



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
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Sean Powers, Agency Director

Agricultural Commissioner

Building Department

Environmental Health

Planning Department

Dept. of Public Works

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: June 26, 2018

TO: Board of Supervisors

FROM: Community Development Agency Director, Sean Powers

SUBJECT: A resolution to establish an Outdoor Event Ordinance Fee Schedule.

RECOMMENDATION: Approve the proposed Outdoor Event Ordinance Fee Schedule. Make the effective date January 1, 2019.

FUNDING: This item will impact FY18/19 fee revenue for various CDA departments; the estimated annual amount is \$3,263. Revenue received from assessment of these fees will offset staff expenses directly related to the review and processing of specific Outdoor Event applications. There is no budget amendment required. If no fees are collected for CDA processing of Outdoor Event applications, there could be an impact on the General Fund if no other revenues are available.

BACKGROUND: The Board of Supervisors, on August 26, 2014, adopted Ordinance 2383 (the "Ordinance") which governs Outdoor Events conducted for commercial benefit, codified in Nevada County General Code Article 2 Chapter V. The Ordinance requires that for certain events a permit application will be submitted, and the permit applicant will pay certain fees in an amount to be approved by resolution of the Board of Supervisors. On June 5, 2018, the Community Development Agency submitted these proposed fees to the Board of Supervisors and after discussion the Board requested these proposed fees come back to the Board for further discussion.

Per the Ordinance, the scope of these fees is restricted to certain types of commercial events. The fees apply to property owners who make available an event site for a fee, charge admission to the event, or otherwise receive monetary compensation for the event.

Fees do not apply to: private "invitation only" events if there is no monetary consideration in doing so; commercial event operators who already have a Use Permit to conduct outdoor events at their venue; events held at venues purposefully constructed for outdoor events; or charitable events conducted by a tax exempt organization.

Since adoption of the Ordinance, there have been 9 applications received for a total of 20 events. All 20 events applied for and approved to date are weddings.

The Ordinance authorizes five fees: an application fee (Section G-V 2.6), an event renewal application fee (G-V 2.10), a re-inspection fee if required (G-V 2.11), an appeal fee in the case of denial of an event application (G-V 2.10), and a permit licensing fee (G-V 2.10).

The application fee is based on the cost of staff to conduct required review and inspection of various aspects of an event, including Event Hours, Toilet Facilities, Solid Waste, Compliance with County Building Codes, Lighting, Overnight Camping Facilities, Parking and Traffic Circulation, Noise and Days (G-V2.7). The total cost of those inspections is \$1,274.10 (see fee schedule below). An event renewal application may be applied for if the event is substantially the same as the original permitted event, with a proposed fee of \$637.05, fifty percent of the original application fee, due to reduced time to process the application and conduct required inspections.

Prior to commencement of the event, the Ordinance also requires an applicant to call for a compliance inspection of the event site, to be performed by the Sheriff and the Local Fire Official. If the Sheriff, Local Fire Official, or other County official finds conditions of non-compliance at the time of inspection, then the applicant will be required to correct the condition, and the applicant shall pay a re-inspection fee calculated as one hour of time at the rate of the official doing the re-inspection, with the fee ranging from \$119.76 - \$186.30.

If a permit is denied, then the applicant may appeal the denial, and the appeal fee is based on the cost of staff time to conduct the appeal, including 1 hour each of staff of the Clerk of the Board, County Executive Office, and the County Department involved in the appeal. The fee would be between \$332.22 - \$398.76 depending on the County Department staff involved in the appeal.

Supporting detail for each of the above fees is attached.

Finally, there will be \$100.00 per day permit licensing fee (G-V 2.10) which is authorized by the Ordinance itself and not included in the fees authorized by this resolution.

The proposed fee schedule was developed using the County's User Fee Review Group (UFRG) process, including review by the offices of the CEO, Auditor-Controller, and County Counsel. CDA presented to the UFRG the proposed fees authorized under this Ordinance including a fee study that detailed the specific tasks, and time, needed to process an application, and the hourly rate to apply to the time spent. The UFRG approved the proposed fee schedule for submittal to the Board of Supervisors

The Board of Supervisors has jurisdiction on imposition of these fees, how they are assessed and an effective date. Based on Board discussion that occurred on June 5, 2018, this fee schedule is being submitted with a proposed effective date of January 1, 2019 to allow potential applicants sufficient advance notice.

Item Initiated and Approved by: Sean Powers

Submittal Date: June 7, 2018

Revision Date: