



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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Community Development Agency Director

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Planning Director

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: March 26, 2019

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Resolution approving Amendment No. 3 to the contract between the County of Nevada and Helix Environmental Planning for the Boca Quarry Expansion Project Environmental Impact Report and amending the Fiscal Year 2018/19 Planning Department Budget (4/5 affirmative vote required).

RECOMMENDATION: Approve the attached Resolution for Amendment #3, amending the contract with Helix Environmental Planning (Helix) to complete the Environmental Impact Report (EIR) for the Teichert Aggregates Inc., Boca Quarry Expansion Project to update the original scope of work, amend the budget by an increase of \$86,070 and renew the contract by extending the contract termination date to December 31, 2019.

FUNDING: This amendment will impact the Planning Department budget in Fiscal Years 2018/19 and 2019/20. The EIR expenses are paid by the project applicant and no General Fund Dollars are required. The contract increase is \$86,070 above the prior contract amount and resolution budget amendment has been prepared for concurrent consideration.

SUPPORTING DOCUMENTS:

1. Draft Resolution – Contract Amendment #3 to amend the scope, budget and extend the contract expiration date to December 31, 2019. Includes Exhibit “A” Amended Scope of Services and Schedule and Exhibit “B” Schedule of Compensation and Delivery.
2. Resolution No. 12-009- Approving original contract with Helix Environmental Planning for the preparation of an EIR for the proposed Boca Quarry Expansion Project in Floriston, California.

3. Resolution No. 13-336 – Approving Amendment #1 to a contract with Helix Environmental Planning for the preparation of an EIR for the proposed Boca Quarry Expansion Project in Floriston, California.
 4. Resolution No. 17-460 – Approving Amendment #2 to a contract with Helix Environmental Planning for the preparation of an EIR for the proposed Boca Quarry Expansion Project in Floriston, California.
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BACKGROUND:

On January 10, 2012, the Board of Supervisors approved a professional service contract in the amount of \$104,332 with Helix Environmental Planning to prepare an Environmental Impact Report (EIR) for the Boca Quarry Expansion Project (U11-008, RP11-001 & EIR11-001). The Draft EIR was completed and was released for public review between September 17, 2012 and November 8, 2012.

Following the preparation of the Response to Comments, the Final EIR was prepared and was set for Planning Commission approval on February 28, 2013. However, comments were received late in the process that necessitated EIR revisions and additional responses to the public comments. The first contract amendment was approved that increased the contract by \$77,769 (Amendment #1, Resolution 13 – 336), resulting in an amended total contract amount of \$182,101 in order to revise the Final EIR.

The project went on hold while the applicant remedied the quarry ingress and egress issue that had been raised by the Hirschdale Community. With a new ingress/egress route that kept haul trucks out of downtown Hirschdale and a few more additional changes to address previous submitted comments the project description had changed significantly which necessitated a revised Draft EIR (DEIR). Updated studies were also required due to changes in circumstances in the project setting and due to the time that had elapsed since some of the studies had been conducted. Contract Amendment #2 was approved September 12, 2017 (Resolution 17-460) for \$97,500 with new scope and extension of time to complete a revised Draft EIR and Final EIR in order to complete the environmental review and move the project to hearing. The total EIR contract amount with Contract Amendment #2 increased to \$279,601.

The Administrative DEIR was submitted to Nevada County October 31, 2018. On January 9, 2019 Helix submitted to the Planning Department a formal budget change request to augment the current budget by \$115,800. After reviewing the request, evaluating it against the previous contract deliverables and conferring with the applicant, staff provided written response that included a revised recommended amount of \$86,070 to augment the current budget, expectations and a new billing protocol. The County's expectation is there will be no more budget changes (unless there are unforeseen significant new comments on the DEIR) and the augmentation will cover everything including printing costs for both the DEIR and the Final EIR.

County Legal Counsel and Planning staff prepared and delivered comments on the Administrative DEIR February 12, 2019.

Remaining tasks include:

- Submit screen-check copy to County Planning for final review
- Production/Printing of DEIR
- Distribute the DEIR to the State Clearing House and making it available for the public's review;
- Hold a public hearing during the 45-day public comment period;
- Catalog all of the agency and public comments and preparing responses;

- Submit an Administrative Final EIR to County Planning for review
- Complete the CEQA Findings of Fact, the Statement of Overriding Considerations, the final version of the Mitigation Monitoring and Reporting Program.
- Production/Printing of FEIR
- Release the Final EIR (FEIR) prior to public hearing;
- Hold a public hearing for the consideration of certifying the FEIR and recommendation of approval of the project before the Planning Commission;
- Hold a public hearing for the consideration of approval of the Development Agreement for the project before the Board of Supervisors; and
- Submit the assimilated public record for the project.

The purpose for Contract Amendment #3 is to renew the contract by effectively extending the contract termination date to December 31, 2019 (the original contract expiration date was April 30, 2019) and increasing the budget by \$86,070 for a total contract amount (including all amendments) of \$365,671. The amendment to the scope of work includes production/printing cost for both the DEIR and FEIR, additional administrative costs because of the extended time it will take to complete the document, additional studies, addition of a Hazards section which includes the new requirement for the disclosure of wildfire potential impacts.

The applicant is in agreement with this contract amendment and will provide the funds. In summary, attached to this staff report is a Resolution that, if approved, will amend the County's contract with Helix Environmental Planning. The amended contract will affect the existing contract scope for the preparation of a DEIR for the Boca Quarry Expansion. Overall, this amendment will have an impact on the Planning Department's Fiscal Year 2018/19 and 2019/20 work program and will not have an impact on the County's general fund. This requested action requires a 4/5ths affirmative vote by the Board of Supervisors.

Item Initiated by: Coleen Shade, Senior Planner

Approved by: Brian Foss, Director of Planning