

**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

PARTIAL MINUTES of the meeting of April 27, 2017, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

PUBLIC HEARING:

PLN16-0050; ORD16-1. A public hearing to consider a recommendation to the Board of Supervisors to adopt an Ordinance (ORD16-1) amending the Nevada County Land Use and Development Code Chapter II, Sec. L-II 3.10 Employee Housing and Sec. L-II 3.15 Recreational Vehicle Uses and Temporary Occupancies to establish an Administrative Development Permit process for temporary recreational vehicles to be used as seasonal agricultural employee housing for a period of six months annually. This project is the continuation of project file number ORD16-1 that was approved by the Board of Supervisors on January 24, 2017. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** CEQA 15162 Negative Declaration. **PLANNER:** Tyler Barrington, Principal Planner

Planner Tyler Barrington introduced himself. He explained that the proposed zoning text amendment being discussed was a continuation of the agricultural ordinance amendments previously prepared and adopted. The ordinance amendment is specific to allow for temporary RV use for agricultural employee housing. He gave background to the proposal, including the rationale behind the changes, prior Planning Commission and Board of Supervisors hearings, and the current employee housing ordinance. The proposed changes to the ordinance clarify language to insure consistency and that there is no internal conflict of the code. There will also be language added to allow for seasonal RV usage. Annual renewal, visual screening, utilities, density restrictions, rent collection and the number of allowed units were also addressed. Planner Barrington asked that the Planning Commission recommend the Board of Supervisors find the negative declaration (EIS16-0001) adequate and adopt the proposed ordinance (ORD16-1).

Commissioner Jensen asked if this ordinance covers night watchmen at parks.

Planner Barrington answered that it does not. As directed by the Board of Supervisors, it only addresses temporary RV use for employee housing.

Commissioner Jensen asked if there was a minimum parcel size the ordinance applies to.

Planner Barrington answered no.

Commissioner Jensen gave an example of multiple units being allowed on a small parcel.

Planner Barrington answered that the situation would technically be allowed.

Commissioner Heck asked for the rationale for requiring utilities be disconnected.

Planner Barrington discussed the original proposal requiring complete removal of utilities, and the feedback staff received from the Agricultural Advisory Commission that that would be too onerous. The purpose of utility disconnection is to ensure there is not year round use.

Commissioner Heck asked if the utility disconnect provision was supported by the local ag folks.

Planner Barrington answered that the Agricultural Advisory Commission provided their support.

Commissioner Heck asked why there was a prohibition against collecting rents.

Planner Barrington asked if Commissioner Heck was referencing the current ordinance.

Commissioner Heck said no, she was referring to the new ordinance being discussed. She expressed concern about getting in between employers and employees, landowners and tenants.

Planner Barrington clarified that language currently prohibits rent collection. The proposed amendment allows rent to be collected.

Commissioner Heck said she read it wrong.

Planner Barrington said correct.

Commissioner James asked how the ordinance would be monitored and enforced.

Planner Barrington explained the Administrative Development Permit review process and the annual renewal requirement. Additionally, he suggested that the agricultural community may self-regulate, county workers may inspect for compliance, or the code compliance division may become involved if neighbors report non-complying RV use.

Chair Aguilar opened the public hearing at 1:59 p.m.

Rich Johansen introduced himself as a farmer and Agricultural Advisory Commissioner.

Chair Aguilar asked if the Agricultural Commissioner had any comment before public comment continued.

Agricultural Commissioner Chris de Nijs answered no.

Mr. Johansen attended the previous meetings during which this topic was discussed. Local farms need employees in order to increase food production and security. He asked for there to be a link between how many employee RVs an operation has and the intensity of the operation. He suggested reevaluating after one growing season and making adjustments. He recommended passing the project.

Elisabeth Chrisman spoke for David Pettis. They would like to develop livestock and greenhouses with various plants and animals which would require care year round. She asked if they could do consecutive six month periods of employees in RVs so the whole year would be covered.

Chair Aguilar closed the public hearing at 2:03 p.m.

