

**NEVADA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**APPLICANT/OWNER:** Nevada County

**HEARING DATE:** December 8, 2016

**OWNER(s):** n/a

**FILE NO:** PLN16-0050; ORD16-1;  
EIS16-0001

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**PROJECT:** Recommendation to the Board of Supervisors regarding the Nevada County Agricultural Advisory Commission's September 21, 2016 recommendation to approve PLN16-0050; ORD16-1; EIS16-001, which includes proposed amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer's Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County's updated definition of Farmlands of Local Importance to the County Zoning Ordinance).

**LOCATION:** Unincorporated area of Nevada County

**PROJECT PLANNER:** Tyler Barrington, Principal Planner

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**ATTACHMENTS:**

1. Draft Resolution- Negative Declaration (EIS16-0001)  
Exhibit A. Draft Initial Study and Proposed Negative Declaration  
Appendix B. Draft Ordinance Amendments showing "Track Changes"
2. Draft Ordinance- ORD16-1
3. Agricultural Advisory Commission Recommendation
4. Agency and Public Comments

**RECOMMENDATION:**

- I. Environmental Action: Recommend that the Board of Supervisors adopt the attached Resolution approving the proposed Negative Declaration (EIS16-0001), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (*Attachment 1*).

- II. **Project Action:** Recommend that the Board of Supervisors adopt the attached Ordinance (ORD16-1) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3, 3.10, 3.15 and 4.3.4 (*Attachment 2*).

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**BACKGROUND:**

This project is the result of the request of the Nevada County Agricultural Commissioner and the recommendation of Nevada County Agricultural Advisory Commission (*Attachment 3*) and includes the following amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer's Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County's updated definition of Farmlands of Local Importance to the County Zoning Ordinance) (*Attachments 1 and 2*).

**STAFF COMMENT:**

**Section L-II 3.3. Agricultural Uses:** At first glance, the proposed amendments within this Section of the LUDC appear to be the most substantial code amendments associated with this project. The changes proposed however are relatively minor as they are primarily intended to modernize existing agricultural use definitions and standards, but carry over the majority of the existing standards for similar agricultural uses that are provided within the existing Agricultural Uses ordinance. One of the purposes of these changes is to align the County's definitions of agricultural uses with State of California Food and Agriculture Code, specifically related to Field Retail Stands, Farm Stands and Certified Farmers' Markets. The proposed changes also add a definition of Community Supported Agriculture (CSA) where one did not previously exist and remove the definition of "Agricultural Products" as this is defined in other applicable sections of state law. The proposed amendments remove the specific land use of "Produce Stands" and replaces it with "Farm Stands," as has been done by the California Food and Retail Code/Food and Agricultural Code and includes "Field Retail Stands" to replace the former "Farm Stand" use. Where applicable, the existing health and safety standards (contained within the existing ordinance) are carried over as they are still applicable to these agricultural support uses. Where the proposed ordinance most substantially deviates from the previous ordinance relates to the zoning districts where these uses are allowed and how those uses are permitted. Essentially, the proposed ordinance would expand the areas where Farm Stands and Certified Farmers' Markets would be allowed based the zoning of a particular property.

Based upon their definitions, both Field Retail Stands and Farm Stands are essentially the same thing except Farm Stands allow for the sale of non-potentially hazardous pre-packaged foods

and processed agricultural products, where Field Retail Stands are limited to the sale of fresh non-processed agricultural products. Since they are very similar, Field Retail Stands and Farm Stands are proposed to be an allowed use (not subject to further land use permitting) when specific standards are met within the County's primary agricultural zoning districts, Agriculture Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agriculture (RA) as these are typically the areas of the County where active agricultural operations are occurring. This is consistent with how the prior ordinance treated Farm Stands and Produce Stands. To expand on opportunities for the sale of agricultural products at small scale Farm Stands, the proposed ordinance would allow Farm Stands within several non-agricultural zoning districts including all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC), subject to the approval of an Administrative Development Permit (ADP). In general these districts would typically be located within developed areas with adequate infrastructure/access to support a seasonal Farm Stand use. The ADP would allow individual County agencies to review individual proposals on a case by case basis to ensure they could meet the applicable standards of the ordinance. To ensure these agricultural uses do not conflict with the County's open space and more dense residential uses, Field Retail Stands and Farm Stands would be prohibited in the Open Space (OS), Timber Production Zone (TPZ), Single Family Residential (R1), Medium Density Residential (R2), and High Density Residential (R3) zoning districts.

Regarding Certified Farmers' Markets, the proposed amendments carry over all specific standards that previously applied to Certified Growers'/Farmers' Markets, (now called Certified Farmers' Markets) and update those standards where appropriate to ensure adequate review is being performed by the appropriate local agencies (Environmental Health, Agricultural Commissioner's Office, Fire, Public Works, etc.). The primary difference from the previous requirements is focused solely upon which zoning districts where Certified Farmers' Markets (CFMs) would be allowed subject to the approval of an ADP. Under the current ordinance, CFMs were allowed in all Residential (R1, RA, R2, R3) and Rural (AE, AG, FR, TPZ) zoning districts but were not allowed in other zones. Much like the Farm Stand discussion above, the proposed ordinance would continue to allow CFMs in the primary agricultural zoning districts (AE, AG, RA, and FR) but would also allow for CFMs to occur in all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC) but would prohibit CFMs in the R1, R2, R3 zoning districts and would continue to not allow CFMs in the OS and TPZ zoning districts. For a complete comparison and all of the proposed changes please refer to Appendix B of Attachment 1, which shows all of the proposed changes in "track changes".

The proposed changes to allow additional opportunities for the marketing and sale of agricultural products supports the Nevada County Agricultural Advisory Commission's goal of promoting farming in Nevada County by providing additional areas where these agricultural support uses would be allowed. Generally it is assumed that these agricultural support uses will be seasonal or temporary in nature, based on the growing season. The standards of the proposed ordinance would ensure adequate public health and safety is maintained, adequate parking is provided and sufficient access is available that would not result in significant traffic or circulation hazards.

**Section L-II 3.10/3.15. Employee Housing/Recreational Vehicle Use and Temporary Occupancies:** The proposed project would result in minor amendments to both LUDC Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies. Under Nevada County regulations two types of employee housing are allowed by Section L-II 3.10 regardless of allowed general plan or zoning density. The first of which applies to employee housing for 5 or more employees, which is permitted by the State Department of Housing and Community Development, herein referred to as “State employee housing.” The second relates to resource based employee housing for 4 or less attached or detached dwelling units which is permitted by the County of Nevada, herein referred to as “County employee housing.” Under the State employee housing regulations a variety of different housing types are allowed, included alternative type housing such as recreational vehicles, yurts and tents (California Employee Housing Act, codified in Health and Safety Code Sections 17000-17062). Under current County employee housing regulations, all employee housing is required to meet the applicable codes, standards and fees applicable to a single-family residence. This requirement limits the type of housing to more traditional stick built or manufactured homes. To be more in line with State employee housing regulations and to further reduce the overall cost of providing employee housing for the County’s agricultural community, the County Agricultural Advisory Commission has requested that seasonal temporary recreational vehicle use be allowed for legitimate agricultural uses for a period not to exceed 6-months.

Since the County already has code standards for both Employee Housing and Temporary Recreational Vehicle use, including those that relate to building and health and safety (e.g. water, sewage disposal, electrical, heating, fire safety), protection of sensitive environmental resources (LUDC Chapter II Zoning Regulations, Article 4, Division 4.3 Resource Standards), and for the siting and orderly design of land uses/structures (LUDC Chapter II Zoning Regulations, Article 4, Division 4.1 Site Development Standards and 4.2 Community Design Standards), this revision focus solely on removing barriers for allowing the seasonal use of recreational vehicles for County agricultural based employee housing. This amendment has been reviewed by the potentially impacted public agencies (Public Works, Environmental Health, Building and Fire) who have agreed that existing rules and regulations for both Employee Housing and Temporary RV Use would apply unilaterally to seasonal temporary RV use as agricultural employee housing. Therefore, consistent with other employee housing in Nevada County, the use of a RV as seasonal employee agricultural housing is proposed to be allowed through zoning compliance and building permit issuance without requiring additional permitting (e.g. administrative or discretionary development permits). Through the public/agency review process, some minor changes were suggested to Section L-II 3.15 by both the Office of the Nevada County Fire Marshall and the Penn Valley Fire Protection District, related to outdated references to the uniform building code and requirements for smoke and carbon monoxide detectors in RVs. Based on this input these changes have been made.

In addition to the proposed amendments focused on furthering Nevada County’s commitment to providing low cost employee housing for agricultural operations, there is one other unrelated amendment being proposed to LUDC Section L-II 3.15. This change is the result of consistent and recent input from the Nevada County Planning Commission related to the duration of time

allowed for the use of a RV for security housing at a church, community facility or public land use. Under current standards, a RV is allowed to be used for security housing at the aforementioned land uses subject to the approval of a use permit for a period of 3-years with one 2-year extension allowed. The Planning Commission has requested that it be cheaper, easier and that more time be allowed for this specific use. Therefore, the proposed amendments increase the amount of time that a RV can be used for security housing by allowing one additional 2-year extension of the use permit. This change would allow for up to 7-years which is the standard amount of time allowed for a use permit by Nevada County LUDC Section L-II 5.10 Permit Time Limits (original approval is good for 3-years and projects are eligible for two 2-year extension of times).

**Section L-II 4.3.4. Important Agricultural Lands:** This component of this overall project proposes to add an updated definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code under the section of the Ordinance that relates to Important Agricultural Lands. As a result, the County's Farmlands of Local Importance will be remapped through the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program. The proposed updated definition for Farmlands of Local Importance however is the only requested change being proposed to be codified as a part of this overall project.

Farmland of Local Importance, as defined by the Department of Conservation, is land of importance to the local economy as defined by each county's local advisory committee and adopted by its Board of Supervisors. It is further defined as either currently producing or having the capability of production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Board of Supervisors, of each county, has the authority to adopt or recommend changes to the category of Farmlands of Local Importance. The current definition of Nevada County's Farmlands of Local Importance is:

*Farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Farmlands that produce crops that are not listed under Unique Lands but are important to the economy of the county are: Christmas trees, Sudan grass, Meadow hay, chestnuts, poultry houses and feedlots, improved dryland pasture (not rangeland), and irrigated pasture (it is under Statewide or Prime if soils are listed as such, otherwise as Local).*

*Also, lands that are legislated to be used only for agricultural (farmland) purposes, such as Williamson Act land in western Nevada County.*

The Nevada County Agricultural Advisory Commission has been discussing revising the Farmlands of Local Importance definition, for years. The County's current definition is based on historical agricultural uses that have little relevance to current agricultural use in Nevada County. Mapping of these lands is prepared by the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program and follows historic patterns of agricultural use in Nevada County. Under the proposed definition, the resultant mapping would be based on soils types with an emphasis on grazing land with high-rated range production.

According to the Nevada County Agricultural Advisory Commission, it is the State Department of Conservation's recommendation to update the mapping criteria and definition at the same time. The Department of Conservation creates choice agricultural soil maps throughout the State by using Geographical Informational Systems and the United States Department of Agriculture Soil Conservation Service soil surveys. The mapping criteria for Nevada County's Prime Farmland, Statewide Important Farmland, and the Unique category is specified by certain soil types. The County Agricultural Advisory Commission has recommended that the County follow this same protocol when looking at redefining the Farmlands of Local Importance mapping criteria. With data supplied by the Natural Resource Conservation Service (NRCS), the Agricultural Advisory Commission identified 5 soil types (not currently considered choice soils) that meet the criteria for Farmlands of Local Importance in Nevada County. These soils include: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC). Further under the new definition, the lands must be outside of any Prime, Statewide or Unique farmlands and must be within one of the County's Rural-Agricultural Zoning categories such as Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ). The proposed project will better define Farmlands of Local Importance with a measureable source of data for mapping the resource. In full the proposed definition is as follows:

*Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).*

Overall, this component of the project will only add a definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code Chapter II Zoning Regulations. Should the Board of Supervisors adopt this definition it will result in the remapping of Farmlands of Local Importance by the USDA-Dept. of Conservation. Based on preliminary estimates, utilizing County Geographical Information Systems (GIS) data, the new definition has the potential to reduce the amount of mapped Farmlands of Local Importance in Nevada County by over approximately 10,000-acres. As described above however, this existing mapping is based on historical agricultural uses and lands and therefore has not been updated to take account for historical land use development patterns as Nevada County has grown and parcel-ized nor does it take into account and existing zoning, which might allow for much smaller parcels than would be conducive towards economically viable agricultural use of that property. Subsequently the current mapping of Farmlands of Local Importance in Nevada County is somewhat arbitrary. This change would establish a tangible metric for what would be considered Farmlands of Local Importance, based on soils types and rural-agricultural zoning designations. This portion of this overall project will not result in impacts to any established/mapped Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands nor would it impact any existing Williamson Act contracts. Further, the new

definition will not change any agricultural zoning that would allow for agricultural operations and their support uses.

**ENVIRONMENTAL REVIEW:**

This proposed Zoning Text Amendment (ORD16-1) project will result in amending the Nevada County Land Use and Development Code to update definitions, standards and uses related to supporting and promoting the success of agriculture in Nevada County. Based on the proposed amendments, staff prepared a draft Initial Study and proposed Negative Declaration provided in the attached draft Resolution, pursuant to the CEQA Guidelines, for the Planning Commissions' consideration and recommendation to the Board of Supervisors (*Attachment 1*). This initial study was circulated for public comment from November 7 to December 6, 2016. This initial study was posted on the Planning Department website and the Notice of Availability was sent to specific local and state agencies, including the State Clearinghouse, as well as all property/home owners associations and special interest groups on the County Planning Departments notification list and no public comments were received.

**SUMMARY:**

In summary, the proposed Zoning Ordinance Amendments were prepared on behalf of the Nevada County Agricultural Commissioner and Nevada County Agricultural Advisory Commission. On September 21, 2016 the Nevada County Agricultural Advisory Commission held a public meeting to review the proposed amendments and recommended that the Board of Supervisors, with the Planning Commission's recommendation, approve the proposed amendments (*Attachment 3*). Staff has circulated the amendments for an initial public comment period and only received comments from the Agricultural Commission (recommending that the PC/BOS adopt the proposed amendments) and the Penn Valley Fire District (requesting updates to the references to the applicable building and fire codes). Based on the comments received the draft ordinance sections were updated to reflect the requested changes. Staff then prepared a draft initial study for the project that found that the minor text amendments would not result in significant environmental impacts with the adherence to the standards of the ordinance. This initial study was available for a 30-day public review period and no adverse comments were received. Subsequently, staff is recommending that the Planning Commission take the recommended actions of the Agricultural Advisory Commission and recommend approval of the Negative Declaration and Ordinance to the Board of Supervisors.

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**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- I. Environmental Action: Recommend that the Board of Supervisors adopt the attached Resolution approving the proposed Negative Declaration (EIS16-0001), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (*Attachment 1*).
  
- III. Project Action: Recommend that the Board of Supervisors adopt the attached Ordinance (ORD16-1) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3, 3.10, 3.15 and 4.3.4 (*Attachment 2*).

Respectfully submitted,



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Brian Foss  
Director of Planning



## **RESOLUTION NO. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**A RESOLUTION ADOPTING A NEGATIVE DECLARATION MADE IN CONNECTION WITH THE ADOPTION OF ORDINANCE 16-1 AMENDING SECTIONS L-II 2.2.1, L-II 2.2.2, L-II 2.3, L-II 2.4, L-II 2.5 and L-II 2.6 OF ARTICLE 2; SECTIONS L-II 3.3, L-II 3.10, and L-II 3.15 OF ARTICLE 3, AND L-II 4.3.4 OF ARTICLE 4 RELATED TO AGRICULTURAL USES, SEASONAL AGRICULTURAL EMPLOYEE HOUSING AND THE COUNTY'S DEFINITION OF FARMLANDS OF LOCAL IMPORTANCE (FILE NOS. ORD16-1 AND EIS16-0001)**

WHEREAS, the County is proposing zoning code amendments at the request of the County Agricultural Commissioner and recommendation of the Nevada County Agricultural Advisory Commission; and,

WHEREAS, on November 7, 2016, the Planning Department staff prepared an Initial Study and Negative Declaration ("IS/ND") for the Project, a copy of which is attached to this Resolution as Exhibit A; and,

WHEREAS, the IS/ND was submitted directly to affected local, regional, state, and federal agencies, including the United States Department of Agriculture and was released for a 30-day public review period, commencing on November 7, 2016 and ending December 6, 2016; and,

WHEREAS, the IS/ND analyzes all of the potential environmental impacts of the proposed Project and found that no significant impacts would result from the approval of the Project; and,

WHEREAS, on December 8, 2016, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and recommended adoption of this same Negative Declaration before making a recommendation to the Board on the proposed Project.

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors has reviewed and considered the recommendation of the Planning Commission and has independently reviewed the Initial Study and proposed Negative Declaration (EIS16-0001),

together with all comments received during the public review period, and hereby finds and determines as follows:

1. The above recitals are true and correct.
2. On the basis of the whole record before the Board of Supervisors, there is no substantial evidence that the proposed Project will have a significant effect on the environment.
3. The IS/ND reflects the Board's independent judgment and analysis.
4. The documents and materials constituting the record of the proceedings on which this decision is based are located and in the custody of the Nevada County Planning Department at 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Negative Declaration (EIS16-0001) for the *Agricultural Ordinance Amendment* Project, to support and promote the success of the agricultural industry in unincorporated Nevada County.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to file a Notice of Determination pursuant to CEQA Guidelines Section 15075 within five working after adoption of this resolution and approval of the proposed Project.

