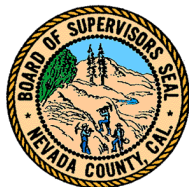


COUNTY OF NEVADA

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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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, September 12, 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. Dylan Warmuth, Nevada County 4-H Citizen's Group representative.

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: Ms. Linda Chaplin, District I resident, commented that September 9, 2017 was California Admission Day. She advocated keeping the State of California as a single state.

ACTION TAKEN: Chairman Weston called for a moment of silence for those who lost their lives during the September 11, 2001 (9/11) tragedy.

SCHEDULED ITEMS: 9:02 A.M.

1. [SR 17-0710](#) Presentation of plaque to the Auditor-Controller for Certificate of Achievement for Excellence in Financial Reporting for the tenth consecutive year.
(Government Finance Officers Association)

ACTION TAKEN: Ms. Marcia Salter, Auditor-Controller, complimented and thanked the County fiscal staff for the work they have done to earn the award for Achievement for Excellence in Financial Reporting for the 10th year in a row.

Ms. Elba Zuniga, CPA with Clifton Larson Allen, LLP firm, and member of the Special Review Committee for the Government Finance Officers Association (GFOA), reported on GFOA's selection process and presented the Excellence in Financial Reporting award to Ms. Salter and her staff.

2. [SR 17-0722](#) Nevada County 4-H All Stars 2017 Annual Activities Report.

ACTION TAKEN: Mr. Dylan Warmuth, clarified that he was representing the Nevada County 4-H Citizenship Group and provided a report regarding animal evacuation during disasters.

CONSENT CALENDAR:**Behavioral Health Director: Rebecca Slade**

3. [SR 17-0657](#) Resolution approving Amendment 2 to the Operational Agreement between the County of Nevada and Sierra Nevada Memorial-Miners Hospital (SNMH) for the provision of crisis stabilization services on the SNMH Campus (Res. 15-067), amending Exhibit “A” to further define roles and responsibilities, and amending Exhibit “B” to reflect an annual estimated budget that is more closely aligned with actual costs, for the period February 10, 2015 through June 30, 2035, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
Adopted.
Enactment No: RES 17-445
4. [SR 17-0669](#) Resolution approving a contract between the County of Nevada and Psynergy Programs, Inc. for the provision of residential board and care services and outpatient mental health services, in the maximum amount of \$50,000, for the period June 1, 2017 through June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to release fund balance and amend the Behavioral Health Department’s Fiscal Year 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 17-446
5. [SR 17-0650](#) Resolution approving a renewal contract between the County of Nevada and BHC Sierra Vista Hospital, Inc. dba Sierra Vista Hospital for the provision of psychiatric inpatient hospitalization services, in the maximum contract price of \$100,000, for the period July 1, 2017 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 17-447
6. [SR 17-0654](#) Resolution approving a renewal contract between the County of Nevada and Community Recovery Resources (CoRR) for the provision of substance abuse treatment services for Adult Drug Court Participants, in the maximum amount of \$139,251, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 17-448

7. [SR 17-0652](#) Resolution approving a renewal contract between the County of Nevada and Community Recovery Resources (CoRR) for the provision of Perinatal Outpatient Drug Free Treatment and Intensive Outpatient Treatment Services, Comprehensive Residential Treatment Program Services, and Substance Abuse Prevention and Treatment Services for the recovery of alcohol/drug dependency, in the maximum amount of \$539,074, for the period July 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 17-449

Public Health Director: Jill Blake

8. [SR 17-0663](#) Resolution approving Nevada County's Comprehensive Tobacco Control Plan for the period of July 1, 2017 through June 30, 2018, with allocated funds in the maximum amount of \$150,000 from the California Department of Public Health.

Adopted.

Enactment No: RES 17-450

Director of Social Services: Mike Dent

9. [SR 17-0649](#) Resolution approving Nevada County's annual Match Contribution funding pursuant to the Area 4 Agency on Aging Joint Powers Agreement, in the maximum amount of \$30,727, for Fiscal Year 2017/18.

Adopted.

