MEETING DATE: March 13, 2018

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: A public hearing to consider the Nevada County Planning Commission’s December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 as amended per direction of the Board of Supervisors on January 23, 2018 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The Ordinance Amendment also includes an amendment to the County’s definition of Agricultural Products to exclude cannabis and cannabis related products.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

I. Adopt the attached Resolution approving the proposed Negative Declaration (EIS17-0009), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (Attachment 1).

II. Introduce, waive further reading and adopt the attached Ordinance (ORD17-2) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3 (Attachment 2).

III. Close Board Order BO17-01.

FUNDING: No budget amendments are required.
ATTACHMENTS:

1. Resolution- Negative Declaration (EIS17-0009)
   Exhibit A. Draft Initial Study and Proposed Negative Declaration
2. Ordinance- ORD17-2
3. Revised Draft Zoning Text Amendments in Track Changes
4. January 23, 2018 Board of Supervisors Staff Report with Attachments Removed

BACKGROUND:
On December 14, 2017, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed project. After reviewing and considering the proposed environmental document and taking public testimony, the Planning Commission voted 4-0, 1 absent recommending that the Board of Supervisors adopt the project specific Negative Declaration (Attachment I) and Agritourism Ordinance. On January 23, 2018, the Planning Department brought this recommendation to the Board of Supervisors for consideration of the adoption of the proposed Agritourism Ordinance. The Board of Supervisors expressed concerns over the inclusion of the Residential Agricultural (RA) zoning district without some differentiation regarding a given farm’s or ranch’s General Plan Land Use Designation, specifically focusing on the Rural verses Residential, Estate (and other non-Rural) Land Use Designations. It was also suggested that some consideration be given to potential minimum parcel sizes. In providing this direction, the Board of Supervisors directed staff to work with the Nevada County Agricultural Advisory Commission to potentially develop new standards to address the concerns of the Board and to look at potential impacts of developing more restrictions on the use.

STAFF COMMENT:
On January 31, 2018, the Planning Department, Agricultural Commissioner and members of the Agricultural Advisory Commission (AAC) Subcommittee on Direct Marketing met to discuss the direction of the Board of Supervisors. Based on this discussion and using the County’s Winery Ordinance (Land Use and Development Code Section L-II 3.24), two new standards are recommended to be added to the proposed Ordinance as follows:

a. Agritourism activities within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of 3 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.

b. Agritourism activities within the RA zoning district not within the RUR General Plan Land Use Designation shall be limited to parcels of 5 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.
Since, properties in the RA zoning district and Rural General Plan Designation are typically considered to be in more rural areas with generally larger lot sizes, the AAC subcommittee recommended that smaller parcels sizes should be allowed as perceived potential conflicts with surrounding uses are anticipated to be less. Wineries in the RA zone are restricted to parcels of 3-acres or greater regardless of General Plan Land Use Designations and the Winery Ordinance allows for smaller parcels with a use permit. Properties the RA zoning district and non-Rural General Plan Land Use Designations such as Residential, Estate and others are in more developed rural residential areas with smaller lots that create the potential for more conflicts between agritourism activities and nonagricultural uses. Therefore, the AAC Subcommittee requested a 5-acre minimum parcel size to allow for more buffering between properties and to allow for activities to occur on parcels smaller than 5-acres with approval of a use permit as a way to not prohibit the use all together. The Use Permit process will allow smaller properties to be considered on a case-by-case basis and will allow conditions and mitigation to be applied to agritourism activities in order to ensure compatibility with surrounding uses and the neighborhood. While these added standards make the Ordinance slightly more restrictive, it does not preclude a farmer or rancher who makes a living on a smaller more intensive operation from receiving the potential benefits of being allowed to do agritourism activities to support their farm or ranch. The minimum parcels sizes provide for greater protection of existing neighborhoods and it is staff’s opinion that this is a good compromise based on the direction of the Board of Supervisors on January 23, 2018.

**SUMMARY:**

Based on the direction of the Board of Supervisors on January 23, 2018, the Planning Department and Agricultural Advisory Commission have prepared revisions to the proposed draft Ordinance to establish minimum parcel sizes and to distinguish between the RA Zoning District with a Rural General Plan Land Use Designation and a Non-Rural Land Use Designation. Since these revisions make the Ordinance more restrictive, the original proposed Negative Declaration remains valid and recirculation is not required pursuant to California Environmental Quality Act Guidelines Section 15073.5. By allowing for a use permit to reduce the minimum parcel size in the RA zoning district, this will ensure that no farms or ranches in this zone will be ineligible for hosting agritourism activities on their farm or ranch. Should the Board of Supervisors elect to adopt the revised Ordinance, staff would also recommend that the Board close Board Order BO17-01.

**RECOMMENDATION:** The Planning Commission on December 14, 2017 on a 4-0, 1 absent vote recommended that that Board of Supervisors take the following actions:

I. Adopt the attached Resolution approving the proposed Negative Declaration (EIS17-0009), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (Attachment 1).
II. Adopt the attached Ordinance (ORD17-2) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3 (Attachment 2).

III. Close Board Order BO17-01.

**Item Initiated by:** Tyler Barrington, Principal Planner

**Approved by:** Brian Foss, Director of Planning
RESOLUTION NO. _________
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR ORDINANCE ORD17-2 AMENDING SECTION L-II 3.3 OF ARTICLE 3 OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE TO ADOPT A DEFINITION AND PERMITTING STANDARDS FOR AGRITOURISM (FILE NOs. ORD17-2 AND EIS17-0009)

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 October 27, 2017 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 and was released for a 30-day public review period, commencing on October 27, 2017 and ending November 27 2017; 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 14, 2017, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed IS/ND 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 (EIS17-0009), 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 (EIS17-0009) for the Agritourism 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*, Nevada County Building; Nevada County Department of Public Works; Nevada County Environmental Health Department; County Counsel*; Nevada County Agricultural Commissioner; Nevada County CEO; All Nevada County Fire 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; 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.; Greater Cement Hill Neighborhood Assn.; Grass Valley Greenhorn Assn.; Greater Champion Neighborhood Assn.; 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; 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: October 27, 2017

Project Title: Agricultural Marketing (Agritourism)

File Number: PLN17-0037; ORD17-2; EIS17-0009

Project Location: Agricultural Exclusive, General Agricultural, Forest and Residential Agricultural Zoning Districts, 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

Owner: N/A Representative: Chris de Nijs, Agricultural Commissioner

Zoning District: AE, AG, FR, RA General Plan Designation: Rural, RES, EST

Project Location and Surrounding Land Uses: Rural Agricultural Areas of Unincorporated Nevada County.

Project Description: Proposed amendments to the Nevada County Land Use and Development Code (LUDC) Chapter II Zoning Regulations related to agricultural marketing (Agritourism). The proposed project is an effort by the County to support the agricultural economy of Nevada County by allowing agritourism activities on a farm or working ranch within the primary agricultural zoning districts (Agricultural Exclusive” AE,” General Agriculture “AG”, Forest “FR” and Residential Agricultural “RA”) subject to the same basic health and safety standards as a field retail or farm stand within that zone...
and adds requirements that agritourism activities cease by 10 p.m. and adhere to the County’s allowable noise limits established by Land Use and Development Code LUDC). Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. For purposes of this project Agritourism is defined as follows:

“The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.”

In addition to adding this definition, the project adds an exclusion of “cannabis and cannabis related products” to the County’s Agricultural Products definition as follows:

**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, cannabis or cannabis products, wine or wine products.

The entire draft ordinance can be viewed by visiting the Nevada County Planning Department webpage: https://www.mynevadacounty.com/512/Planning-Department or by contacting the Nevada County Planning Department (530) 265-1222.

**Other Permits Required:** N/A

**Relationship to Other Projects:** In January 2017, the Nevada County Board of Supervisors adopted Ordinance 2427, which in addition to other changes revised the County Land Use and Development Code (LUDC) Sec. L-II 3.3 Agricultural Uses pertaining to standards, permitting requirements and definitions for Field Retail Stands, Farm Stands, Community Supported Agriculture and Certified Farmers Markets. This project is an additional effort by the County to support the agricultural economy of Nevada County by allowing agritourism activities on a farm or working ranch.
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.

<table>
<thead>
<tr>
<th></th>
<th>1. Aesthetics</th>
<th>2. Agriculture / Forestry Resources</th>
<th>3. Air Quality</th>
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</thead>
</table>

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.

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.

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<thead>
<tr>
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<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reference Source (Appendix A)</th>
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<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista or views open to the public?</td>
<td></td>
<td></td>
<td>✓</td>
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<td>b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td>✓</td>
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<td>✓</td>
<td>A, 17, 18, 19</td>
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<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td>✓</td>
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<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A, 17, 18, 19</td>
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</table>
Impact Discussion:
1a-1d: The proposed project is a zoning text amendment intended to help stimulate the agricultural economy of Nevada County by allowing marketing opportunities and promotion of an agricultural operation through onsite agritourism activities. Additionally, many ag related activities are occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. Under current standards, typically these type of ancillary marketing activities for agricultural producers would require a discretionary use permit, which results in significant cost and time to obtain. From an aesthetic standpoint, the County’s agricultural zones are typically in rural pastoral areas of the County that provide significant aesthetic value to the County. The uses associated with the proposed ordinance would be ancillary to the farming activities occurring on a given site. While no discretionary permit would be required, thus not requiring design review, it is anticipated that any structures constructed to support this use would be consistent with the existing character of the site and the rural area which they are located and subject to building code requirements. It is more likely that the agricultural operation would use existing structures, such as farm houses or barns to support the uses allowed by this ordinance change and there would be little to no impact to aesthetic resources in Nevada County. Since this project only allows ancillary agritourism activities within the rural zoning districts of the County, impacts to aesthetic resources are anticipated to be less than significant. 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.

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.

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### CEQA Environmental Checklist Item

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<tr>
<td>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?</td>
<td></td>
<td>✓</td>
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<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
<td>✓</td>
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<td>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))?</td>
<td></td>
<td>✓</td>
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<tr>
<td>d. Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td></td>
<td>✓</td>
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<td>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?</td>
<td></td>
<td>✓</td>
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### Impact Discussion: 2a-2e: The purpose of this project is to provide for increased opportunities to allow
for the economic vitality of the agricultural community of Nevada County. The proposed change would allow agitourism activities for the purposes of involvement in the ancillary activities of a working farm, ranch or any agricultural or horticultural operation. These activities include but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business. It does not allow concerts, weddings or other commercial activities/events that are not related to the promotion of a working farm, ranch or agricultural/horticultural operation. This change is anticipated to provide a positive impact for agricultural operators in Nevada County by augmenting their income and allowing for additional promotion of their agricultural activities. Additionally, many ag related activities are occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. The uses allowed by this ordinance are not foreseen or intended to reduce production areas and will be supportive of the overall agricultural use of the property. Further, uses allowed would be temporary and are not anticipated to conflict with important farmlands, existing zoning for agricultural use or Williamson Act contracts. 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 allowances for agitourism are anticipated to provide as temporary public uses of the agricultural production site for the promotion of the operation and therefore these 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 a less than significant impact to the criterion provided above.
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.

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<tbody>
<tr>
<td>a. Result in substantial air pollutant emissions or deterioration of ambient air quality?</td>
<td></td>
<td>✓</td>
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<td>A, E, 14</td>
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<td>b. Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
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<td>✓</td>
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<tr>
<td>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)?</td>
<td></td>
<td>✓</td>
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<td>A, E, 14</td>
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<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td>✓</td>
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<tr>
<td>e. Create objectionable odors, smoke, ash, or dust affecting a substantial number of people?</td>
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<td>✓</td>
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<td>f. Exceed any potentially significant thresholds adopted in County Plans and Goals?</td>
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</table>
Impact Discussion: 3a-3f: This project will allow for ancillary supportive marketing uses to occur on working farms and ranches as a way to support the economic vitality of the County’s agricultural operations. The proposed project will further define expected ancillary uses on existing agricultural operations that support the farming aspects of the farm or ranch and are already occurring on Nevada County farms. It will also clearly prohibit non-agricultural related uses such as concerts and weddings, which will still require a use permit pursuant to the County’s Land Use and Development Code Section L-II 3.7 or a temporary outdoor festival permit from the Nevada County Sheriff’s Office. 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 uses allowed on a working ranch or farm, bringing public to the site on a more formal basis, these uses allowed themselves would be ancillary to the actual use of the property for farming or ranching activities. Many of the uses are already occurring at many of the County’s farms and ranches and this ordinance would further accommodate these existing ancillary uses to support the farming community. It is virtually impossible to quantify how much of an increase in visitations that might occur as a result of this ordinance as essentially it only codifies expected and common ancillary uses on a working farm or ranch. 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. Overall, this amendment that will add a definition of agritourism to the County’s LUDC, will not result in a significant increase in industry in the County that would generate significant pollutant emissions. Further it is not anticipated to expand existing agricultural operations or result in new larger scale farms or ranches, it is meant to further support the County’s existing agricultural economy by memorizing and allowing existing ancillary agricultural support uses that are already occurring in the County without requiring a discretionary use permit. Subsequently because this project is only a legislative action making an amendment to the County’s LUDC it will not result in significant increases in air pollution and therefore this impact is less than significant.

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 of 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.

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<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
<tr>
<td>f. Introduce any factors (light, fencing, noise, human presence, and/or domestic animals), which could hinder the normal activities of wildlife?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, 2, 3, 9, 16</td>
</tr>
</tbody>
</table>

Impact Discussion: 4a-4f: All uses allowed by this amended ordinance, for the marketing of agricultural uses and products would be subject to zoning compliance and building permit issuance, as well as all local, state and federal laws applicable to the protection of sensitive biological species and habitats. 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. Further, any work within or near watercourses, floodplains, riparian areas, wetlands and/or other jurisdictional waters are subject to state and federal standards and permitting requirements, including but not limited obtaining a Streambed Alteration Agreement or Section 404 Clean Water Act Permit. 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.

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.

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<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A</td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A</td>
</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A</td>
</tr>
</tbody>
</table>

Impact Discussion: 5a-5d: The uses allowed by this amended ordinance would 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 and any grading or construction would be subject to the County’s Grading Ordinance and California Building Code Standards. 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, the 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.

Mitigation Measures: None Required.

6. GEOLGY / 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.

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<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A, D, 5, G, 16</td>
</tr>
<tr>
<td>b. Result in substantial disruption, displacement, compaction, erosion, or over-covering of the soil by cuts, fills, extensive grading, or loss of topsoil?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A, D, 5, G, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A, D, 5, G, 16</td>
</tr>
</tbody>
</table>
Impact Discussion: 6a-6e: The use allowed by this amended ordinance would 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. Any grading or construction that might occur would be subject to all applicable local, state and federal laws that apply to those type of actions. Further areas of steep slopes would not be conducive for areas for agricultural marketing, as a relatively level surface provides a better medium for hosting these facilities and/or uses. 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.

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 (CO2), methane, halocarbons (HFCs), and nitrous oxide (NO2). CO2 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.

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<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, E, 14</td>
</tr>
<tr>
<td>b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A, E, 14</td>
</tr>
</tbody>
</table>

**Impact Discussion: 7a-7b:** Agricultural marking activities that would be allowed by this proposed ordinance amendment would be subject to the primary public health and safety standards that are in place from the existing ordinance for other like agricultural marketing uses (field retail and farm stands) to ensure consistency with prior practices. As discussed under the air quality section, this project will allow for ancillary supportive marketing uses to occur on working farms and ranches as a way to support the economic vitality of the County’s agricultural operations. While this will expand on the uses allowed on a working ranch or farm, bringing public to the site on a more formal basis, the uses allowed themselves would be ancillary to the actual use of the property for farming or ranching activities. Many of these uses are already occurring at many of the County’s farms and ranches and this ordinance would further accommodate these existing ancillary uses to support the farming community. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. This ordinance will essentially codify expected and common ancillary uses on a working farm or ranch. 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. Overall, this amendment that will add a definition of agritourism to the County’s LUDC, will not result in a significant increase in industry in the County that would generate significant pollutant emissions. Further it is not anticipated to expand existing agricultural operations or result in new larger scale farms or ranches, it is meant to further support the County’s existing agricultural economy by memorizing and allowing existing ancillary agricultural support uses that are already occurring in the County without requiring a discretionary use permit. Subsequently because this project is only a legislative action making an amendment to the County’s LUDC it is not expected to result in significant increases in air pollution and therefore this impact is less than significant.

**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.
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<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>A, B, 12, 16</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>A, I</td>
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</table>

### Impact Discussion: 8a-8h: All uses allowed by this amended ordinance would 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 and if grading or construction is proposed those activities 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. The proposed ordinance carries over the existing requirements that facilities are located on a publicly 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, and adherence to all applicable local, federal and state laws regarding grading and construction, the impact of this ordinance is anticipated to be less than significant.

### 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.

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<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
</tr>
<tr>
<td>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)?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
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</tr>
<tr>
<td>f. Otherwise substantially degrade water quality?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
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<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, G</td>
<td></td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>A, B, G, 18, 13</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>A, B, G, 18, 13</td>
</tr>
<tr>
<td>j. Create inundation by mudflow?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>A, 5, 6, 12</td>
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</tbody>
</table>

**Impact Discussion: 9a-9j:** The proposed uses allowed by this amended ordinance would be subject to zoning compliance and building permit issuance as well as all local, state and federal laws applicable to the protection of watercourses, wetlands and floodplains. This means that these uses would be subject to the County’s comprehensive development and resource standards as well as grading and building code requirements. 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. Further, any work within or near watercourses, floodplains, riparian areas, wetlands and/or other jurisdictional waters are subject to state and federal standards and permitting requirements, including but not limited to obtaining a Streambed Alteration Agreement or Section 404 Clean Water Act Permit. 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.

**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. The existing setting for the uses proposed to be allowed by this project including existing and future working farms, ranches and agricultural or horticultural operations in the Agricultural Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agricultural (RA) zoning districts. These areas, with the exception of the RA district, are typically areas of rural
Agritourism Zoning Ordinance Amendment

Development with larger tracts of lands surrounded by low intensity residential development and open spaces.

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<th>No Impact</th>
<th>Reference Source (Appendix A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in structures and/or land uses incompatible with existing land uses?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>A, 16-18, 20</td>
</tr>
<tr>
<td>b. The induction of growth or concentration or population?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>A, 16-18</td>
</tr>
<tr>
<td>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?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>A, 16-18</td>
</tr>
<tr>
<td>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?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>A, 16-18, 20</td>
</tr>
<tr>
<td>e. Physically divide an established community?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td>A, D, 16-18</td>
</tr>
</tbody>
</table>

**Impact Discussion:** 10a-10e: The purpose of this project is to provide for increased opportunities to allow for the economic vitality of the agricultural community of Nevada County. Additionally, many ag related activities are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. The proposed change would allow agritourism activities for the purposes of involvement in the ancillary activities of a working farm, ranch or any agricultural or horticultural operation. These activities include but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business. It does not allow concerts, weddings or other commercial activities/events that are not related to the promotion of a working farm, ranch or agricultural/horticultural operation. This change is anticipated to provide a positive impact for agricultural operators in Nevada County by augmenting their income and allowing for additional promotion of their agricultural activities. The allowances for agritourism are anticipated to be temporary seasonal activities where the public visits the agricultural production site for the promotion of the operation.

Existing standards that protect public health and safety are already incorporated into the ordinance and currently apply to other similar agricultural direct marketing uses such as field retail stands, farm stands and certified farmer’s markets. These include meeting building and fire code requirements including meeting requirements for site accessibility and usability to persons with disabilities as determined by the County Building Official, adhering to standard building setbacks and County Resource Protection Standards, meeting minimum public water and sewage disposal requirements, maintaining all parking on site with adequate area for vehicles to enter and exit the site without backing into a road or road right-of-way, meeting driveway standards, being located on a public road or participating in private road maintenance, meeting sign standards that are already allowed for agricultural uses regardless of this ordinance, receiving authorization from the County Agricultural Commissioner for the sale of any
Agritourism Zoning Ordinance Amendment

Agricultural products at agritourism events or activities, obtaining a permit from the Department of Environmental Health for any processed agricultural food products being sold, meeting all County, State and Federal laws and regulations pertaining to direct marketing, handling, transport and protection from contamination of food products. Added standards specific to agritourism activities include requiring that all agritourism activities cease by 10 p.m. and that noise generated meets the County noise standards, which are intended to minimize land use compatibility issues.

There are four zoning districts where agritourism activities are proposed to be allowed. The AE, AG, FR and RA zoning districts. The AE, AG and FR zones are located in the most rural areas of the County where properties are typically larger in size and provide for low density rural residential and agricultural uses. The RA zone allows both residential uses and agricultural uses and typically acts as a transition zone between more intensive single family/commercial uses and the more rural agricultural/low intensity residential uses getting away from the more urbanized areas of the County. To be eligible for conducting agritourism activities or events, the site must be a working farm or ranch recognized as such by the Office of the County Agricultural Commissioner. According to the most recent Nevada County Crop Report (2016) there are 354 farms consisting of 8,058 acres in Nevada County as defined by the United States Department of Agriculture (USDA). Farms makeup approximately 1.3% of the total acreage of Nevada County, which is 623,360 acres. Therefore, there is a limited number of properties that would be eligible to host the activities allowed by this ordinance, which further limits potential conflicts. The uses that are proposed to be allowed by this ordinance would typically be temporary in nature, with very limited exceptions such as a pumpkin patch which might last for a few weeks to a month. While there is some potential for resulting in potential conflicts with surrounding non-agricultural uses, Nevada County is a right to farm county and the uses proposed to be allowed by this ordinance amendment are intended to be ancillary supportive uses that are less intensive than the existing onsite agricultural uses occurring on that site. The project itself is a zoning text amendment to expand on the potential for agricultural producers in Nevada County to market and 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.

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).

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<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>A, B, D, 1</td>
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</table>
Impact Discussion: 11a-11b: The uses proposed to be allowed as by this section of the code are ancillary to existing agricultural uses (farms, ranches, etc.) that would be subject to the County’s building and grading regulations as well as the County Resource Standards. Potential improvements associated with the uses allowed would be to the surface and it is unlikely that such disturbance would impact underground mineral resources in Nevada County. Further, this project is a legislative action to amend the County’s Zoning Code and subsequently, this project will have no impact to 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.
### Impact Discussion: 12a-12f

The purpose of this project is to provide for increased opportunities to allow for the economic vitality of the agricultural community of Nevada County. The proposed change would allow agritourism activities for the purposes of involvement in the ancillary activities of a working farm, ranch or any agricultural or horticultural operation. These activities include but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business. It does not allow concerts, weddings or other commercial activities/events that are not related to the promotion of a working farm, ranch or agricultural/horticultural operation. This change is anticipated to provide a positive impact for agricultural operators in Nevada County by augmenting their income and allowing for additional promotion of their agricultural activities. Noise generated by the uses allowed by the proposed ordinance will typically be temporary in nature and will cease after the activity or event has concluded. Additionally, many of the proposed ag related activities are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events.

In addition to adding a definition of agritourism to the LUDC and allowing it subject to zoning compliance and building permit issuance only (not requiring a discretionary permit), this project would require that all agricultural operations cease by 10 p.m. and adhere to the County’s allowable noise limits as defined by LUDC Sec. L-II 4.1.7. The County would investigate any complaints received should agricultural operators not adhere to these requirements. The definition precludes concerts and weddings, which are uses that generally produce large amounts of noise. Generally, in Nevada County agricultural operations are located in the more rural and quieter areas of the County. Subsequently, these areas have the lowest allowed levels of noise pursuant to the County’s noise standards. The Nevada County Noise Standards allow for the greatest amount of noise during daylight hours (7am to 7pm), which allows up to 55 dBA Leq and an Lmax of 75 dBA in the zoning districts where agritourism activities are proposed to be allowed. The proposed ordinance does allow agritourism activities to run to 10 p.m. and between 7 p.m. and 10 p.m. the County Noise Standards allow a maximum of 50 dBA Leq and an Lmax of 65 dBA. For comparison purposes, recognized noise comparison charts indicate passenger vehicle produces approximately 70 dBA. Typically, the Noise Standards only apply to discretionary projects, but because this project has the potential to increase the number of people at a working farm at any given time, it was necessary to require these activities to meet noise standards. It is more likely that the machinery and normal daytime agricultural operations on the site will generate much greater noise levels, which are not subject to the County Noise Standards, than anticipated by agritourism activities. Since this project has the potential of the introduction of people to working farms and ranches, new noise sources could be generated by these agricultural support uses, but the standards of the ordinance will ensure that noise levels do not exceed County Standards. Therefore, the proposed ordinance amendment will have a less than significant impact to noise.

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<tbody>
<tr>
<td>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?</td>
<td></td>
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<td>A, 15, 18</td>
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</table>
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.

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<tbody>
<tr>
<td>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)?</td>
<td></td>
<td>✓</td>
<td></td>
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<td>A, 17, 18</td>
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<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td>✓</td>
<td></td>
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<td>A, 17, 18</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td>✓</td>
<td></td>
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<td>A, 17, 18</td>
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</table>

**Impact Discussion:** 13a-13c: The proposed amendments associated with this proposed project will not result in substantial population growth as there is no associated housing development or regional infrastructure improvements that will occur as a result of this project. This project, if approved, will increase marketing opportunities for the agricultural community of Nevada County to augment their income and increase the viability of their agricultural operation. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. Since this project will not result in new regional infrastructure, will assist existing agricultural operations with the viability and does not proposed no new homes, it will have no impact on housing and population.

**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.
Agritourism Zoning Ordinance Amendment

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<tbody>
<tr>
<td>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:</td>
<td></td>
<td></td>
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<td>A-I</td>
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<tr>
<td>i) Fire protection?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A-I</td>
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<tr>
<td>ii) Police protection?</td>
<td></td>
<td>✓</td>
<td></td>
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<td>A-I</td>
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<tr>
<td>iii) Schools?</td>
<td></td>
<td>✓</td>
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<tr>
<td>iv) Parks?</td>
<td></td>
<td>✓</td>
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<td>A-I</td>
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<tr>
<td>v) Other public services or facilities?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>A-I</td>
</tr>
</tbody>
</table>

**Impact Discussion:** 13a-13c: 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 and the 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 add a definition of agritourism to the County’s Agricultural Uses Zoning Code section and will result in providing additional opportunities for agricultural marking uses without requiring significant upfront investment or require a discretionary public planning process. It is meant to support the agricultural operators in Nevada County as a way to increase direct marketing of products grown or raised onsite and define the existing and expected ancillary uses of a working farm or ranch, while clearly defining uses that are not allowed such as concerts, weddings and other non-agricultural commercial uses. All applicable public health and safety standard, including building code requirements would apply to any uses that would be allowed by this ordinance. Subsequently no adverse impacts to public services are anticipated to occur as a result of this project.

**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.

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<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
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<td>A, 17, 18</td>
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</tbody>
</table>
CEQA Environmental Checklist Item | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact | Reference Source (Appendix A)
--- | --- | --- | --- | --- | ---
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: 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 provide increased opportunities for direct marketing of agricultural products grown or raised on site and has the potential to provide an agricultural experience to persons visiting a farm or ranch. It is meant to simplify the process in support of agricultural operators in Nevada County. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. Since this project has no growth inducing implications and therefore will have no impact on recreational facilities in unincorporated 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
Impact Discussion: 16a-16h: This project if approved will result in adding a definition of agritourism to the County’s LUDC Agricultural Uses section. The purpose of this project is to provide for increased opportunities to promote the economic vitality of the agricultural community of Nevada County. The proposed change would allow agritourism activities for the purposes of involvement in the ancillary activities of a working farm, ranch or any agricultural or horticultural operation. These activities include but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business. It does not allow concerts, weddings or other commercial activities/events that are not related to the promotion of a working farm, ranch or agricultural/horticultural operation. This change is anticipated to provide a positive impact for agricultural operators in Nevada County by augmenting their income and allowing for additional promotion of their agricultural activities. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events.

The proposed ordinance retains the applicable standards that apply to similar like uses, such as field retail stands, farm stands and farmers markets. These requirements necessitate that agricultural operations conducting agritourism activities as defined by the proposed ordinance be on a public County maintained road or participate in private road maintenance. Also there is a requirement that all driveways meet the appropriate driveway standard and encouragement permits be obtained for any work
in the County right of way. These standards are meant to ensure that the agricultural operation conducting agritourism activities do not result in the degradation of the County’s road system, whether the farm or ranch is on a publically or privately maintained roadway.

Overall, this amendment has the potential to increase the use of rural roads to access the working farms and ranches of Nevada County. The majority of these operations are located in western Nevada County where traffic volumes vary to a great degree depending on the agricultural operations location. The standards of the ordinance will provide some protection in terms of ensuring roads are properly maintained. The uses allowed are support uses ancillary to an existing agricultural operation and are common use for an agricultural operation, therefore they are not anticipated to result in significant increases in traffic. Further, since this project is only a legislative action making an amendment to the County’s LUDC it will not result in significant negative impacts to traffic and circulation and therefore this impact is less than significant.

**Mitigation Measures:** None Required.

### 17. **TRIBAL CULTURAL RESOURCES**

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Tribal Cultural Resources include sites, features, and places with cultural or sacred value to California Native American Tribes. Both the Washoe Tribe and United Auburn Indian Community (UAIC) have contacted the County to request consultation on projects falling within their delineated ancestral lands. See Section 5 for additional information regarding tribal resources.

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<tr>
<td>a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
<td></td>
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<td>✓</td>
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<tr>
<td>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
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<td>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe</td>
<td></td>
<td></td>
<td>✓</td>
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</table>
Impact Discussion: 17a. The proposed project is a zoning text amendment that if approved will require a legislative action by the County. The uses allowed by this proposed ordinance will be on existing working farms and ranches where existing infrastructure and improvements already exist. While there is the potential that agricultural operators may invest in adding amenities for agritourism, they have the right to make these investments regardless of this ordinance. It is more likely that existing structures, such as barns and other agricultural buildings onsite will serve as venues for the uses allowed by this ordinance or outdoor areas on the farm or ranch will provide the backdrop for the promotion of the farm. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. Uses will be temporary in nature and therefore will have no impact to tribal cultural resources. Further, the proposed amendment does not change local and state requirements for protection of tribal resources as discussed in Section 5 Cultural Resources.

Mitigation Measures: None Required.

18. 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.

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<tbody>
<tr>
<td>a. Result in a need for the extension of electrical power, natural gas, or communication systems?</td>
<td></td>
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<tr>
<td>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?</td>
<td></td>
<td></td>
<td>✔</td>
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</table>
### Impact Discussion: 18a-18g:
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 provide increased opportunities for direct marketing of products grown or raised on existing agricultural operations and is meant to increase the potential for residents and tourist to visit the farm and have an agricultural experience. The purpose is to simplify the process to host farm events and other like activities in support of viable agricultural economy in Nevada County. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. All applicable public health and safety standards must be meant with any activities allowed by this use and no extension of public utilities is anticipated to be required as a result of this ordinance amendment. Subsequently no adverse impacts to utilities or service systems are anticipated to occur as a result of this project.

**Mitigation Measures:** None Required.

### 19. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

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<td>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?</td>
<td></td>
<td></td>
<td>✓</td>
<td>A-I</td>
<td></td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
<td>✓</td>
<td></td>
<td>A-I</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>✓</td>
<td></td>
<td>A-I</td>
<td></td>
</tr>
<tr>
<td>f. Be served by a landfill or transfer station with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td></td>
<td>✓</td>
<td></td>
<td>A-I</td>
<td></td>
</tr>
<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td></td>
<td>✓</td>
<td></td>
<td>A-I</td>
<td></td>
</tr>
</tbody>
</table>

---

**Reference Source (Appendix A):**

---
### Agritourism Zoning Ordinance Amendment

<table>
<thead>
<tr>
<th>Potentialy Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reference Source (Appendix A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>✓</td>
<td></td>
<td></td>
<td>A-I, 1-19</td>
</tr>
<tr>
<td>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.)</td>
<td>✓</td>
<td></td>
<td></td>
<td>A-I, 1-19</td>
</tr>
<tr>
<td>c.  Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>✓</td>
<td></td>
<td></td>
<td>A-I, 1-19</td>
</tr>
</tbody>
</table>

**Impact Discussion:** 19a-19c: The purpose of this project is to provide for increased opportunities to allow for the economic vitality of the agricultural community of Nevada County. Additionally, many of the ag related activities proposed by this ordinance are already occurring on developed and operating farms. The creation of the definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those use that are not traditionally accessory to an active ag operation including concerts, weddings and other non-ag related events. The proposed change would allow agritourism activities for the purposes of involvement in the ancillary activities of a working farm, ranch or any agricultural or horticultural operation. These activities include but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business. It does not allow concerts, weddings or other commercial activities/events that are not related to the promotion of a working farm, ranch or agricultural/horticultural operation. This change is anticipated to provide a positive impact for agricultural operators in Nevada County by augmenting their income, getting more people out to the farm and allowing for additional promotion of their agricultural activities.

The proposed changes to allow additional opportunities for the marketing and sale of agricultural products in support of the Nevada County Agricultural Advisory Commission and Board of Supervisor’s goal of promoting agriculture in Nevada County by providing additional opportunities for marketing an agricultural operation. 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, building and fire codes are adhered to, setbacks are met, environmental resources are protected 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 are further discussed within each individual criteria provided within this initial study checklist.

**Mitigation Measures:** None Required.

---

**RECOMMENDATION OF THE PROJECT PLANNER**

On the basis of this initial evaluation:

- [X] 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.

Original Signed 10/27/17

______________________________
Tyler Barrington, Principal Planner

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

3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
9. U.S.G.S. 7.5 Quadrangle Topographic Maps, as updated.  
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, TABLES L-II 2.2.1.B AND 2.3.D OF ARTICLE 2 AND SECTION L-II 3.3 OF ARTICLE 3 TO ESTABLISH A DEFINITION AND PERMITTING STANDARDS FOR AGRITOURISM (ORD17-2)

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 existing definitions for agricultural marketing in the County Land Use and Development Code Section L-II 3.3, specifically, field retail stands, farm stands, community supported agriculture, and certified farmers’ markets do not provide for other similar activities for the marketing of a farm or ranch that are considered ancillary and accessory to the use of farm or ranch for growing or raising food and fiber; and

2. That allowing for additional opportunities to promote the activities of an active farm or ranch will further support the County’s agricultural economy by providing marketing opportunities without significant time or financial expenditures necessary to obtain a discretionary land use entitlement; and

3. That the proposed definition of Agritourism will clearly outline what types of direct marketing activities and events are considered an accessory use to a working farm or ranch and what types of events and activities are not agritourism activities, such as concerts, weddings and other non-agricultural events; and

4. That the Agricultural Exclusive (AE), General Agriculture (AG), Forest (FR) and Residential Agricultural (RA) zoning districts are appropriate for agritourism events on working ranches and farms as these areas are typically more rural in nature; and

5. That excluding cannabis and cannabis projects in the County’s definition of Agricultural Products will provide clarity regarding the types of products that can be promoted and potentially sold at field retail stands, farm stands and agritourism activities; and

6. That the proposed amendments to the zoning regulations are consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Land Use and Development Code Chapter II Zoning Regulations, specifically Chapter 16: Agriculture and those policies of the County General Plan focused on promoting and supporting a vibrant agricultural economy; and

7. That the existing health and safety standards that apply to other direct agricultural marketing activities will also apply to sites hosting agritourism activities; and
8. That the proposed addition of agritourism as an allowed agricultural accessory use will not change any standards necessary for the protection of agricultural lands nor will it conflict with agricultural zoning or existing agricultural uses in Nevada County; and

9. 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

10. That the proposed ordinance amendment will not result in the physical degradation of the environment, as reviewed by the Initial Study and Negative Declaration (EIS17-0009).

SECTION II:

Tables L-II 2.2.1.B and 2.3.D, “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”, 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 “B”, attached hereto and incorporated herein by reference.

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction, public hearing and adoption pursuant to Government Code section 25131, and it shall become operative on the _____ day of __________, 2018, 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.
### Table L-II 2.2.1.B
#### Single Family Districts Allowable Uses and Permit Requirements

<table>
<thead>
<tr>
<th>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</th>
<th>RA</th>
<th>R1</th>
<th>L-II SECTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural, Resource, and Open Space Uses</td>
<td></td>
<td></td>
<td>3.3</td>
</tr>
<tr>
<td>Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables</td>
<td>A</td>
<td>NP</td>
<td>3.3</td>
</tr>
<tr>
<td>Agritourism Activities, Field Retail Stand and Farm Stand</td>
<td>Varies</td>
<td>NP</td>
<td>3.3</td>
</tr>
<tr>
<td>Animal keeping and raising</td>
<td>Varies</td>
<td></td>
<td>3.4</td>
</tr>
<tr>
<td>Certified Farmers' Markets</td>
<td>DP</td>
<td>NP</td>
<td>3.3</td>
</tr>
</tbody>
</table>

### Table L-II 2.3.D
#### Rural Districts Allowable Uses and Permit Requirements

<table>
<thead>
<tr>
<th>ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)</th>
<th>AG</th>
<th>AE</th>
<th>FR</th>
<th>TPZ</th>
<th>L-II SECTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural, Resource, and Open Space Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.3</td>
</tr>
<tr>
<td>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</td>
<td>UP</td>
<td>UP</td>
<td>NP</td>
<td>NP</td>
<td>3.3</td>
</tr>
<tr>
<td>Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>3.3</td>
</tr>
<tr>
<td>Agritourism Activities, Field Retail Stand and Farm Stand</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>NP</td>
<td>3.3</td>
</tr>
</tbody>
</table>
Exhibit B

Sec. L-II 3.3 Agricultural Uses

A. **Purpose.** To encourage agriculture 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, cannabis or cannabis products, wine or wine products.

2. **Agritourism**- The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings, camping or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.

3. **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.

4. **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.

5. **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.

6. **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. **Agritourism, Field Retail Stands and Farm Stands.** Agritourism activities and 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. Agritourism activities within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of 3 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.

   b. Agritourism activities within the RA zoning district not within the RUR General Plan Land Use Designation shall be limited to parcels of 5 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.

   c. Field retail stands and farm stands, as well as the sale of agricultural products at agritourism events are subject to authorization by the County Agricultural Commissioner and may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold and/or sampling will occur.

   d. 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 including but not limited to Health and Safety Standards of the California Retail Food Code.
e. A producer may sell products they grow out-of-county as long as it is no more than 1/3 of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.

f. 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.

g. 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.

h. Field retail stands, farm stands and facilities used for agritourism activities 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.

i. Any structure used for a field retail stand, farm stand or agritourism activities shall meet the requirements of the California Fire Code regarding general fire safety.

j. Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the Nevada County Land Use and Development Code, the California Health and Safety Code and the California Retail Food Code.

k. A field retail stand, farm stand or property used for agritourism 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.

l. 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.

m. 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.

n. Field retail stand and farm stand hours of operation are limited to daylight hours. Agritourism activities shall cease at 10 p.m.

o. Noise generated shall not exceed allowable noise limits established by LUDC Sec. L-II 4.1.7.
p. 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 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 an 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. 2427, 1/24/17; Ord. 2235)
Sec. L-II 3.3 Agricultural Uses

A. **Purpose.** To encourage agriculture 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, *cannabis or cannabis products*, wine or wine products.

2. **Agritourism** - The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings, camping or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.

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5. **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 but are subject to the California Health and Safety Code.

6. **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.
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. **Agritourism, Field Retail Stands and Farm Stands.** Agritourism activities and 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. **Agritourism activities within the RA zoning district and Rural (RUR) General Plan Land Use Designation** shall be limited to parcels of 3 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.

   b. **Agritourism activities within the RA zoning district not within the RUR General Plan Land Use Designation** shall be limited to parcels of 5 acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.

   c. Field retail stands and farm stands, as well as the sale of agricultural products at agritourism events, 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 and/or sampling will occur.

   d. 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, including but not limited to Health and Safety Standards of the California Retail Food Code.

   e. 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.

   f. 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.

   g. 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.

   h. Field retail stands, and farm stands and facilities used for agritourism activities 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.
Any structure used for a field retail stand, or farm stand or agritourism activities shall meet the requirements of the California Fire Code regarding general fire safety.

Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the Nevada County Land Use and Development Code, the California Health and Safety Code and the California Retail Food Code, regarding food service, sewage disposal, and providing approved restroom facilities and approved water supplies as determined by the County Director of Environmental Health.

A field retail stand, or farm stand or property used for agritourism 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.

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.

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.

Field retail stand and farm stand hours of operation are limited to daylight hours. Agritourism activities shall cease 10 p.m.

Noise generated shall not exceed allowable noise limits established by LUDC Sec. L-II 4.1.7.

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:

- Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
- Farm stands may be permitted for up to 3 years.
- 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. (Ord. 2427, 1/24/17; Ord. 2235)
MEETING DATE: January 23, 2018

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: A public hearing to consider the Nevada County Planning Commission’s December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The ordinance amendment also includes an amendment to the County’s definition of Agricultural Products to exclude cannabis and cannabis related products.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

I. Adopt the attached Resolution approving the proposed Negative Declaration (EIS17-0009), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (Attachment 1).

II. Introduce, waive further reading and adopt the attached Ordinance (ORD17-2) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3 (Attachment 2).

III. Close Board Order BO17-01.

FUNDING: No budget amendments are required.
ATTACHMENTS:

1. Resolution - Negative Declaration (EIS17-0009)
   Exhibit A. Draft Initial Study and Proposed Negative Declaration
2. Ordinance - ORD17-2
3. Draft Zoning Text Amendments in Track Changes
4. Agricultural Advisory Commission Recommendation
5. Agency and Public Comment

BACKGROUND:
On February 14, 2017, following the January 24, 2017 adoption of amended regulations for Agricultural Direct Marketing activities, such as Farm Stands, Community Supported Agricultural and Certified Farmers’ Markets (ORD 2427), the Board of Supervisors issued Board Order (BO17-01) directing the Planning Department to work with the Nevada County Agricultural Advisory Commission (AAC) to develop standards and a process for allowing agritourism activities in unincorporated Nevada County. The Planning Department then returned to the Board of Supervisors on June 13, 2017 to report back on progress made and to get additional direction regarding how to proceed. On June 13, 2017 the Board directed staff to proceed under the direction of agritourism being an accessory to the expected daily or weekend activities of an agricultural operation in Nevada County, such as farm stands, promotion of the farm, education of the farming process and limited events tied to farming operations, such as harvest dinners, barn dances and the like. Based on the direction of the Board, the Planning Department worked with the AAC to prepare permitting requirements based on the agritourism definition developed by the AAC.

STAFF COMMENT:
The Nevada County AAC has proposed a definition of agritourism as follows:

Agritourism- The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings, camping or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.
Based on this definition and the direction of the Board of Supervisors on June 13, 2017, Land Use and Development Code Section L-II 3.3 Agricultural Uses was determined to be the appropriate location for this use. This section includes the definitions and permitting requirements for other agricultural direct marketing activities including Field Retail Stands, Farm Stands, Certified Farmers’ Markets and Community Supported Agriculture. It also provides the County’s current definition of Agricultural Products.

The proposed project is an effort by the County to support the existing agricultural community and economy by allowing agritourism activities on a farm or working ranch within the primary agricultural zoning districts (Agricultural Exclusive “AE,” General Agriculture “AG”, Forest “FR” and Residential Agricultural “RA”) subject to the same basic health and safety standards as a Field Retail or Farm Stand within that zone and adds new requirements specific to agritourism activities. Additionally, many of the agricultural marketing related activities proposed by this ordinance are already occurring on developed operating farms and are compatible and expected uses of an agricultural operation. The creation of the agritourism definition is intended to capture those activities and uses that are already occurring and are expected as ancillary uses to an active operating farm. Conversely, by including a definition of allowed and anticipated compatible uses it also will preclude those uses that are not traditionally accessory to an active agricultural operation including concerts, weddings, camping and other non-ag related events. Under current standards, many of the proposed ancillary agricultural marketing activities especially those that fall under the County’s Social Gathering and Community Event Facilities Ordinance would require a discretionary use permit, which results in significant cost and time to obtain for agricultural producers.

Uses that are being proposed to be allowed by this ordinance would be subject to existing health and safety standards and requirements of the existing ordinance and are proposed to be allowed subject to zoning compliance and building permit issuance without the burden of additional discretionary permitting. As mentioned above, the standards that apply to Field Retail Stands and Farm Stands would also be applied to Agritourism activities. These standards include:

1) obtaining authorization from the County Agricultural Commissioner to ensure the operation is a legitimate agricultural venture;
2) complying with local, state and federal laws applicable to the sale of agricultural products including protection from contamination of food products;
3) requiring that no more than a 1/3 or products sold at agritoursim events are out of county products as verified by the Agricultural Commissioner through submitted Certified Producers Certificates;
4) allows mobile trailers for the temporary sale of produce that must be removed at the end of each season;
5) meeting the minimum California Building Code requirements for site accessibility and usability to persons with disabilities;
6) any structure used for agritourism activities must meet the requirements of the California Fire Code regarding general fire safety;
7) farms and ranches used for agritourism activities must provide direct access to a publicly-maintained or if on a private road the applicant must form a new or join an existing road maintenance district. If a homeowners’ or road association oversee the maintenance of the private road, the applicant must participate in maintaining the road;
8) all parking for agritourism must be maintained on site and provide adequate room to enter and exit the site without backing into a road right of way or road;
9) all driveways serving a farm or ranch hosting agritourism activities must meet the County minimum driveway standards; and
10) any signs used for agritourism activities are required to be consistent with the signs standards that apply to other agricultural uses in agricultural districts.