**Exhibit A**  
**NEVADA COUNTY, CALIFORNIA**  
**INITIAL STUDY**

**To:** State Clearinghouse\*; City of Grass Valley; City of Nevada City; Town of Truckee; Placer County; Sierra County Planning; Nevada County Building; Nevada County Department of Public Works; Nevada County Environmental Health Department; County Counsel\*; Nevada County Agricultural Commissioner; Nevada County Advanced Planning; Nevada County CEO; All Nevada County Fire Districts; All Nevada County School Districts; Nevada Irrigation District; Resource Conservation District; Northern Sierra Air Quality Management District; Nevada County Fire Protection Planner; Native American Heritage Commission; United Auburn Indian Community; Washoe Tribe of Nevada and California; USDA-Natural Resources Conservation Service; USDA-Department of Conservation; State of California Housing and Community Development; Nevada County Board of Realtors; Nevada County Contractors Association; Greater Grass Valley Chamber of Commerce; Friends of Nevada City; Friends of Banner Mtn.; General Plan Defense Fund; Glenwood HOA; Golden Oaks Assn.; Greater Cement Hill Neighborhood Assn.; Grass Valley Greenhorn Assn.; Greater Champion Neighborhood Assn.; Laborers Pac. So. West Regional Ord. Coalition; Lake Vera Round Mtn. Neighborhood Assn.; Owl Creek Road Assn.; Penn Valley Chamber of Commerce; Penn Valley Community Center Foundation; Forest Springs, LLC; San Juan Ridge Taxpayers Assn.; Susan Snider; Donner Summit Area Assn.; Nevada County Farm Bureau; District I-V Board of Supervisors; Sierra Nevada Group/Sierra Club; Federation of Neighborhood Association; Rural Quality Coalition.

*\*Complete Draft Initial Study/Proposed Negative Declaration. All others NOA/NOI only.*

**Date:** November 7, 2016

**Project Title:** Agricultural Uses/Agricultural Employee Housing/Farmlands Definition Ordinance Amendments

**File Number:** PLN16-0050; ORD16-1; EIS16-0001

**Project location:** Unincorporated Area of Nevada County

**Assessor's Parcel Numbers:** N/A

**Lead Agency Name and Address:** County of Nevada, 950 Maidu Ave. Nevada City, CA 95959

**Prepared by:** Tyler Barrington, Principal Planner, (530) 470-2723, [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Owner:** N/A

**Representative:** Chris Flores, Agricultural Commissioner

**Zoning District:** N/A

**General Plan Designation:** N/A

**Project Location and Surrounding Land Uses:** Unincorporated Area of Nevada County.

**Project Description:** Proposed amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer's Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to

update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County’s updated definition of Farmlands of Local Importance to the County Zoning Ordinance). The entire proposed revisions, showing track changes, are provided in Appendix B of this Initial Study.

**Other Permits Required:** N/A

**Relationship to Other Projects:** In 2009, the Nevada County Board of Supervisors approved Ordinance Number 2298, which established provisions for allowing County permitted Resource Based Employee Housing for 4 or less attached or detached dwelling units subject to specific standards. This Ordinance also included an update to the County Land Use and Development Code (LUDC) Sec. L-II 3.15 “Recreational Vehicle Use and Temporary Occupancies” to include “public use land” as a land use where recreational vehicles could be allowed as security housing subject to a use permit. In taking this action the Board of Supervisors considered the Nevada County Planning Commission’s adoption of a Negative Declaration for that project.

**SUMMARY OF IMPACTS AND PROPOSED MITIGATION MEASURES**

**Environmental Factors Potentially Affected:** All of the following environmental factors have been considered. Those environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation" as indicated by the checklist on the following pages.

—	1. Aesthetics	—	2. Agriculture / Forestry Resources	—	3. Air Quality
—	4. Biological Resources	—	5. Cultural Resources	—	6. Geology / Soils
—	7. Greenhouse Gas Emissions	—	8. Hazards / Hazardous Materials	—	9. Hydrology / Water Quality
—	10. Land Use / Planning	—	11. Mineral Resources	—	12. Noise
—	13. Population / Housing	—	14. Public Services	—	15. Recreation
—	16. Transportation / Circulation	—	17. Utilities / Service Systems	—	18. Mandatory Findings of Significance

**Recommended Mitigation Measures:** None Required.

## INITIAL STUDY AND CHECKLIST

### Introduction

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except “No Impact” responses that are adequately supported by noted information sources. Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows.

- **No Impact:** An impact that would result in no adverse changes to the environment.
- **Less than Significant Impact:** An impact that is potentially adverse but does not exceed the thresholds of significance as identified in the impact discussions. Less than significant impacts do not require mitigation.
- **Less than Significant with Mitigation:** An environmental effect that may cause a substantial adverse change in the environment without mitigation, but which is reduced to a level that is less than significant with mitigation identified in the Initial Study.
- **Potentially Significant Impact:** An environmental effect that may cause a substantial adverse change in the environment; either additional information is needed regarding the extent of the impact to make the significance determination, or the impact would or could cause a substantial adverse change in the environment. A finding of a potentially significant impact would result in the determination to prepare an EIR.

### 0. GENERAL IMPACT DISCUSSION

As described in the Project Description above, this project includes the following amendments to the Nevada County Zoning Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements for Field Retail Stands, Farm Stands and Certified Farmer’s Markets; Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies (to allow use of a temporary recreational vehicle for agricultural employee housing, to update outdated references/standards and to increase the duration of time allowed for recreational vehicle use as security housing at the site of a church, other community or public facility); and Section L-II 4.3.4 Important Ag Lands (to add the County’s updated definition of Farmlands of Local Importance to the County Zoning Ordinance).

#### **In more detail the project will entail the following:**

Section L-II 3.3: Agricultural Uses: At first glance, the proposed amendments within this Section of the LUDC appear to be the most substantial code amendments associated with this project. The changes proposed however are relatively minor as they are primarily intended to modernize existing agricultural use definitions and standards, but carry over the majority of the existing standards for similar agricultural uses that are provided within the existing Agricultural Uses ordinance. One of the purposes of these changes is to align the County’s definitions of agricultural uses with State of California Food and Agriculture Code, specifically related to Field Retail Stands, Farm Stands and Certified Farmers’ Markets. The proposed changes also add a definition of Community Supported Agriculture (CSA) where one did not previously exist and remove the definition of “Agricultural Products” as this is defined in other applicable sections of state law. The proposed amendments remove the specific land use of

“Produce Stands” and replaces it with “Farm Stands,” as has been done by the California Food and Retail Code/Food and Agricultural Code and includes “Field Retail Stands” to replace the former “Farm Stand” use. Where applicable, the existing health and safety standards (contained within the existing ordinance) are carried over as they are still applicable to these agricultural support uses. Where the proposed ordinance most substantially deviates from the previous ordinance relates to the zoning districts where these uses are allowed and how those uses are permitted. Essentially, the proposed ordinance would expand the areas where Farm Stands and Certified Farmers’ Markets would be allowed based the zoning of a particular property.

Based upon their definitions, both Field Retail Stands and Farm Stands are essentially the same thing except Farm Stands allow for the sale of non-potentially hazardous pre-packaged foods and processed agricultural products, where Field Retail Stands are limited to the sale of fresh non-processed agricultural products. Since they are very similar, Field Retail Stands and Farm Stands are proposed to be an allowed use (not subject to further land use permitting) when specific standards are met (See Appendix B) within the County’s primary agricultural zoning districts, Agriculture Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agriculture (RA) as these are typically the areas of the County where active agricultural operations are occurring. This is consistent with how the prior ordinance treated Farm Stands and Produce Stands. To expand on opportunities for the sale of agricultural products at small scale Farm Stands, the proposed ordinance would allow Farm Stands within several non-agricultural zoning districts including all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC), subject to the approval of an Administrative Development Permit (ADP). In general these districts would typically be located within developed areas with adequate infrastructure/access to support a seasonal Farm Stand use. The ADP would allow individual County agencies to review individual proposals on a case by case basis to ensure they could meet the applicable standards of the ordinance. To ensure these agricultural uses do not conflict with the County’s open space and more dense residential uses, Field Retail Stands and Farm Stands would be prohibited in the Open Space (OS), Timber Production Zone (TPZ), Single Family Residential (R1), Medium Density Residential (R2), and High Density Residential (R3) zoning districts.

Regarding Certified Farmers’ Markets, the proposed amendments carry over all specific standards that previously applied to Certified Growers’/Farmers’ Markets, (now called Certified Farmers’ Markets) and update those standards where appropriate to ensure adequate review is being performed by the appropriate local agencies (Environmental Health, Agricultural Commissioner’s Office, Fire, Public Works, etc.). The primary difference from the previous requirements is focused solely upon which zoning districts where Certified Farmers’ Markets (CFMs) would be allowed subject to the approval of an ADP. Under the current ordinance, CFMs were allowed in all Residential (R1, RA, R2, R3) and Rural (AE, AG, FR, TPZ) zoning districts but were not allowed in other zones. Much like the Farm Stand discussion above, the proposed ordinance would continue to allow CFMs in the primary agricultural zoning districts (AE, AG, RA, and FR) but would also allow for CFMs to occur in all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC) but would prohibit CFMs in the R1, R2, R3 zoning districts and would continue to not allow CFMs in the OS and TPZ zoning districts. For a complete comparison please refer to Tables A-E below. To assist in the comparison these tables are based on the following: Black text is existing language proposed to be retained. Blue ~~strikeout~~ text indicates text removed/replaced. Red underlined text indicates new text. If a specific use within a specific zone does not include ~~strikeout~~ text but includes red underlined text, it means that that previous zoning table was silent to that use which indicates that the use was not otherwise allowed within that zone as Nevada County has a "permissive" zoning ordinance.

**TABLE A**  
**AGRICULTURAL USES PERMITTING REQUIREMENTS**  
**COMPARISON TABLE- RESIDENTIAL ZONING**  
**DISTRICTS**

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>RA</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<b>Agricultural, Resource, and Open Space Uses</b>				
<del>Agricultural product sales from produce stands and farmstores (where mapped within a Rural General Plan designation)</del> <u>Field Retail Stand and Farm Stand</u>	<del>DP</del> <u>DP</u>	<del>NP</del> <u>NP</u>	<del>NP</del> <u>NP</u>	<del>NP</del> <u>NP</u>
Certified Farmers'/ <del>Growers'</del> Markets	DP	<del>DP</del> <u>NP</u>	<del>DP</del> <u>NP</u>	<del>DP</del> <u>NP</u>

**TABLE B**  
**AGRICULTURAL USES PERMITTING**  
**REQUIREMENTS COMPARISON TABLE-**  
**AGRICULTURAL ZONING DISTRICTS**

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>
<b>Agricultural, Resource, and Open Space Uses</b>				
<del>Agricultural product sales from produce stands and farmstores (where mapped within a Rural General Plan designation)</del> <u>Field Retail Stand and Farm Stand</u>	<del>DP</del> <u>DP</u>	<del>DP</del> <u>DP</u>	<del>DP</del> <u>DP</u>	<del>NP</del> <u>NP</u>
Certified Farmers'/ <del>Growers'</del> Markets	DP	DP	DP	NP

**TABLE C**

**AGRICULTURAL USES PERMITTING  
 REQUIREMENTS COMPARISON TABLE-  
 COMMERCIAL ZONING DISTRICTS**

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>
<b>Agricultural, Resource, and Open Space Uses</b>					
<u>Field Retail Stand</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Farm Stand</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>
Certified Farmers' / <del>Growers'</del> Markets	<u>DP</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>

**TABLE D**

**AGRICULTURAL USES PERMITTING  
 REQUIREMENTS COMPARISON TABLE-  
 INDUSTRIAL ZONING DISTRICTS**

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>
<b>Agricultural, Resource, and Open Space Uses</b>			
<u>Field Retail Stand</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Farm Stand</u>	<u>DP</u>	<u>DP</u>	<u>DP</u>
Certified Farmers' / <del>Growers'</del> Markets	<u>DP</u>	<u>DP</u>	<u>DP</u>

**TABLE E**

**AGRICULTURAL USES PERMITTING REQUIREMENTS  
 COMPARISON TABLE- SPECIAL PURPOSE ZONING  
 DISTRICTS**

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>IDR</b>	<b>OS</b>	<b>PD</b>	<b>P</b>	<b>REC</b>
<b>Agricultural, Resource, and Open Space Uses</b>					
<u>Field Retail Stand</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Farm Stand</u>	<u>DP</u>	<u>NP</u>	<u>DP</u>	<del>NP</del> <u>DP</u>	<del>NP</del> <u>DP</u>
Certified Farmers' / <del>Growers'</del> Markets	<u>DP</u>	<u>NP</u>	<u>DP</u>	<del>NP</del> <u>DP</u>	<del>NP</del> <u>DP</u>

The proposed changes to allow additional opportunities for the marketing and sale of agricultural products supports the Nevada County Agricultural Advisory Commission’s goal of promoting farming in Nevada County by providing additional areas where these agricultural support uses would be allowed. Generally it is assumed that these agricultural support uses will be seasonal or temporary in nature, based on the growing season. The standards of the proposed ordinance would ensure adequate public health and safety is maintained, adequate parking is provided and sufficient access is available that

would not result in significant traffic or circulation hazards. Overall, the proposed zoning code amendments are relatively minor in nature and in themselves will not result in the physical deterioration of the environment. The actions required to implement these proposed changes are legislative only and if approved will be enacted through the adoption of an Ordinance by the Board of Supervisors. The anticipated physical environmental impacts associated with the uses that will be allowed by this action will be further discussed within each individual criteria provided within this initial study checklist.

Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies. The proposed project would result in minor amendments to both LUDC Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies. Under Nevada County regulations two types of employee housing are allowed by Section L-II 3.10 regardless of allowed general plan or zoning density. The first of which applies to employee housing for 5 or more employees, which is permitted by the State Department of Housing and Community Development, herein referred to as “State employee housing.” The second relates to resource based employee housing for 4 or less attached or detached dwelling units which is permitted by the County of Nevada, herein referred to as “County employee housing.” Under the State employee housing regulations a variety of different housing types are allowed, included alternative type housing such as recreational vehicles, yurts and tents (California Employee Housing Act, codified in Health and Safety Code Sections 17000-17062). Under current County employee housing regulations, all employee housing is required to meet the applicable codes, standards and fees applicable to a single-family residence. This requirement limits the type of housing to more traditional stick built or manufactured homes. To be more in line with State employee housing regulations and to further reduce the overall cost of providing employee housing for the County’s agricultural community, the County Agricultural Advisory Commission has requested that seasonal temporary recreational vehicle use be allowed for legitimate agricultural uses for a period not to exceed 6-months.

Since the County already has code standards for both Employee Housing and Temporary Recreational Vehicle use, including those that relate to building and health and safety (e.g. water, sewage disposal, electrical, heating, fire safety), protection of sensitive environmental resources (LUDC Chapter II Zoning Regulations, Article 4, Division 4.3 Resource Standards), and for the siting and orderly design of land uses/structures (LUDC Chapter II Zoning Regulations, Article 4, Division 4.1 Site Development Standards and 4.2 Community Design Standards), this revision focus solely on removing barriers for allowing the seasonal use of recreational vehicles for County agricultural based employee housing. This amendment has been reviewed by the potentially impacted public agencies (Public Works, Environmental Health, Building and Fire) who have agreed that existing rules and regulations for both Employee Housing and Temporary RV Use would apply unilaterally to seasonal temporary RV use as agricultural employee housing. Therefore, consistent with other employee housing in Nevada County, the use of a RV as seasonal employee agricultural housing is proposed to be allowed through zoning compliance and building permit issuance without requiring additional permitting (e.g. administrative or discretionary development permits). Through the public/agency review process, some minor changes were suggested to Section L-II 3.15 by both the Office of the Nevada County Fire Marshall and the Penn Valley Fire Protection District, related to outdated references to the uniform building code and requirements for smoke and carbon monoxide detectors in RVs. Based on this input these changes have been made.

In addition to the proposed amendments focused on furthering Nevada County’s commitment to providing low cost employee housing for agricultural operations, there is one other unrelated amendment being proposed to LUDC Section L-II 3.15. This change is the result of consistent and recent input from the Nevada County Planning Commission related to the duration of time allowed for the use of a RV for security housing at a church, community facility or public land use. Under current standards, a RV is

allowed to be used for security housing at the aforementioned land uses subject to the approval of a use permit for a period of 3-years with one 2-year extension allowed. The Planning Commission has requested that it be cheaper, easier and that more time be allowed for this specific use. Therefore, the proposed amendments increase the amount of time that a RV can be used for security housing by allowing one additional 2-year extension of the use permit. This change would allow for up to 7-years which is the standard amount of time allowed for a use permit by Nevada County LUDC Section L-II 5.10 Permit Time Limits (original approval is good for 3-years and projects are eligible for two 2-year extension of times).

Overall, the proposed zoning code amendments are relatively minor in nature and in themselves will not result in the physical deterioration of the environment. The actions required to implement these proposed changes are legislative only and if approved will be enacted through the adoption of an Ordinance by the Board of Supervisors. The anticipated physical environmental impacts associated with the uses that will be allowed by this action will be further analyzed within each individual criteria provided within this initial study checklist.

Section L-II 4.3.4: Important Agricultural Lands. This component of this overall project proposes to add an updated definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code under the section of the Ordinance that relates to Important Agricultural Lands. As a result, the County's Farmlands of Local Importance will be remapped through the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program. The proposed updated definition for Farmlands of Local Importance, however is the only requested change being proposed to be codified as a part of this overall project.

Farmland of Local Importance, as defined by the Department of Conservation, is land of importance to the local economy as defined by each county's local advisory committee and adopted by its Board of Supervisors. It is further defined as either currently producing or having the capability of production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Board of Supervisors, of each county, has the authority to adopt or recommend changes to the category of Farmlands of Local Importance.

The current definition of Nevada County's Farmlands of Local Importance is:

Farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Farmlands that produce crops that are not listed under Unique Lands but are important to the economy of the county are: Christmas trees, Sudan grass, Meadow hay, chestnuts, poultry houses and feedlots, improved dryland pasture (not rangeland), and irrigated pasture (it is under Statewide or Prime if soils are listed as such, otherwise as Local).

Also, lands that are legislated to be used only for agricultural (farmland) purposes, such as Williamson Act land in western Nevada County.

The Nevada County Agricultural Advisory Commission has been discussing revising the Farmlands of Local Importance definition, for years. The County's current definition is based on historical agricultural uses that have little relevance to current agricultural use in Nevada County. Mapping of these lands is prepared by the United States Department of Agriculture-Department of Conservation Important Farmlands Mapping Program and follows historic patterns of agricultural use in Nevada County. Under the proposed definition, the resultant mapping would be based on soils types with an emphasis on grazing land with high-rated range production.

