

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

Heidi Hall, 1st District (Vice-Chair)  
Ed Scofield, 2nd District  
Dan Miller, 3rd District  
Susan Hoek, 4th District  
Richard Anderson, 5th District (Chair)

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Julie Patterson Hunter, Clerk of the Board  
Alison Lehman, County Executive Officer  
Alison Barratt-Green, County Counsel



## BOARD OF SUPERVISORS

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## AGENDA

Date	Time	Location
Tuesday, March 26, 2019	9:30 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

This meeting is broadcast live on NCTV Channel 17 in the Western County and on Truckee-Tahoe Community TV (TTCTV) Channel 18 in the Eastern County and can be viewed live through the web at <https://nevco.legistar.com/Calendar.aspx>

**Video Conferencing at 9:31 a.m. for Public Comment located at the District V Board of Supervisors Conference Room Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California**

*The Board of Supervisors welcomes you to its regular meetings that are scheduled the second and fourth Tuesdays of every month. Your interest is encouraged and appreciated.*

*ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please approach the rostrum and, after receiving recognition from the Chair, give your name and comments or questions as all meetings are recorded. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. Time limitations are explained on the last page of the agenda.*

*The meeting room is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's office by calling (530) 265-1480 at least four days prior to the meeting. TTY/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.*

*The agenda and all supporting documents are available for review during regular business hours at the Clerk of the Board office, 950 Maidu Avenue, 2nd Floor, Suite 200, Nevada City, California. This agenda and certain supporting documents may be obtained on the Clerk of the Board's website at <http://www.mynevadacounty.com/nc/bos/cob>. To view the supporting documents on this agenda for a particular item, click on the SR number to the left of the item. Please note that the on-line agenda may not include all related or updated documents.*

*Proposed actions and supporting documents are considered draft until acted upon by the Board. All items listed on the agenda may be acted upon by the Board of Supervisors.*

**REGULAR MEETING: 9:30 AM****STANDING ORDERS:**

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

**PUBLIC COMMENT: 9:31 A.M.**

*Members of the public shall be allowed to address the board on items not appearing on the agenda that are of interest to the public and are within the subject matter jurisdiction of the Board.*

*(Video-Conferencing for the public comment portion of the meeting is also available in Truckee at the District V Board of Supervisors Conference Room, east (left) side of the Sheriff's Substation at 10879A Donner Pass Road.)*

**CONSENT CALENDAR:**

*These items are expected to be routine and noncontroversial. The Board of Supervisors will act upon them at one time without discussion. Any Board member, staff member or interested party may request that an item be removed from the consent calendar for discussion.*

Public Health Director: Jill Blake

1. [SR 19-0246](#) Resolution proclaiming April 1 through 7, 2019 as Public Health Week in Nevada County.

Director of Social Services: Tex Ritter

2. [SR 19-0213](#) Resolution approving the Second Amended and Restated Joint Exercise of Powers Agreement (JPA) between the County of Nevada and the California Statewide Automated Welfare System (CalSAWS) Consortium for implementation of an automated welfare system, stating that Nevada County will continue to contribute its funding allocation to the Consortium for the project purposes outlined in the Agreement, effective June 1, 2019, and authorizing the Chair of the Board of Supervisors to execute the JPA.
3. [SR 19-0217](#) Resolution approving the Memorandum of Understanding (MOU) between the County of Nevada and the California Statewide Automated Welfare System (CalSAWS) Consortium, a California Joint Powers Authority, for implementation of an automated welfare system, delineating areas of understanding and agreement between the CalSAWS Consortium and the Members regarding administration and fulfillment of the Consortium's purpose, effective June 28, 2019, and authorizing the Chair of the Board of Supervisors to execute the MOU.

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 19-0206](#) Resolution accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,262 from the Department of Justice, Bureau of Justice Assistance, to purchase computers and related peripheral equipment for the Nevada County Sheriff's office, authorizing the County Executive Officer to execute the award documents and certifications, and directing the Auditor Controller to amend the Sheriff's Office Fiscal Year 2018/19 budget. (4/5 affirmative vote required)

Agricultural Commissioner: Chris de Nijs

5. [SR 19-0211](#) Resolution approving Amendment 1 to Standard Agreement 18-0036 between the County of Nevada and the California Department of Food and Agriculture pertaining to reimbursing the Agricultural Commissioner for work performed in high-risk pest exclusion inspections and enforcement activities, increasing the contract to an amount not to exceed \$29,405.29, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Planning Director: Brian Foss

