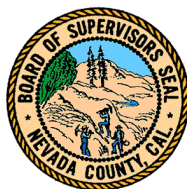


# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District*  
*Ed Scofield, 2nd District (Vice-Chair)*  
*Dan Miller, 3rd District*  
*Wm. "Hank" Weston, 4th District (Chair)*  
*Richard Anderson, 5th District*



## BOARD OF SUPERVISORS

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Nevada City, CA 95959-8617  
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*Julie Patterson Hunter, Clerk of the Board*  
*Richard A. Haffey, County Executive Officer*  
*Alison Barratt-Green, County Counsel*

## SUMMARY MINUTES - Final

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, June 13, 2017	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

### REGULAR MEETING: 9:00 AM

*Rollcall*

*The following Supervisors present:*

*Heidi Hall, 1st District*  
*Ed Scofield, 2nd District*  
*Dan Miller, 3rd District*  
*Hank Weston, 4th District*  
*Richard Anderson, 5th District*

### STANDING ORDERS:

Chairman Weston called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Michael Heggarty, Director of Health and Human Services.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

**PUBLIC COMMENT: 9:01 A.M.**

ACTION TAKEN: The following members of the public provided comments in opposition to the widening of Highway 174: Mr. Al Bulf, District I resident; Mr. Eugene Cresswell, District I resident; Mr. Tim Walker, District I resident; and Ms. Joan McCammon, District 1 resident.

Ms. Linda Chaplin, District I resident, spoke in support of walkable trimmed sidewalks in the community.

Mr. Donn Coenen, District II resident and self-described conservationist, provided comments regarding the forest issues caused by years of environmentalist policy. He spoke in support of sustainable logging and the State of Jefferson.

Ms. Frances DiCristina, District I resident, requested the Board commit to their support of the Paris Climate Accord in support of the efforts to preserve our environment.

**SCHEDULED ITEMS: 9:02 A.M.**

1. [SR 17-0436](#) Certificate of Recognition for Mr. Roger Ingram, Nevada County Livestock and Natural Resources Farm Advisor, for his thirty-one years of dedicated service in Agriculture.  
**Recognized.**

ACTION TAKEN: Chairman Weston read the Certificate of Recognition for Mr. Roger Ingram, Nevada County Farm Advisor, into the record, and the Board members thanked him for his many years of excellent and devoted service.

Mr. Ingram spoke to the importance of the work he does, and he thanked the Board for the recognition.

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2. [SR 17-0437](#) Certificate of Recognition for Ms. Susan Healy-Harman, Nevada County Transit Services Manager, for her ten years of dedicated service to the County's transit system.  
**Recognized.**

ACTION TAKEN: Chairman Weston read the Certificate of Recognition for Ms. Susan Healy-Harman into the record, and the Board thanked her for her years of dedicated service as Transit Services Manager for Nevada County.

Ms. Trisha Tillotson, Director of Public Works, thanked Ms. Healy-Harman and congratulated her on her retirement.

Ms. Healy-Harman thanked the County staff, the Supervisors and the Transit services team for their help and support over her years of service, and the Board members presented the Certificate to Ms. Healy-Harman.

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3. [SR 17-0415](#) Resolution proclaiming June 3, 2017 as “Celebration of Trails” day in Nevada County in conjunction with American Hiking Society’s “National Trails Day.” (Laura Petersen, Bear Yuba Land Trust)

Sponsors: Hank Weston, District 4

**Adopted.**

Enactment No: RES 17-247

ACTION TAKEN: Chairman Weston introduced the agenda item.

Ms. Marty Coleman-Hunt, Executive Director, Bear Yuba Land Trust, reported on the events that happened this year on June 3rd Celebration of Trails day, and she commented on the importance of trails in our community.

Chairman Weston read the Resolution proclaiming June 3, 2017 as "Celebration of Trails" day in Nevada County into the record, and the Board members presented it to Ms. Coleman-Hunt.

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 17-247. On a roll call vote the motion passed unanimously.**

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**CONSENT CALENDAR:**

Behavioral Health Director: Rebecca Slade

4. [SR 17-0402](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Turning Point Community Programs, Inc. for the provision of temporary housing and supportive counseling services in the Respite Insight Center, increasing the maximum contract price from \$508,489 to \$541,489, for the period July 1, 2016 through June 30, 2017, and authorizing the Chair of the Board of Supervisors to execute the Amendment.  
**Adopted.**  
Enactment No: RES 17-248
5. [SR 17-0403](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Willow Glen Care Center for the provision of long-term mental health and residential care to adult clients with mental health conditions, increasing the maximum contract price from \$63,600 to \$134,500, extending the contract termination date from June 30, 2017 to June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Behavioral Health Department's Fiscal Year 2016/17 budget.  
(4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 17-249
6. [SR 17-0404](#) Resolution approving a contract between the County of Nevada and Vista Pacifica Enterprises, Inc. dba Vista Pacifica Center for the provision of mental health and residential care services for adults with mental health conditions, in the maximum amount of \$95,106, for the period March 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract.  
**Adopted.**  
Enactment No: RES 17-250
7. [SR 17-0388](#) Resolution approving submittal of the No Place Like Home (NPLH) 2017 Technical Assistance Grant Application and receipt of funds in the amount of \$75,000 from the California Department of Housing and Community Development (HCD), and authorizing Richard A. Haffey, County Executive Officer, to sign the Grant Application.  
**Adopted.**  
Enactment No: RES 17-251

8. [SR 17-0400](#) Resolution approving the renewal Continuum of Care Program Grant Agreement CA1262L9T151602 between the County of Nevada and the United States Department of Housing and Urban Development (HUD) to provide funding for program participants to obtain and remain in permanent housing, in the maximum amount of \$23,102, with the Agreement commencing as of the date of execution by HUD for the performance period of June 1, 2017 through May 31, 2018.

**Adopted.**

Enactment No: RES 17-252

Sheriff-Coroner/Public Administrator: Keith Royal

9. [SR 17-0370](#) Resolution approving a renewal agreement between the County of Nevada and the County of Placer for the provision of booking and jail services provided by the Nevada County Sheriff at the Truckee Jail, in the amount of \$433,590, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the agreement.

**Adopted.**

Enactment No: RES 17-253

Auditor-Controller: Marcia Salter

10. [SR 17-0356](#) Resolution revising the Nevada County Appropriations Limitations amount for Fiscal Year 2016/17 from \$69,373,049 to \$68,805,157.

**Adopted.**

Enactment No: RES 17-254

Agricultural Commissioner: Chris de Nijs

11. [SR 17-0394](#) Resolution approving Agreement 17-0129-000-SA between the County of Nevada and the California Department of Food and Agriculture (CDFA) to reimburse the County for costs incurred in the enforcement of Certified Farmers Market Inspections, in an amount not to exceed \$7,044, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 17-255

Director of Public Works: Trisha Tillotson

12. [SR 17-0368](#) Acceptance of the Annual Report on Transportation Mitigation Fees - Fiscal Year 2015/16.

**Accepted.**

13. [SR 17-0399](#) Resolution adopting the Initial Study/Mitigated Negative Declaration for the Shady Creek Bridge at Purdon Road Bridge Replacement Project, and directing the Director of the Nevada County Department of Public Works to file a Notice of Determination with the Nevada County Clerk-Recorder's office and the California State Clearinghouse within five days from the date of this action. (Dist. IV)  
**Adopted.**  
Enactment No: RES 17-256
14. [SR 17-0346](#) Resolution approving Exhibit A to the Agreement between the County of Nevada and the County of Placer for continuation of Gold Country Stage Route 5 Service for Fiscal Year 2017/18 (Res. 09-388), with transit services charges to Placer County in the amount of \$81,692. (Transit)  
**Adopted.**  
Enactment No: RES 17-257
15. [SR 17-0366](#) Resolution authorizing submittal of Application, Grant ID No. 6961-0002, to the California Governor's Office of Emergency Services (Cal OES) through the Proposition 1B, Transit System Safety, Security and Disaster Response Account - California Transit Security Program, California Transit Assistance Fund (CTSGP-CTAF), for a multi-phased bus stop improvement and equipment project to improve and enhance transit system safety and security, in the amount of \$57,733 for Fiscal Year 2016/17. (Transit)  
**Adopted.**  
Enactment No: RES 17-258
16. [SR 17-0344](#) Resolution approving the Proposition 1B, Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Corrective Action Plan (CAP) to re-assign \$249,716 to the 2014/15 Gold Country Stage Vehicle Replacement Project for the purchase of up to four paratransit replacement vehicles. (Transit)  
**Adopted.**  
Enactment No: RES 17-259

Human Resources Director: Charlie Wilson

17. [SR 17-0390](#) Resolution approving Amendment One to the contract between the County of Nevada and Liebert Cassidy Whitmore for legal representation, litigation and other legal employment relations services and training (Res. 16-314), increasing the total contract amount from \$25,500 to \$60,000, for the period July 1, 2016 through June 30, 2017, authorizing the Chair of the Board to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Human Resources budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 17-260

18. [SR 17-0391](#) Resolution approving Amendment Two to the contract between the County of Nevada and Van Dermeyden Maddux Law Corporation for administrative investigative services (Res. 17-057), increasing the amount from \$60,000 to \$62,258, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 17-261

Chief Information Officer: Stephen Monaghan

19. [SR 17-0371](#) Resolution recognizing the continuing proclamation of a Local Emergency in Nevada County due to Extreme Tree Mortality. (Emergency Services)

**Adopted.**

Enactment No: RES 17-262

20. [SR 17-0372](#) Resolution continuing the proclamations of Local Emergencies in Nevada County due to extreme and cumulative precipitation, atmospheric rivers and storms in January and February 2017 resulting in flooding, subsidence and other damage to public and private infrastructure and facilities. (Emergency Services)

**Adopted.**

Enactment No: RES 17-263

21. [SR 17-0373](#) Resolution approving the License Agreement between the County of Nevada and the Golden Empire Flying Association (GEFA) for the non-exclusive use of the Nevada County Airport to host the Thirty-Fifth Nevada County "AirFest 2017" scheduled for Friday evening, July 7, and Saturday, July 8, 2017, and authorizing the Airport Manager to execute the License Agreement. (Airport)

**Adopted.**

Enactment No: RES 17-264

22. [SR 17-0422](#) Resolution approving a Memorandum of Understanding (MOU) between the County of Nevada, the City of Grass Valley, the City of Nevada City, and Nevada County Digital Media Center, pertaining to multi-jurisdictional support for cable television programming and infrastructure, commencing in Fiscal Year 2016/17 and continuing through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the MOU.  
**Adopted.**  
Enactment No: RES 17-265
23. [SR 17-0378](#) Resolution approving a Second Amendment to the Lease Agreement between the County of Nevada and Turning Point Community Programs for office space located at 500 Crown Point Circle, Suite 100, Grass Valley (Res. 11-413), exercising the Second Option to renew the Lease for a term of three years commencing July 1, 2017 through June 30, 2020, in the amount of \$5,725.61 per month, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)  
**Adopted.**  
Enactment No: RES 17-266
24. [SR 17-0408](#) Resolution awarding and approving a contract between the County of Nevada and Kodiak Union Roofing Services, Inc., for the Wayne Brown Correctional Facility Roof Replacement Project located at 925 Maidu Avenue, Nevada City (Res. 14-188), in the amount of \$728,600 plus a contingency of \$72,860 for a total contract amount of \$801,460, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Capital Facilities budget. (4/5 affirmative vote required) (Facilities)  
**Adopted.**  
Enactment No: RES 17-267

County Librarian: Laura Pappani

25. [SR 17-0430](#) Resolution authorizing the purchase of capital assets (Watchguard M500 Firebox, \$18,944, and Arbuia 5406R Switch, \$5,394), using California State Library grant funds to upgrade broadband hardware at the Madelyn Helling Library (Res. 17-025), and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Library budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 17-268



County Executive Officer: Richard Haffey

26. [SR 17-0426](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Jennifer Walters Staniar for delivery of Conflict Indigent Defense services (Res. 16-361), extending the contract term to July 1, 2016 through June 30, 2019, increasing the maximum contract amount to \$175,000, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Conflict Indigent Defense budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 17-269

27. [SR 17-0428](#) Resolution approving Amendment 1 to the contract between the County of Nevada and W. Gregory Klein for the provision of Conflict Indigent Defense services (Res. 16-325), increasing the maximum contract amount to \$245,000, for the period of July 1, 2016 through June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Conflict Indigent Defense budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 17-270

28. [SR 17-0431](#) Resolution approving Amendment 1 to the contract between the County of Nevada and William G. Walker III for the provision of Conflict Indigent Defense services (Res. 16-328), increasing the maximum contract amount to \$115,000, for the period of July 1, 2016 through June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Conflict Indigent Defense budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 17-271

Clerk of the Board: Julie Patterson Hunter

29. [SR 17-0460](#) Acceptance of Board of Supervisors Summary Minutes for May 23, 2017.  
**Accepted.**

ACTION TAKEN: Chairman Weston introduced the consent calendar.

