

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District (Chair)

Ed Scofield, 2nd District

Dan Miller, 3rd District (Vice-Chair)

Susan Hoek, 4th District

Richard Anderson, 5th District

Julie Patterson Hunter, Clerk of the Board

Alison Lehman, County Executive Officer

Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

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SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday, January 23, 2020	8:30 AM	The Foothills Event Center 400 Idaho Maryland Road Grass Valley, California 95945

WORKSHOP

SPECIAL MEETING 8:30 A.M.

Rollcall. the following Supervisors present:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District

Richard Anderson, 5th District

(Sue Hoek, 4th District - excused absence)

STANDING ORDERS:

Chair Hall called the meeting to order at 8:30 a.m.

Ms. Lori Burkart Frank, Facilitator, reviewed the agenda and upcoming presentations for the day's Workshop. She went over Board's expectations and guidelines that were agreed upon on day one of the Workshop, and no changes were made.

County Executive Officer: Alison Lehman

- I. [SR 20-0493](#) Review of Board Process:
- Order and Decorum
 - Role of the Chair and Vice Chair
 - Vision, Mission, and Value Statements Review
 - Core Service Definition Review
 - Communication with Departments

Vision, Mission, and Value Statements:

Ms. Katharine Elliott, County Counsel, requested the addition of language regarding employee safety be added to the Vision, Mission, and Value Statements.

Ms. Alison Lehman, County Executive Officer, responded that staff would draft language and return to the Board for review.

Core Service Definition:

Board questioning and discussion ensued.

Communication with Departments:

Ms. Alison Lehman, County Executive Officer, introduced the item and reported that if an item requires a large conversation and/or changes County policy, it should return to the Board Workshop for discussion. For example, if a Board member was looking to implement a new ordinance or change an existing one, it should come to the Board Workshop for discussion. In the case of an urgency ordinance, the item should be brought forward during a meeting for direction from the entire Board.

For smaller items, Board members should work with the Chair to bring the item forward to a Board meeting for review and discussion.

Board questioning and discussion ensued.

Supervisor Scofield suggested adding a 1-day Workshop mid-year to discuss the larger issues, rather than having to wait until January to bring important items forward. Ms. Lehman wanted the Board to be able to respond to critical needs that might come up during the year. She leans on the Chair to decide what should go on the agenda.

For outside agencies wanting to present to the Board, the decision should go through the Chair.

II. [SR 20-0495](#) County Facilities Update**Capital Improvement Planning:**

Mr. Stephen Monaghan, Chief Information Officer, and Mr. Justin Drinkwater, Facilities Manager, provided a presentation on the Capital Facilities Master Plan Update Project. They reported that in 2008 changes were made to the process for facilities planning in the County. The approach no longer addressed the needs of current planning, due to the changes and streamlining of County processes. The County is now leveraging partners to fill some of the needs, rather than adding new employees.

Mr. Monaghan reported that the Capital Facilities Subcommittee meets on a monthly basis. Changes to facility planning comes to the Subcommittee for vetting prior to going to the full Board.

Mr. Drinkwater reported on the process of developing the Master Plan and components included in the Plan. He reviewed the current state and infrastructure needs of County facilities. He stressed that there is a driving need for power connectivity to keep County facilities open during Public Safety Power Shutoff (PSPS) events.

Mr. Drinkwater reported that the definition of a capital improvement is an acquisition or physical improvement of facilities, land, or equipment, with an anticipated useful life of at least ten years and a cost of \$100,000 or more.

Capital improvements include: new buildings; public works projects over \$100,000; leases of five years or more; land improvements, acquisition, and development; and equipment over \$100,000 and life of five years.

Mr. Drinkwater highlighted goals outlined in the Plan, which include: reconfiguration of the Wayne Brown Correctional Facility; reuse of Juvenile Hall; improvements to Sheriff Operations; adequate and safe animal sheltering facility; and enhancing and adding Library facilities to meet the community's needs.

Board questioning and discussion ensued.

Mr. Drinkwater reported that staff is planning to bring the Plan forward to the entire Board in late Spring 2020, following review by County Executive Office and Capital Facilities Committee.

Discussion ensued regarding the space needs for a homeless outreach center, status and location of the Superior Court facility, and future growth and potential space needs with a highlight on core services.

III. [SR 20-0497](#) Community Outreach

Ms. Taylor Wolfe, Administrative Analyst I, and Ms. Sheila Cameron, Public Communications Coordinator, reviewed staff's response to the 2019 Board Objective to address Civic Engagement.