Enactment No: RES 17-451

10. [SR 17-0680](#) Resolution approving a renewal contract between the County of Nevada and RecordXpress of California, LLC, dba Access Information Management for the provision of cataloging and storage of inactive, closed and archival records for the County's Health and Human Services Agency, in the maximum amount of \$50,000, for the period July 1, 2017 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 17-452

11. [SR 17-0682](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Sierra Forever Families for the provision of services related to Resource Family Approval (RFA) and Post-Adoption Services (Res. 17-068), decreasing the maximum contract price from \$231,250 to \$185,000 to reflect a reduction in services provided, for the period January 1, 2017 through June 30, 2018, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
Adopted.
Enactment No: RES 17-453
12. [SR 17-0671](#) Resolution approving a renewal contract between the County of Nevada and Community Recovery Resources (CoRR) for the provision of comprehensive alcohol/drug treatment and drug testing services for referred clients of Child Protective Services, in the maximum amount of \$400,000, for the period July 1, 2017 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 17-454

Child Support Services Director: Tex Ritter

13. [SR 17-0678](#) Resolution approving the annual Plan of Cooperation between the California Department of Child Support Services and the Sierra Nevada Regional Department of Child Support Services for Federal Fiscal Year 2018 (October 1, 2017 through September 30, 2018), and authorizing the Director of Sierra Nevada Regional Department of Child Support Services to sign the Plan of Cooperation.
Adopted.
Enactment No: RES 17-455

Sheriff-Coroner/Public Administrator: Keith Royal

14. [SR 17-0661](#) Resolution approving a renewal contract between the County of Nevada and Nevada Joint Union High School District for the provision of General Education Development (GED) and Adult Secondary Education Programs for inmates housed at the Wayne Brown Correctional Facility, in an amount not to exceed \$38,500, for the period July 1, 2017 through June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 17-456

15. [SR 17-0715](#) Resolution approving the filing of an application(s) for an Off-Highway Vehicle (OHV) Grant or Cooperative Agreement with the State of California, Department of Parks and Recreation to provide off-highway vehicle law enforcement services in the approximate amount of \$17,000, appointing the Nevada County Sheriff as agent to conduct all negotiations and execute and submit all documents which may be necessary for completion of the Project, and directing the Sheriff to obtain the Board of Supervisors' approval for acceptance of this Grant for Fiscal Year 2017/18, if awarded.

Adopted.

Enactment No: RES 17-457

Auditor-Controller: Marcia Salter

16. [SR 17-0693](#) Resolution setting the Ad Valorem tax rate and establishing the levy rates for the general obligation bonds and/or other voter-approved debt for Fiscal Year 2017/18.

Adopted.

Enactment No: RES 17-458

Building Director: Craig Griesbach

17. [SR 17-0655](#) (Waive further reading/Adopt) An Ordinance adding Article 14 to Chapter V of the Nevada County Land Use and Development Code to provide an expedited and streamlined permitting process for electric vehicle charging stations.

Waived further reading and adopted.

Enactment No: ORD-2439

Environmental Health Director: Amy Irani

18. [SR 17-0699](#) Resolution approving Grant Agreement EA28-17-0010 between the County of Nevada and the California Department of Resources Recycling and Recovery (CalRecycle) for the Solid Waste Local Enforcement Agency (LEA) Enforcement Assistance Grant to support solid waste facilities permit, inspection and enforcement programs, in the amount of \$17,308, for the period July 1, 2017 through October 29, 2018, authorizing the Chair of the Board of Supervisors to execute the Agreement, and authorizing the Director of Environmental Health to execute additional documents necessary to implement the Grant.

Adopted.

Enactment No: RES 17-459

Planning Director: Brian Foss

19. [SR 17-0670](#) Resolution approving Amendment 2 to the contract between the County of Nevada and Helix Environmental Planning pertaining to the preparation of an Environmental Impact Report (EIR11-001) for the Boca Quarry West Pit Expansion Project (Res. 12-009), increasing the maximum contract price by \$97,500 for an amount not to exceed \$279,601, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Planning Department budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 17-460
20. [SR 17-0696](#) Resolution approving Agreement 2CA03538 between the County of Nevada and the California Department of Forestry and Fire Protection (CAL FIRE) pertaining to Fire Planner Services for Fiscal Years 2017/18, 2018/19, and 2019/20, in the maximum amount of \$361,218.25, and authorizing the Chair of the Board of Supervisors to execute the agreement.
Adopted.
Enactment No: RES 17-461

Director of Public Works: Trisha Tillotson

21. [SR 17-0656](#) (Waive further reading/Adopt) An Ordinance amending Subsection 5 of Section G-IV 3.A.3, and adding Subsection 57 to Section G-IV 3.A.5, of Article 3.A of Chapter IV of the Nevada County General Code pertaining to speed limits on Squirrel Creek Road. [Twenty Five-Miles Per Hour Prima Facie Speed Limit on Squirrel Creek Road from Rough and Ready Highway to Shockley Road; and Thirty Five-Miles Per Hour Prima Facie Speed Limit established on Squirrel Creek Road from Shockley Road to Toad Lane.] (Dists. III and IV)
Waived further reading and adopted.
Enactment No: ORD-2440
22. [SR 17-0698](#) Resolution approving Final Map 13-001 "Standing Rock Ranch - Phase 1," authorizing the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement and to sign the map, directing the County Surveyor to deliver the map to the County Recorder's office for recording, and directing the Clerk of the Board of Supervisors to record the Agreement. (Dist. II)
Adopted.
Enactment No: RES 17-462

23. [SR 17-0697](#) Resolution approving a Subrecipient Agreement between the County of Nevada and the Nevada County Transportation Commission (NCTC) to be reimbursed for transportation planning activities, in the amount of \$117,500, and authorizing the Chair of the Board of Supervisors to execute the Agreement.
Adopted.
Enactment No: RES 17-463
24. [SR 17-0718](#) Resolution authorizing a short-term loan of funds from the Community Development Agency Fund to the Roads Fund in the amount of \$1,500,000 to meet temporary cash flow needs of Roads for emergency storm damage repairs.
Adopted.
Enactment No: RES 17-464
25. [SR 17-0664](#) Resolution authorizing the Chair of the Board of Supervisors to accept the \$17,213 grant funding received through the Department of Resource Recycling and Recovery (CalRecycle) City/County Payment Program, and authorizing the Director of Public Works to execute additional documents, as necessary, to implement this grant. (Sanitation)
Adopted.
Enactment No: RES 17-465

Chief Information Officer: Stephen Monaghan

26. [SR 17-0676](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to Extreme Tree Mortality resulting in extreme levels of combustible fuels and the severe threat of wildfires. (Emergency Services)
Adopted.
Enactment No: RES 17-466
27. [SR 17-0677](#) 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 17-467

28. [SR 17-0686](#) Resolution authorizing submittal of an application for a California Department of Transportation, Division of Aeronautics, matching grant in the amount of \$52,180 to supplement a Federal Aviation Administration Grant for Phase II of construction of the new perimeter fence and gate system at the Nevada County Airport, and authorizing the Chief Information Officer to execute the application. (Airport)
Adopted.
Enactment No: RES 17-468
29. [SR 17-0707](#) Resolution approving Amendment 1 between the County of Nevada and C&S Engineers, Inc. for development of the Airport Layout Plan Update and preparation of Exhibit "A" Airport Property Map, Obstruction Survey and Mitigation Plan, and Pavement Evaluation for the Nevada County Airport (Res. 15-539), extending the contract performance time through June 30, 2018, with the maximum contract amount remaining unchanged at \$174,969, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Airport)
Adopted.
Enactment No: RES 17-469
30. [SR 17-0672](#) Resolution approving the Lease Agreement between the County of Nevada and Community Recovery Resources (CoRR) for county-owned property known as the Bost House located at 145 Bost Avenue, Nevada City, California, at a rate of zero dollars per month, for an initial term of September 12, 2017 through September 30, 2018, and authorizing the Chair of the Board to execute the Lease Agreement. (Facilities)
Adopted.
Enactment No: RES 17-470

County Librarian: Laura Pappani

31. [SR 17-0651](#) Resolution authorizing acceptance of the California Library Literacy Services (CLLS) Literacy Award in the amount of \$18,000 for Fiscal Year 2017/18, and authorizing the Auditor-Controller to sign a claim for the purpose of covering a portion of the costs of providing Literacy services to Nevada County residents.
Adopted.
Enactment No: RES 17-471

County Executive Officer: Richard Haffey

32. [SR 17-0720](#) Resolution amending various Nevada County budgets through the Fourth Consolidated Budget Amendment for Fiscal Year 2016/17. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 17-472

Clerk of the Board: Julie Patterson Hunter

33. [SR 17-0660](#) Resolution proclaiming the week of September 17-23, 2017 as "Constitution Week" in Nevada County. (Daughters of the American Revolution)

Adopted.

