



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING SECTIONS L-II 3.10 EMPLOYEE HOUSING AND L-II 3.15 RECREATIONAL VEHICLE USE AND TEMPORARY OCCUPANCIES OF ARTICLE 3 OF CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE, TO ALLOW SEASONAL USE OF RECREATIONAL VEHICLE USES FOR COUNTY PERMITTED AGRICULTURAL EMPLOYEE HOUSING (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 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 on promoting and supporting a vibrant agricultural economy; and
2. That on December 8, 2016, the Nevada County Planning Commission when making a recommendation to the Board of Supervisors on the original ORD16-1 (Agricultural Ordinance Amendments) requested that the Board direct staff to allow temporary recreational vehicle use for seasonal agricultural employee housing; and
3. That on January 24, 2017, the Board of Supervisors in considering the December 8, 2016 recommendation of the Planning Commission on ORD16-1, directed staff to return within 180-days with ordinance language to allow temporary seasonal agricultural employee housing in a recreational vehicle; and
4. That on April 27, 2017, the Nevada County Planning Commission held a public hearing and after taking public testimony voted 5-0 to recommend approval of this ordinance; and
5. That adequate provisions are in place pursuant to Land Use and Development Code sections 3.10 and 3.15 to ensure that health, safety and welfare of the employees and residents of Nevada County are maintained; and
6. 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 employee housing 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

7. That the proposed ordinance amendment will not result in the physical degradation of the environment, as reviewed by the Initial Study and Negative Declaration (EIS16-0001/County Resolution No. 17-064); and
8. That additional environmental review is not required pursuant to California Environmental Quality Act Guidelines section 15162, as a Negative Declaration (County Resolution No. 17-064) has been adopted which considered this ordinance amendment in a less restrictive manner and therefore remains sufficient for this project.

SECTION II:

Section L-II 3.10 "Employee Housing" 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", attached hereto and incorporated herein by reference.

SECTION III:

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 VI:

This Ordinance shall take effect and be in full force thirty (30) days from and after Introduction and adoption, 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

Section L-II 3.10 Employee Housing

- A. Purpose.** To identify applicable standards for employee housing regulated by the California Employee Housing Act, and to facilitate additional housing opportunities for agricultural and resource-based workers.
- B. Definitions.**
- 1. State-Regulated Employee Housing.** Employer-provided housing accommodations regulated and permitted by the State of California Department of Housing and Community Development (HCD) in compliance with the California Employee Housing Act, codified in Health and Safety Code sections 17000-17062, as may be amended.
 - 2. Resource-Based Employee Housing.** Employer-provided housing for employees engaged in the production, processing, sales or management of resources, including agricultural operations, mineral extraction and timber harvesting.
- C. Standards.** The following standards and permitting requirements shall apply to employee housing:
- 1. State-Regulated Employee Housing.** Employee housing for 5 or more employees is subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the State Department of Housing and Community Development and compliance with County regulations related to building construction, sewage disposal, water supply, and the following zoning regulations:
 - a.** Employee housing for 5-6 non-agricultural workers within a single structure within the R1, RA, AG, AE, and FR zoning districts shall be allowed subject to the same development standards, permits and fees applicable to a single-family residence.
 - b.** Employee housing for agricultural workers, consisting of 5–12 units or 36 beds in a single structure within the AG, AE, FR, and TPZ districts, shall be allowed subject to the same site development standards, permits and fees applicable to an agricultural use.
 - c.** The property owner shall complete an Employee Housing Information form to identify the type of proposed housing accommodations and to acknowledge the occupancy limitations of State-mandated employee housing.
 - 2. Resource-Based Employee Housing.** Employee housing for 4 employees or fewer consisting of 4 or fewer attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, unless otherwise

specified within this section, regardless of General Plan or zoning density, if all of the following standards are satisfied:

- a. Employee housing may be established provided that no other dwelling unit, other than a primary, single-family dwelling, is established on the parcel.
- b. Employee housing shall be located on the same parcel as the resource use, or adjacent parcels, under the same business ownership.
- c. Employee housing shall be clearly subordinate to and incidental to resource production or management on the site. Concurrent with any application to establish employee housing, the property owner shall submit an Employee Housing Information form to verify the resource-based use.
- d. Employee housing shall not be subdivided from the primary parcel.
- e. Employee housing shall not exceed the following size limitations:
 - 1) Employee housing units that are not consistent with General Plan density shall not exceed 1,200 square feet, allowing no more than one 480 square foot attached non-habitable accessory structure.
 - 2) Employee housing consistent with General Plan density shall not exceed 1,800 square feet in size.
 - 3) Subject to approval of a Use Permit by the County Zoning Administrator, an employee dwelling may be increased in size.
- f. Group quarters. Employee housing may consist of a single structure which provides group or dormitory living facilities for 4 or less employees, where the structure has no more than one kitchen, subject to all resource-based employee housing standards within this Section.
- g. Seasonal Temporary Recreational Vehicle (RV) Use. Employee housing in a Recreational Vehicle as defined by Section 18010 of the California Health & Safety Code may be allowed subject to all standards within this Section and those provided below.
 - 1) Seasonal Temporary RV use for the cultivation of Agricultural Products as defined by LUDC Section L-II 3.3.B.1 shall require approval of an Administrative Development Permit to be renewed annually.
 - 2) Seasonal Temporary RV use for employee housing may be allowed for a period not exceeding one contiguous six month period in any calendar year.
 - 3) Seasonal Temporary RVs shall be disconnected from utilities, and placed in a location that provides screening from neighboring residences and

public roadways to the greatest extent possible and/or removed from the site when not being used as employee housing.

- 4) The placement of a Seasonal Temporary RV shall adhere to the standards 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).
- h. Occupancy of employee housing shall be limited to the resource operator and employees of the operator and their immediate families.
 - i. Employee housing shall comply with all codes, standards and fees applicable to the type of housing being proposed.
 - j. A deed restriction shall be recorded limiting occupancy to employee housing, prior to authorizing occupancy.
 - k. High and very high fire hazard areas. Employee housing sites that are mapped within a high or very high fire hazard zone on the CAL FIRE-adopted Fire Severity Map, shall be subject to the following additional standards:
 - 1) Sites that are served by a road located beyond the dead-end road limits established by Chapter XVI of the County Land Use and Development Code shall provide one turnout along the property road frontage for every 800-feet of property frontage. The turnout(s) shall be visible from both directions, and shall be constructed to a 30-foot long, 10-foot wide standard with a 25-foot taper on each end.
 - 2) Where two or more employee housing units exceed General Plan density, the housing units shall be clustered in close proximity to each other, utilizing a common driveway with direct access to a road that is maintained by a public entity, a road-maintenance district, or where it is demonstrated that the housing site adequately participates in a property owner's road association, and which road is improved to a minimum Fire Safe Road Standard pursuant to Section L-XVII of the Nevada County Land Use and Development Code.

(Ord. #2298.)

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 except for resource based seasonal agricultural employee housing as allowed by Section L-II 3.10.
 - 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 section 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 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 that can be given effect without the invalid or unconstitutional provision or application and, to this end, the provisions of this Section are severable.