According to the Nevada County Agricultural Advisory Commission, it is the State Department of Conservation's recommendation to update the mapping criteria and definition at the same time. The Department of Conservation creates choice agricultural soil maps throughout the State by using Geographical Informational Systems and the United States Department of Agriculture Soil Conservation Service soil surveys. The mapping criteria for Nevada County's Prime Farmland, Statewide Important Farmland, and the Unique category is specified by certain soil types. The County Agricultural Advisory Commission has recommended that the County follow this same protocol when looking at redefining the Farmlands of Local Importance mapping criteria. With data supplied by the Natural Resource Conservation Service (NRCS), the Agricultural Advisory Commission identified 5 soil types (not currently considered choice soils) that meet the criteria for Farmlands of Local Importance in Nevada County. These soils include: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC). Further under the new definition, the lands must be outside of any Prime, Statewide or Unique farmlands and must be within one of the County's Rural-Agricultural Zoning categories such as Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ). The proposed project will better define Farmlands of Local Importance with a measureable source of data for mapping the resource. In full the proposed definition is as follows:

Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).

Overall, this component of the project will only add a definition of Farmlands of Local Importance to the Nevada County Land Use and Development Code Chapter II Zoning Regulations. Should the Board of Supervisors adopt this definition it will result in the remapping of Farmlands of Local Importance by the USDA-Dept. of Conservation. Based on preliminary estimates, utilizing County Geographical Information Systems (GIS) data, the new definition has the potential to reduce the amount of mapped Farmlands of Local Importance in Nevada County by over approximately 10,000-acres. As described above however, this existing mapping is based on historical agricultural uses and lands and therefore has not been updated to take account for historical land use development patterns as Nevada County has grown and parcel-ized nor does it take into account and existing zoning, which might allow for much smaller parcels than would be conducive towards economically viable agricultural use of that property. Subsequently the current mapping of Farmlands of Local Importance in Nevada County is somewhat arbitrary. This change would establish a tangible metric for what would be considered Farmlands of Local Importance, based on soils types and rural-agricultural zoning designations. This portion of this overall project will not result in impacts to any established/mapped Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands nor would it impact any existing Williamson Act contracts. Further, the new definition will not change any agricultural zoning that would allow for agricultural operations and their support uses. The actions required to implement these proposed changes are legislative only and if approved will be enacted through the adoption of an Ordinance by the Board of Supervisors. The anticipated physical environmental impacts associated with this updated definition are anticipated to be minimal if existent at all, but this change will be further analyzed within each individual criteria provided within this initial study checklist.

**1. AESTHETICS**

**Existing Setting:** The aesthetic character of the County is generally rural, natural, and historic. Important aesthetic resources in the County include natural and historic forms, including river gorges, creeks, mountains, hills, meadows, geologic formations, and native vegetation, which consist of grass-oak woodlands, montane, brush lands, mixed conifer forest, and eastside pine with sage. Historic forms within the County include bridges, homes, and other structures more than 50 years old. Sites and natural forms with cultural importance to, or repeated use by, Native American tribes also contribute to aesthetic significance.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista or views open to the public?			✓		A, 17, 18, 19
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, 17, 18, 19
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓		A, 17, 18, 19
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓	A, 17, 18, 19

**Impact Discussion:**

*1a-1d: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The purpose of this project is to 1. make the County’s definitions of agricultural uses consistent with those contained within the California Food and Retail Code/Food and Agricultural Code; and 2. to expand on the available opportunities for agricultural producers to sell their fresh produce. This expansion would extend the areas where farm stands and certified farmers’ markets could be located. Farm stands and field retail stands are restricted to a total of 1,000 square feet on any one site and maybe a mobile trailer, but that trailer must be removed at the end of each season. Certified farmers’ markets have no size limitation but are limited to no more than three consecutive days a week on any one site. Signage for field retail stands, farm stands and certified farmers’ markets is limited to total 25 square feet and allow for up to 2 signs per parcel, which is consistent with the County’s sign regulations, “signs in agricultural districts”. For certified farmers’ markets the signage is required to be temporary and must be removed at the close of each market day.

Field retail stands and farm stands in the County’s primary agricultural zoned areas (AE, AG, RA, and FR) would be an allowed use subject to the specific standards of this ordinance and the County’s other comprehensive site plan and resource development standards, as well as building permit issuance (e.g. zoning compliance and building permit issuance) without requiring land use permit from the County. Farm stands outside of the County’s primary agricultural areas (AE, AG, RA, and FR zoning) and all certified farmers’ markets would require approval of an Administrative Development Permit, which would provide the County with an opportunity to review the compatibility with the proposed use and surrounding land uses, as well as ensure all public health and safety standards are being met. Allowing field retail stands and farm stands within agricultural areas is relatively consistent with the previous ordinance, but previously produce standards (the equivalent of a farm stand under the proposed ordinance) required an ADP and farm stands (the equivalent of field retail stands under the proposed ordinance) were an allowed use. The proposed ordinance would allow both farm stands and certified

farmers' markets that require an ADP to be approved for a period of 3 years, which is intended to reduce the overall cost of permitting these facilities and has been the common practice of the County as these facilities have gotten more popular over the last number of years.

Neither the existing or proposed ordinance have any standards that require design review. It is assumed that these agricultural support uses would be temporary in nature and relatively small scale. They are not allowed to block parking spaces required for a site and must meet applicable setbacks for the district where they are being proposed. Operation of a field retail stand or a farm stand must occur during daylight hours and there no new sources of light will occur from allowing these uses. In most cases certified farmers' markets are a series of "easy-up" style pop-up tents with folding tables to display the products that are being sold. Following the market, the tents, tables and other related structures are removed from the site along with any signage. Due to the temporary nature of this use, allowing farm stands or certified farmers' markets within the majority of the County's zoning districts and allowing field retail stands within the primary agricultural districts is anticipated to be a less than significant impact to aesthetic resources in Nevada County. The project itself is a zoning text amendment to expand on the potential for agricultural producers in Nevada County to sell their products. The actions required to implement this ordinance amendment is a legislative action only that cannot be foreseen to result in a significant impact to significant view sheds or aesthetic resources in Nevada County.

*1a-1d: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The General Plan places importance on the preservation of open space and scenic resources. Visual quality is accomplished by land use development patterns, design guidelines and zoning standards. Design review is applicable to minor commercial/industrial and multi-family projects, and discretionary projects, but not to single-family residential construction or temporary uses such as employee housing or security housing. While the project could result in additional RV's in rural areas or public spaces, the amendments limit the size and occupancy of employee housing and require they be sited in rural areas on or adjacent to a resource production site, in areas identified by the General Plan as suitable for resource-based operations or for security housing on public use properties. Regarding security housing, a Use Permit is required for that use, which will allow for design review to ensure the placement of the recreational vehicle does not result in a significant aesthetic impact. Since resource based employee housing is typically on larger more rural agricultural properties, must adhere to setback requirements, are limited in density, and would be seasonal, permanent aesthetic impacts are not anticipated to occur as a result of allowing temporary recreational vehicles to provide employee housing. Further this project is a Zoning Ordinance text amendment only and will not in itself result in the physical degradation of the environment.

*1a-1d: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed change to better define Farmlands of Local Importance with a measureable source of data for mapping the resource cannot be reasonably foreseen to result in a significant impact to aesthetic resources in Nevada County as this action does not result in any physical change to the environment. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change.

**Mitigation Measures:** None Required.

**2. AGRICULTURAL/FORESTRY RESOURCES**

**Existing Setting:** Farmlands of local importance is scattered throughout western Nevada County with major concentrations occurring northeast and east of Nevada City, near Penn Valley, and in the south and southeast County. Countywide, there are approximately 23,000 acres of Farmlands of Local Importance, 1,789 acres of Farmlands of Statewide Importance, 547 acres of Unique Farmlands and 435 acres of Prime Farmlands. There are no important agricultural lands mapped in eastern Nevada County. Generally, Nevada County soils are poor for intensive agricultural use; however, some soil types could support limited intensive agricultural use, including timber production. Nevada County supports extensive commercial timber resources, the majority of which are under the jurisdiction of the Tahoe National Forest in the eastern areas of the County. County zoning allocates approximately 162,800 acres for primary agricultural use, allowing an additional 39,000 acres for agriculture as an accessory use to residential development. According to the 2015 Nevada County Crop Report there were 686 farms in operation in 2015. A total approximately 5,500 acres are currently under Williamson Act contract, preserving those lands from development. The County General Plan recognizes the importance of agriculture to the County’s economy and lifestyle, identifying important farmlands as a sensitive environmental resource. County policies strongly encourage agricultural operations in rural areas, and seek to minimize and reduce pressures to convert lands zoned for agriculture to more intensive uses.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓	A, 17, 18
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓	A, 17, 18
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓	A, 17, 18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A, 17, 18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓		A, 17, 18

**Impact Discussion:** 2a-2e: Section L-II 3.3: *Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The entire purpose of this project is to provide for increased opportunities to allow for the sale of agricultural products grown on farms in Nevada County and the immediate surrounding areas. The crux of this change is an allowance for farm stands and certified farmers’ markets to occur in more zoning districts than currently allowed subject to the approval of an ADP. This change is anticipated to provide a positive impact on agricultural resources in Nevada County and cannot be reasonably foreseen to result in the conversion of important farmlands or conflict

with existing zoning for agricultural use or a Williamson Act contract. Further this change cannot be foreseen to conflict with any forest zoned land or timberland production zone as the proposed uses allowed by this ordinance would be compatible with resource based uses. The establishment of field retail stands, farm stands, and certified farmers' markets as temporary support uses cannot reasonably be foreseen to convert forest land to non-forest use nor would it involve other changes to the environment that would result in the conversion of farmland or forest land to a non-production use. For these reasons, it is anticipated that this change will not have a physical impact on the environment and will have no impact to the criterion provided above.

*2a-2e: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The purpose of this project is to support agricultural operations in Nevada County by making seasonal agricultural employee housing for 4 employees or less (the State of California has permitting authority over 5 employees or more) more affordable. By making temporary seasonal housing more affordable, it has the potential to increase the productivity of agricultural operations in Nevada County. This project will not convert important farmlands to a non-agricultural use. It will not conflict with existing zoning form agricultural use or a Williamson Act contract. It will not result in the rezoning of any forest land or loss of forest land and it will not result in the conversion of farmland or forest land to a non-agricultural or non-forest use. Subsequently, the ordinance amendment to allow temporary seasonal employee housing in a recreational vehicle will not have a negative impact to agricultural resources in Nevada County. The proposed change to extent the amount of time for which security housing in a recreational vehicle may be allow with a use permit will also have no impact on agricultural resources in Nevada County since the development standards for placing an RV will remain including ensuring adequate setbacks are met and sufficient infrastructure are in place. The actions required to implement this proposed amendments in itself will have no physical impact on the environment or agricultural resources.

*2a-2e: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed revision to the County's definition of Farmlands of Local Importance (FOLI) would result in a reduction of overall FOLI by approximately 14,000-acres. While this could be foreseen as a potential impact to Agricultural Resources, as discussed above the current definition and mapping is based on historical agricultural use and types in Nevada County and does not take into account zoning, land use development patterns or the actual potential for that land to be developed as an economically productive agricultural use. The existing definition and mapping of FOLI is not based on a measurable resource, such as agriculturally productive soils which is used as the basis for mapping under the proposed definition. This change also does not impact or change the location or designation of any Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands in Nevada County. The new definition would provide a more realistic inventory of lands that would be considered important farmlands in Nevada County. The proposed definition change and resultant mapping does not amend the standards or requirements for non-agricultural development as required by this Section of the Land Use and Development Code (LUDC). The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. Nor will it conflict with existing zoning for agricultural use or a Williamson Act Contract. This project would not conflict with existing zoning for, or cause the rezoning of any forest or agricultural lands. Additionally, it would not result in the loss of forest lands or the conversion of forest land to a non-forest use. Finally, this change, while it will reduce the overall FOLI mapped in western Nevada County, it will not change any Rural Agricultural (RA, AG, AE, FR or TPZ)

or other zoning where agricultural uses are allowed in Nevada County. For these reasons, this facet of this project will have a less than significant impact to agricultural resources in Nevada County.

**Mitigation Measures:** None Required.

### 3. AIR QUALITY

**Existing Setting:** The main air quality concerns in Nevada County are PM-10 (particulate matter with a diameter of 10 microns or more), PM-2.5 (particulate matter with a diameter of 2.5 microns or more) and ozone. All of Nevada County is non-attainment for the California PM-10 standard and the California 1-hour and 8-hour ozone standards, and is unclassified for the California PM-2.5 standard. Western Nevada County (west of a line running north/south just east of Soda Springs) is non-attainment for the 1997 federal 8-hour ozone standard. Eastern Nevada County is unclassified for the federal 8-hour ozone standard.

PM-10 (mostly dust from road sand, especially in Truckee) and PM-2.5 (mostly motor vehicle exhaust and smoke from wood-burning appliances and open burning) concentrations are highest during the winter months. Violations in the summer months have occurred during forest fires.

Ozone is formed by the reaction of precursor pollutants (oxides of nitrogen and reactive organic gases) in the presence of sunlight, and its formation is encouraged by warm temperatures. Consequently, ozone concentrations are highest during the summer months. More than half of California’s ozone results from motor vehicle emissions, and the vast majority of Western Nevada County’s ozone is transported from upwind urban areas. Nevada County’s State ozone non-attainment designation includes recognition of “overwhelming transport,” which relieves the area of some State requirements. However, as a federal non-attainment area, numerous requirements in the federal Clean Air Act apply. Notably, Western Nevada County (along with upwind areas) must demonstrate an annual 3% reduction of precursor emissions (called Reasonable Further Progress) until attainment is reached. Therefore, it is important to engage in land use planning that focuses on minimizing vehicle miles traveled and reducing precursor emissions wherever feasible. Further, the 2008 federal ozone standard is more stringent than the 1997 standard (meaning that further reductions will likely be needed in the future), so air quality-conscious land use planning at this time is crucial.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial air pollutant emissions or deterioration of ambient air quality?			✓		A, E, 14
b. Violate any air quality standard or contribute to an existing or projected air quality violation?				✓	A, E, 14
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			✓		A, E, 14
d. Expose sensitive receptors to substantial pollutant concentrations?			✓		A, E, 14
e. Create objectionable odors, smoke, ash, or dust affecting a substantial number of people?				✓	A, E, 14

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Exceed any potentially significant thresholds adopted in County Plans and Goals?				✓	A, E, 14

**Impact Discussion:** *3a-3f: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. This project has two primary purposes: 1. to update definitions of agricultural uses to be consistent with state law; and 2. to expand upon where farm stands and certified farmers’ markets could be allowed subject to an ADP. The primary public health and safety standards have remained in place from the existing ordinance to ensure consistency with prior practices. While this will expand on the areas where these facilities could be allowed, it is assumed that these uses will rarely be designations in themselves and more so will generally be pass by facilities where a customer can stop by on their way home and pick up some fresh agricultural products. The placement of tents, tables and mobile trailers are not anticipated to result in significant increases in air pollutant emissions or the deterioration of ambient air quality. Because the majority of customers are assumed to be already be on the road, the air quality impacts associated with this use from mobile sources would be less than significant. It is possible that routine certified farmers’ markets could in themselves be more of a destination resulting in increased emissions from vehicles. It is virtually impossible however to quantify how large of an increase in certified farmers’ markets, if any would occur as a result of this ordinance since there are several certified farmers’ markets already approved and operating in Nevada County. Further it is difficult to quantify the number of customers whose only destination is the farmers market on a given day. State and federal regulations have made vehicles more efficient with less emissions and as older vehicles are replaced with newer more efficient vehicles air quality impacts are reduced. The expansion to more developed areas for this use would provide for the potential to use alternative transportation to these facilities as population centers are in close proximity to these areas. Overall, this minor amendment to update definitions and to add to the areas where farm stands and certified farmers’ markets could be allowed with an ADP cannot reasonably foreseen to result in significant increases in air pollution and therefore this impact is less than significant.

*3a-3f: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. County regulations require a grading permit for most land disturbance activities, requiring dust prevention measures for a minimum threshold of disturbance. Air quality standards in effect for single-family residential development will remain applicable to employee housing regardless of whether or not the housing is stick built or a temporary recreational vehicle. Proposed amendments will allow 1-4 employee dwelling units to be housed in temporary recreational vehicles, which will be restricted to employees engaged in resource-based operations, through a ministerial review process (building permit and zoning compliance). The potential for the use of 1-4 recreational vehicles for employee housing on a rural resource production site is not expected to generate a significant number of additional dwelling units or to result in significant air quality impacts from GHG production. The proposed amendments will result in a change to local ordinance expanding on the type of housing allowed to be used as County permitted employee housing, but will not change the applicability of air quality regulations or anticipated GHG emission levels. Using recreational vehicles for employee housing will likely result in less air quality impacts than would occur if an agricultural operator were to construct new stick built housing units for employee housing as currently allowed by the County zoning code. This would be because the units would already be assembled and it is anticipated that less site preparation, such as extensive grading

would be required to place up to four recreational vehicles on an agricultural property. For these reasons, this minor change will have no impact on air quality in Nevada County.

*3a-3f: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in physical disturbance to the environment. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this portion of this project will have no impact on air quality in Nevada County.

**Mitigation Measures:** None Required.

#### 4. BIOLOGICAL RESOURCES

**Existing Setting:** Nevada County contains a wide range of plants, animals, and habitat types. With elevations ranging from 300 feet msl in the west to 9,143 feet msl in the east and precipitation amounts varying from 30 inches in the west to 60 inches near the crest of the Sierras, the County supports a true diversity of habitat types. Generally, the County can be characterized by gently rolling oak woodlands in the west that transition to coniferous forest in the middle ranges and a desert-like association on the eastern slope of the Sierras. A given type of vegetation association, with associated animal life, is referred to as a life zone. A life zone is an area with generally uniform or homogeneous characteristics located within general geographic boundaries. The life zones in Nevada County include Upper Sonoran, Transition, Canadian, Hudsonian, Arctic-Alpine and Mixed Conifer-Jeffrey Pine-Sagebrush.

The California Department of Fish and Game (DFG) recognizes five primary wildlife habitat types in California: tree dominated; shrub dominated; herbaceous dominated; aquatic; and developed. These habitats occur in continuous stretches and isolated pockets depending on the overall topography, elevation, climate and pattern of development in a particular area. Wildlife may move between various habitat types to satisfy their life requirements. Wildlife utilize riparian corridors, low lying or "saddle" areas of ridges, established trails, and other corridors for their inter-habitat movement. In addition, many species, including deer, move seasonally in response to their seasonal habitat requirements. In this context, it is possible that loss of a habitat could constitute an adverse effect (because of local or regional scarcity and ecological value of a habitat) even though the individual species of plants that make up the habitat, or animal species which use the habitat may not, in and of themselves, be endangered or rare.

Habitats throughout the County have been modified by human activity. The western portions of the County, especially the Upper Sonoran and Transition life zones, have experienced rapid residential growth in recent decades. The resultant parcelization, fencing, alteration of vegetation, introduction of domestic animals, roadways, noise, and night lighting have served to reduce the habitat values throughout the area. In the mid to high elevations, logging, mining, and development of second homes and subdivisions have also served to alter habitats. Habitat values can be reduced by both direct (construction of housing) and indirect (increased density in wide movement corridors) activities. Although the overall trend in the County is toward a decline in habitat values as identified by the DFG, there is a wide localized variation in habitats, tolerances of species, and degrees of human disturbance.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓	A, 2, 3, 9, 16
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?				✓	A, 2, 3, 9, 16
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A, 2, 3, 9, 16
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓	A, 2, 3, 9, 16
e. Conflict with any local policies or ordinances, or other approved local, regional, or state habitat conservation plan, protecting biological resources, such as a tree preservation policy or ordinance?				✓	A, 2, 3, 9, 16
f. Introduce any factors (light, fencing, noise, human presence, and/or domestic animals), which could hinder the normal activities of wildlife?				✓	A, 2, 3, 9, 16

**Impact Discussion: 4a-4f: Section L-II 3.3: Agricultural Uses:** See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. All uses allowed by this amended ordinance, field retail stands, farm stands, certified farmers’ markets and community supported agricultural would at a minimum be subject to zoning compliance and building permit issuance. This means that these uses would be subject to the County’s comprehensive development and resource standards. In particular the resource standards protect significant biological resources in Nevada County including but not limited to sensitive plant and animal species and habitats, watercourses, and landmark oak trees and groves. Setbacks to these resources have been established by code and the facilities allowed by this ordinance would be required to be outside of these resources unless a Management Plan to minimize impacts to any sensitive resources is approved for the use. With these protections in place, this proposed ordinance cannot be reasonably foreseen to result in the disturbance of a sensitive biological resource and therefore this ordinance will have no impact to biology in Nevada County. Further, the action necessary to implement the proposed ordinance is legislative only and in itself will have no physical impact on the environment.

**4a-4f: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.** See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The County

General Plan policies establish protection measures for sensitive biological resources and the Zoning Regulations require that ministerial development, including single-family residential and agricultural development, avoid selected biological resources. Because use of a temporary recreational vehicle for employee housing units will be subject to the same development standards applicable to ministerial development, including standards applicable to sensitive resources, impacts to biological resources are not anticipated to occur as a result of this project.

*4a-4f: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment. The same allowed uses and restrictions contained within the County’s zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this aspect of this project will have no impact on biological resources in Nevada County.

**Mitigation Measures:** None Required.

## 5. CULTURAL RESOURCES

**Existing Setting:** The varied environmental zones, the geological characteristics and the geographical position of Nevada County account for an exceedingly rich and exceptionally complex cultural resource base. There are a relatively large number, and wide array, of recorded prehistoric site types in Nevada County. A number of State laws regulate the disturbance of archaeological sites and the Nevada County General Plan and Zoning Regulations establish procedures for identifying potentially sensitive sites.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?				✓	A
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?				✓	A
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓	A
d. Disturb any human remains, including those interred outside of formal cemeteries?				✓	A

**Impact Discussion:** *5a-5d: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. All uses allowed by this amended ordinance, field retail stands, farm stands, certified farmers’ markets and community supported agricultural would at a minimum be subject to zoning compliance and building permit issuance. This means that these uses would be subject to the County’s comprehensive development and resource standards. In particular the resource standards protect significant cultural resources in Nevada County. There is no grading or construction anticipated to occur as a result of this ordinance amendment as field retail stands, farm stands and certified farmers’ markets are typically temporary in nature and the increased allowances for where these agricultural facilities

would be allowed are typically more developed areas with existing parking and facilities to serve the particular use. While no or only limited land disturbance is anticipated as a result of this ordinance amendment, State Law dictates how cultural resources are dealt with should they be found during grading activities. If such resources are encountered or suspected, State Law requires that all work shall be halted immediately and the Planning Department be contacted. A professional archaeologist is required to be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

The proposed changes specific to this project will not create significant impacts to cultural resources. Additionally, this proposed amendment does not change local and state requirements for protection of cultural resources. Furthermore, this project is a legislative action only, and includes amending the County's Land Use and Development Code, Zoning Regulations which will not result in the physical disturbance of the environment.

*5a-5d: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The General Plan identifies the importance of preserving cultural resources as an important part of County history, and contains policies to protect archaeological and historic resources and to consider historical, cultural, and Native American concerns. Zoning Regulations establish cultural resource policies that are applicable to "projects" that would require a discretionary or administrative permit from the County. Ministerial projects, including the establishing of single-family dwellings or establishing employee housing, are not subject to County policies requiring an on-site cultural inventory, but are subject to the provisions of the California Public Resources Code which provide, in part, that "No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. Violation of this section is a misdemeanor." Because the proposed amendments will be limited to provisions for 1-4 employee housing dwelling units within a temporary recreational vehicle, where the prior regulations required more traditional dwelling units, cultural resource impacts are not anticipated to occur as a result of this minor amendment.

*5a-5d: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this component of this project will have no impact on cultural resources in Nevada County.

**Mitigation Measures:** None Required.

**6. GEOLOGY / SOILS**

**Existing Setting:** The Sierra Nevada Range, a geologic block nearly 400 miles long and 80 miles wide, runs through Nevada County. This formation is represented by gentle rolling foothills on the western flank to steep mountainous terrain in the middle section of the County, and the crest of the Sierra near Donner Summit in the eastern portion of the County. Eastward from the crest, the terrain begins a downslope trend towards the Nevada state line. The substructures in the western section of the County range from metavolcanic to granitic formations, while the central section includes sedimentary, metasedimentary, and volcanic formations. The eastern sections of the County contain volcanic or granitic formations. In general, the formations are relatively seismically inactive. However, there are seismic faults in both western and eastern Nevada County.

Soil surveys conducted by U.S. Department of Agriculture Natural Resources and Conservation Service and the Tahoe National Forest Division of the USFS have identified 55 general soil types in the County. The soil types are described by topography, slope, permeability, dwelling limitations, septic limitations, erosion hazards, and agricultural and timber capacities. In general, the County soils are variable: the soil permeability ranges from very slow to very rapid, and the erosion hazard ranges from slight to very high. The soil erosion hazard ratings of moderate to high are typically associated with slopes 15% or greater.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				✓	A, D, 5, G, 16
b. Result in substantial disruption, displacement, compaction, erosion, or over-covering of the soil by cuts, fills, extensive grading, or loss of topsoil?				✓	A, D, 5, G, 16
c. Be located on a geologic unit or expansive soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓	A, D, 5, G, 16
d. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A, D, 5, G, 16
e. Result in excessive grading on slopes of over 30 percent?				✓	A, D, 5, G, 16

**Impact Discussion:** 6a-6e: Section L-II 3.3: Agricultural Uses: See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. All uses allowed by this amended ordinance, field retail stands, farm stands, certified farmers’ markets and community supported agricultural would at a minimum be subject to zoning compliance and building permit issuance. This means that these uses would be subject to the County’s comprehensive development and resource standards. In particular the resource standards protect steep slope/hillsides (slopes of 30% or greater) and water courses in Nevada County. There is no grading

or construction anticipated to occur as a result of this ordinance amendment as field retail stands, farm stands and certified farmers' markets are typically temporary in nature and the increased allowances for where these agricultural facilities would be allowed are typically more developed areas with existing parking and facilities to serve the particular use. Further areas of steep slopes would not be conducive to erecting a field retail stand, farm store or certified farmers' market, as a relatively level surface provides a better medium for hosting these facilities. While no or only limited grading is anticipated as a result of this ordinance amendment, protections are in place to minimize grading and potential impacts to soils and geology. Finally, should grading be necessary this grading would be subject to the County's grading ordinance which requires erosion control and other best management practices to ensure all grading is done in accordance with local and state laws. The proposed changes specific to this project will not create significant impacts to soils resources. Additionally, this proposed amendment does not change local and state requirements for grading activities. Furthermore, this project is a legislative action only, and includes amending the County's Land Use and Development Code, Zoning Regulations which will not result in the physical disturbance of the environment.

*6a-6e: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. All grading and/or soil disturbance required for development is subject to the County grading ordinance, which address erosion and soil stability. County grading ordinance standards and sewage disposal standards that are applicable to all development will be applicable to employee housing regardless of whether or not the housing is traditional stick built or a temporary recreational vehicle. The same goes for recreational vehicles used as security housing and this change would only extend the allowable timeframe by an additional two years beyond what is currently allowed. Utilizing a recreational vehicle for temporary employee housing would likely have less potential for impacts to geology and soils over which could occur when building traditional stick built housing, as they use would be temporary, the unit would already be assembled resulting in less onsite construction, and site preparation would be much less than would be required to prepare a foundation for more traditional housing. Because the proposed amendments will result in a minor change to the type of housing allowed as employee housing, but the applicability of the State codes and County regulations would not change, geologic impacts will not occur as a result of this amendment.

*6a-6e: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this part of this project will have no impact on geology or soils in Nevada County.

**Mitigation Measures:** None Required.

## **7. GREENHOUSE GAS EMISSIONS**

**Existing Setting:** Greenhouse gases (GHG) are those gases that trap heat in the atmosphere. GHG are emitted by natural and industrial processes, and the accumulation of GHG in the atmosphere regulates the earth's temperature. Greenhouse gases (GHGs) include carbon dioxide (CO<sub>2</sub>), methane, halocarbons (HFCs), and nitrous oxide (NO<sub>2</sub>). CO<sub>2</sub> emissions, stemming largely from fossil fuel combustion,

comprise about 87% of California emissions. In California, approximately 43% of the CO2 emissions come from cars and trucks. Agriculture is a major source of both methane and NO2, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agent, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO2. The adverse impacts of global warming include impacts to air quality, water supply, sea level rise (flooding), fire hazards, and an increase in health related problems. AB32 establishes a state goal of reducing GHG emissions to 1990 levels by the year 2020 (a reduction of approximately 30% from the “business as usual” forecast 2020 emission levels, or a 10% reduction from today’s levels).

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act, was adopted in September 2006 and requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. This reduction will be accomplished through regulations to reduce emissions from stationary sources and from vehicles. The California Air Resources Board (ARB) is the State agency responsible for developing rules and regulations to cap and reduce GHG emissions. In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓		A, E, 14
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				✓	A, E, 14

**Impact Discussion:** 7a-7b: Section L-II 3.3: Agricultural Uses: See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. This project has two primary purposes: 1. to update definitions of agricultural uses to be consistent with state law; and 2. to expand upon where farm stands and certified farmers’ markets could be allowed subject to an ADP. The primary public health and safety standards have remained in place from the existing ordinance to ensure consistency with prior practices. As discussed under the air quality section, it is assumed that the uses allowed by this ordinance amendment will rarely be designations in themselves and more so will generally be pass by facilities where a customer can stop by on their way home and pick up some fresh agricultural products. The placement of tents, tables and mobile trailers are not anticipated to result in significant increases in air pollutant emissions or the deterioration of ambient air quality. Because the majority of customers are assumed to be already be on the road, the greenhouse gas emission impacts associated with this use from mobile sources would be less than significant. It is possible that routine certified farmers’ markets could in themselves be more of a destination resulting in increased emissions from vehicles. It is virtually impossible however to quantify how large of an increase in certified farmers’ markets, if any would occur as a result of this ordinance since there are several certified farmers’ markets already approved and operating in Nevada County. Further it is difficult to quantify the number of customers whose only destination is the farmers market on a given day. State and federal regulations have made vehicles more efficient with less emissions and as older vehicles are replaced with newer more efficient vehicles overall greenhouse gas emissions are reduced. The expansion to more developed areas for this use would provide for the potential to use alternative transportation to these facilities as population centers are in

close proximity to these areas. Overall, this minor amendment to update definitions and to add to the areas where farm stands and certified farmers' markets could be allowed with an ADP cannot reasonably be foreseen to result in significant increases in greenhouse gas emissions and therefore this impact is less than significant.

*7a-7b: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. County regulations require a grading permit for most land disturbance activities, requiring dust prevention measures for a minimum threshold of disturbance. Air quality/GHG standards in effect for single-family residential development will remain applicable to employee housing regardless of whether or not the housing is stick built or a temporary recreational vehicle. Proposed amendments will allow 1-4 employee dwelling units to be housed in temporary recreational vehicles, which will be restricted to employees engaged in resource-based operations, through a ministerial review process (building permit and zoning compliance). The potential for the use of 1-4 recreational vehicles for employee housing on a rural resource production site is not expected to generate a significant number of additional dwelling units or to result in significant GHG production. The proposed amendments will result in a change to local ordinance expanding on the type of housing allowed to be used as County permitted employee housing, but will not change the applicability of air quality regulations or anticipated GHG emission levels. Using recreational vehicles for employee housing will likely result in less GHG emissions than would occur if an agricultural operator were to construct new stick built housing units for employee housing as currently allowed by the County zoning code. This would be because the units would already be assembled and it is anticipated that less site preparation, such as extensive grading requiring the use of heavy equipment would be required to place up to four recreational vehicles on an agricultural property. For these reasons, this minor change will not result in increased GHG emissions in Nevada County.

*7a-7b: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this part of this project cannot be reasonably foreseen to result in potential generation of greenhouse gas emissions and therefore the will be not impact to this criterion.

**Mitigation Measures:** None Required.

## 8. HAZARDS / HAZARDOUS MATERIALS

**Existing Setting:** The interface of the natural and manmade environments within the County creates potential safety hazards associated with wildfires, landslides, earthquakes and seiches. Other potential safety hazards include naturally occurring asbestos, past mining operations and airport operations.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓	A, B, 12, 16
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓	A, B, 12, 16
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓		A, B, 12, 16
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?			✓		A, B, 12, 16
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓		A, B, 12, 16
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓		A, B, 12, 16
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	A, B, 12, 16
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓		A, I

**Impact Discussion:** *8a-8h: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. All uses allowed by this amended ordinance, field retail stands, farm stands, certified farmers' markets and community supported agricultural would at a minimum be subject to zoning compliance and building permit issuance and an ADP for farm stands and certified farmers' markets outside of the County's primary agricultural zoning areas. This means that these uses would be subject to the County's comprehensive development and resource standards and in most cases would require ministerial review by the Community Development Agency. Both the County Agricultural Commissioner and Environmental Health Department will provide regulatory oversight of these facilities. These facilities will be subject to all standards for the handling, transport and storage of hazardous materials as regulated by Environmental Health. Projects that are within the vicinity of schools or other sensitive receptors and projects near airports will have to be reviewed on a case by case basis to ensure safety hazards are not increased as a result of the establishment of these temporary facilities in the vicinity of these uses. The ADP process will ensure this will occur. Since generally these facilities primarily sell non-potentially hazardous agricultural products and value added agricultural products, as approved by the County Agricultural Commissioner and the Department of Environmental Health, it is not anticipated that large quantities (if any) hazardous materials will be kept

or used at these facilities. The proposed ordinance carries over the existing requirements that facilities are located on a publically maintained road or participate in the maintenance of the road it is located upon and that all driveways meet the minimum driveway standards, which would assist in maintaining fire safety at these facilities. Additionally no parking is allowed to be within the road right-of-way or roadway to ensure adequate fire safe access is maintained to the site. With the existing provisions in place for minimizing hazards and hazardous materials, the impact of this ordinance is anticipated to be less than significant.

*8a-8h: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. Employee housing is subject to the same safety regulations as other residential development, including airport compatibility standards, handling of hazardous materials and wildland fire standards that are applicable to single-family dwellings or agricultural structures. The proposed zoning ordinance text amendment is minor in nature and if approved, will result in the potential to reduce costs for agricultural operators who have employee housing by allowing recreational vehicles to serve this purpose for a temporary six month growing season and will allow for recreational vehicles to be used as security housing at a public use for an additional two years beyond the five years that are currently allowed. Because the proposed amendments will not affect the applicability of current safety standards, no impact to hazards or hazardous materials will occur as a result of this project.

*8a-8h: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. As a result this part of this project will not increase hazards or impact hazardous materials in Nevada County.

**Mitigation Measures:** None Required.

## 9. HYDROLOGY / WATER QUALITY

**Existing Setting:** The County is located within the watersheds of Truckee River, the Yuba River and the Bear River. Combined, these rivers drain about 420 square miles. The smaller watercourses and creeks that flow into these watersheds are supplied from melting snow pack, annual rainfall, springs, and surfacing groundwater. In general, the County's water quality varies with topography and development. Water quality tends to be good in the mountainous, less developed areas, and is impacted at lower elevations or in more developed areas. Water quality is influenced by several sources, including soil erosion, sedimentation, septic systems, pesticides, and agriculture. Water resources have a multitude of uses from agricultural to domestic, as well as fish and aquatic/riparian habitat, wildlife and plant habitat, and year-round recreation. A number of historic irrigation ditch systems are located throughout the western County, owned and maintained by the Nevada Irrigation District, and on a much smaller scale, by the San Juan Ridge County Water District. There are a number of public water purveyors within the County; the Nevada Irrigation District, and the Cities of Grass Valley and Nevada City primarily serve western Nevada County with the Washington County Water District providing service to the small community of Washington. In the eastern Nevada County the Donner Summit and Truckee Donner Public Utility Districts, and the Glenshire Mutual Water Company provide domestic treated water service.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements?				✓	A, B, G
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?				✓	A, B, G
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?				✓	A, B, G
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				✓	A, B, G
e. Create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓	A, B, G
f. Otherwise substantially degrade water quality?				✓	A, B, G
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	A, B, G
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	A, B, G, 18, 13
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓	A, B, G, 18, 13
j. Create inundation by mudflow?				✓	A, 5, 6, 12

**Impact Discussion:** 9a-9j: Section L-II 3.3: Agricultural Uses: See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. All uses allowed by this amended ordinance, field retail stands, farm stands, certified farmers' markets and community supported agricultural would at a minimum be subject to zoning compliance and building permit issuance and an ADP for those uses outside of an area that is zoned for primary agricultural uses. This means that these uses would be subject to the County's comprehensive development and resource standards. In particular the resource standards protect significant water resources in Nevada County including but not limited to wetlands, watercourses, and floodplains. Setbacks to these resources have been established by code, typically 100-feet from perennial watercourses, wetlands and floodplains and 50-feet from seasonal water courses and wetlands. The facilities allowed by this ordinance would be required to be outside of these resources unless a Management Plan to minimize impacts to any sensitive resources is approved for the use. If any

grading is required for the uses allowed by this amended ordinance, that grading would be subject to erosion control measures, best management practices, and would be required to occur outside of the rainy season. With these protections in place, this proposed ordinance cannot be reasonably foreseen to result in the physical impacts to hydrology and water quality and therefore this ordinance will have no impact to this criterion. Further, the action necessary to implement the proposed ordinance is legislative only and in itself will have no physical impact on the environment.

*9a-9j: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. Development or disturbance with the potential to degrade water quality is regulated by both State and local codes. The temporary use of recreational vehicles is already provided for in the County Zoning Regulations by LUDC Sec. L-II 3.15. This amendment would extend the allowance of temporary recreational vehicles in Nevada County to be used as agricultural employee housing for 1-4 employees. Under state employee housing regulations (for 5 or more employees), recreational vehicles are already allowed. The other amendment being made will only increase the duration that a recreational vehicle may be used as security housing on a public use, but does not change any siting regulations nor does it exempt this use from any federal, state or local regulations that are intended to protect water quality. The placement of recreational vehicles for employee housing in rural areas is and will be subject to the same development standards applicable to all residential development, and will not substantially contribute to runoff water or additional sources of polluted runoff. Therefore, water quality impacts will not occur as a result of this project.

*9a-9j: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. As a result this component of this project will not impact hydrology or water quality in Nevada County.

**Mitigation Measures:** None Required.

## 10. LAND USE / PLANNING

**Existing Setting:** The project area is the 375,000 acres of privately held land in the unincorporated area of Nevada County, excluding incorporated cities, state and federal lands. Land uses in the unincorporated County range from rural and forested areas to residential-rural and suburban lands, which include a mix of residential, agricultural and commercial uses. Federal and state public lands in the County total 314 square miles of the County's 943 square miles, or approximately 33% of the County's total land area. The unincorporated County contains a variety of resources and constraints, diverse topography and sensitive environments.

Residential and rural development is governed by the General Plan that provides an overall policy guide, and Zoning Regulations which establish specific standards, varying with each zoning district, which includes 4 residential districts, 4 rural districts, 5 commercial districts, 3 industrial districts and 5 special purpose districts.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in structures and/or land uses incompatible with existing land uses?			✓		A, 16-18
b. The induction of growth or concentration or population?				✓	A, 16-18
c. The extension of sewer truck lines or access roads with capacity to serve new development beyond this proposed project that would result in growth inducement?				✓	A, 16-18
d. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓	A, 16-18
e. Physically divide an established community?				✓	A, D, 16-18

**Impact Discussion: 10a-10e: Section L-II 3.3: Agricultural Uses:** See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The purpose of this project is to 1. make the County’s definitions of agricultural uses consistent with those contained within the California Food and Agricultural Code; and 2. to expand on the available opportunities for agricultural producers to sell their fresh produce. This expansion would extend the areas by zoning district where farm stands and certified farmers’ markets could be located.

Field retail stands and farm stands in the County’s primary agricultural zoned areas (AE, AG, RA, and FR) would continue to be an allowed use subject to the specific standards this ordinance and the County’s other comprehensive site plan and resource development standards, as well as building permit issuance (e.g. zoning compliance and building permit issuance) without requiring land use permit from the County. Farm stands outside of the County’s primary agricultural areas and all certified farmers’ markets would require approval of an Administrative Development Permit, which would provide the County with an opportunity to review the compatibility with the proposed use and surrounding land uses, as well as ensure all public health and safety standards are being met.

Allowing field retail stands and farm stands within agricultural areas is consistent with the previous ordinance, but previously produce standards (the equivalent of a farm stand under the proposed ordinance) required an ADP and farm stands (the equivalent of field retail stands under the proposed ordinance) were an allowed use. The proposed ordinance would allow both farm stands and certified farmers’ markets that require an ADP to be approved for a period of 3 years, which is intended to reduce the overall cost of permitting these facilities and has been the common practice of the County as these facilities have gotten more popular over the last number of years. Under the proposed ordinance farm stands and certified farmers’ markets would be allowed within all commercial zoning districts, all industrial zoning districts and a select number of special purpose zoning districts (IDR, REC, P, and PD). These uses would be prohibited in all primary residential zoning districts, within the Timber Production Zone (TPZ) and within the Open Space (OS) zoning district. This is meant to protect the County’s residential and open space areas from encroachment by commercial uses.

The majority of the existing permitting standards for field retail stands, farm stands and certified farmers’ markets are retained, and all public health and safety standards remain unchanged. These

include restricting farm stands and field retail stands to a total of 1,000 square feet on any one site allowing for field retail stands and farm stands to be a mobile trailer, but that trailer must be removed at the end of each season. Certified farmers' markets have no size limitation but are limited to no more than three consecutive days a week on any one site. Signage for field retail stands, farm stands and certified farmers' markets is limited to total 25 square feet and allow for up to 2 signs per parcel, which is consistent with the County's sign regulations, "signs in agricultural districts". For certified farmers' markets the signage is required to be temporary and must be removed at the close of each market day. These ordinance standards will assist in reducing potential impacts with these agricultural support uses. Further, it is assumed that these agricultural support uses would be temporary in nature and relatively small scale. They are not allowed to block parking spaces required for a site and must meet applicable setbacks for the district where they are being proposed. Operation of a field retail stand or a farm stand must occur during daylight hours and there no new sources of light will occur from allowing these uses.

In most cases certified farmers' markets are a series of "easy-up" style pop-up tents with folding tables to display the products that are being sold. Following the market, the tents, tables and other related structures are removed from the site along with any signage. Due to the temporary nature of this use, allowing farm stands or certified farmers' markets within the majority of the County's zoning districts and allowing field retail stands within the primary agricultural districts is anticipated to result in significant land use compatibility impacts in Nevada County. The County's General Plan Goals and Policies promote agricultural uses and support uses (Chapter 16: Agricultural Element). The County's General Plan promotes a strong and sustainable local agricultural economy (Goal 16.2) and support the marketing of products grown on-site in all areas zoned for agricultural uses (Objective 16.7). The General Plan also contains an objective to allow and provide for on-site and off-site support facilities, services and uses that further local agricultural production and marketing on all lands zoned for agricultural use (e.g. field retail stands, farm stands and farmers' markets) (Objective 16.5). While this proposed ordinance amendment will expand the allowance for support type uses on lands not primarily zoned for agricultural use, this is not foreseen as a conflict with the adopted Goals, Objectives and Policies of the General Plan as field retail stands and farm stands would be an allowed use (not subject to an ADP) within the AE, AG, RA and FR zoning districts. This ordinance amendment would expand on these areas as a means to further promote the agricultural economy of Nevada County but would require additional permitting through the ADP process, which will ensure the siting of these support uses does not result in land use compatibility impacts. This amendment will not conflict with an adopted land use plan, it would not divide an established community and it would not result in infrastructure improvements that would be considered growth inducing. As described above, the seasonal temporary nature of these uses and adherence to the permitting standards will ensure that these amendments will not result in structures and/or land uses incompatible with existing and surrounding land uses. For these reasons described above, this proposed ordinance amendment would have a less than significant impact to land use in unincorporated Nevada County. The project itself is a zoning text amendment to expand on the potential for agricultural producers in Nevada County to sell their products. The actions required to implement this ordinance amendment is a legislative action only that cannot be foreseen to result in a significant negative impact to land use in Nevada County.

*10a-10e: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. Employee housing units are single-family dwellings accessory to a primary dwelling on a single site within a rural area, on which resource production and management operations occur, and which exceed allowable density. Current County zoning regulations allow up to 4 units of traditional built housing (stick built or manufactured home on a permanent foundation). This project will amend zoning regulations to allow temporary recreational vehicles through a ministerial permitting process for 1-4 employee housing units

while still allowing the other more traditional type of housing. Only minor amendments were made to Sections L-II 3.10 and 3.15 to ensure health and safety standards are upheld and that recreational vehicles used as seasonal temporary employee housing are subject to the same standards that other recreational vehicles are held too. Development standards that are currently applicable to single-family dwellings and agricultural uses will remain applicable to all employee housing. Because the amendments will not alter the employee housing restrictions and limitations currently in place, including restricting such housing to rural areas on sites being managed for resource production, and limiting occupancy to on-site employees, and this use would be seasonal in nature and removed from the site during non-use, a significant increase in the number of new housing units, is not anticipated. Further the placement of recreational vehicles is subject to all of the County's comprehensive development and resource protection standards, including setbacks to property lines and environmentally sensitive resources which will further ensure this allowance will not result in substantial land use compatibility issues. Agricultural employee housing in most cases would be placed within the more rural areas of the County with larger parcels and other compatible agricultural structures. The recreational vehicles would be ancillary to the primary use of the property and if approved would provide additional more affordable options for employee housing units on agricultural producing properties.

The proposed change adding an additional two year time extension for the use of an RV for security housing on a public or institutional land use will bring it more in line with the County's standard use permit timelines. Since the criteria for allowing this use will not change as a result of this project, including required setbacks and other applicable comprehensive site development standards and because this use is already allowed with a use permit, which allows for discretionary review of the placement and design of the recreational vehicle, it cannot be reasonably foreseen to result in potentially significant impacts to land use.

*10a-10e: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance of the environment. LUDC standards for the potential of important agricultural lands will not change as a result of this project and the proposed FOLI definition and resultant mapping will result in a more realistic amount of FOLI in western Nevada County over current conditions which are not based on a measurable resource such as soils type. As a result the updated definition of FOLI will not conflict with any applicable plans or policy documents nor will it result in incompatible uses or structures and therefore this component of this project will have a less than significant impact to land use in Nevada County.

**Mitigation Measures:** None Required.

## 11. MINERAL RESOURCES

**Existing Setting:** Significant areas of Nevada County contain mineral deposits and between the 1850's and the early 1900's, the County's economy was mine based. These Mineral resources include gold, copper, silver, lead, zinc, chromite, and small amounts of tungsten and manganese. Industrial minerals include barite, quartz for silicon production, and small amounts of limestone, asbestos, clay and mineral paint. In addition, significant deposits of sand, gravel, and rock types suitable for construction aggregate are exposed throughout the County. Within the County are large areas classified as Mineral Resource Zones (MRZs) that have existing deposits measured or indicated by actual site data (MRZ-2a), or inferred from other sources (MRZ-2b).

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓	A, B, D, 1
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓	A, B, D, 1

**Impact Discussion:** *11a-11b: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The uses allowed as by this section of the code are temporary/seasonal uses that would minimally impact the surface of the parcel where they would be located with either a small building or a temporary structure such as a mobile trailer or pop-up tent. No significant grading or other ground disturbance that would result in the loss of significant mineral resources would occur as a result of this project and therefore this project will have no impact to mineral resources in Nevada County.

*11a-11b: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The Nevada County General Plan identifies important mineralized areas as a significant economic resource, to be protected from incompatible uses. The proposed ordinance amendments do not preclude the application of existing General Plan policy to protect mineral resources. Therefore, impacts to mineral resources will not occur as a result of this project.

*11a-11b: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment. The same allowed uses and restrictions contained within the County’s zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this part of this project will not impact any mineral resources in Nevada County.

**Mitigation Measures:** None Required.

**12. NOISE**

**Existing Setting:** The General Plan establishes maximum allowable noise levels for land use projects and encourages future sensitive land uses to be located in areas where noise generation is limited. Given the rural character of the area, the ambient noise level is quite low. Daytime ambient noise levels are typical of rural and low-density residential areas. Significant noise sources in the County include traffic on major roadways, railroad operations, airports, and localized noise sources such as from industrial uses. Ambient noise levels in areas that are not located in the vicinity of major transportation routes are generally very low.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Expose persons to or generation of noise levels in excess of the County's adopted standards established in the General Plan and Land Use and Development Code?				✓	A, 15, 18
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				✓	A, 15, 18
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓	A, 15, 18
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓		A, 15, 18
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓	A, 15, 18
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓	A, 15, 18

**Impact Discussion:** *12a-12f: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. To date Nevada County has permitted several certified farmers' markets and produce stands and has not received any complaints about these uses. The primary change associated with this ordinance amendment would expand on the areas where both farm stands and certified farmers' markets could be allowed. This would open up more developed areas with commercial, industrial or special purpose zoning where ambient noise levels are typically higher than rural residential or rural agricultural zoning. These uses are typically seasonal and occur during daylight hours. The Nevada County Noise Standards allow for the greatest amount of noise during daylight hours (7am to 7pm), limited or no grading is anticipated to occur to establish these facilities and no significant noise generating activities are expected to occur at these facilities. Since some introduction of people could occur as a result of this project, some noise could be generated by these agricultural support uses, but this noise is anticipated to be below established County noise thresholds in the zoning districts where they will be located. Therefore the proposed ordinance amendment will have a less than significant impact to this criterion.

*12a-12f: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The project proposes a change the County's employee housing standards for 4 or less employees to allow temporary recreational vehicles to serve this use. The project will not alter restrictions and limitations currently in place, including restricting such housing to rural areas on sites being managed for resource production, and limiting occupancy to on-site employees. The use of recreational vehicles for an employee housing unit instead of a traditional housing unit will reduce potential noise impacts from a construction standpoint because less grading will likely be necessary to site these units and onsite construction will not be required. Substantial increases in existing ambient levels are not anticipated to occur as a result

of the additional dwelling units because employees working, but not residing, on a resource production site is an allowed use, and the number of employees on the site will not increase as a result of the type of dwelling units that could be allowed as temporary agricultural employee housing. The extension of two additional years for temporary security housing in a RV will not result in increases in ambient noise levels as this use is already allowed to occur for 5 years under current regulations. Because of the limitations incorporated into the proposed ordinance amendments, increased noise impacts will not occur as a result of this project.

*12a-12f: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment, including introducing an new sources of noise. Since this part of this project does not have the potential to generate noise or introduce noise sensitive receptor to new sources of noise, this project will have no impact to this criterion.

**Mitigation Measures:** None Required.

**13. POPULATION / HOUSING**

**Existing Setting:** The 2010 Census reported that the County had 98,764 people and 41,527 households (including the three cities within the County). According to the January 1, 2015 and 2016 population estimates from the State of California Department of Finance (DOF), Nevada County had a population of 98,095 including the incorporated areas and an unincorporated area population of 66,510 people. This represented a reduction in population growth by 0.6% from the 2010 Census population estimates. Throughout Nevada County, small towns and rural development characterize the majority of the unincorporated County with single-family residential development as the predominant housing type.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓		A, 17, 18
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓	A, 17, 18
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓	A, 17, 18

**Impact Discussion:** *13a-13c: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The proposed amendments associated with this proposed project will not result in substantial population growth as there is no associated housing development or infrastructure improvements that will occur as a result of this project. This project, if approved, will increase opportunities for the citizens of Nevada County to have access to fresh locally and regionally grow agricultural products by expanding the areas where farm stands and certified

farmers’ markets could be permitted in the unincorporated area. Since this project is not a significant new business and proposed no new homes, it will have no impact on housing and population.

*13a-13c: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. Housing policies encourage a variety of housing types, in a variety of land use designations. Zoning Regulations ministerially allow single-family dwellings and accessory second dwelling units, which exceed density, on all lands zoned for residential and agricultural use. This project will not change the permitting requirement for 1-4 employee housing units in rural areas nor will it increase the amount a County permitted employee housing units allowed by the County’s Zoning Regulations. Because the amendments will not alter the employee housing restrictions and limitations currently in place, including restricting such housing to rural areas on sites being managed for resource production, and limiting occupancy to on-site employees, significant increases in the number of new housing units is not anticipated. The project will result in expanding opportunities for agricultural workers to have affordable seasonal housing by allowing for the seasonal use of a temporary recreational vehicle on legitimate agricultural operations. No impact to population and housing is anticipated to result from allowing for an additional 2 year extension of time for security housing on public land uses because this type of use is already allowed to occur for a period of 5-years through a use permit under current Nevada County zoning regulations. Because of the restrictions and limitations incorporated into the project, housing impacts will be less than significant.

*13a-13c: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment. As a result this part of this project will not impact to housing nor will it result in population growth in Nevada County and therefore it will have no impact to this criterion.

**Mitigation Measures:** None Required.

**14. PUBLIC SERVICES**

**Existing Setting:** Public services within the unincorporated County are provided by the County of Nevada, state and federal agencies, and numerous special districts, including fire protection districts, school districts, park and recreation districts, and an irrigation district.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					A-I
i) Fire protection?			✓		A-I

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
ii) Police protection?				✓	A-I
iii) Schools?				✓	A-I
iv) Parks?				✓	A-I
v) Other public services or facilities?				✓	A-I

**Impact Discussion:** *13a-13c: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The proposed amendments associated with this proposed project will not result in substantial population growth that could result in adverse physical impacts associated with the need for new or altered governmental facilities. Additionally, since this project will not increase population levels additional need for fire and police protection, schools, parks or public facilities will not occur as a result of this project. This ordinance amendment will update definitions of agricultural support uses to be consistent with state law and will expand on the areas where farm stands and certified farmers’ markets can be permitted through an ADP. It is meant to simplify the process in support of agricultural operators in Nevada County. All applicable public health and safety standards have been retained from the previous ordinance. Subsequently no adverse impacts to public services are anticipated to occur as a result of this project.

*14a: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. This proposed project is intended to provide greater opportunities for providing affordable seasonal employee housing for agricultural workers by allowing temporary use of a recreational vehicle on a legitimate agricultural operation in the rural areas of the County. This ordinance amendment does not change the overall allowed density for employee housing nor does it change the permitting requirements for the placement of these temporary structures. Regarding the provision that will allow for an additional 2 year extension of time for security housing on a public use, this is only a minor extension of this use which is already allowed to occur for a period of 5-years by the Nevada County zoning regulations. Since both of these uses are already allowed and this amendment will not change the applicable health and safety code requirements, including those intended to provide for fire protection, this minor change is not anticipated to result in a greater increase in public service impacts over those that would occur without this ordinance.

*14a: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment nor will it result in population growth. As a result this part of this project will not impact to public services in Nevada County.

**Mitigation Measures:** None Required.

**15. RECREATION**

**Existing Setting:** Recreational opportunities within Nevada County are varied, ranging from public parks with intensively used recreational facilities, to vast tracts of forestlands and drainage systems,

which provide a natural environment for passive recreation. Four separate Recreation and Park districts are formed within the County, including the Bear River, Oak Tree, and Western Gateway Recreation and Park Districts in western Nevada County and the Truckee Donner Recreation & Park District in eastern Nevada County.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓	A, 17, 18
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				✓	A, 17, 18
c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails.				✓	A, 17, 18

**Impact Discussion:** *15a-15c: Section L-II 3.3: Agricultural Uses:* See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The proposed amendments associated with this proposed project will not result in substantial population growth that could result in adverse physical impacts to existing recreational facilities or the need for new recreational facilities. This ordinance amendment will update definitions of agricultural support uses to be consistent with state law and will expand on the areas where farm stands and certified farmers’ markets can be permitted through an ADP. It is meant to simplify the process in support of agricultural operators in Nevada County. Since this project has no growth inducing implications and because the uses allowed are typically seasonal temporary structures this portion of the overall project will have no impact on recreational facilities in unincorporated Nevada County.

*15a-15c: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. This proposed project is intended to provide greater opportunities for providing affordable seasonal employee housing for agricultural workers by allowing temporary use of a recreational vehicle on a legitimate agricultural operation in the rural areas of the County. This ordinance amendment does not change the overall allowed density for employee housing nor does it change the permitting requirements for the placement of these temporary structures. Regarding the provision that will allow for an additional 2 year extension of time for security housing on a public use, this is only a minor extension of this use which is already allowed to occur for a period of 5-years by the Nevada County zoning regulations. Since both of these uses are already allowed, this amendment will not change the overall density allowed for this use and this change is not anticipated to result in a significant amount of population growth, impacts to recreational facilities is not anticipated to occur as a result of this project.

*15a-15c: Section L-II 4.3.4: Important Agricultural Lands.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not

result in the physical disturbance of the environment nor will it result in housing or population growth. As a result this part of this project will not impact to recreation resources in Nevada County.

**Mitigation Measures:** None Required.

**16. TRANSPORTATION / CIRCULATION**

**Existing Setting:** The Nevada County street system is composed of a combination of roadways, including the interstate highway and freeways, principal arterial roads, minor arterials roads, collector roads and local roads. Approximately 38% of the County's 2,942-mile circulation system is publicly maintained. The remainder of the roadways are privately owned and maintained, with maintenance entities ranging from individuals and unofficial maintenance groups to recorded road maintenance associations and agreements. Travel characteristics vary widely according to the region in which it occurs.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in an increase in traffic that is substantial in relation to the existing traffic load and capacity or the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio, on roads, or congestion at intersections.			✓		A, H, 17
b. Result in a need for private or public road maintenance, or new roads?			✓		A, H, 17
c. Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?				✓	A, H, 17
d. Result in a substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?				✓	A, H, 17
e. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓	A, H, 17
f. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A, H, 17
g. Result in inadequate: Site distance? Ingress/egress? General road capacity? Emergency access (4290 Standard)?			✓		A, H, 17
h. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓	A, H, 17

**Impact Discussion:** 16a-16h: Section L-II 3.3: Agricultural Uses: See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts

associated with this portion of the overall project. This project has two primary purposes: 1. to update definitions of agricultural uses to be consistent with state law; and 2. to expand upon where farm stands and certified farmers' markets could be allowed subject to an ADP. Requirements for being on a public County maintained road or participating in private road maintenance have not been changed. Also the requirement that all driveways meet the appropriate driveway standard and encouragement permits be obtained for any work in the County right of way also remain unchanged. While this project will expand on the areas where these facilities could be allowed, it is assumed that these uses will rarely be designations in themselves and more so will generally be pass by facilities where a customer can stop by on their way home and pick up some fresh agricultural products. The placement of pop-up tents, tables and mobile trailers or small structures (field retail stand/farm stands on a farm in the AE, AG, RA and FR zoning districts) which are typically used for field retail are not anticipated to result in significant increases in traffic hazards or the deterioration area roadways. These facilities cannot be located within required parking areas that would limit the capacity of the overall parking area. Because the majority of customers are assumed to be already be on the road, the traffic circulation impacts associated with this use from mobile sources would be less than significant. It is possible that routine certified farmers' markets could in themselves be more of a destination resulting in the potential for increased trips to a given area. It is difficult however to quantify how large of an increase in certified farmers' markets, if any would occur as a result of this ordinance since there are several certified farmers' markets already approved and operating in Nevada County. Further there is no data available to quantify the number of customers whose only destination is the farmers market on a given day. The expansion to more developed areas for this use would provide for the potential to use alternative transportation to these facilities as population centers are in close proximity to these areas. Overall, this minor amendment to update definitions and to add to the areas where farm stands and certified farmers' markets could be allowed with an ADP cannot reasonably foreseen to result in significant increases in traffic or safety issues related to circulation. Provisions are in place to ensure future sites for certified farmers' markets and farm stands contribute to the maintenance of private roads and/or are located on a public roadway. Additionally, existing regulations will ensure that driveway access is sufficient to serve a given field retail stand, farm stand or certified farmers' market. The ADP process that applies to the expanded zones where farm stands and certified farmers' markets would be allowed under the proposed ordinance would allow the County's Department of Public Works and Planning Department to review the sites access and the magnitude of the use to determine if any site specific conditions need to be applied to improve the access and more importantly to determine whether or not the project could be approved in its proposed location. With adherence to the standards of the proposed ordinance, this impacts of this ordinance amendment to traffic and circulation is expected to be less than significant.

*16a-16h: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. County codes and policies promote resource production and do not regulate employee trips to a resource production worksite. This proposed change will not increase the allowed density of resource based employee housing which will be maintained at 1-4 units. By providing on-site resource-based employee housing onsite, this will replace employee-trips to the worksite, and because the housing will be limited in terms of seasonality a substantial increase in traffic is not anticipated. No additional impact to traffic and circulation is anticipated as a result of allowing for an additional two year extension of time for security housing on public land uses, as this type of use is already allowed for a period of five years with the approval of a use permit and having the security housing on site reduces potential trips to and from the public use. For these reasons, transportation and circulation impacts are not anticipated to occur as a result of this minor text amendment.

16a-16h: Section L-II 4.3.4: Important Agricultural Lands. See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance of the environment nor will it result in housing or population growth that will require new roads or increase traffic hazards. As a result this component of this project will not impact transportation or circulation in Nevada County.

**Mitigation Measures:** None Required.

**17. UTILITIES / SERVICE SYSTEMS**

**Existing Setting:** Public utilities serving Nevada County include the Pacific Gas and Electric Company for natural gas and electricity, and in the eastern County, the Truckee Donner Public Utility District also supplies electricity. Propane is a common fuel source used in Nevada County by individual homes and businesses.

Wastewater treatment within the unincorporated County is largely provided by private septic systems. Nevada County Sanitation District No. 1 provides sewage collection and treatment facilities for the wastewater needs of western Nevada County for the areas outside of Grass Valley and Nevada City and the communities of Lake Wildwood, Lake of the Pines, Kingsbury Greens, Gold Creek, Penn Valley, Mountain Lakes Estates, North San Juan, Cascade Shores, and Glenbrook. The Tahoe-Truckee Sanitation Agency and the Donner Summit Public Utility District provide wastewater treatment services for the eastern County.

Solid waste: In western Nevada County, the County maintains a transfer station and contracts with independent haulers for curbside pickup. County residents may also dispose of green waste and hazardous waste at the transfer station. In the eastern Nevada County, solid waste is hauled to the Eastern Regional Landfill located in Placer County by independent contractor.

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in a need for the extension of electrical power, natural gas, or communication systems?			✓		A-I
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓		A-I
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓	A-I
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓		A-I

CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
e. Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?				✓	A-I
f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓	A-I
g. Comply with federal, state, and local statutes and regulations related to solid waste?				✓	A-I

**Impact Discussion: 17a-17g: Section L-II 3.3: Agricultural Uses:** See Section 0. General Impact Discussion above for additional background and an overall discussion of the potential general impacts associated with this portion of the overall project. The proposed amendments associated with this proposed project will not result in substantial population growth that could result in adverse physical impacts associated with the need for new utilities or service systems. Environmental Health standards for providing adequate restroom and handwashing facilities remain unchanged with the proposed ordinance amendment. This ordinance amendment will update definitions of agricultural support uses to be consistent with state law and will expand on the areas where farm stands and certified farmers' markets can be permitted through an ADP. It is meant to simplify the process in support of agricultural operators in Nevada County. All applicable public health and safety standards have been retained from the previous ordinance and no extension of public utilities is anticipated to be required as a result of this minor ordinance amendment. Subsequently no adverse impacts to utilities or service systems are anticipated to occur as a result of this project.

*17a-17g: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. Permanent employee housing is already allowed by the Nevada County zoning regulation for 1-4 employees (Resource Based or County Permitted Employee Housing) and for 5 and more (State Permitted Employee Housing). Under state permitted housing alternative housing types are already allowed, such as seasonal tent camping and the use of recreational vehicles. Under the County's resource based housing, alternative housing types are not currently allowed. This ordinance amendment, if approved, would extend the use of temporary recreational vehicles for seasonal employee housing for a period not to exceed six months, subject to the existing permitting requirements for employee housing (LUDC Sec. L-II 3.10) and existing health and safety standards for the placement of a recreational vehicle (LUDC Sec. 3.15). Employee housing, is subject to the standards and fees that are applicable to all residential development, including wastewater regulations, water supply requirements, grading and drainage ordinances, and solid waste disposal. The amendments will only slightly alter the employee housing restrictions and limitations currently in place to ensure the code standards are not in conflict with this provision. For example, the previous ordinance made employee housing subject to all fees, standards and codes applicable to a single family residence, this was amended to require that employee housing be subject to all codes, standards and fees that are applicable to the type of housing being proposed. This will ensure that the use of a recreational vehicle for temporary seasonal agricultural housing does not internally conflict with California Building Codes or other state or local regulations applicable to the use of a recreational vehicle on a temporary basis. Since the proposed amendments will retain current employee housing limitations including density, significant increases in the number of new housing units is not anticipated. Therefore, impacts to utilities and service systems will be less than significant.

17a-17g: Section L-II 4.3.4: Important Agricultural Lands. See Section 0. General Impact Discussion above for additional background and a general discussion of the potential impacts associated with this portion of the overall project. The proposed changes to the County’s FOLI definition and the resultant remapping of this resource is a legislative change to the County’s Zoning Ordinance only and will not result in the physical disturbance to the environment nor will it result in population growth. As a result this part of this project will not impact to utilities and service systems in Nevada County.

**Mitigation Measures:** None Required.

**18. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?			✓		A-I, 1-19
b. Does the project have environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)			✓		A-I, 1-19
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			✓		A-I, 1-19

**Impact Discussion:** 18a-18c: Section L-II 3.3: Agricultural Uses. At first glance, the proposed amendments within this Section of the LUDC appear to be the most substantial code amendments associated with this project. The changes proposed however are relatively minor as they are primarily intended to modernize existing agricultural use definitions and standards, but carry over the majority of the existing standards for similar agricultural uses that are provided within the existing Agricultural Uses ordinance. One of the purposes of these changes is to align the County’s definitions of agricultural uses with State of California Food and Agriculture Code, specifically related to Field Retail Stands, Farm Stands and Certified Farmers’ Markets. The proposed changes also add a definition of Community Supported Agriculture (CSA) where one did not previously exist and remove the definition of “Agricultural Products” as this is defined in other applicable sections of state law. The proposed amendments remove the specific land use of “Produce Stands” and replaces it with “Farm Stands,” as has been done by the California Food and Retail Code/Food and Agricultural Code and includes “Field Retail Stands” to replace the former “Farm Stand” use. Where applicable, the existing health and safety standards (contained within the existing ordinance) are carried over as they are still applicable to these agricultural support uses. Where the proposed ordinance most substantially deviates from the previous ordinance relates to the zoning districts where these uses are allowed and how those uses are permitted.

The proposed ordinance would expand the areas where farm stands and certified farmers' markets would be allowed based the zoning of a particular property.

Based upon their definitions, both field retail stands and farm stands are essentially the same thing except Farm Stands allow for the sale of non-potentially hazardous pre-packaged foods and processed agricultural products, where field retail stands are limited to the sale of fresh non-processed agricultural products. Since they are very similar, field retail stands and farm stands are proposed to be an allowed use (not subject to further land use permitting) when specific standards are met (See Appendix B) within the County's primary agricultural zoning districts, Agriculture Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agriculture (RA) as these are typically the areas of the County where active agricultural operations are occurring. This is consistent with how the prior ordinance treated farm stands and produce stands. To expand on opportunities for the sale of agricultural products at small scale farm stands, the proposed ordinance would allow farm stands within several non-agricultural zoning districts including all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC), subject to the approval of an Administrative Development Permit. In general these districts would typically be located within developed areas with adequate infrastructure/access to support a seasonal farm stand use. The ADP would allow individual County agencies to review individual proposals on a case by case basis to ensure they could meet the applicable standards of the ordinance. To ensure these agricultural uses do not conflict with the County's open space and more dense residential uses, Field Retail Stands and Farm Stands would be prohibited in the Open Space (OS), Timber Production Zone (TPZ), Single Family Residential (R1), Medium Density Residential (R2), and High Density Residential (R3) zoning districts.

Regarding certified farmers' markets, the proposed amendments carry over all specific standards that previously applied to certified growers'/farmers' markets, (now called certified farmers' markets) and update those standards where appropriate to ensure adequate review is being performed by the appropriate local agencies (Environmental Health, Agricultural Commissioner's Office, Fire, Public Works, etc.). The primary difference from the previous requirements is focused solely upon which zoning districts where certified farmers' markets would be allowed subject to the approval of an ADP. Under the current ordinance, CFMs were allowed in all Residential (R1, RA, R2, R3) and Rural (AE, AG, FR, TPZ) zoning districts but where not allowed in other zones. Much like the farm stand discussion above, the proposed ordinance would allow for CFMs to occur in all Commercial zoning districts (C1, C2, C3, CH, and OP), all Industrial zoning districts (M1, M2, and BP) and a select number of Special Purpose zoning districts (IDR, PD, P, and REC) but would prohibit CFMs in the R1, R2, R3 zoning districts and would continue to not allow CFMs in the OS and TPZ zoning districts.

The proposed changes to allow additional opportunities for the marketing and sale of agricultural products supports the Nevada County Agricultural Advisory Commission's goal of promoting farming in Nevada County by providing additional areas where these agricultural support uses would be allowed. Generally it is assumed that these agricultural support uses will be seasonal or temporary in nature, based on the growing season. The standards of the proposed ordinance would ensure adequate public health and safety is maintained, adequate parking is provided and sufficient access is available that would not result in significant traffic or circulation hazards or other potential cumulative impacts. Overall, the proposed zoning code amendments are relatively minor in nature and in themselves will not result in the physical deterioration of the environment. The actions required to implement these proposed changes are legislative only and if approved will be enacted through the adoption of an Ordinance by the Board of Supervisors. The anticipated physical environmental impacts associated with the uses that will be allowed by this action will be further discussed within each individual criteria provided within this initial study checklist.

*18a-18c: Section L-II 3.10/3.15: Employee Housing/Recreational Vehicle Use and Temporary Occupancies.* The proposed project would result in minor amendments to both LUDC Section L-II 3.10 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies. Under Nevada County regulations two types of employee housing are allowed by Section L-II 3.10 regardless of allowed general plan or zoning density. The first of which applies to employee housing for 5 or more employees, which is permitted by the State Department of Housing and Community Development. The second relates to resource based employee housing for 4 or less attached or detached dwelling units which is permitted by the County of Nevada. Under the State employee housing regulations a variety of different housing types are allowed, included alternative type housing such as recreational vehicles, yurts and tents (California Employee Housing Act, codified in Health and Safety Code Sections 17000-17062). Under current County employee housing regulations, all employee housing is required to meet the applicable codes, standards and fees applicable to a single-family residence. This requirement limits the type of housing to more traditional stick built or manufactured homes. To be more in line with State employee housing regulations and to further reduce the overall cost of providing employee housing for the County's agricultural community, the County Agricultural Advisory Commission has requested that seasonal temporary recreational vehicle use be allowed for legitimate agricultural uses for a period not to exceed 6-months.

Since the County already has code standards for both Employee Housing and Temporary Recreational Vehicle use, including those that relate to building and health and safety (e.g. water, sewage disposal, electrical, heating, fire safety), protection of sensitive environmental resources (LUDC Chapter II Zoning Regulations, Article 4, Division 4.3 Resource Standards), and for the siting and orderly design of land uses/structures (LUDC Chapter II Zoning Regulations, Article 4, Division 4.1 Site Development Standards and 4.2 Community Design Standards), this revision focus solely on removing barriers for allowing the seasonal use of recreational vehicles for County agricultural based employee housing. This amendment has been reviewed by the potentially impacted public agencies (Public Works, Environmental Health, Building and Fire) who have agreed that existing rules and regulations for both Employee Housing and Temporary RV Use would apply unilaterally to seasonal temporary RV use as agricultural employee housing. Therefore, consistent with other employee housing in Nevada County, the use of a RV as seasonal employee agricultural housing is proposed to be allowed through zoning compliance and building permit issuance without requiring additional permitting (e.g. administrative or discretionary development permits). Since up to 4 units of permanent traditional housing is allowed by current regulations, the placement of temporary RV's to provide employee housing on rural properties with legitimate agricultural operations, as verified by the County Agricultural Commissioner, would be anticipated to have less of a potential environmental impact than should an agricultural operator decide to build 4 units of traditional housing.

In addition to the proposed amendments focused on furthering Nevada County's commitment to providing low cost employee housing for agricultural operations, there is one other unrelated amendment being proposed to LUDC Section L-II 3.15. This change is related to the duration of time allowed for the use of a RV for security housing at a church, community facility or public land use. Under current standards, a RV is allowed to be used for security housing at the aforementioned land uses subject to the approval of a use permit for a period of 3-years with one 2-year extension allowed. The Planning Commission has requested that it be cheaper, easier and that more time be allowed for this specific use. Therefore, the proposed amendments increase the amount of time that a RV can be used for security housing to a permit an additional 2-year extension of the use permit. This change would allow for up to 7-years which is the standard amount of time allowed for a use permit by Nevada County LUDC Section L-II 5.10 Permit Time Limits (original approval is good for 3-years and projects are eligible for two 2-year extension of times).

Overall, the proposed zoning code amendments are relatively minor in nature and in themselves will not result in the physical deterioration of the environment. The actions required to implement these proposed changes are legislative only and if approved will be enacted through the adoption of an Ordinance by the Board of Supervisors. The anticipated physical environmental impacts associated with the uses that will be allowed by this action will be further analyzed within each individual criteria provided within this initial study checklist.

*18a-18c: Section L-II 4.3.4: Important Agricultural Lands.* The proposed changes to the County's FOLI definition and the resultant remapping of this resource is a legislative change to the County's Zoning Ordinance only and will not result in the physical disturbance to the environment nor will it result in population growth. The same allowed uses and restrictions contained within the County's zoning regulations would still apply for protecting designated Farmlands of Local Importance only the mapping of Farmlands of Local Importance would change. As a result this facet of this project will not result in any potential environmental impacts including cumulative impacts.

**Mitigation Measures:** None Required.

### RECOMMENDATION OF THE PROJECT PLANNER

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or a "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Tyler Barrington, Principal Planner

11/5/16  
Date

**APPENDIX A – REFERENCE SOURCES**

- A. Planning Department
  - B. Environmental Health Department
  - C. Nevada Irrigation District
  - D. Nevada County Geographic Information Systems
  - E. Northern Sierra Air Quality Management District
  - F. California Department of Fish & Wildlife
  - G. Regional Water Quality Control Board
  - H. Department of Public Works
  - I. Office of the County Fire Marshall
- 
- 1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
  - 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
  - 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
  - 4. CalFire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <[http://www.fire.ca.gov/wildland\\_zones\\_maps.php](http://www.fire.ca.gov/wildland_zones_maps.php)>.
  - 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
  - 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
  - 7. California Department of Conservation, Division of Land Resource Protection. 2010. *Nevada County Important Farmland Data*. Available at: <[http://redirect.conservation.ca.gov/DLRP/fmmp/county\\_info\\_results.asp](http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp)>.
  - 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
  - 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
  - 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
  - 11. Natural Resources Conservation Service. 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. Available at: [http://soildatamart.nrcs.usda.gov/manuscripts/CA619/0/nevada\\_a.pdf](http://soildatamart.nrcs.usda.gov/manuscripts/CA619/0/nevada_a.pdf).
  - 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
  - 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
  - 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects (Draft)*. August 19, 2009.
  - 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*. 1993.
  - 16. Nevada County. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA. 1991.
  - 17. Nevada County. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Nevada County, CA. 1995.
  - 18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.
  - 19. Nevada County. *Western Nevada County Design Guidelines*. May 1992.

**APPENDIX B – DRAFT ORDINANCE AMENDMENTS SHOWING “TRACK CHANGES”**

**Section L-II 3.3 Agricultural Uses**

A. **Purpose.** To encourage agriculture in Rural Regions and to promote a strong and sustainable local agricultural economy.

B. **Definitions.**

- ~~1. **Agricultural Products** – For the purpose of this section, includes fresh fruits, vegetables, nuts, herbs, flowers, honey, poultry, fish, animal & animal products, hay and Christmas trees, but does not include plant nursery stock, live animals, wine or wine products.~~
- ~~2. **Farmstand** – Temporary or permanent agricultural structures used or intended to be used for the display or sale of agricultural products grown on-site and sold directly from the farm to consumers.~~
- ~~3. **Produce Stands** – Temporary or permanent agricultural structures used or intended to be used for the display or sale of unprocessed agricultural products sold directly to consumers from a farm site other than where the products are grown and which does not include feedstores. “Unprocessed” for the purposes of this section shall be defined as an agricultural product in its raw or natural state.~~
- ~~4. **Farmstore** – Temporary or permanent structure, other than a farmstand or produce stand as defined herein, intended to be used for the display or sale of processed agricultural food products sold directly to consumers from a farm for human consumption.~~
- ~~5. **Certified Farmers’/ Growers’ Market** – A temporary location approved by the County Agricultural Commissioner where agricultural products are sold by producers or certified producers directly to consumers, in accordance with the provisions of the California Code of Regulations for direct marketing.~~
1. **Certified Farmers’ Market (CFM) (3 CCR § 1392.2)** - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
2. **Community Supported Agriculture (CSA)** – Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may

include either the host farm or an off-site location when permission is previously granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.

3. **Field Retail Stand (FAC 47030)** - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and land use codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
4. **Farm Stand (FAC 47050)** - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy (FAC 47000 (d)).

#### C. Standards.

1. **Crop and tree farming.** In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use.
- ~~2. **Agricultural Marketing.** In any zoning district where agricultural uses and structures are an allowed use, as provided within the Article 2 District Tables, of this Chapter, agricultural marketing shall be allowed, as follows:~~
2. **Community Supported Agriculture.** Is an allowed use in any district where crop and tree farming is allowed. Pick-up locations shall be consistent with those outlined in the definitions above.
  - ~~a. **Farmstands.** The sale of agricultural products from a farmstand established on the same site where the products are grown shall be an allowed use; however, the sale of processed agricultural food products is allowed with a permit issued by the Department of Environmental Health.~~
  - ~~b. **Produce Stands.** The sale of agricultural products from produce stands shall be allowed, subject to approval of one Administrative Development Permit for each site selling produce, providing that each separate produce stand satisfies the following standards:~~

- 1) — Any agricultural products to be sold from a produce stand, as herein defined, must have been grown in Nevada County by certified producers as confirmed by the County Agricultural Commissioner.
- 2) — The produce stand shall be located on a site which is developed with an allowed agricultural use and which sells agricultural products grown on the site.
- 3) — The sale of agricultural products grown off-site shall comply with all applicable County, State and Federal laws and regulations pertaining to the handling, transport and sale of agricultural products.
- 4) — The sale of agricultural products grown off-site shall comply with all applicable County, State and Federal laws and regulations pertaining to the sale of food products, including permit(s) issued by the Nevada County Department of Environmental Health pursuant to the California Health and Safety Code.
- 5) — The sale of processed agricultural food products shall not be permitted from a produce stand.
- 6) — The produce stand site shall have direct access to a road improved to a minimum Fire Safe Road Standard pursuant to Section L-XVII of the Nevada County Land Use and Development Code, which is maintained by a public entity, a road maintenance district, or with the produce stand adequately participating in a property owner's road association.
- 7) — Any road improvements within a County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Transportation.
- 8) — All parking for the produce stand shall be provided on the produce stand site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
- 9) — Produce stands shall be limited to a total of 1,000 square feet on any one site.
- 10) — Mobile trailers may be used as temporary produce stands but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the produce stand site at the end of each season.

- ~~11) — Hours of operation for the produce stand are limited to daylight hours.~~
- ~~12) — Signage for a produce stand is limited to on-site agricultural signage allowed by Section 4.2.12 of County Zoning Regulations.~~
- ~~e. — **Farmstores.** The sale of processed agricultural products sold from a farm site other than where the products are grown are subject to approval of an Administrative Development Permit for each site selling processed produce and compliance with all of the above standards applicable to produce stands.~~

3. **Field Retail Stands and Farm Stands.** The sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:
- a. Field retail stands and farm stands are subject to authorization by the County Agricultural Commissioner and farm stands may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold.
  - b. The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products.
  - c. A producer may sell products they grow out-of-county as long as it's no more than 1/3 of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
  - d. Field retail stands and farm stands shall be limited to a total of 1,000 square feet on any one site and shall be limited to 10 producers.
  - e. Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
  - f. Field retail stands and farm stands shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
  - g. Any structure used for a field retail stand or farm stand shall meet the requirements of the California Fire Code regarding general fire safety.
  - h. A field retail stand or farm stand shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-

maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Section 845 of the California Civil Code is required.

- i. All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
  - j. Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
  - k. Hours of operation are limited to daylight hours.
  - l. Signage shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12.
4. **Farm Stands.** The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in LUDC Sec. L-II 3.3.C.3 and the following:
- a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
  - b. Farm stands may be permitted for up to 3 years.
  - c. The Administrative Development Permit application for a farm stand shall include the following:
    - 1) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
      - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way;
      - b) The proposed location for the market and parking area for the market.
      - c) Location of sanitation facilities that will be used during operating hours.
      - d) Location of animal enclosures, if applicable.

**d. — Certified Farmers’/Growers’ Markets.** Within all Residential and Rural districts, Certified Farmers’ Markets shall be allowed, subject to an Administrative Development Permit, based on the following standards:

1) — This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing Certified Farmers’ Markets and requires that a minimum 50% of products sold must be certified produce.

2) — Locational criteria. Farmer’s Market locations must satisfy the following criteria:

a) — Sites located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.

b) — The market site must have direct access to a County maintained road.

c) — The market site may not be located in any public right of way or roadway.

d) — The market site must provide adequate area for vehicles to enter and exit the site without backing into a road right-of-way or roadway.

3) — **Duration of Use.** Farmers’ Markets shall occur no more than three days per week on any one site.

4) — **Permit requirements.** The permit application shall include the following:

a) — Written authorization from the property owner(s) on whose land the use is proposed.

b) — A site plan of the proposed location, drawn to scale, delineating the following information:

i) — The location of any existing uses including structures, parking, driveways, and road rights-of-way;

- ~~ii) — The proposed location for the market and parking area for the Market.~~
  - ~~e) — Markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.~~
  - ~~5) — Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.~~
  - ~~6) — Signage is limited to one temporary, on-site sign with a maximum allowable aggregate area of 20 square feet.~~
  - ~~7) — Any new electrical service connection shall require a building permit unless specifically exempted by the Uniform Building Code.~~
  - ~~8) — A permit is required by the Department of Environmental Health for Certified Farmers' Markets.~~
  - ~~9) — This Section is not intended to preclude the sale of agricultural products from sites authorized pursuant to Section L-II 3.23 of this Chapter, Temporary Commercial Permits.~~
  - ~~10) — Farmers' Markets shall be subject to compliance with all County, State and Federal Codes applicable to the direct marketing and handling of foods, including approval of the origin or source of agricultural products by the County Agricultural Commissioner.~~
  - ~~11) — This sale of prepared foods, including baked goods and coffee, which requires a Temporary Commercial Permit and a Community events permit issued by the Department of Environmental Health pursuant to California Uniform Retail Food Facilities Law.~~
5. **Certified Farmers' Markets.** Certified farmers' markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:
- a. **Certified famers' markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.**

- b. This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing certified farmers' markets.
- c. The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
- d. Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12, shall be temporary and removed at the close of the market each day.
- e. The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Uniform Retail Food Facilities Law, Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.
- f. Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.
- g. The market site must have direct access to a County maintained road and may not be located in any public right of way or roadway.
- h. Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i. The certified farmers' market site must provide adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j. Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.

- k. Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to 3 years.
- l. The Administrative Development Permit application for certified farmers' markets shall include the following:
  - 1) Written authorization from the property owner(s) on whose land the use is proposed.
  - 2) A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
  - 3) Certified farmers' markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.
  - 4) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
    - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way;
    - b) The proposed location for the market and parking area for the market.
    - c) Location of sanitation facilities that will be used during operating hours.
    - d) Location of animal enclosures, if applicable.
    - e) Certified and non-certified sections of the market.

(Ord. #2235)

## 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 consisting of 4 or less attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, 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 which 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. Resource based employee housing may be allowed in a Recreational Vehicle as defined by Section 18010 of the California Health & Safety Code for a period not to exceed 6 months subject to the standards contained herein and those 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. ~~a single family residence, including but not limited to County Fire Safety Regulations, Chapter L-XVI of the Land Use and Development Code.~~
  - 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 which 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.)

## 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 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 ~~the Uniform Fire, Building and Mechanical~~ 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 ~~No more than one~~ 2-year extension of times for the use permit, for length of occupancy, ~~shall be allowed.~~ (Ord. #2298.)
- 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 which can be given effect without the invalid or unconstitutional provision or application and, to this end, the provisions of this Section are severable.

(Ord. #2247.)

## Section L-II 4.3.4 Agricultural Lands, Important

- A. Purpose.** To minimize the conversion of important agricultural areas to non-agricultural uses, the adverse impact of potentially incompatible land uses upon important agricultural land and operations, and the impairment of agricultural productivity of important agricultural land.

**B. Definitions.**

**1. Farmland of Local Importance** - Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).

**12. Important Agricultural Lands** - Prime farmland, farmland of Statewide importance, unique farmland, and farmland of local importance as defined by the State Department of Conservation's Important Farmland Map.

**23. Non-Agricultural Project** - For the purpose of this Section shall be any use of land, except for a single family residence and garage that does not meet the definition of "Agricultural Operation" in this Chapter.

**C. Standards.**

1. Non-agricultural projects shall be approved only when they are not within or adjacent to Important Agricultural Lands unless a Management Plan is prepared consistent with #2 below.
2. If the above standard effectively precludes development of the project, or adversely affects another environmentally sensitive resource, a Management Plan that avoids or minimizes impacts to the important agricultural lands may be prepared

consistent with the provisions of Section 4.3.3.C. of this Chapter, and the following standards:

- a. The Management Plan shall be prepared by one of the following agricultural professionals: a Registered Professional Forester, a certified rangeland manager, or an USDA/NRCS-certified conservation planner.
  - b. If the entire project site is mapped within or adjacent to important agricultural lands, the Management Plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the agricultural resource.
  - c. Management Plans shall be reviewed by the Nevada County Agricultural Commissioner.
3. Non-agricultural projects adjacent to important agricultural lands shall be designed to minimize impacts and shall be subject to the following standards:
- a. Subdivisions within or adjacent to important agricultural lands shall provide a 100' building setback from the property line(s) within or adjacent to the important agricultural land, limiting the use of the land to agricultural or open space uses compatible with adjacent agricultural land.
  - b. Require the recordation of a declaration acknowledging proximity to agricultural resources and the potential for conflict, which may be in the form of the Nevada County Right to Farm Notice provided in Nevada County Land Use and Development Code Section L-XIV 1.4.

Ord. #2286.



# **ORDINANCE No. \_\_\_\_\_**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE AMENDING CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE AS FOLLOWS: 1) TABLES L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, 2.5.D, AND 2.6.F OF ARTICLE 2 AND SECTION L-II 3.3 OF ARTICLE 3 RELATED TO AGRICULTURAL USES; 2) AMENDING SECTION L-II 3.10 AND 3.15 OF ARTICLE 3 TO ALLOW SEASONAL AGRICULTURAL EMPLOYEE HOUSING IN A RECREATIONAL VEHICLE; AND 3) SECTION L-II 4.3.4 OF ARTICLE 4 TO CODIFY AN UPDATED DEFINITION OF FARMLANDS IN LOCAL IMPORTANCE (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 General Plan 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 promoting and supporting a vibrant agricultural economy; and
2. 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 projects 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
3. 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).

### SECTION II:

Tables L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, 2.5.D, and 2.6.F "Allowable Uses and Permit Requirements" of Article 2 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.1", attached hereto and incorporated herein by reference.

### SECTION III:

Section L-II 3.3 "Agricultural Uses" 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.2", attached hereto and incorporated herein by reference.

SECTION IV:

Section L-II 3.10 "Employee Housing" and 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 V:

Section L-II 4.3.4 "Agricultural Lands, Important" of Article 4 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 "C", 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 \_\_\_th 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.1

Table L-II 2.2.1.B			
Single Family Districts Allowable Uses and Permit Requirements			
<u>Key to Land Use Permit Requirements:</u>			
<b>A</b>	Allowed subject to zoning compliance and building permit issuance		
<b>DP</b>	Development Permit required per Section 5.5		
<b>UP</b>	Use Permit required per Section 5.6		
<b>NP</b>	Not Permitted		
<b>NA</b>	Not Applicable		
<b>Varies</b>	Refer to listed L-II Section for allowable uses and permit requirements		
ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II SECTIONS:
Agricultural, Resource, and Open Space Uses			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables.	A	NP	3.3
Field Retail Stand and Farm Stand	A	NP	3.3
Animal keeping and raising	Varies		3.4
Certified Farmers' Markets	DP	NP	3.3
....	A	A	3.3

**Table L-II 2.2.2.B**

**Multi-Family Districts Allowable Uses and Permit Requirements**

**Key to Land Use Permit Requirements:**

**A** Allowed subject to zoning compliance and building permit issuance

**DP** Development Permit required per Section 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

**ALLOWABLE LAND USES  
(See Section L-II 1.4.D for Similar Uses)**

**R2**

**R3**

**L-II  
SECTIONS:**

**Agricultural, Resource, and Open Space Uses**

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II SECTIONS:
...			
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stands and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies		3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22

**Table L-II 2.3.D**

**Rural Districts Allowable Uses and Permit Requirements**

**Key to Land Use Permit Requirements:**

**A** Allowed subject to zoning compliance and building permit issuance

**DP** Development Permit required per Section 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>AG</b>	<b>AE</b>	<b>FR</b>	<b>TPZ</b>	<b>L-II SECTIONS:</b>
<b>Agricultural, Resource, and Open Space Uses</b>					
...					
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services.	UP	UP	NP	NP	
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	A	A	A	3.3
Field Retail Stand and Farm Stand	A	A	A	NP	3.3
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				3.4
Certified Farmers' Markets	DP	DP	DP	NP	3.3
...					

**Table L-II 2.4.D**

**Commercial Districts Allowable Uses and Permit Requirements**

**Key to Land Use Permit Requirements:**

**A** Allowed subject to zoning compliance and building permit issuance

**DP** Development Permit required per Section 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>CH</b>	<b>OP</b>	<b>L-II SECTIONS:</b>
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...

**Agricultural, Resource, and Open Space Uses**

Field Retail Stand	NP	NP	NP	NP	NP	3.3
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Farm Stand	DP	DP	DP	DP	DP	3.3
------------	----	----	----	----	----	-----

Certified Farmers' Market	DP	DP	DP	DP	DP	3.3
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Crop and Tree Farming	A	A	A	A	A	3.3
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...

**Table L-II 2.5.D**

<b>Industrial Districts Allowable Uses and Permit Requirements</b>				
<u>Key to Land Use Permit Requirements:</u>				
<b>A</b>	Allowed subject to zoning compliance and building permit issuance			
<b>DP</b>	Development Permit required per Section 5.5			
<b>UP</b>	Use Permit required per Section 5.6			
<b>NP</b>	Not Permitted			
<b>NA</b>	Not Applicable			
<b>Varies</b>	Refer to listed L-II Section for allowable uses and permit requirements			
<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>BP</b>	<b>M1</b>	<b>M2</b>	<b>L-II SECTIONS:</b>
<b>Residential Uses</b>				
...				
<b>Agricultural, Resource, and Open Space Uses</b>				
Field Retail Stand	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	3.3
...				