Enactment No: RES 17-473

34. [SR 17-0716](#) Resolution making findings, and accepting in part the appeal filed by Ms. Kim Crevoiserat, et al from the decision of the Planning Commission approving Development Permit (PLN16-0072; DVP16-8; EIS16-0002) for Northern Sierra Propane to allow the construction and operation of a propane distribution business on property located at 13145 Loma Rica Drive, Grass Valley, Assessor's Parcel Number (APN) 06-920-10, and scheduling a public hearing on this appeal for October 10, 2017 at 1:30 p.m.

Adopted.

Enactment No: RES 17-474

35. [SR 17-0701](#) Acceptance of resignation from Mr. Matthew Shapero, Agricultural Interests representative, from the Agricultural Advisory Commission.

Accepted.

36. [SR 17-0703](#) Acknowledge Supervisor Anderson's acceptance of Mr. Robert H. Coombs resignation as District V representative on the Sewage Disposal Technical Advisory Group.

Acknowledged.

37. [SR 17-0700](#) Redesignation of Ms. Anita Wald-Tuttle from Public member to Consumer member on the Nevada-Sierra Connecting Point Public Authority Governing Board.

Redesignated.

38. [SR 17-0662](#) Acknowledge Supervisor Hall's appointment of Mr. Niel Locke as a District I representative to the Nevada County Historical Landmarks Commission.

Acknowledged.

39. [SR 17-0653](#) Acceptance of the Board of Supervisors Summary Minutes for August 15, 2017.
Accepted.

ACTION TAKEN: Chairman Weston introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

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

DEPARTMENT HEAD MATTERS:

Director of Social Services: Mike Dent

40. [SR 17-0645](#) (Introduce/Waive further reading) An Ordinance amending Section A-II 39.10 of Article 39 of Chapter II of the Nevada County Administrative Code regarding method of payment of General Assistance.
First reading held.

ACTION TAKEN: Mr. Mike Dent, Director of Social Services, reviewed the staff report regarding an update to the Administrative Code of the County of Nevada revising the method of payment of General Assistance. The current method is paper checks; the update will allow an electronic benefits card, which he felt would streamline the process, and save County residents who are receiving benefits money.

Board questioning ensued.

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

Agricultural Commissioner: Chris de Nijs

41. [SR 17-0683](#) Acceptance of the 2016 Nevada County Annual Crop and Livestock Report.
Accepted.

ACTION TAKEN: Mr. Chris de Nijs, Agricultural Commissioner, provided the 2016 Nevada County Annual Crop and Livestock Report. He highlighted areas of interest, reviewed the County agriculture business and commodity statistics, and thanked the Board for the ordinances recently put in place that provide additional opportunities for the agricultural community. Mr. de Nijs reported on the upcoming "Ag in the Classroom" Farm Day, scheduled for September 21st at the Nevada County Fairgrounds. He thanked his staff for their work on the report.

After Board questioning, the Board thanked Mr. de Nijs and accepted the report.

Chief Information Officer: Stephen Monaghan

42. [SR 17-0679](#) Resolution adopting the 2017-2020 Information and Communication Technology Strategic Plan.
Adopted.
Enactment No: RES 17-475

ACTION TAKEN: Mr. Stephen Monaghan, Chief Information Officer, provided a PowerPoint presentation regarding the Information and Communication Technology Strategic Plan covering the period 2017-2020. He reviewed the County's strategy on best practices for leveraging Information Technology (IT) to enable County employees to best serve its citizens. He reported on the available opportunities, as well as potential risks; in particular cyber crime. Overall, Mr. Monaghan believed his Department is doing a great job meeting the County's IT needs, although keeping up with cybersecurity continues to be a growing concern. He reported on the ISSB (Information Systems Steering Board) process the IT department uses to vet new projects. Mr. Monaghan reviewed the major projects in line for Fiscal Year 2017/18, noting that a total of 94 projects have been identified. He requested the Board adopt the Resolution approving the Plan.