New standards specific to agritourism activities include a requirement that all activities cease by 10pm and that these uses shall not exceed the allowed noise limits as established by LUDC Sec. L-II 4.1.7 Noise. Some other minor amendments were made at the direction of the Department of Environmental Health (DEH) to ensure the Ordinance reflects the correct California Health and Safety and California Retail Food Code regulations in place for this type of use and a new standard was added to ensure agritourism facilities, as well as Field Retail Stands and Farm Stands, are compliant with applicable laws enforced by DEH. With adherence to all of the existing standards outlined above and the new standards, the use of a farm or ranch for activities intended to support and promote the farm or ranch are expected to be compatible with the agricultural nature of the operation and its surrounding environment.

In addition to adopting a definition of agritourism, this Ordinance amendment also proposes to amend the County’s definition of Agricultural Products to exclude cannabis and cannabis products, similar to how the definition excludes plant nursery stock, live animals, and wine or wine products. This was added to the Ordinance at the recommendation of the Penn Valley Municipal Advisory Committee (PVMAC) who reviewed and commented on the Ordinance. Since cannabis is not a County recognized agricultural product and because the County is still in process of preparing a specific County Cannabis Ordinance, it was determined that adding this to the agricultural product definition was appropriate at this time.

**PLANNING COMMISSION ACTION:** On December 14, 2017, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed project. After reviewing and considering the proposed environmental document and taking public testimony, the Planning Commission voted 4-0, 1 absent recommending that the Board of Supervisors adopt the project specific Negative Declaration (*Attachment 1*) and Ordinance (*Attachment 2*) as reflected in the draft December 14, 2017 Planning Commission Meeting Minutes provided in Attachment.
ENVIROMENTAL REVIEW:
This proposed Zoning Text Amendment (ORD17-2) project will result in amending the Nevada County Land Use and Development Code to update definitions and standards 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, pursuant to the California Environmental Quality Act (CEQA) Guidelines, for the project (Attachment 1). This initial study was circulated for public comment from October 27 to November 27, 2017. The California Department of Fish and Wildlife (CDFW) reviewed that draft initial study/proposed Negative Declaration and requested that language be added to the document indicating that any work within watercourse, wetlands and riparian areas may require a permit from CDFW such as a Streambed Alteration Agreement. Subsequently, staff has revised both the biological resources and the hydrology and water quality sections of the document accordingly, which is reflected in Attachment 1. These amendments are minor in nature and only further clarify that agritourism activities are subject to applicable local, state and federal laws intended to protect the environment. Since the amendments are only clarifying in nature and do not result in a significant change to the project analysis they do not require recirculation of the proposed Negative Declaration pursuant to CEQA Guidelines Section 15073.5.c. Therefore, staff has determined that the amended Negative Declaration provided in Attachment 1 is the appropriate environmental document for this project.

SUMMARY:
In summary, the proposed Zoning Ordinance Amendments were prepared on behalf of the Nevada County Agricultural Commissioner and Agricultural Advisory Commission at the direction of the County Board of Supervisors (BO17-01). The draft Ordinance intends to allow ancillary agritourism activities in support of the County’s agricultural community and economy similar to other agricultural direct marketing activities such as Field Retail and Farm Stands. The existing health and safety standards contained within this section of the Code were carried over and new standards have been added to ensure agritourism activities do not result in a nuisance to the rural zoning districts where they will be allowed. This ordinance also adds an exclusion of cannabis and cannabis related products to the County’s Agricultural Products definition as cannabis is not a County recognized agricultural product and the County is current working on a cannabis ordinance which will better outline how it may or may not be permitted or allowed in County Codes and Policy. Staff prepared a draft initial study and proposed Negative Declaration for the project pursuant to the CEQA Guidelines. On December 14, 2017, the Nevada County Planning Commission reviewed and considered the proposed amendments and after holding a public hearing, voted 4-0, 1 absent recommending approval of the Negative Declaration and Ordinance to the Board of Supervisors. Should the Board of Supervisors elect to take the Planning Commission’s recommendation, staff would also recommend that the Board close Board Order BO17-01.
RECOMMENDATION: The Planning Commission on December 14, 2017 on a 4-0, 1 absent vote recommended that the Board of Supervisors take the following actions:

I. Adopt the attached Resolution approving the proposed Negative Declaration (EIS17-0009), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (Attachment 1).

II. Adopt the attached Ordinance (ORD17-2) amending Chapter II of the Nevada County Land Use and Development Code Sections L-II 3.3 (Attachment 2).

III. Close Board Order BO17-01.

Item Initiated by: Tyler Barrington, Principal Planner

Approved by: Brian Foss, Director of Planning
NOTICE OF PUBLIC HEARING

Notice is hereby given that on Tuesday, March 13, 2018, at 10:30 a.m. or as soon thereafter as the matter may be heard, in the Supervisors’ Chambers, First Floor, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, California, the Nevada County Board of Supervisors will hold a public hearing to consider the following project:

PLN17-0037; ORD17-2; EIS17-0009. A public hearing to consider the Nevada County Planning Commission’s December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 as amended per direction of the Board of Supervisors on January 23, 2018 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The Ordinance Amendment also includes an amendment to the County’s definition of Agricultural Products to exclude cannabis and cannabis related products.

RECOMMENDED ENVIRONMENTAL DETERMINATION: Approval of a Negative Declaration (EIS17-0009). RECOMMENDED PROJECT ACTION: Approval of the proposed Ordinance Amendment (ORD17-2). PLANNER: Tyler Barrington, Principal Planner

All documents pertaining to the proposed Ordinance (ORD17-2) for zoning text amendments to the Nevada County Land Use and Development Code Chapter II are available for public review and consideration at the following locations: at the Clerk of the Board’s Office, 950 Maidu Avenue, Suite 200, Nevada City, CA 95959; Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, CA 95959.

You have the right to attend the Board of Supervisor’s public hearing to discuss the above matters, provide oral testimony and comment, and/or submit written materials regarding the potential actions. Any person wishing to offer testimony on this matter should appear at the public hearing or may submit written comments (an original and 8 copies) to the Clerk of the Board at or prior to the scheduled public hearing. The Board Chairperson may place reasonable restrictions on the time allowed to any person to speak on these matters. Any person speaking on behalf of an organization or group who wishes additional time must have a written statement signed by an officer of that organization stating that he/she is authorized to speak on behalf of that body, and that he/she is relaying the majority thinking thereof.

If you challenge the Board of Supervisors determinations or decisions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Clerk of the Board of Supervisors at, or prior to, the public hearing.

NEVADA COUNTY BOARD OF SUPERVISORS

By: [Signature]

Julie Patterson Hunter, Clerk of the Board

PUBLISH: March 1, 2018
THE UNION

PUBLISH: March 2, 2018
SIERRA SUN