



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

**Mail: 950 MAIDU AVENUE NEVADA CITY, CA 95959-8617  
(530) 470-2690 FAX (530) 470-2939  
<http://mynevadacounty.com>**

Sean Powers  
Community Development Agency Director

Chris de Nijs  
Agricultural Commissioner

**Agricultural Advisory Commission  
DRAFT MINUTES, May 20, 2020, Meeting**

**Members Present:** Brad Fowler, Sue Hoek, Laura Barhydt, Mark Henry, Seth Rosmarin, Aleta Barrett, Debbie Bierwagen, and Pam Stone

**Members absent:** Robert Graham

**Staff Present:** Sean Powers, Community Development Agency Director; Chris de Nijs, Agricultural Commissioner; and Jennifer Acree, Office Assistant

**Public Present:** Rich Johansen, Cindy Fake, Farm Advisor; Dan Macon, UCCE Cooperative Extension; Chip Close, Nevada Irrigation District (NID), Debbie Totoonchie, Nevada County Farm Bureau, and Molly Nakahara, Sierra Harvest

**1. Call to Order**

Commission Chair Fowler called the meeting to order at 6:00 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 Barrett motioned. Commission Member Rosmarin seconded the motion. **None abstained. None opposed. The motion was carried unanimously.**

**4. Approval of Minutes of the January 20, 2020, Meeting**

Commission Chair Fowler called for a motion to approve the January 20, 2020, Meeting Minutes as written. Commission Member Bierwagen seconded the motion. **None abstained. None opposed. The motion was carried unanimously.**

**5. Public Comment**

There was no public comment on items not included on the agenda.

**6. Agency Comment**

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

Chip Close provided a brief PowerPoint Presentation. Bowman Lake's precipitation is 47.1 inches, which is 70 percent of average. The May 1<sup>st</sup> Snow Survey reflects 2020 average of 16.1 inches of water content, which is 58 percent of average. Reservoir storage as of May 14<sup>th</sup> is at 250 569 acre feet, which is 105 percent of a seven year average and 93 percent of capacity. NID projects they will finish the year with above average of water that will carry over. The State is projecting a possible drought due to lack of precipitation statewide. It is projected this summer will have hotter than average temperatures

Dan Macon asked Chip asked if there are actions ranchers can take to store stock water after irrigation season so they have it in the fall. Chip answered NID has a meeting coming up and this topic is included on the agenda to open this for discussion and an ag committee is being formed also.

Commission Chair Fowler asked how a drought declaration will affect water deliveries this season. Chip explained it is unlikely they will implement mandatory reductions with storage being as abundant as it is.

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

No report.

**C.) UCCE Farm Advisor**

Cindy Fake staff have been telecommuting for the most part and in June will begin transitioning to working in their office. The Nevada County office is now a COVID-19 testing site. The Extension has been holding meetings and courses virtually. They have check in with Business Planning Course graduates and have received helpful feedback.

Cindy thanked the county for providing financial assistance to help alleviate some of the deficit the 4H program was facing. They were able to hire a new Program Manager and at this time are not slated for budget cuts.

Dan Macon reported the COVID-19 Food Assistance Program is ramping up next week and relative to livestock the focus is on second and third quarter losses. On Wednesday mornings at 6:30 a.m. there is rancher's forum via virtual coffee meetings. Weekly podcasts on food production are being held also. A course on guidelines for selecting the right guard dog is being coordinated and a Grazing Academy will be scheduled for some time in September or October. Drought is a concern specific to stock water. Dan will conduct a forage clipping during the first week of June.

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

No report.

**F.) Sierra Harvest**

Molly Nakahara reported they have created a resources page for the community to connect people to food and resources in the midst of COVID-19. They are working with farmers as it relates to farm stands and also new ways that are developing for distributing food. They are starting to slowly reopen but most staff are telecommuting at this time. Requests for vegetable starts have increased significantly. Community gardens have increased significantly also.

Their partnership with Bear Yuba Land Trust and Briar Patch (Forever Farm) was launched recently. Their first project is supporting the purchase of the property Mountain Bounty Farms has been leasing for many years. The landowner was willing to sell it to the Bear Yuba Land Trust and it will remain Ag land for many future generations. Bear Yuba Land Trust will continue to lease the land to Mountain Bounty Farms. They have secured most of the financial funds from other stakeholders. A GoFundMe page has launched that has generated approximately \$50,000 in the past week. They are working with some members that have continued on with Nevada County Grown and a 2020 Nevada County Farm Guide will be published. The Nevada County Food Policy Council will meet on June 3<sup>rd</sup> at 2:00 p.m. They are collaborating food and farm event planners nationwide. The conference will be held in February 2021 and may include a different format due to COVID-19.

**7. New Business**

**A. Commercial Horse Boarding (Discussion/Possible Recommendation to Board)**

During the January 2020 Board of Supervisors (BOS) workshop, staff were directed to solicit input from Nevada County Agricultural Advisory Commission on the topic of commercial horse stables in Nevada County.

Chris provided a brief PowerPoint Presentation that provided an overview of current requirements to have a Commercial Horse Boarding Facility. The Commission over the past ten years has discussed this specific to whether or not a Use Permit should be required. Currently a permit is required. Chris' presentation provided information about what other counties currently require/do not require and the pros versus cons of requiring a use permit.

Currently a use permit is required on RA, AG, AE, FR, TPZ, and REC zoned properties and there is no allowed use for commercial stables in Nevada County.