Mr. Monaghan responded to Board questioning.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 17-475. On a roll call vote the motion passed unanimously.

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.

Department Head Matters:

Director of Public Works: Trisha Tillotson

43a. [SR 17-0706](#) Resolution directing the Auditor-Controller to release fund balance in Zone 1-Lake Wildwood Fund 4728 (\$1,092,99), Zone 6-Penn Valley Fund 4771 (\$692,112), and Zone 12-Valley Oak Court Fund 4775 (\$21,871), and to amend the Nevada County Sanitation District No. 1 Fiscal Year 2017/18 budget for the Penn Valley Dual Sewer Force Main Project. (4/5 affirmative vote required) (Dist. IV)

Adopted.

Enactment No: SD17-013

43b. [SR 17-0704](#) Resolution approving Amendment 1 to the contract between the Nevada County Sanitation District No. 1 and Koch and Koch, Inc. for the Penn Valley Dual Sewer Force Main Project, in an amended amount not to exceed \$7,213,937, and authorizing the Chair of the Board of Directors to execute the Amendment. (Dist. IV)

Adopted.

Enactment No: SD17-014

43c. [SR 17-0705](#) Resolution approving Amendment 2 to the contract between the Nevada County Sanitation District No. 1 and HydroScience Engineers, Inc. for engineering services during construction of the connection of the Penn Valley Sewer System to the Lake Wildwood Wastewater Treatment Plant Improvement Project, in an amended amount not to exceed \$883,971, and authorizing the Chair of the Board of Directors to execute the Amendment. (Dist. IV)

Adopted.

Enactment No: SD17-015

- 43d.** [SR 17-0702](#) Resolution approving Amendment 1 to the contract between the Nevada County Sanitation District No. 1 and Coastland Civil Engineering for project management and inspection services for connection of the Penn Valley Sewer System to the Lake Wildwood Wastewater Treatment Plant Improvement Project, in an amended amount not to exceed \$670,070, and authorizing the Chair of the Board of Directors to execute the Amendment. (Dist. IV)
- Adopted.**
- Enactment No: SD17-016

ACTION TAKEN: Ms. Trisha Tillotson, Director of Public Works, introduced Mr. Brad Torres, Wastewater Operations Manager, and provided a PowerPoint presentation regarding the Penn Valley Dual Sewer Force Main Project. She reported that completion of the Project is expected in November 2017. The only remaining portion to be constructed is under Highway 20. Ms. Tillotson reported on contract change orders, caused by rock found on Pleasant Valley Road close to the Lake Wildwood Wastewater Treatment Plan, and under Highway 20. She clarified that alternative pipeline routes were considered, although no other solutions were found to be viable. It took four weeks to break through the rock under Pleasant Valley Road and then they hit more rock under Highway 20 where, after evaluation, it was decided the only solution was to use a larger diameter bore. The additional costs are substantial; \$1.2 million for the rock work. Ms. Tillotson reported they have \$200,000 already in place as contingency. She also reported that every day that the work is delayed adds additional costs. In conclusion, staff is recommending a budget amendment to address the contract shortage. She stressed that staff is not anticipating fee increases at this time.

Ms. Tillotson and Mr. Torres responded to Board questioning.

Supervisor Weston asked about the geotechnical company that provided reporting on potential risks and did not find the rock. Ms. Tillotson responded that staff is reviewing the issue and will work with County Counsel to see if any action can be taken regarding the company's accountability.

Board questioning ensued.

Chairman Weston further suggested staff work with the State to see if there are any costs that can be recouped, or if there are any funding opportunities. Ms. Tillotson reported that staff is working with the State Water Board.

Chairman Weston read all of the proposed Resolutions into the record, and one motion was made to adopt all 4 items.

MOTION: Motion made by Director Scofield, seconded by Director Anderson, to approve Sanitation Resolutions SD17-013, SD17-014, SD17-015, SD17-016. On a roll call vote, the motion passed unanimously

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Clerk of the Board: Julie Patterson Hunter

**43e. [SR 17-0728](#) Acceptance of Nevada County Sanitation District No. 1 Summary Minutes for August 8, 2017.
Accepted.**

MOTION: Motion made by Director Scofield, seconded by Director Miller, to approve the Nevada County Sanitation District #1 Summary Minutes from August 8, 2017. On a roll call vote, the motion passed unanimously

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Public Comment: No public comment received.