6. [SR 19-0236](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Helix Environmental Planning for the Boca Quarry Expansion Project Environmental Impact Report (Res. 12-009), extending the contract expiration date to December 31, 2019, authorizing the Chair of the Board of Supervisors to execute the Amendment, increasing the contract amount by \$86,070 for additional administrative and project management efforts, and directing the Auditor-Controller to amend the Planning Department's Fiscal Year 2018/19 budget. (4/5 affirmative vote required) (Dist. V)

Director of Public Works: Trisha Tillotson

7. [SR 19-0223](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Construction Materials Engineers, Inc. for on-call materials testing and construction inspection services (Res. 18-054), increasing the contract to a maximum amount of \$160,000, extending the contract expiration date to June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
8. [SR 19-0225](#) Resolution approving the Request for Qualifications for Engineering and Design Services for the Rough and Ready Highway Intersection Improvement Project, authorizing the Chair of the Board of Supervisors to execute the documents, and instructing the Purchasing Division to advertise for qualifications in accordance with applicable regulations. (Dist. III)
9. [SR 19-0231](#) Resolution adopting a list of projects for Fiscal Year 2019/20 funded by Senate Bill 1 (SB1): The Road Repair and Accountability Act of 2017.

10. [SR 19-0248](#) Resolution authorizing the Director of Public Works to request the relinquishment of State Right-of-Way to the County of Nevada and to accept the relinquished Right-of-Way on behalf of the County of Nevada. (Dist. II)

Chief Information Officer: Stephen Monaghan

11. [SR 19-0219](#) Resolution continuing the declaration of a Local Emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)
12. [SR 19-0220](#) Resolution approving a Lease Agreement between the County of Nevada and Alpine Aviation, Inc. to operate an aircraft maintenance facility as a fixed based operator, with a rental rate of \$1,435.20 per month, for the period October 1, 2018 through September 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the Lease Agreement. (4/5 affirmative vote required) (Airport)
13. [SR 19-0222](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Disability Access Consultants for the Nevada County Facilities ADA Self Evaluation and Transition Plan (BMS18504), increasing the contract amount by \$18,950 for a maximum contract price of \$78,950, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Facilities Management Fiscal Year 2018/19 budget. (4/5 affirmative vote required) (Facilities)
14. [SR 19-0235](#) Resolution approving Amendment 2 to the Lease Agreement between the County of Nevada and M.K. Blake Estate Company for the Brighton Greens Business Park located at 988 McCourtney Road, Grass Valley (Res. 14-545), acknowledging the sale of the property to 9 Miller Court, LLC and Brighton Greens Ventures, LLC, dba 9 Miller Court Properties, releasing M.K. Blake Estate Company from all obligations in the original Lease Agreement, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)
15. [SR 19-0226](#) Resolution approving bidding documents and specifications for the Nevada County Sheriff Property Unit Lab Construction Project, authorizing the Chair of the Board of Supervisors to execute the documents, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)

Clerk of the Board: Julie Patterson Hunter

16. [SR 19-0228](#) Appointments of Ms. Josie Andrews and Ms. Becky Robinson to the Citizen's Oversight Committee, for four-year terms ending March 31, 2023.
17. [SR 19-0227](#) Appointment of Ms. Mary Eldridge-Tober, an Owner of Lake of the Pines Property, Zone 2 representative to the Nevada County Sanitation District #1 Advisory Committee, for a two-year unexpired term ending June 30, 2020.

18. [SR 19-0241](#) Resolution making findings, accepting the appeal filed by Ms. Jennifer D' Andrade from the decision of the Planning Commission's approval of a Conditional Use Permit, Seasonal and Ephemeral Stream Management Plan, and Amendment to a Tentative Parcel Map (PLN18-0023; CUP18-0009; MGT18-0019; AAM18-0002), and adoption of Mitigated Negative Declaration (EIS18-0012) for an outdoor event center located at 17869 Cattle Drive, Penn Valley (APN 051-110-004), and scheduling the appeal for public hearing on April 23, 2019, at 10:30 a.m. (Dist. IV)
19. [SR 19-0239](#) Acceptance of Board of Supervisors Summary Minutes for March 12, 2019.