97 Planner Barrington said that the six-month timeframe was a recommendation of the Agricultural
98 Advisory Commission. RV use for agricultural employee housing is meant to be temporary; there
99 are other provisions in the code to do year-round employee housing.

100
101 Chair Aguilar asked if that meant building a second unit on the property.

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103 Planner Barrington answered yes, essentially.

104
105 Commissioner Duncan said that in the past RV occupancy has been controversial. This proposal
106 from the ag community recognizes that there was a problem. The six-month restriction is onerous
107 but she understands the sensitivity of establishing permanent residences. This is a pilot program
108 that they will be reviewing for effectiveness and whether it meets the demand. Producing
109 agricultural products in Nevada County is highly desirable and puts the county on the map. The
110 reality of housing employees is not often considered, though. This important step forward has been
111 a long time coming.

112
113 Commissioner Jensen said he has a problem with not putting a size minimum on the ordinance.
114 He is afraid of there being more RVs than necessary for a small amount of produce being grown
115 on a small parcel. However, he is willing to consider it as a test.

116
117 Chair Aguilar asked if Planner Barrington had looked at the nexus between acreage and personnel
118 on the property.

119
120 Planner Barrington said not specifically.

121
122 Chair Aguilar said the Commission doesn't have to rush into this if that loophole is a real concern.

123
124 Commissioner Duncan asked if clarifying questions regarding what was being produced would be
125 included on the application to give a reviewer an understanding of the purpose.

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127 Planner Barrington said the zoning ordinance does dictate what agricultural products are allowed
128 to be grown. The Agricultural Commissioner's office would be responsible for ensuring the
129 farming operation is legitimate as defined by the code.

130
131 Chair Aguilar asked how that is defined.

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133 Planner Barrington said he would defer to the Agricultural Commissioner and then listed types of
134 products.

135
136 Chris de Nijs introduced himself as the Agricultural Commissioner. Agricultural products are
137 grown commercially rather than for personal use.

138
139 Chair Aguilar asked if someone would have to show they had a business.

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141 Agricultural Commissioner de Nijs gave examples of how this could be shown.

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143 Commissioner Heck asked if on-site visits were done as well.

145 Agricultural Commissioner de Nijs said certain certificates do require a site visit.

146
147 Commissioner Heck asked if the inspector would know about small operations like Commissioner
148 Jensen is concerned about.

149
150 Agricultural Commissioner de Nijs said correct.

151
152 Planning Director Foss noted that an ADP is not discretionary. If an applicant meets the
153 requirements, they can get the permit. However, Rural designated general plan zones where this
154 ordinance would apply are usually made up of larger parcels that are more remote. He clarified
155 that in any case there will not be much discretion.

156
157 Chair Aguilar referred back to Commissioner Jensen's point and said he liked looking at this as a
158 pilot program.

159
160 Commissioner Duncan asked if this would be a partnership going forward. The Agricultural
161 Commissioner will be sensitive to any violations of the program. The Planning Commission has
162 allies to ensure this will be successful and not have negative impacts. There will be time for review
163 and maybe the Agricultural Advisory Commission will report back after a year on any needed
164 improvements.

165
166 Commissioner Jensen asked whether if this is regarded as a pilot program and people are found to
167 be misusing it, the ordinance could be changed or if people would be grandfathered in.

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169 Planner Foss said probably for one season but it does require annual review so there may be an
170 opportunity to not issue the permit the next year.

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172 Planner Barrington noted that there are no size restrictions on other employee housing.

173
174 **Motion by Commissioner Heck** to recommend that the Board of Supervisors reaffirm the
175 adoption of Resolution 17-064 as adequate for this project and therefore further environmental
176 review is not required pursuant to California Environmental Quality Act Guidelines Section
177 15162; **second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

178
179 **Motion by Commissioner Heck** to recommend that the Board of Supervisors adopt the Ordinance
180 amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.10
181 and 3.15; **second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

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183 Chair Aguilar said there is no appeal period as it is a recommendation to the Board of Supervisors.
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