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ADJOURNMENT:

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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.

***CLOSED SESSIONS:**

[SR 17-0673](#) Pursuant to Government Code Section 54956.9(d), County Counsel is requesting a closed session with the Board of Supervisors to discuss two matters in which there is a significant threat of litigation against the County.

[SR 17-0674](#) 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(s) into the record and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that with respect to one of the matters in which there is a significant threat of litigation against the County, no action was taken which is required to be reported out by law; and with respect to the second item, listed as SR 17-0674, no action was taken which is required to be reported out by law. The third item will be addressed after the scheduled item at 10:30 a.m.

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

SCHEDULED ITEM: 10:30 A.M.

44. [SR 17-0713](#) Presentation by the Camptonville Community Partnership (CCP) regarding the Forest Biomass Business Center (FBBC) project located in Camptonville, Yuba County.
(Ms. Cathy LeBlanc, CCP Director, and Ms. Regine Miller, CCP Project Manager)
Presentation provided.

ACTION TAKEN: Ms. Regine Miller, Camptonville Community Project (CCP) Manager, and Ms. Cathy LeBlanc, CCP Executive Director, provided a PowerPoint presentation on the Forest Biomass Business Center and the proposed bioenergy facility. Ms. Miller acknowledged the National Forest Foundation (NFF), for providing financial support of their Project. She reviewed background information and Project goals established by the Project's Steering Committee with extensive input from the Camptonville community. The business center would be located off of Highway 49 at the former Celestial Valley Mill site, approximately 2 air miles from Camptonville. The Biomass would come from Yuba, Nevada, Sierra, Plumas and Butte Counties. Ms. Miller reported that the Project started in 2010 and any potential electricity and thermal energy that is generated will be sold to PG&E through a Power Purchase Agreement. Currently, the Project is implemented through a shared grant between the County of Nevada, Fire Safe Council; Sierra Nevada Conservancy, a USFS (United States Forest Service) Wood Innovations Grant; and an NFF Community Capacity Land Stewardship Grant. Ms. Miller reviewed the Project's next steps, acknowledged the Project's partners and supporters, and concluded the report, noting their website and contact information.

Board questioning ensued.

Chairman Weston thanked Ms. Miller and Ms. LeBlanc for the report.

***CLOSED SESSION:**

[SR 17-0673](#) Pursuant to Government Code Section 54956.9(d), County Counsel is requesting a closed session with the Board of Supervisors to discuss two matters in which there is a significant threat of litigation against the County.

Chairman Weston announced that he would recuse himself from this Closed Session since he is a property owner of the affected discussion.

ACTION TAKEN: The Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

Recess for lunch: Meeting recessed at 11:52 A.M.

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

45. [SR 17-0709](#) Public hearing to consider the Planning Commission's July 13, 2017, 3-1, 1 absent vote recommending that the Board of Supervisors introduce, waive further reading and adopt an Ordinance (ORD17) for zoning text amendments to the Nevada County Land Use and Development Code Chapter II, to bring the Code into compliance with State housing laws for accessory dwelling units (ADUs), and transitional and supportive housing.

(Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II of the Nevada County Land and Use and Development Code as follows: 1) Tables L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, and 2.6.F of Article 2 related to Accessory Dwelling Uses (ADU) for consistent terminology and allowed uses for Transitional Housing and Supportive Housing; 2) amending Sections L-II 3.19 and L-II 3.19.1 of Article 3 related to ADU Terminology and Development Standards; 3) Section L-II 3.19.2 of Article 3 related to including the Multi-Family Medium Density Residential (R2) Zone District as permissible land use for Second Dwelling Units - consistent with allowed density; 4) Section L-II 4.2.5 of Article 4 related to ADU Building Setback Exceptions; 5) Section L-II 4.2.9 of Article 4 related to ADU Parking Clarification; and 6) Section L-II 6.1 of Article 6 related to definitions for Transitional Housing and Supportive Housing (ORD 17-1).

Adopted.