**\*ANNOUNCEMENTS:**

*Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.*

**SCHEDULED ITEMS: 10:30 A.M.**

**Child Support Services, Collections, and Housing Director: Mike Dent**

20. [SR 19-0212](#) Public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information, and determine whether to authorize a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$7,500,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, rehabilitation and development of a 42-unit multifamily rental housing project located at 10491 and 10533 Broken Oak Court, Penn Valley, California. The facilities are to be owned by Penn Valley 2, LP (the "Borrower"), operated by FPI Management, Inc., and are generally known as Courtyards at Penn Valley Apartments (the "Project").

Resolution approving the issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Courtyards at Penn Valley Apartments. (Housing)

21. [SR 19-0229](#) Resolution approving modification of terms of the Community Development Block Grant Promissory Note between the County of Nevada and the Nevada County Housing Development Corporation related to the 42-unit affordable housing rental complex located at 10533 Broken Oak Court, Penn Valley, CA 95946, and authorizing the Director of Housing and Community Services to execute the Modification to the Promissory Note. (Housing)

**SCHEDULED ITEMS: 10:45 A.M.****Planning Director: Brian Foss**

22. [SR 19-0232](#) Public hearing to consider the Nevada County Planning Commission's February 28, 2019, (5-0 Vote) recommendation for the Mena TPZ Rezone Project to: 1) find the adoption of Timberland Production Zones statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15264; and 2) approve the corresponding amendment to Zoning District Map (ZDM) No. 97 to change APN 065-280-001 zoning from Forest, with the Subdivision Limitation Combining District (FR-X), to Timberland Production Zone, with the Subdivision Limitation Combining District (TPZ-X), (RZN18-0001).

(Introduce/Waive further reading/Adopt) An Ordinance amending Zoning District Map 97 to rezone 54.38 acres (APN 065-280-001) located in the unincorporated area of Nevada County, from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X) (RZN18-0001) (Mena) (Dist. V).

23. [SR 19-0157](#) Public hearing, continued from September 25, 2018, to consider an Ordinance amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.19.1 to incentivize the development and long-term residential use of Accessory Dwelling Units (ADUs) by: 1) prohibiting short-term rental of ADUs with exceptions for Agritourism, the Soda Springs Rural Center and the Town of Truckee Sphere of Influence; 2) removing owner occupancy requirements; 3) providing a road and sewer maintenance fee deferral projects for ADUs when certain criteria are met; and 4) removing restrictions on ADUs on parcels with Employee Housing, including amending Chapter II of the Nevada County Land Use and Development Code Section L-II for consistency with the removal of this restriction. The Project also provides clarification regarding septic and water requirements for an ADU and allows for the development of an attached ADU on parcels less than one acre (ORD18-1).

(Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.19.1 to incentivize the development and long term residential use of Accessory Dwelling Units (ADUs) by: 1) prohibiting short term rental of ADUs with exceptions for Agritourism, the Soda Springs Rural Center, and the Town of Truckee Sphere of Influence; 2) removing Owner Occupancy requirements; 3) providing a Road and Sewer Mitigation Fee deferral process for ADUs when certain criteria are met; and 4) removing restriction of ADUs on parcels with Employee Housing, including amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.10 for consistency with the removal of this restriction. The Project also provides clarification regarding septic and water requirements for an ADU and allows for the development of a detached ADU on parcels less than one acre (Planning File No. ORD 18-1).

Recess for lunch:

## **AFTERNOON SESSION**

### **SCHEDULED ITEMS: 1:30 P.M.**

#### **Chief Information Officer: Stephen Monaghan**

24. [SR 19-0237](#) Resolution approving an agreement between the County of Nevada and the Nevada County Consolidated Fire District (NCCFD) and an amended and restated agreement between the County of Nevada and Nevada-Yuba-Placer Unit, California Department of Forestry and Fire Protection (Cal Fire) pertaining to the County's Defensible Space Inspection Program, with payment to NCCFD for providing program management in the amount of \$51,200, for the period April 1, 2019 through June 30, 2020, and authorizing the Board of Supervisors to execute both agreements. (Emergency Services)
25. [SR 19-0230](#) (Introduce/Waive further reading/Adopt) An Urgency Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement. (4/5 affirmative vote required) (Emergency Services)
26. [SR 19-0175](#) Resolution approving Amendment 1 to the contract between the County of Nevada and the Fire Safe Council of Nevada County to provide fire prevention and education activities in Nevada County (Res. 18-244), increasing the contract amount by \$10,400 for a maximum contract price of \$70,400, for the period July 1, 2018 through June 30, 2019, authorizing the Board of Supervisors to execute the Amendment. (Emergency Services)

## **ADJOURNMENT:**

\*(The Board of Supervisors can discuss these items at any time during the meeting.)