Together they reviewed staff's efforts to engage the community using social media, including; the County Executive Officer's weekly newsletter drives media coverage and social media content; strategies for reaching out to the media, including sponsoring events, buying media ads, improving social media graphics, optimizing and improving the County's website; creating consistent schedules with local media; supporting organizations and non-profits; and creating more cross-promotion across departments.

Ms. Wolfe provided information regarding the National Citizen Survey, conducted by the National Research Center; the Citizen's Academy, which due to the program's popularity, staff will be adding an additional session each year; Spring and Fall sessions; plans to standardize the County seal, and to align colors and fonts on the County website to increase the branding of Nevada County. Ms. Cameron highlighted staff efforts related to the Ready Nevada County campaign roll-out; Code Red Emergency alerts; community events and engagement; and the County's response to Public Safety Power Shutoff (PSPS) events.

Ms. Wolfe introduced the County's new Challenge Coins, which have been provided to the Board members for handing out in the public during media events. Staff is keeping track of the Coins, which are numbered for tracking purposes. They represent recognition of a partnership and collaboration between the County and other organizations and/or individuals, as well as recognition for great performance/achievement.

Board questioning and discussion ensued.

- IV. [SR 20-0499](#) Community Development Agency Presentation:
- Cannabis Program
 - Planning Department
 - Agriculture Department

Cannabis Permitting Program:

Mr. Jeff Merriman, Code Compliance Program Manager, reported on the Administrative Development Permit and Cannabis Cultivation Permit applications that were received and approved in the past year. He reviewed the permit review timeline.

Mr. Brian Foss, Planning Director, reviewed permitting process and challenges, including: applicants that are not sure of the requirements and process; the need for additional land use permits and associated costs; unfamiliarity with state/local fire regulations for commercial facilities; lack of available and qualified design professionals; and changes to project resubmittals and incomplete resubmittals.

Mr. Foss reported that staff is hearing from the applicants that their challenges include; learning the new process and new regulations; routing and coordination; transition periods; keeping up with state regulations; and understanding the plants-in-ground allowance. Mr. Foss reported that they are striving for improvements in the process, including expediting the resubmittal review options; improving checklists, applications and handouts; continuing outreach and education; continued meetings with stakeholders; fire district connectivity and use of permitting system; and creation of a process improvement team. Focusing on 2020, the County is looking to improve the current process and increasing the number of permitted sites. They will be reviewing additional license types, such as distribution, manufacturing, dispensaries, and other supply chain license types. Staff is meeting with stakeholders to include compassionate use options into the program.

Cannabis Enforcement:

Mr. Merriman reported that there are roughly 3,500 to 4,000 grows in Nevada County. Code Compliance is partnering with the Sheriff's office on Illegal Cannabis Cultivation Enforcement. They received 197 complaints; 46 cases are currently open; 91 reports were unfounded; 60 cases self-abated; and 8 Administrative Appeal Hearings were held. He reported that the bulk of cannabis grows are within Western County. Hundreds of inspections have been conducted with collaboration between the Nevada County Sheriff's office and the County's two Cannabis Officers. Moving forward, staff is looking to improve the enforcement process in collaboration with County Counsel and the Clerk of the Board's office; adding additional education and outreach to stakeholders and agencies continuation of collaboration with agencies for abatements; enforcement process improvements; and potential use of aerial imagery.

Appeal Process:

Mr. Doug Johnson, Attorney II-Civil, reported on the Code Compliance Administrative Appeals process. Per County Code, hearings are conducted within 5-20 days of the request for appeal. Mr. Johnson reported that an update is coming forward to the Administrative Enforcement Ordinance, which will include all appeals and enforcement processes. He reported on costs and penalties relating to the appeal process.

Tax Measure:

Mr. Doug Johnson, Attorney II-Civil, reported on the status of the tax measure. In Fiscal Year 2019/20, staff projected an income of \$60,000, but the actual amount is expected to be \$250. He noted that the projected income for Fiscal Year 2020/21 is expected to be \$210,000.

Hemp:

Mr. Chris de Nijs, Agricultural Commissioner, reported on the County's moratorium on Hemp cultivation, which expires on March 9, 2020. Concerns include the potential of cross-pollination with cannabis, and the economic viability for hemp in Nevada County. Mr. de Nijs will be returning to the Board for further direction in February.

Cannabis Board Discussion/Decision Points:

Mr. Craig Griesbach, Building Director, introduced decision points for Board discussion:

- a. License Types
- b. Compassionate Use Program
- c. Plants-in-Ground Allowances for the 2020 growing season

Board questioning and discussion ensued.