Enactment No: ORD-2441

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

Mr. Brian Foss, Planning Director, introduced Mr. Tyler Barrington, Principal Planner, who provided a PowerPoint presentation regarding Accessory Dwelling Units: SB1069 and AB2200, and Transitional/Supportive Housing SB2 Housing Element Program EO (Equal Opportunity) -8.5.4. He reported that adoption of the proposed ordinance will bring the County into compliance with these two new State laws. Mr. Barrington reviewed the Accessory Dwelling Units (ADU) legislation in detail, including the legal definitions of Transitional and Supportive Housing. On July 13, 2017 the Planning Commission voted 4-0, 1 absent, to recommend the Board approve the proposed Project and adopt the proposed Ordinance. As a result of public testimony, the Commission is recommending the Board consider dropping the current limitations and restrictions contained within the current County code and the restriction that ADUs can only be occupied as long as there is an owner-occupant on the property. Mr. Barrington concluded his report, requesting the Board adopt the proposed Ordinance, and provide direction regarding the Planning Commission's additional recommendation.

Board questioning ensued.

Supervisor Miller asked if an individual property owner can place a deed-restriction on their property. Ms. Alison Barratt-Green, County Counsel, responded yes, it can be done. She assumed the question was regarding affordability, rather than other considerations.

Chairman Weston opened the public hearing for public comment.

Ms. Polly Halstead, District I resident, stressed that she was at the Planning Commission meeting, and her understanding was that the Commission was in support of removing the owner-occupancy restriction. She spoke in support of ADUs.

Ms. Laurie Oberholtzer, District 1 resident and Rural Quality Coalition representative, spoke in opposition to changes to the owner-occupant requirements. She provided suggestions to the new ordinance; recommending the second units be smaller than the main structure to provide for affordable housing; cottages be approximately 800 square feet; lower construction costs by lowering the fees; and stressing that the ADU should be for long-term rentals, not vacation rentals.

Board questioning ensued.

Mr. Mike Berlin, District I resident and Tenants of Nevada County representative, requested ADUs not be used as vacation rentals, which could impact housing affordability long-term. He

stressed that more housing stock is needed within the County. He suggested that the County reduce construction fees for ADUs, and estimated that what might define short-term rentals was less than one month occupancy.

Ms. Laurie Fanara, homeless resident of Nevada County, spoke to her difficulties finding affordable housing.

Mr. Doug Holman, Nevada County resident and President of the Federation of Neighborhood Associations (FONA) representative, commented the FONA is not making a recommendation at this time, but he provided his personal comments concerning issues related to evacuation in crowded neighborhoods during fire.

Mr. Greg Zaller, District I resident, provided comments regarding the need for affordable housing, and advocated for “tiny” houses. He also spoke in support of certain deed restrictions.

Mr. Jim Hurley, District I resident, provided comments regarding evacuation during a fire event, and the difficulties with increasing the population in areas with single-point ingress and egress.

In response to Board questioning, Mr. Foss reviewed the current requirements for secondary dwelling units in high fire hazard areas where they have to complete a fire mitigation plan that identifies access routes and sources of water. He reported that the current ordinance does not have a requirement to widen single point egress when building secondary housing units.

Ms. Gloria Novak, District I resident, reiterated Mr. Hurley's concerns regarding residential areas with single-point ingress and egress, and urged the Board to take this under consideration when approving the Ordinance.

Mr. Gary Mapa, Placer County resident and Nevada County property owner, urged the Board to consider removing the owner-occupant requirement.

Ms. Linda Chaplin, District I resident, asked if the second unit would be designated as a rental unit, if it could be sold separately from the main residence, or if the primary owner could sell the interest in the secondary unit. Mr. Barrington responded that the second unit could not be sold separately, unless it was on a larger parcel that could be subdivided.

Ms. Kathy Brian, State Council on Developmental Disabilities representative, commented that her organization protects the rights for people with disabilities to live on their own. They are in support of increasing housing and they advocate for affordable housing.

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

of the public hearing.

Board questioning and discussion ensued.

Supervisor Anderson suggested the ADU requirements be researched further and suggested the item be brought back to the Board at the January Workshop. He felt that the issues before the Board today have to do with bringing the County into compliance with the State.

Supervisor Scofield was also interested in bringing the Ordinance into compliance and then bringing additional direction forward during the Workshop as part of a larger discussion.