This agenda was posted on bulletin boards 72 hours in advance of the meeting at the following locations: 1. Eric Rood Administrative Center; outside Board office, outside Board Chambers, and outside main entrance. 2. Madelyn Helling Library. 3. Truckee Joseph Center.

Posted March 21, 2019.

Notice was also posted at the District V Board of Supervisors Conference Room, Truckee Library and the Grass Valley Library.



**PERSONS DESIRING TO ADDRESS THE BOARD****CONTROL OF MEETING:**

The Board Chairperson shall first caution any person at the meeting who is abusive, disruptive, or out of order, and then ask that person to leave if the person will not stop; additionally, the Chair reserves the right to recess the meeting until the person leaves or is escorted out and order is restored.

**PUBLIC COMMENT:**

Matters on the Agenda: The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. The Chair may limit the total amount of time for comment on any agenda item and may limit any individual desiring to address the Board to no less than three (3) minutes. Comments by the public must be relevant to the item on the agenda being considered by the Board.

Matters not on the Agenda: At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public and which are within the subject matter jurisdiction the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda; although staff may be asked to briefly respond to or follow up on such items.

At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

The Chair of the Board may limit the total amount of time allocated for public comment; provided, however, the Board will allocate at least fifteen (15) minutes for receiving public comment during any Board meeting. The Chair of the Board may limit any individual desiring to address the Board to no less than three (3) minutes. Time to address the Board will be allocated on the basis of the order in which the requests were received.

**PUBLIC HEARINGS:**

All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to not less than three (3) minutes. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

Whenever a public hearing is conducted, the public hearing is closed and the matter is continued to a subsequent meeting for Board deliberation and/or action, the Board shall not allow public comment and/or testimony on that item at the subsequent hearing. However, at the initial public hearing, prior to taking action, the Board may, at its sole discretion, elect to continue the matter and reopen the public hearing. At the subsequent hearing, all information will be considered. The Board may also, at the initial public hearing, prior to taking action, announce that the public hearing is being continued for specific information and the public testimony will only be heard on new information specific to the Board's direction. If, after the public hearing is closed and the Board later decides to reopen the public hearing for public testimony, appropriate notices must be published.

**ORDER AND DECORUM:**

Individuals or organizations desiring to address the Board shall: 1) Address the Board from the podium. Speakers are encouraged but not required to give their name and city of residence before addressing the Board. Speakers shall direct their comments to the Board, not the audience or staff. 2) Comment on the specific matter before the Board with reasons for the position taken. 3) The Chair may, at his or her discretion, allow up to five (5) minutes for those who are serving as a spokesperson for a group or organization. 4) A speaker may not yield time to another speaker. 5) No individual may speak more than once during the Public Comment period or on an item on the agenda unless recognized by the Chair as having new information. 6) In the interest of civil discourse, the rules specified in this Order and Decorum of Board Business and Robert's Rules of Order, to the extent such Rules are not in conflict with the Brown Act, shall apply at all Board meetings. It shall be the responsibility of the Chair to ensure public comments are conducted in such a manner that avoids disruptive activity, promotes mutual respect, keeps comments focused on issues, and avoids personal attack. 7) Applicants, applicant representatives and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for not more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings), unless different rules for conducting the hearing are provided by County code. Time limits may be modified at the Chair of the Board's discretion.

**ORDINANCES:**

- 1) By statute, an ordinance may be passed immediately upon introduction only after notice and a public hearing.
- 2) An urgency ordinance may be passed immediately upon introduction.
- 3) Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting unless authorized by statute as indicated above. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings; as passage of ordinances will be held at second readings, after reading the title.
- 4) Adoption of the ordinance is made by majority vote.
- 5) The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading. (Gov. Code Section 25131, et seq.)

**INFORMATIONAL CORRESPONDENCE:**

The Board may direct any item of informational correspondence to a department head for appropriate action.

**REFERENCES:**

- Nevada County Resolution 17-084 (Public comment)  
Ralph M. Brown Act, California Government Code Sec. 54950, et. seq. (Open meetings law)  
Nevada County Land Use Code Sec. L-II 5.12 (Appeals)