Some concerns mentioned and discussed are environmental damage; specifically manure management, erosion control, overgrazing, dust, traffic, noise, and building and sanitation standards for employees and the public.

Chris identified pros and cons for requiring a Use Permit. They are as follows:

**Pros of requiring a Use Permit:**

- Able to mitigate environmental impacts
- Able to control land uses and traffic
- Ensures that building used by public and employees are safe
- Ensures sanitary facility are available for public and employees
- Ensures impact to neighbors are kept to a minimum
- Allows for public hearing to gather input

**Cons of requiring a Use Permit:**

- Cost
- Enforcement
- County over-regulating
- Nearby counties do not require Use Permit
- Site specific land use challenges (i.e. dead end road limit)
- Length of time for approval
- Under Right to Farm, raising of horses is considered an Agricultural Operation

Commission Chair Fowler asked why this was brought to the Board of Supervisors attention. Chris explained a few years ago there was a property with an interested buyer but because it did not have a permit the purchase failed.

Commission Member Stone asked about the facility with 50 horses (currently) and asked if staff visited the facility. Chris explained he used 50 as the number to use for scenarios because 50 horses is the most a facility would have at any given one time. Commission Member Stone asked if there are facilities currently operating with 20 houses. Chris answered not at this time but there is potential for a facility to have 20 horses.

Commission Member Henry commented land is either zoned for agricultural use or it is not zoned for such use.

Commission Member Barhydt asked how long the Use Permit has been required. It is believed that approximately for the past 10 years it has been required. Commission Member Barhydt does not support the requirement for a Use Permit.

**Public Comment**

Staff read aloud public comment received from Lesa Osterholm. Lesa does not support the requirement of a use permit for commercial horse boarding. The following are comments Lesa included in her correspondence addressed to the Commission:

1. The current activities such as educational riding lessons, boarding of horses and educational clinics should not fall under any consideration for a Use Permit. There are

minimal trips each day to any of these types of facilities and it goes unnoticed. From our previous tours of equestrian facilities in the County, we did not see any impacts at all.

2. For 3 or more large events per year with 500 + people, multi-day events with over 100 horses or where there could be traffic impacts, noise issues or other considerations, an event application could be developed to address these concerns in advance. Currently Nevada County has zero of these type of events and I have yet to see one in my 18 years here.
  
3. I am concerned over losing two groups that have operated for years which are the Penn Valley Rodeo Association and the Nevada County Horsemen. Both have small events infrequently and may be non-profit organizations. Both are currently set up for parking, lights, and have arena facilities and bleachers. I suggest these type of facilities be exempted as they already comply with the concerns noted above. These should be exempted as they are both off main streets and have not demonstrated negative impacts to the County. The Fairgrounds is a State owned facility and I believe is exempt from County requirements or permits.
  
4. There was one facility in Penn Valley that on the deed it actually stated it was for horse activities use, forget the exact wording, may be in my report to the AAC a few years back.
  
5. Last comment, is the Use Permit process with the County typically costs several thousand dollars and seems unnecessary and is certainly a negative to any future equestrian activity.

Commission Member Stone agrees with Lesa Osterholm's comments.

After further discussion the Commission agreed that a use permit should not be required to have a commercial horse boarding operation. Most current operations are on Ag zoned property (Right to Farm Act) and are comprised of only a few horses.

Commission Chair Fowler called for a motion to recommend to the Board of Supervisors that a Use Permit not be required to have a Commercial Horse Boarding operation. Commission Member Barhydt motioned. Commission Member Stone seconded the motion. Supervisor Hoek recused herself from the vote. **None Abstained. None opposed. The motion was carried unanimously.**

**B. Outdoor Event Proposed Ordinance Update- (Discussion/Possible Action)**

**C. Backyard Chicken Proposed Ordinance (Discussion/Possible Action)**

Chris provided a PowerPoint Presentation that outlined the general background information and identified the current code.

At the Board of Supervisors Workshop in January of this year, direction was given to amend the ordinance to allow limited keeping of chickens and to have a streamlined process in place to allow for them.

A presentation was provided to the Planning Commission in April 2020. At that time the Planning Commission recommended a slight increase in number of chickens allowed over the original proposal. It is the proposed that chickens be allowed on RA (<.05 acres) and R1 only as follows:

**Minimum Lot Size**

6,000 square foot lot 4 chickens	10,000 square foot lot 8 chickens	20,000 square foot lot 14 chickens
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Other requirements/guidelines in the ordinance state that no roosters/guinea hens are allowed, the chickens are designated for egg production only, fencing and shelter is required and there is a 10-foot property line setback and a 30 foot setback required from an adjacent property. The Commission agrees with these requirements and the increased number of chickens allowed.

**Public Comment:** Debbie Totoonchie supports the updated ordinance proposed by the Planning Department.

Commission Chair Fowler called for a motion to approve the Planning Department's proposed Backyard Chicken Ordinance as written and to request it move forward to the Board of Supervisors for their approval. Commission Member Barret motioned to make a recommendation to the Board of Supervisors they approve and adopt the proposed Backyard Chickens Ordinance as written. Commission Member Henry seconded the motion. Supervisor Hoek recused herself from the vote. **None Abstained. None opposed. The motion was carried unanimously.**

**8. Agricultural Commissioner's Report**

**10. Member Announcements**

None.

**11. Adjournment**

With no further business to discuss, the meeting was adjourned at 7:55 p.m.

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

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

Commission Chair, Brad Fowler

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