Mr. Foss reported that staff's recommendation is to come into compliance and then have more research and discussion regarding the other issues, such as removing the owner occupant requirement.

Supervisor Miller concurred that further discussion was needed, but agreed that the County needed to come into compliance with the State.

Supervisor Hall suggested additional public input was required. She stressed that this comes under the Board's Priority A, and that the need for additional housing was critical. She was not in favor of pushing it off until January, and was interested in separating the issues and putting something in place to respond to the community's need.

Chairman Weston clarified that the proposed ordinance provided direction for the unincorporated area of Nevada County, not the incorporated areas. The three key issues that kept coming back were 1) smaller square footage; 2) not use as short-term or vacation rental unit; 3) owner occupied, and 4) lower fees. He was not sure how fast the process of reviewing all of these issues would take. If the ordinance is passed without any changes, and someone moves forward with building a unit before these issues are addressed, this might create more problems. Chairman Weston reported that the District IV Municipal Advisory Council (MAC) was in support of an owner occupancy requirement, although, he was not sure there would be any way for the Planning Department to track residency. The MAC membership shared concerns regarding septic systems; if it can handle the additional capacity then it should be approved. He felt that all different zoning types should require use permits, and the set-back requirements should be clarified as it relates to fire safety.

Mr. Barrington clarified that if an ADU was a conversion built in an existing garage the current setback would be acceptable; if an ADU was a new construction it would have to meet required setbacks. Chairman Weston wanted that clarified in the ordinance. He was concerned that voting on the proposed ordinance as written would not be addressing these issues.

Supervisor Anderson reiterated that the Board should move forward to come into compliance. He stressed that a full discussion regarding various pluses and minuses was needed and he wanted it to go through the Board's Priority process.

Supervisor Miller wanted wording in the ordinance to state that ADUs could not be used for vacation rentals.

Board discussion ensued.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to find the project is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code 21080.17 and Sections 15061(b)(3), 15268, and 15282(h) of the California Environmental Quality Act (CEQA) guidelines, and to introduce, waive further reading and adopt the proposed Ordinance.

Board discussion continued.

Supervisor Miller wanted to add to the motion to deny the units be used as short-term rentals.

Supervisor Hall was okay with the ordinance as is, as long as the Board provided direction to staff to look at some of the key areas discussed today, such as short term rentals and owner occupation.

Supervisor Anderson believed Supervisor Hall wanted it to come forward sooner than January. Mr. Foss responded that this is part of the toolbox for addressing homelessness issues that are part of the Board's Priority A. He believed that coordination with the Health and Human Services efforts and additional research on the issues the Board brought up today, staff could begin adding that information to the steps and discussions that have already taken place.

Chairman Weston asked about the C2 zoning issue specifically. Mr. Foss responded that they could include that modification as a use permit requirement if that is the Board's direction.

Supervisor Hall wanted to move forward with State standards and then return soon with the additional information on the Board's top issues.

Chairman Weston asked how soon staff could be expected to return. Mr. Foss responded that it is part of a much bigger conversation. He could not tell the Board how soon they could return with recommendations; they could come back more quickly with a report on the varied issues, but probably not recommendations for amendments to the ordinance.

Board discussion continued.

Chairman Weston reported that the motion put forward is to pass the ordinance as proposed, and provide direction to staff to return with a response for the additional issues discussed today.

MOTION: On a roll call vote the motion passed unanimously.

MOTION: Motion made by Supervisor Anderson to enhance the supply of affordable housing, seconded by Supervisor Scofield, to find the project is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code 21080.17 and Sections 15061(b)(3), 15268, and 15282(h) of the California Environmental Quality Act (CEQA) guidelines and to introduce, waive further reading and adopt Ordinance 2441. On a roll call vote the motion passed unanimously.

Staff directed to return to the Board at a later date with additional information regarding the following issue areas:

- 1. Restricting short term rentals in ADUs/Defining what a short term rental is**
- 2. C2 Zoning and Transitional/Supportive Housing as an allowed use**
- 3. Owner occupancy requirements for ADUs**
- 4. Smaller maximum allowed square footage for ADUs**
- 5. Lower fees for ADUs**

***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.

Not held.

ADJOURNMENT:

Meeting adjourned at 3:02 P.M.

Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board