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to approve the consent calendar. On a roll call vote, the motion passed unanimously.**

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*Chairman Weston recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.*

**Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.**

Meeting called to order. All Directors present.

Consent:

**30a.** [SR 17-0421](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Cranmer Engineering, Inc. for laboratory testing of water samples from Nevada County Sanitation District No. 1 Wastewater Treatment Facilities, Monitoring Wells and Collection Systems (PESK3147), increasing the maximum contract price by \$12,000 for a total contract price of \$37,000, authorizing the Chair of the Board to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2016/17 Nevada County Sanitation District No. 1 budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES SD17-007

**30b.** [SR 17-0455](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for April 11, 2017.

**Accepted.**

ACTION TAKEN: Chairman Weston introduced the consent calendar.

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Director Hall, seconded by Director Anderson, to approve the consent calendar. On a roll call vote, the motion passed unanimously.**

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Public Comment: No public comment received.

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Chairman Weston adjourned the meeting.

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*Chairman Weston adjourned as the Board of Directors of the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.*

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**DEPARTMENT HEAD MATTERS:****Behavioral Health Director: Rebecca Slade**

31. [SR 17-0363](#) Resolution approving the Nevada County Mental Health Services Act (MHSA) Innovation (INN) Five-Year Work Plan "Developing Collaboration to Strengthen the Crisis Continuum of Care" for Fiscal Year 2017/18 through Fiscal Year 2021/22, and authorizing the Director of Behavioral Health to sign and submit the Work Plan.

**Adopted.**

Enactment No: RES 17-272

ACTION TAKEN: Ms. Rebecca Slade, Behavioral Health Director, reviewed the staff report and provided a PowerPoint presentation regarding the Nevada County MHSA Innovation Funding Plan as part of the Crisis Continuum of Care Collaboration (CCC). She reported on funding opportunities provided through Senate Bill (SB) 82: including support for the Crisis Stabilization Unit (CSU); support to expand the hours of the SPIRIT Crisis Peer Counselors; and development of the Insight Respite Center. Ms. Slade provided an overview of the CCC Program and reported that the next developmental stages are to promote interagency and community collaboration. She spoke to the importance of the community partners, currently working separately, that will be brought together to provide services through the CCC. Ms. Slade outlined the MHSA five-year Innovation budget and requested Board support for the Plan.

**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to adopt Resolution 17-272. On a roll call vote the motion passed unanimously.**

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**Chief Information Officer: Stephen Monaghan**

32. [SR 17-0384](#) Office of Emergency Services Informational Presentation to the Board of Supervisors regarding 2017 Fire Season preparations, Tree Mortality, and Mitigation Plan Update. (Emergency Services)

**Presentation provided.**

ACTION TAKEN: Mr. John Gulserian, Program Manager, Office of Emergency Services, provided a PowerPoint Presentation with an overview of federal reimbursement for the recent winter storm damage, the Oroville Dam evacuation events and costs, and the status of the Nevada County tree mortality survey. He reviewed the Mitigation Plan update, and explained that it is a requirement for Nevada County to be eligible for disaster recovery funds.

Mr. Gulserian reviewed 2017 Fire Season Preparedness, reporting that the County Fire Prevention Assistant completed 120 property inspections in May and June, and noted that 21 properties failed the inspection. He continued that CAL FIRE has performed 356 inspections from January to June, with 179 properties failing the inspection, and explained that Nevada County and CAL FIRE work with the owners of the properties to bring them into compliance. Mr. Gulserian reported that the 2017 Fire Season Preparedness Guide will be available to the public within the next few weeks.

Board discussion and questions ensued.

Supervisor Hall asked about the requirements for issuing citations to non-compliant property owners and was concerned that Nevada County may be too easy on people while we are coming into the fire season. She asked if the issue requirements could be made a bit stronger to initiate compliance. Supervisor Weston agreed that the County needs to be more aggressive toward non-compliant owners.

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**SCHEDULED ITEM: 10:00 A.M. Mike Dent, Director of Social Services**

33. [SR 17-0375](#) Public hearing to accept public comments regarding the Community Services Block Grant (CSBG) 2018/19 Community Action Plan (CAP).

Resolution accepting public comment on the Community Services Block Grant (CSBG) 2018/19 Community Action Plan (CAP), approving submittal of the CAP to the State Department of Community Services and Development (CSD), and authorizing the Chair of the Board of Supervisors to sign the Certification of Community Action Plan and Assurances.

**Adopted.**

Enactment No: RES 17-273

**ACTION TAKEN:** Mr. Mike Dent, Director of Social Services, spoke on behalf of the Adult and Family Services Commission regarding the Community Services Block Grant (CSBG) 2018/19 Community Action Plan (CAP)

He reviewed the purpose of the CSBG funding, which is to alleviate causes and conditions of poverty, address the needs of low-income individuals and provide services and activities to accomplish these goals. Mr. Dent noted that the Commission completed a Community Needs Assessment that is included in the CAP. He reporting upon the resulting recommendations, which include: affordable housing; improving transit services within the community; access to mainstream benefits and services; and improved nutrition within the community.

Chairman Weston opened the public hearing for public comment. There being no public comment, Chairman Weston closed the public comment portion of the public hearing.

**MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to adopt Resolution 17-273. On a roll call vote the motion passed unanimously.**

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**SCHEDULED ITEM: 10:15 A.M.**

34. [SR 17-0301](#) Resolution designating the Arts Collaborative of Nevada County, dba Nevada County Arts Council, as Nevada County's State-Local Partner through the California Arts Council State-Local Partnership Program, and designating Nevada County Arts to execute the 2017/2018 CAC grant as approved by the California Arts Council. (Ms. Eliza Tudor, Executive Director, Nevada County Arts Council)

**Adopted.**

Enactment No: RES 17-274

**ACTION TAKEN:** Following a short break, Chairman Weston called the meeting to order and introduced the agenda item.

Ms. Eliza Tudor, Executive Director, Nevada County Arts Council, introduced Ms. Molly Fisk, Nevada County Poet Laureate, who read a community-written poem into the record, named "Spring Meditation."

Ms. Tudor provided a PowerPoint presentation and requested Board approval for the Resolution designating Nevada County Arts as the County's Local Partner for the purpose of receiving grant funding through the California Arts Council.

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Board discussion ensued.

Chairman Weston opened the item for public comment.

Mr. Jon Blinder, Nevada County Arts Council President, provided comments regarding the community collaboration with the Arts Council to find the areas in the County where the arts are needed and the ways the Council is working to bring the arts to these areas. He thanked the Board for their support.

**MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Hall, to adopt Resolution 17-274. On a roll call vote the motion passed unanimously.**

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**SCHEDULED ITEM: 10:30 A.M. Brian Foss, Planning Director**

**35a.** [SR 17-0397](#) Public hearing to consider the Nevada County Planning Commission's May 11, 2017, 4-0 (1 absent) recommendation to: 1) adopt a Mitigated Negative Declaration (EIS15-014); and 2) introduce, waive further reading and adopt a Zoning District Map amendment for four properties to add the Mineral Extraction (ME) Combining District (Z15-004) (Assessor's Parcel Numbers (APNs) 38-370-17, 38-380-15, 38-380-16, and 38-430-02). (Dist. V)

Resolution adopting a Mitigated Negative Declaration (EIS15-014) for the Hansen Brothers Greenhorn Creek Aggregate Mine Expansion Project in connection with the adoption of an Ordinance amending Zoning District Map No. 078 to add the Mineral Extraction Combining District (Z15-004) to Assessor's Parcel Numbers (APNs) 38-370-17, 38-380-15, 38-380-16, and 38-430-02, and making findings 1 through 5.

**Adopted.**

Enactment No: RES 17-275

**ACTION TAKEN:** Mr. Brian Foss, Planning Director, introduced Mr. Tyler Barrington, Principal Planner, who reviewed the staff report and provided a PowerPoint presentation regarding the rezone of property owned by Hansen Bros. Enterprises, located within the Red Dog/You Bet area along Greenhorn Creek, for purposes of adding Mineral Extraction (ME) Combining District zoning. Mr. Barrington concluded his presentation and asked the Board to approve the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan and to approve the Zoning District Map rezone amendment.

Board questioning and discussion ensued.

Supervisor Hall shared concerns regarding the lack of an Environmental Impact Report (EIR), and additional concerns regarding mitigated impacts, including mercury, vegetation, and habitat for the foothill yellow-legged frog. Mr. Barrington responded with a review of the requirements for an EIR and noted that for this project, the MND was determined to be the appropriate document. He added that the MND is routed to State agencies including the Regional Water Quality Control Board, Department of Water Resources, Department of Fish and Wildlife, and the Division of Mine Reclamation. He reported that no adverse comments were received from any of those agencies. Mr. Barrington responded to the mitigation plans for the foothill yellow-legged frog and other species of flora and fauna of concern to the State.

Board questioning continued.

Ms. Alicia Brenner, BT Consulting, representing Hansen Brothers Enterprises, provided a PowerPoint presentation regarding the proposed project. She explained that the majority of the stream is currently permitted for harvesting of sand and gravel, and an additional area is needed to complete the harvesting of the edge of the streambed. She reported on the process, noting that if the dislodged mine tailings are not harvested, the material will eventually end up in Rollins Reservoir occupying much needed water storage capacity. Ms. Brenner noted that Nevada Irrigation District (NID) owns Rollins Reservoir and is in support of the proposed Project. Ms. Brenner spoke to the environmental concerns, including hydrology/water quality; geology/erosion; and biology/species of concern. She reviewed Mitigation measures that have been added to the project since 2013 in response to the concerns regarding the foothill yellow-legged frog. Ms. Brenner reported on the California Environmental Quality Act (CEQA) analysis of the site which included; Historical Mercury, which has been found to be below all bench-mark levels; Archaeological and Cultural Artifacts; Noise; and Air Quality. She added that a detailed plan has been developed and approved by the California Division of Mine Reclamation for revegetation of the site. She concluded her presentation, speaking to the benefits to the local community as a result of the project.

Board questioning ensued.

Chairman Weston opened the public hearing for public comment.

Mr. Bruce Ivy, District V resident, provided comments in support of the proposed Project.

There being no further public comment, Chairman Weston closed the public comment portion of the public hearing.

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 17-275. On a roll call vote the motion passed unanimously.**

- 35b. [SR 17-0454](#) (Introduce/Waive further reading/Adopt) An Ordinance amending Zoning District Map No. 078, to add the Mineral Extraction (ME) Combining District to Assessor's Parcel Numbers 38-370-17, 38-380-15, 38-380-16 and 38-430-02 resulting in a Forest (FR)-40-ME designation (Files Nos. Z15-004 and EIS15-014) (Hansen Bros. Enterprises Property Owner).
- Adopted.**
- Enactment No: ORD-2436

**MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to introduce, waive further reading and adopt Ordinance 2436. On a roll call vote the motion passed unanimously.**

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**INDIVIDUAL BOARD MEMBER ITEM:**

36. [SR 17-0486](#) Approve and authorize the Chair to sign and submit Letters of Opposition to Assembly Bill (AB) 1250 (Jones-Sawyer) to Governor Jerry Brown and the applicable Senate Committee Chair as of June 13, 2017.
- Sponsors:** Hank Weston, District 4
- Approved.**

**ACTION TAKEN:** Chairman Weston reviewed the staff report regarding his request to send a letter in opposition of Assembly Bill (AB) 1250, and reported on the associated costs to the County if the legislation passed.

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Miller, to support the letter. On a voice vote the motion passed unanimously.**

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**\*CLOSED SESSION:**

[SR 17-0427](#) Pursuant to Government Code Section 54956.9(d)(4), County Counsel is requesting a closed session to determine whether litigation should be initiated by the County in one matter.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session into the record and the Board entered into closed session.

Following closed session, Supervisor Miller reported that nothing occurred in closed session that needed to be reported out by law. Ms. Alison Barratt-Green, County Counsel, concurred with Supervisor Miller's assessment.

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**\*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.

ACTION TAKEN: Not held.

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Recess for lunch: 1:05 p.m.