**Table L-II 2.6.F**

**Special Purpose Districts Allowable Uses and Permit Requirements**

Key to Land Use Permit Requirements:

**A** Allowed subject to zoning compliance and building permit issuance

**DP** Development Permit required per Section 5.5

**UP** Use Permit required per Section 5.6

**NP** Not Permitted

**NA** Not Applicable

**Varies** Refer to listed L-II Section for allowable uses and permit requirements

<b>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</b>	<b>(1) IDR</b>	<b>OS</b>	<b>(2) PD</b>	<b>(3) P</b>	<b>(4) REC</b>	<b>L-II SECTIONS:</b>
<b>Industrial Uses</b>						
None Listed						
<b>Agricultural, Resource, and Open Space Uses</b>						
Animal Keeping and Raising	Varies					3.4
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	NP	DP	DP	DP	3.3
Certified Farmers' Markets	DP	NP	DP	DP	DP	3.3
Crop and Tree Farming	A	UP	A	A	A	3.3

## Exhibit A.2

### Section L-II 3.3 Agricultural Uses

- A. Purpose.** To encourage agriculture and to promote a strong and sustainable local agricultural economy.
- B. Definitions.**
- 1. Certified Farmers' Market (CFM)** (3 CCR § 1392.2) - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
  - 2. Community Supported Agriculture (CSA)** – Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may include either the host farm or an off-site location when permission is previously granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.
  - 3. Field Retail Stand** (FAC 47030) - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and land use codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
  - 4. Farm Stand** (FAC 47050) - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy (FAC 47000 (d)).
- C. Standards.**
- 1. Crop and tree farming.** In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use.
  - 2. Community Supported Agriculture.** Is an allowed use in any district where crop and tree farming is allowed. Pick-up locations shall be consistent with those outlined in the definitions above.
  - 3. Field Retail Stands and Farm Stands.** The sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:

- a. Field retail stands and farm stands are subject to authorization by the County Agricultural Commissioner and farm stands may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold.
  - b. The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products.
  - c. A producer may sell products they grow out-of-county as long as it's no more than 1/3 of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
  - d. Field retail stands and farm stands shall be limited to a total of 1,000 square feet on any one site and shall be limited to 10 producers.
  - e. Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
  - f. Field retail stands and farm stands shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
  - g. Any structure used for a field retail stand or farm stand shall meet the requirements of the California Fire Code regarding general fire safety.
  - h. A field retail stand or farm stand shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Section 845 of the California Civil Code is required.
  - i. All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
  - j. Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
  - k. Hours of operation are limited to daylight hours.
  - l. Signage shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12.
4. **Farm Stands.** The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in LUDC Sec. L-II 3.3.C.3 and the following:

- a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
- b. Farm stands may be permitted for up to 3 years.
- c. The Administrative Development Permit application for a farm stand shall include the following:
  - 1) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
    - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way;
    - b) The proposed location for the market and parking area for the market.
    - c) Location of sanitation facilities that will be used during operating hours.
    - d) Location of animal enclosures, if applicable.

**5. Certified Farmers' Markets.** Certified farmers' markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:

- a. Certified farmers' markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.
- b. This section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing certified farmers' markets.
- c. The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
- d. Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" as shown in Section L-II 4.2.12, shall be temporary and removed at the close of the market each day.
- e. The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Uniform Retail Food Facilities Law, Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.
- f. Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.

- g.** The market site must have direct access to a County maintained road and may not be located in any public right of way or roadway.
- h.** Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i.** The certified farmers' market site must provide adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j.** Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.
- k.** Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to 3 years.
- l.** The Administrative Development Permit application for certified farmers' markets shall include the following:
  - 1)** Written authorization from the property owner(s) on whose land the use is proposed.
  - 2)** A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
  - 3)** Certified farmers' markets proposing to utilize an improved parcel shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.
  - 4)** A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
    - a)** The location of any existing uses including structures, parking, driveways, and road rights-of-way;
    - b)** The proposed location for the market and parking area for the market.
    - c)** Location of sanitation facilities that will be used during operating hours.
    - d)** Location of animal enclosures, if applicable.
    - e)** Certified and non-certified sections of the market.

## Exhibit B

### 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 consisting of 4 or less attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, 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 which 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. Resource based employee housing may be allowed in a Recreational Vehicle as defined by Section 18010 of the California Health & Safety Code for a period not to exceed 6 months subject to the standards contained herein and those 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 which 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.)

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## **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 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 the 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 which can be given effect without the invalid or unconstitutional provision or application and, to this end, the provisions of this Section are severable.

(Ord. #2247.)

## Exhibit C

### Section L-II 4.3.4 Agricultural Lands, Important

- A. Purpose.** To minimize the conversion of important agricultural areas to non-agricultural uses, the adverse impact of potentially incompatible land uses upon important agricultural land and operations, and the impairment of agricultural productivity of important agricultural land.
- B. Definitions.**
1. **Farmland of Local Importance** - Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).
  2. **Important Agricultural Lands** - Prime farmland, farmland of Statewide importance, unique farmland, and farmland of local importance as defined by the State Department of Conservation's Important Farmland Map.
  3. **Non-Agricultural Project** - For the purpose of this Section shall be any use of land, except for a single family residence and garage that does not meet the definition of "Agricultural Operation" in this Chapter.
- C. Standards.**
1. Non-agricultural projects shall be approved only when they are not within or adjacent to Important Agricultural Lands unless a Management Plan is prepared consistent with #2 below.
  2. If the above standard effectively precludes development of the project, or adversely affects another environmentally sensitive resource, a Management Plan that avoids or minimizes impacts to the important agricultural lands may be prepared consistent with the provisions of Section 4.3.3.C. of this Chapter, and the following standards:
    - a. The Management Plan shall be prepared by one of the following agricultural professionals: a Registered Professional Forester, a certified rangeland manager, or an USDA/NRCS-certified conservation planner.
    - b. If the entire project site is mapped within or adjacent to important agricultural lands, the Management Plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the agricultural resource.
    - c. Management Plans shall be reviewed by the Nevada County Agricultural Commissioner.
  3. Non-agricultural projects adjacent to important agricultural lands shall be designed to minimize impacts and shall be subject to the following standards:

- a. Subdivisions within or adjacent to important agricultural lands shall provide a 100' building setback from the property line(s) within or adjacent to the important agricultural land, limiting the use of the land to agricultural or open space uses compatible with adjacent agricultural land.
- b. Require the recordation of a declaration acknowledging proximity to agricultural resources and the potential for conflict, which may be in the form of the Nevada County Right to Farm Notice provided in Nevada County Land Use and Development Code Section L-XIV 1.4.

Ord. #2286.



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES**

950 Maidu Ave, Suite 170, Nevada City, CA 95959  
(530) 470-2690 FAX (530) 273-1713 <http://new.mynevadacounty.com/agcomm>

Sean Powers  
Community Development Agency Director

Chriandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 12, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *ty*  
Re: Nevada County Temporary Agricultural Employee Housing (LUDC Sec. L-II 3.10)

The Nevada County General Plan Policy 16.12 refers to "temporary" housing for seasonal employees and specifically states, "Allow housing for the farm operator and employees of the farm operator and their families (including temporary or permanent housing for seasonal employees) on all lands zoned predominantly for agricultural use..." The Agricultural Advisory Commission (AAC) has noted that the current zoning regulations are silent regarding "temporary" agricultural employee housing. The AAC, at various meetings in 2015, discussed what would qualify as "temporary" agricultural employee housing. They also discussed if there was a necessity for temporary agricultural housing. They concluded that as most agricultural production in Nevada County is seasonal in nature, that standards for temporary agricultural housing would be relevant. Seasonal workers are important to agricultural production.

During the March, 2016 AAC meeting, the topic was revisited. The Commission's discussion consisted of what would be an appropriate timeframe for temporary agricultural housing. The Commission agreed on 9 months to allow time to move in, set up and prepare for the agricultural growing season.

The AAC's recommendation to allow temporary agricultural employee housing for a time period of no more than nine (9) months, was circulated among various Community Development Agency (CDA) departments for comments. Planning staff met with the CDA Director, the Environmental Health Director and the Agricultural Commissioner to analyze and discuss comments received. To be consistent with State standards, it was decided to propose a temporary timeframe of no more than 6 months. The following draft language has been proposed and inserted into the existing Zoning Regulation, Section L-II 3.10 Employee Housing. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

Seasonal Temporary RV Use. Resource based employee housing may be allowed in a Recreational Vehicle as defined by Section 18010 of the California Health and Safety Code for a period not to exceed 6 months subject to the standards contained herein and those 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).

After a brief discussion, a motion was made by Commission Member Johansen to support the proposed draft language changes of Section L-II 3.10 Employee Housing regarding temporary RV use for agricultural employee housing. Commission Member Fowler seconded the motion. Commission Chair Jochim called for a voice vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.



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Sean Powers  
Community Development Agency Director

Chrisandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 13, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *tey*  
Re: Nevada County Farmlands of Local Importance

**Background:** Farmland of Local Importance, as defined by the Department of Conservation, is land of importance to the local economy as defined by each county's local advisory committee and adopted by its Board of Supervisors. It is further defined as either currently producing or having the capability of production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The Board of Supervisors, of each county, has the authority to adopt or recommend changes to the category of Farmlands of Local Importance.

The current definition of Nevada County's Farmlands of Local Importance is:

"Farmlands that have physical characteristics that would qualify for Prime or Statewide except for the lack of irrigation water. Farmlands that produce crops that are not listed under Unique Lands but are important to the economy of the county are: Christmas trees, Sudan grass, Meadow hay, chestnuts, poultry houses and feedlots, improved dryland pasture (not rangeland), and irrigated pasture (it is under Statewide or Prime if souls are listed as such, otherwise as Local).

Also, lands that are legislated to be used only for agricultural (farmland) purposes, such as Williamson Act land in western Nevada County."

The Agricultural Advisory Commission has been discussing revising the Farmlands of Local Importance definition, for years. Most recently, in March 2016, a subcommittee was formed to review the current definition of Farmlands of Local Importance, and the mapping criteria. The subcommittee consisted of the UC Cooperative Extension Farm Advisor, the Agricultural Commissioner, and two members of the Agricultural Advisory Commission. On March 16<sup>th</sup>, 2016, during its regularly scheduled meeting, the subcommittee submitted a definition proposal and the Agricultural Advisory Commission made a recommendation to change the Farmlands of Local Importance definition to the following:

“Farmlands not covered by the categories of Prime, Statewide, or Unique. They include lands zoned for agriculture by County Ordinance and the California Land Conservation Act as well as dry farmed lands, irrigated pasture lands, and other lands of significant agricultural economic importance to the County and include lands that have a potential for irrigation from an irrigation district.”

It is the State Department of Conservation’s recommendation to update the mapping criteria and definition at the same time. The Department of Conservation creates choice agricultural soil maps throughout the State by using Geographical Informational Systems and the United States Department of Agriculture Soil Conservation Service soil surveys. The mapping criteria for Nevada County’s Prime Farmland, Statewide Important Farmland, and the Unique category is specified by certain soil types. The subcommittee made a recommendation to the Agricultural Advisory Commission to follow this same protocol when looking at redefining the Farmlands of Local Importance mapping criteria. An emphasis was placed on grazing land with high-rated range production capacities. With data, supplied by the Natural Resource Conservation Service (NRCS), the subcommittee identified 5 soil types (not currently considered choice soils) that meet the criteria for Farmlands of Local Importance in Nevada County. Four of the five soil types have a Range Production Rating of 1700 pounds per acre per year, or more. NRCS defines total range production as the amount of vegetation that can be expected to grow annually in a well-managed area that is supporting the potential natural plant community.

During the Agricultural Advisory Commission’s July 2016 meeting, the subcommittee proposed that the Agricultural Advisory Commission make a recommendation to adopt the following five soil types as the new mapping criteria for Farmlands of Local Importance in Nevada County:

- 1) AdD – Ahwahnee sandy loam, 15 to 30% slopes  
(Range Production Rating = 2125)
- 2) ArC – Argonaut gravelly loam, 2 to 15% slopes  
(Range Production Rating = 1700)
- 3) HnC – Hoda sandy loam, 9 to 15% slopes  
(no Range Production Rating, although Hoda sandy loam 5 to 9% slopes is considered Prime Farmland)
- 4) SoD – Sobrante loam, 15 to 30% slopes  
(Range Production Rating = 2040)
- 5) TrC – Trabuco loam, 5 to 15% slopes  
(Range Production Rating = 1700)

The total acreage affected in the Area of Interest (western Nevada County) is 7,532.8 acres. The current acreage identified as Farmlands of Local Importance is 23,411 acres

(2014 DOC data) although some of this land is also considered Prime Farmland, Statewide Important Farmland and Unique Soils. When looking at a map, one will note that the Farmlands of Local Importance sometimes overlap with these other choice agricultural soils.

The Agricultural Advisory Commission's recommendations for a new definition and mapping criteria were submitted to the Nevada County Planning Department. After some analysis, it was suggested that the proposed mapping criteria be included within the proposed definition. The following definition is being proposed as an additional definition within Nevada County's Zoning Regulations, Section L-II 4.3.4 Agricultural Lands, Important:

**Farmland of Local Importance** - Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR), or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, 15 to 30% slopes (AdD); Argonaut gravelly loam, 2 to 15% slopes (ArC); Hoda sandy loam, 9 to 15% slopes (HnC); Sobrante loam, 15 to 30% slopes (SoD); or Trabuco loam, 5 to 15% slopes (TrC).

On September 1, 2016, the Planning Department sent out a Request for Comments on this proposed change. Comments were due, in writing, to the Planning Department by 5:00 pm, Friday, September 30, 2016. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

**AAC Recommendation:** After a brief discussion, a motion was made by Commission Member Hoek to support the proposed changes to the County of Nevada's Farmlands of Local Importance definition. Commission Member Barhydt seconded the motion. Commission Chair Jochim called for a voice vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.



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Sean Powers  
Community Development Agency Director

Chriandra J. Flores  
Agricultural Commissioner/Sealer of Weights and Measures

To: Brian Foss, Planning Director  
Date: October 13, 2016  
From: Terry Jochim, Agricultural Advisory Commission Chair *te*  
Re: Nevada County Agricultural Use Definitions and Standards (LUDC Sec. L-II 3.3)

**Background:** The majority of the agricultural land use authority can be found in Section L-II 3.3 of the Nevada County Zoning Regulations. The section defines "farm stands", "produce stands", "farm stores", "community supported agriculture (CSA's)" and "certified farmer's markets". One of the reasons the Agricultural Advisory Commission (AAC) decided to update this section was to make the language and definitions consistent with the California Food and Agriculture Code which defines "field retail stands" and "farm stands". The State definition of "field retail stand" is more in line with Nevada County's current definition of "farm stand" and the State definition of "farm stand" is more in line with Nevada County's current definition of "produce stand". For simplicity and consistency, it would be easier if the State and local definitions were the same, as the County Agriculture Department enforces State and local laws, regulations and ordinances. Through a series of meetings and discussions in 2015, with a final recommendation on December 16, 2015, the AAC has submitted draft language changes to the Nevada County Zoning Regulations, Section L-II 3.3, to the Nevada County Planning Department.

The AAC's proposed draft of Section L-II 3.3 was circulated among various Community Development Agency (CDA) departments for comments. Planning staff met with the CDA Director and the Agricultural Commissioner to analyze and discuss comments received and the proposed draft. The current draft has been changed to simplify the content (i.e. the standards for Field Retail Stands and Farm Stands were combined) but the intent of the proposal was maintained. On September 1, 2016, the Planning Department sent out a Request for Comments on this proposed change. Comments were due, in writing, to the Planning Department by 5:00 pm, Friday, September 30, 2016. The Agricultural Advisory Commission was given a copy of the proposed draft at their September 21, 2016, regularly scheduled meeting.

**AAC Recommendation:** After a brief discussion, a motion was made by Commission Member Fowler to support the proposed draft language as written. Commission Member Shapero seconded the motion. Commission Chair Jochim called for a voice

vote. All were in favor with the exception of Commission Member Scofield, who abstained.

Commission Members in attendance: Terry Jochim, Rich Johansen, Laura Barhydt, Brad Fowler, Mark Henry, Susan Hoek, Ed Scofield, Matthew Shapero, and Pam Stone.

# PENN VALLEY FIRE PROTECTION DISTRICT

**Fire Chief**  
Don Wagner  
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**Directors**  
Dave Farrell, Chairperson  
Kurt Grundel, Director  
John Pelonio, Director  
Bruce Stephenson, Director  
Terry McMahan, Director

September 21, 2016

Tyler Barrington, Principal Planner  
Nevada County Planning Department  
950 Maidu Ave.  
Nevada City, CA 95959

Re: Zoning Ordinance Amendments for Agricultural Use and Employee Housing  
File No: PLN 16-00050, Ord 16-1, EIS 16-0001

Tyler,

I have reviewed the request for comments and supporting documentation regarding the proposed changes to the county Land Use and Development Code, sections L-II 3.3 and L-II 3.10. I appreciate your solicitation of comments and have some to provide you. They are enumerated below.

1. **Sec. L-II 3.3- Agricultural Uses.**

This section should ensure that the general requirements of the California Fire Code are in effect for all such uses. The proper classification of these retail establishments, in my mind, is a "U" occupancy. These have some general fire safety regulations that are contained in the CFC.

2. **Sec. L-II 3.15 C.7- Employee Housing.**

A carbon monoxide detector should be required in all housing units that contain any carbon-fueled appliance or heating device.

3. **Sec L-II 3.15 C.9- Employee Housing**

The model for both the Building and Fire Codes is developed by the International Code Council (ICC). As such, reference to the "Uniform Building and/or Fire Code" would be incorrect. I strongly encourage use of the actual adopted California codes as they are the ones enforceable in this state, not the model codes they are derived from.

**Thank you for the opportunity to review and comment on this code review project.  
Should you have any questions please feel free to contact me at (530) 432-2630.**

**Respectfully,**



**Clayton Thomas  
Captain**

**Cc: Matt Furtado, County Fire Planner**