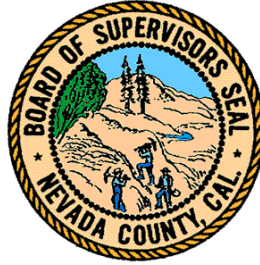


COUNTY OF NEVADA

STATE OF CALIFORNIA

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



BOARD OF SUPERVISORS

950 Maidu Avenue
Nevada City, CA 95959-8617
(530) 265-1480
Fax: (530) 265-9836
bdofsupervisors@co.nevada.ca.us

Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

AGENDA

Date	Time	Location
Tuesday, March 13, 2018	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

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

Video Conferencing at 9:01 a.m. for Public Comment located at the District V Board of Supervisors Conference Room, Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California and at 11:00 a.m. for Presentation of Employee Service Awards at the Truckee Joseph Center, Hobart Mills Conference Room, 10075 Levon Avenue, 2nd Floor, Suite 205, Truckee, California

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

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please approach the rostrum and, after receiving recognition from the Chair, give your name and comments or questions as all meetings are recorded. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. Time limitations are explained on the last page of the agenda. The meeting room is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's office by calling (530) 265-1480 at least four days prior to the meeting. TTY/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

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

REGULAR MEETING: 9:00 AM**STANDING ORDERS:**

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

PUBLIC COMMENT: 9:01 A.M.

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

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

CONSENT CALENDAR:

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

Health and Human Services Agency Director: Michael Heggarty

1. [SR 18-0210](#) Resolution accepting funds from the California Department of Social Services, Housing and Disability Advocacy Program to be used to support implementation and integration of the SOARWorks Program into Nevada County's Continuum of Care, in the total amount of \$81,897 over three years, upon acceptance and available through June 30, 2020.

Sheriff-Coroner/Public Administrator: Keith Royal

2. [SR 18-0193](#) Resolution approving the filing of an application for an Off-Highway Vehicle Grant with the State of California, Department of Parks and Recreation to provide Off-Highway Vehicle law enforcement services, and 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.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

3. [SR 18-0219](#) Resolution consolidating the Grass Valley Elementary School District, the City of Grass Valley and the City of Nevada City Measures, and the City of Nevada City General Municipal Election, with the June 5, 2018, Statewide Direct Primary Election to be held in the County of Nevada in the State of California, on Tuesday, June 5, 2018.

Director of Public Works: Trisha Tillotson

4. [SR 18-0194](#) Resolution approving Program Supplement Number F061 to Administering Agency-State Agreement Number 03-5917F15, in the amount of \$367,000, for the 2018 Thermoplastic Striping Project - County Contract No. 225031, Federal Contract No. HSIPL 5917(098), and authorizing the Chair of the Board of Supervisors to execute the documents. (Dists. I, II, III and IV)
5. [SR 18-0207](#) Resolution approving a Summary Vacation (Abandonment) of a public utility easement between Parcel M and Lot 121 of the Western Lake Properties Unit No 1-A subdivision, as shown on the map recorded in Book 2 of Subdivisions at Page 84, Assessor's Parcel Numbers 21-080-32 and 21-080-35, and directing the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation. (Dist. II)
6. [SR 18-0213](#) Resolution authorizing the Chair of the Board of Supervisors to execute the Federal Fiscal Year 2018 Certifications and Assurances for Federal Transit Administration Assistance Programs, to support operating assistance projects for non-urbanized public transportation systems. (Transit)

Chief Information Officer: Stephen Monaghan

7. [SR 18-0196](#) Resolution continuing the proclamation of a Local Emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)
8. [SR 18-0226](#) Resolution designating authorized agent(s) as required by the California Office of Emergency Services for future and open disasters resulting in damage to public and private infrastructure and facilities, effective for up to three years following the date of approval. (Emergency Services)
9. [SR 18-0197](#) Resolution accepting the Fiscal Year 2017 Emergency Management Performance Grant from the California Governor's Office of Emergency Services funded through the U.S. Department of Homeland Security, in the amount of \$145,086 with a 100% matching fund requirement, for use during the period July 1, 2017 through June 30, 2018. (Emergency Services)
10. [SR 18-0209](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Kodiak Union Roofing Services, Inc., for the Wayne Brown Correctional Facility Roof Replacement Project (Res. 17-267), with contract costs totaling \$734,624, and directing the Clerk of the Board to record this Notice in accordance with Civil Code Section 9208. (Facilities)

11. [SR 18-0224](#) Resolution declaring certain County property as surplus and authorizing the Purchasing Agent to sell, or otherwise dispose of, obsolete unusable surplus property, listed on Exhibit A as "Assets to be Sold at Auction: March 2018." (Purchasing) (4/5 affirmative vote required)

Clerk of the Board: Julie Patterson Hunter

12. [SR 18-0227](#) Acceptance of Board of Supervisors Summary Minutes for February 13, 2018.