**AFTERNOON SESSION****SCHEDULED ITEM: 1:30 P.M. Brian Foss, Planning Director**

37. [SR 17-0414](#) Discussion and request for direction regarding potential amendments to Nevada County Land Use and Development Code Section L-II 3.3 for an update to Agricultural Uses to include Agritourism Events and Activities. (All Dists.)

Close Board Order BO17-01.

ACTION TAKEN: Chairman Weston called the meeting to order at 1:30 p.m. and introduced the agenda item.

Mr. Brian Foss, Planning Director, provided background regarding Board Order BO17-01, which provided direction to staff to return to the Board within 120 days with a report on Agritourism in the County. He provided a PowerPoint presentation, reviewing activities, events and land uses which are covered by the term Agritourism. He noted that the term "Agritourism" is very broad, and can cover items such as farm tours, holiday festivals, school field trips, weddings, hay rides and pumpkin patches. Nevada County does not have a current definition, and explained that current existing permitting structure and processes include: 1) a Use Permit for social events for one-time operation; 2) and Outdoor Event permit for up to 4 events per year; and 3) a Field Retail and Farm Stand provisions. Mr. Foss reported that the definition of a Farm Stand is a premises that sells agricultural products grown/produced at or near to the stand. Mr. Foss reported that the Agricultural Advisory Commission requested more flexibility for marketing events, clearer definitions, and a Use Permit process. The Commission drafted an Ordinance to apply to marketing definitions and events as accessory use, and Planning staff routed it through other departments for input.

Mr. Patrick Dobbs, Senior Planner, reviewed the process currently in place in other counties; Yolo, El Dorado, and Placer. He reported that if this process would be implemented in Nevada County, it would likely require creating an advisory committee and might trigger an Environmental Impact Report (EIR).

Mr. Foss reported that staff met with the Agricultural Advisory Commission (AAC) to review the process and discuss their draft Ordinance. It appears that working toward clearer definitions and accessory uses could be codified to the Code and might meet the AAC's needs. Moving forward, staff will continue to communication with the AAC. Mr. Foss reviewed the Board's current options; 1) Status Quo - Existing Tiered Permitting; 2) Analyze Broader Range of Allowed Activities; or 3) creation of a new County-wide Ordinance; plus direction to either close or extend BO17-01. He believed a lot of the framework is already in the current Ordinance, and suggested hearing from members of the Agricultural Advisory Commission, and then possibly defining Agritourism and updating the Ordinance.

Chairman Weston asked what the cost would be to complete a full EIR. Mr. Foss responded that it could be somewhere between \$200,000 to \$300,000 dollars. Chairman Weston asked if they could meet some of the concerns with better definitions and a tiered permitting process. Mr. Foss believed so, as a lot of the framework is already contained in the current Ordinance. Focusing on accessory uses for farm lands with a goal to make changes substantive enough to meet the needs of the Commission would still need an environmental review, but would not require an EIR. Chairman Weston asked about "Grown in Nevada County." Mr. Foss responded that there was already some language included that certifies that the products are locally grown.

Board questioning ensued.

Mr. Terry Jochim, Chair, Agricultural Advisory Commission, stressed that products would be Nevada County grown or made. It is strictly for promotion of what is made or grown onsite; they are not pursuing an avenue for events.

Supervisor Anderson asked if the current Ordinance allows a cannabis grower to sell their products at a farm stand. Mr. Foss clarified that currently, that would not be allowed.

Board questioning ensued.

Mr. Foss asked for direction regarding Board Order BO17-01, suggesting that it be extended to the end of the year to provide time for staff to complete a full recommendation. He believed the direction would be to remove some of the event language and focus on agricultural-related activities.

Board discussion ensued.

Chairman Weston opened the meeting for public comment.

Ms. Linda Chaplin, District I resident, provided comments in support of Agritourism. She pointed out that someone coming to a farm may stay overnight as part of the Agritourism event and felt this type of event should be included in the Ordinance. She also asked that in addition to noise levels, lighting levels be addressed for evening events.

There being no further public comment, Chairman Weston closed public comment.

**Board Order BO17-01 extended to December 2017 to provide time for staff to work with the Agricultural Advisory Commission on a tiered permitting process for agricultural uses under the existing zoning ordinance.**

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**ADJOURNMENT:**

ACTION TAKEN: Chairman Weston adjourned the meeting at 2:14 P.M.

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Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:Lelia Loomis, Deputy Clerk to the Board