Mr. Sean Powers, Community Development Agency Director, requested Board direction on the Decision Points. Ms. Alison Lehman, County Executive Officer, explained that no action would be taken today.

a. License Types

Supervisor Hall was interested in making all license types available, except for the Manufacturer 2 License, which uses volatile solvents to produce medical cannabis products. Supervisor Miller wanted clarification from the entire community on whether Nevada County residents want all of the license types to be available. Supervisor Scofield's conclusion was that Cannabis is a Nevada County industry. Nevada City already has the license types; he was interested in looking at all of the license types, and wanted to provide support to the Cannabis industry. Ms. Lehman reviewed the direction given by the Board, which included that staff look at the license types to recommend; review timelines and community impacts; and coordinate with the Cities and Town. Staff will return for further direction on the actions to be taken.

b. Compassionate Use Program

Discussion ensued; staff will return to the Board with a proposal.

c. Plants-in-Ground Allowances for the 2020 growing season

Discussion ensued; staff will return to the Board with a proposal.

Discussion ensued regarding unmanned aerial surveillance: Ms. Lehman urged the Board to continue working with County Counsel to implement as a pilot program for staff safety purposes. Supervisor Hall shared concerns about this, and wanted to receive Supervisor Hoek's input on the issue. Supervisors Scofield, Miller and Anderson provided support for unmanned aerial surveillance, as a way to ensure staff's safety.

Following the lunch break, the meeting was called back into order.

Outdoor Events Ordinance:

Mr. Brian Foss, Planning Director, introduced the Outdoor Event Ordinance discussion. He provided background information on the Ordinance that was adopted in 2014. Concerns included neighborhood impacts and the number of venues. He reported that 12 permits were issued to 12 different sites, and no complaints have been received. The Events Industry have shared concerns regarding the number of events that are allowed under the Ordinance, and are requesting an increase in the number of allowed events from 4 to 8 per year. Staff would work with the Chamber's committee on proposed changes; clarify sanitation requirements; allow for offsite parking plans; provide support for agritourism; with any changes not to impact winter regulations. Mr. Foss reported that staff would bring a revised Ordinance back to the Board for consideration in March/April in order to have the new process in place for the wedding season.

At the request of Supervisor Anderson, Mr. Foss provided background information on the reasons for implementation of the Ordinance, including the number of events; events that went through the night or all weekend; environmental health and safety issues; the need for regulation; parking issues; noise levels; traffic impacts; and neighborhood disruptions. Supervisor Anderson responded that the Board implemented the Use Permit process to allow venues to hold their events within limits, and to provide an environment so neighbors could enjoy peace and quiet on their property.

Board questioning and discussion ensued. Direction was given to staff to draft an Ordinance with the proposed revisions, and then return to the Board in a public meeting for consideration of adoption.

Mobile Home Park Space Rent Stabilization (RSO):

Ms. Rhetta VanderPloeg, Attorney II-Civil, provided background information, which is part of the Housing Element and consistent with the General Plan. She reported that the RSO process provides a tool to limit increases to the cost for space rental within a Mobile Home Park. Unlike apartment renters, mobile home owners are not able to move to another location. She explained that there are nine counties in California that have some type of RSO, as well as 90 cities that also have RSOs. State law heavily regulates mobile home residency and mobile home parks, but does not regulate rent.

Mr. Ryan Gruver, Health and Human Services Agency Director, reviewed pros and cons:

Pros: Stabilize rent levels; protects homeowners from excessive rent increases; mobile homes are costly and difficult to move; high space rent drives down resale value; and high rental rates impact seniors and others on a fixed income.

Cons: Rent stabilization imposes a limitation on the landowners' ability to collect a fair market return on investment; RSOs require administrative oversight supervised and commonly funded by a public

entity; RSOs are the subject of significant litigation; and implementing a County Administrative Procedure could require administrative and enforcement costs.

The Board members provided direction for staff to pursue a study and return to the Board with recommendations for implementing an RSO, with costs between \$50,000 - \$100,000. Ms. Alison Lehman, County Executive Officer, added that staff would reach out to the cities and town to see if they want to participate.

Following a short break, Chair Hall called the meeting back into order.

Mining Permit/Role of the County:

Mr. Brian Foss, Planning Director, provided background information on the land use application for the proposed mining development located at the corner of Greenhorn Road and Brunswick Road, and on Idaho Maryland. He reported that the operation would operate 24 hours per day/7 days a week, and would provide for 300+ employees. The lifespan of the project is expected to be 80 years. He reviewed the Use Permit and Entitlement Process, which includes a scoping meeting, Draft EIR process, and public hearings in front of the Planning Commission and Board of Supervisors. Agencies that would be involved include the Department of Mine Reclamation; Mine Safety and Health Administration; Department of Toxic Substance Control; Regional Water Quality Control Board; US and CA Fish and Wildlife; Fire Marshal; Fire Departments; City of Grass Valley; and County Departments. Mr. Foss reviewed the Environmental Analysis requirements, including biological impacts; traffic/circulation; noise; and geotechnical impacts. The decision-making process includes land use entitlements; CEQA document; public hearings; and follow-up permits.