DEPARTMENT HEAD MATTERS:

Director of Public Works: Trisha Tillotson

13. [SR 18-0208](#) Resolution approving a contract between the County of Nevada and Riebes Auto Parts, LLC for implementation of a vendor managed inventory vehicle and equipment parts facility operation, in an amount not to exceed \$650,832, for the period of April 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract. (Fleet Services)

Planning Director: Brian Foss

14. [SR 18-0223](#) Resolution granting the appeal filed by Peter Lemmon, Attorney on behalf of SimonCRE, CJS Development II, LLC regarding the Planning Commission's November 9, 2017 denial of Development Permit (DP14-001) and Management Plan (MGT14-010) for a proposed 9,100 square foot Dollar General Store and associated improvements located at 10166 Alta Sierra Drive (APN 25-430-08); Septic Line located at 10120 Alta Sierra Drive (APN 25-430-10); and Septic Leach Field located at 15675 Johnson Place (APN 25-430-12) Grass Valley, California, and overturning the Planning Commission's denial of the Development Permit (DP14-001) and Management Plan (MGT14-010) proposing to allow disturbance of 1.40-acres of landmark oak grove and four individual landmark oak trees. (Dist II)

***CLOSED SESSIONS:**

[SR 18-0216](#) Pursuant to Government Code Section 54957(b)(1), the Board of Supervisors will hold a closed session to consider the appointment and employment of the County Executive Officer.

[SR 18-0236](#) Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is a significant threat of litigation against the County.

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

- 15a. [SR 18-0192](#) Public hearing to consider the Nevada County Planning Commission's December 14, 2017, 4-0, 1 absent recommendation to introduce, waive further reading and adopt ORD17-2 as amended per direction of the Board of Supervisors on January 23, 2018 regarding proposed amendments to Land Use and Development Code Section L-II 3.3 Agricultural Uses to add a definition and permitting requirements for Agritourism activities in Nevada County. The Ordinance Amendment also includes an amendment to the County's definition of Agricultural Products to exclude cannabis and cannabis related products.

Resolution adopting a Negative Declaration for Ordinance ORD17-2 amending Section L-II 3.3 of Article 3 of the Nevada County Land Use and Development Code to adopt a Definition and Permitting Standards for Agritourism (File Nos. ORD17-2 and EIS17-0009), and directing the Clerk of the Board to file a Notice of Determination pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15075.

- 15b. [SR 18-0229](#) (Introduce/waive further reading/adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code, Tables L-II 2.2.1.B and 2.3.D of Article 2 and Section L-II 3.3 of Article 3 to establish a Definition and Permitting Standards for Agritourism (ORD17-2).

SCHEDULED ITEM: 11:00 A.M.

Teleconferencing from the Truckee Joseph Center, Hobart Mills Conference Room, 10075 Levon Avenue, 2nd Floor, Suite 205, Truckee, California.

Human Resources Director: Seth Schapiro

16. [SR 18-0225](#) Presentation of Nevada County Employee Service Awards to 121 employees.

Recess for lunch:

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

17. [SR 18-0215](#) Public hearing to consider the appeal filed by Johanna Finney et. al. of the Nevada County Zoning Administrator's November 29, 2017, adoption of a Mitigated Negative Declaration (EIS17-0022) and approval of the Conditional Use Permit (CUP17-0015) for a proposed AT&T Communication Tower (PLN-0073) with support facilities at 19406 Burning Bush Road, Nevada City, CA (APN: 34-090-03). The project includes a 130-foot tall mono-pine cell tower with nine (9) panel antennas and 18 remote radio head/units installed on the mono-pine cell, an 80" by 80" walk-in utility cabinet with a climate control HVAC system, 15kW emergency backup generator with 54-gallon diesel tank located within an acoustical cabinet, and two manually operated outdoor light fixtures with cut-off shields. A solid six-foot tall redwood fence will enclose the entire 30-foot by 30-foot facility lease-area. (Dist. V)

Resolution denying the appeal filed by Johanna Finney, Cynthia Pierce, Alex Giron, Lisa Reinhardt, Shawn Blue, Ryan McVay, Krsna Bryant, Govida Bryant, Matt King, Dorothy Sullivan and Don Rivenes regarding the Zoning Administrator's November 29, 2017 adoption of the Mitigated Negative Declaration (EIS17-0022) and approval of Conditional Use Permit (CUP17-0015) for AT&T Mobility dba AT&T Wireless (PLN17-0073) located at 19406 Burning Bush Road, Nevada City (APN 34-090-03), and sustaining the Zoning Administrator's adoption of the Mitigated Negative Declaration (EIS17-0022) and approval of the Conditional Use Permit (CUP17-0015) for AT&T Mobility dba AT&T Wireless.

***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.

ADJOURNMENT:

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

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

Posted March 8, 2018

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

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

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

PUBLIC COMMENT:

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

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

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

PUBLIC HEARINGS:

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

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

ORDER AND DECORUM:

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

SPECIAL MEETINGS:

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

ORDINANCES:

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

INFORMATIONAL CORRESPONDENCE:

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

REFERENCES:

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