. The ordinance was passed at the August 26, 2014 Board of Supervisors hearing.

The ordinance has been in place for approximately 6 years. During this time there have been approximately 12 permits issued at 12 locations for events to be held, primarily weddings. There have been no complaints regarding the events that have been permitted under the ordinance. Over the last few years the event community has expressed concerns that the ordinance is too limiting and does not allow the industry to survive with so few events.

This issue including the discussions and concerns from the event community was discussed at the January 2020 Board of Supervisors workshop. Potential amendments to the ordinance were

discussed including increasing the number of allowed events per year, modifying the issuing agency to the Community Development Agency for permits rather than the Sheriff's office and providing clarification of toilet facility requirements. The Board gave direction to staff to proceed with amendments to the ordinance.

Proposed amendments to the ordinance were brought before the Board of Supervisors on April 28, 2020 based on the January 2020 discussions. Direction was provided to staff to reach back out to the stakeholders and public to gather additional input. CDA assembled a subcommittee/stakeholder group to further discuss the ordinance, the proposed changes and the need for additional improvements to the ordinance.

CDA held three (3) meetings with the stakeholder group that was made up of representatives from the Grass Valley Chamber of Commerce, event community, a Fire Department representative, a homeowner group representative and two Supervisors. Discussion during the three subcommittee meetings focused on the need for insurance requirements, the need to prohibit an event from occurring every weekend of a month and the appropriateness of allowing events to occur in the residentially zoned properties of R1, R2 and R3. Additional amendments were made to the ordinance to address these issues and concerns.

The first amendments to the draft ordinance proposed the following:

1. Increase the number of allowed events from four (4) to eight (8) per year.
2. Modify the permit issuing agency to the Community Development Agency from the Nevada County Sheriff's Office.
3. Provide clarification of sanitation requirements for portable toilets.
4. Remove the requirements for criminal record checks, and security posting.
5. Clarify the appeal and violation procedures.

Additional amendments made as a result of the additional stakeholder meetings held after April 2020 include:

6. Retain the insurance requirements.
7. Add provision that no more than 3 events could occur in a row and no more than 3 per month.
8. Prohibit events on R1, R2 or R3 zoned properties.
9. Add clarification that ordinance does not apply to wineries and agritourism.

The new amendments in addition to the previous amendments discussed at the April 28, 2020, Board of Supervisors hearing are included with the draft ordinance presented with this report. The changes modify and clarify the existing ordinance but do not substantially change the function or the applicability of the ordinance. However, the ordinance is more limiting in that three zoning districts (R1, R2 and R3) have now been prohibited to host outdoor events in the revised ordinance. A review of the permits issued over the last 6 years showed that no property zoned R1, R2 or R3 applied for, or received, a permit for an outdoor event. The stakeholder group felt that the prohibition of events in these zone districts would help protect neighborhoods from the potential nuisances of an outdoor event on a neighborhood with traditionally smaller parcels but would not

restrict an existing venue from future events since no permits had been applied for on these types of properties since the ordinance inception.

No changes are proposed to the site plan requirements, attendance limitations, or any health and safety regulations. All building codes, fire codes, lighting standards and noise standards remain the same and in place. The Community Development Agency will be the permit issuing Agency, however, the applications for permits will be routed to the Sheriff's Office for review and comment. The Sheriff's Office will retain enforcement abilities for any safety violations or public disturbance impacts. The Community Development Agency will take over the authority to issue permits and enforce fines.

The draft ordinance was vetted with the Grass Valley Chamber of Commerce working group which included members of the wedding industry, agricultural community and other business interests plus an additional subcommittee/stakeholder group that included two members of the Board of Supervisors, a Fire Department representative, industry stakeholders and a homeowner group representative. The working group established by the Grass Valley Chamber of Commerce and the subsequent subcommittee formed by CDA for additional outreach and consideration is in unanimous support of the proposed amendments.

Summary: The proposed ordinance amendments would provide additional flexibility and allowances for more events on private property to address the industry's concerns and would further protect residential neighborhoods by prohibiting events in the R1, R2 and R3 zoning districts. The amended ordinance will provide clarifications and streamlining to the existing ordinance and permitting process. Staff recommends adoption of the amended Outdoor Event Ordinance as proposed in the attachments.

This action requires a public hearing and the ordinance will become effective on November 13, 2020.

Approved by: Brian Foss

Submittal Date: September 23, 2020