Board questioning and discussion ensued.

Backyard Chickens in R1:

Mr. Chris de Nijs, Agricultural Commissioner, provided a presentation regarding backyard chickens. Complaints are received every year. Current County Code states that chickens are not allowed in R1, R2, Rd, and AG under 5 acres. Mr. de Nijs provided the Agricultural Advisory Commission's recommendation is to allow chickens (no roosters) within the R1 and R2 zoning. Staff would prepare an ordinance, present it to the Planning Commission for recommendation, and then bring it forward to the Board in the Summer of 2020.

Board questioning and discussion ensued. Supervisor Anderson requested staff contact the cities and town to see if they are experiencing issues, and look closer at the amount of chickens allowed on a 20,000 square foot lot.

Horse Boarding Commercial Facilities:

Mr. Chris de Nijs, Agricultural Commissioner, provided a presentation regarding horse boarding and

commercial facilities. He reported that current Nevada County Code does not allow use for commercial stables; all commercial stabling requires a Use Permit. He reviewed regulations in other jurisdictions, and he reviewed stables that are already located in Nevada County; a majority of which are operating without a Use Permit. These operations can cause environmental damage: manure management; erosion control; overgrazing; dust; impacts from horse shows; building standards for employees/public; and sanitation standards for employees/public.

Mr. de Nijs reviewed the pros and cons for requiring Use Permits and asked for Board direction to implement an Ordinance to remove the requirement for a Use Permit on Horse Boarding Commercial Facilities.

Board questioning and discussion ensued.

Mr. Brian Foss, Planning Director, suggested scaling the Ordinance to remove the Use Permit requirement for a facility with a small amount of horses, while maintaining the requirement for larger facilities. The Board directed the issue be brought forward to the Agricultural Advisory Commission for input and feedback, and then upon their input, staff would make a decision as to whether to bring it back to the Board.

Williamson Act Guidelines:

Mr. Chris de Nijs, Agricultural Commissioner, provided a presentation regarding Williamson Act guidelines. He provided background information, and reviewed the application process. The County currently has 24 Williamson Act contracts, for a total of 6,565 acres. The Agricultural Advisory Commission recommended revisions to the guidelines to create new categories: low intensity and high intensity, which would impact new contracts only. Other recommendations include allowing Christmas Trees as an agricultural use and additional language for better compliance/monitoring/reporting. Hemp and Cannabis will be addressed in future revisions. Mr. de Nijs reported that the next steps include receiving direction from the Board and then returning to the Board with revised guidelines for approval.

Board questioning and discussion ensued. Staff was directed to prepare revisions according to the Agricultural Advisory Commission's recommendations, and return to the Board for approval of revised guidelines.

- V. [SR 20-0500](#) Review of discussion topics from the January 22 - 23, 2020 Workshop and any carry over items.

Ms. Mali Dyck, Assistant County Executive Officer, reviewed the 2020 Board Objectives as previously voted on by the Board members:

“A” Priorities:

Fiscal Stability/Core Services

Wildfire

Homelessness

“B” Priorities:

Affordable and Workforce Housing

Improvements to the Cannabis Permitting and Enforcement Program

Civic Engagement (suggest to remove)

“C” Priorities:

Removed: Lot 6 Redevelopment

Board questioning and discussion ensued.

Parking Lot:

Public Safety Power Shutoffs (PSPS) Response objectives

Homeowners / Commercial Insurance

Energy Back-Up

Carbon Footprint/Sustainability/Resiliency objective

Review of appeal board processes to see which appeals should move forward to the Board or to an independent hearing board.

Municipal Advisory Councils (MACs) related to Area Plan development

The Board suggested that a 1-day Board Workshop be scheduled mid-year for further discussion.

Ms. Alison Lehman, County Executive Officer, reported that staff would work on the priorities and return with recommendations during the following day's Workshop for the Board's review.

ADJOURNMENT:

Chair Hall adjourned the meeting at 3:45 p.m to Friday, January 24, 2020 at 8:30 a.m. at the Foothills Event Center, 400 Idaho Maryland Road, Grass Valley, CA 95945.

Signature and Attestation
Heidi Hall, Chair

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board