



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

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

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**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

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**MEETING DATE:** June 26, 2018

**TO:** Board of Supervisors

**FROM:** **Brian Foss, Planning Director**

**SUBJECT:** Resolution Approving a Contract Between The County of Nevada and Kimley-Horn and Associates, Inc., for the Preparation of an Environmental Impact Report for the Proposed Nevada County Commercial Cannabis Cultivation Ordinance in the Maximum Amount of \$255,985, Authorizing the Chair of the Board of Supervisors to Execute the Contract and Directing the Auditor-Controller to Amend the Fiscal Year 2018/19 Cannabis Policy and Compliance and General Fund Budgets (4/5 Affirmative Vote Required)

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**RECOMMENDATION:** Approve the Resolution establishing a contract with Kimley-Horn and Associates, Inc. for the preparation of a CEQA Environmental Impact Report for the Nevada County Commercial Cannabis Cultivation project and amending the FY 2018/2019 Cannabis Policy and Compliance and General Fund budgets.

**FUNDING:** The contract amount is funded by County General Fund. There will be a release of unassigned fund balance for a transfer into the 2018/19 Cannabis Policy and Compliance budget, where the contract will be managed.

**ATTACHMENT:** Resolution with Personal Services Contract (Scope of Services and Schedule of Compensation)

**BACKGROUND:** On April 11, 2017, the Nevada County Board of Supervisors approved a contract with MIG to facilitate an independent and impartial process of gathering community input regarding the development of long-term cannabis regulations. MIG assisted in forming and delivering a stakeholder process to be known as the Community Advisory Group (CAG). Beginning on May 23, 2017, and ending on

December 19, 2017, the CAG held ten public meetings and received input for the County's long-term cannabis cultivation regulations.

On January 9, 2018, the Board received the CAG recommendation report but did not take any cannabis policy actions. On February 13, 2018, and March 6, 2018, the Board received presentations and provided direction to staff regarding new long-term cannabis regulations for the unincorporated area of the County. Among other things, the Board directed staff to prepare a draft cannabis cultivation ordinance for review at its first meeting in May and to consider options for issuing temporary licenses.

On May 1, 2018, County staff presented a draft cannabis ordinance to the Board of Supervisors for review and direction. After public testimony and directing staff to make revisions to the document the Board directed staff to begin the RFP process for an Environmental Impact Report (EIR) based on the draft cannabis ordinance.

On May 3, 2018, Requests for Proposal were sent to ten consultants. Responses were received from five of those firms. A panel of County staff from the CEO's office, County Counsel's office, the Community Development Agency and the Planning Department reviewed all of the proposals independently. The group met to review the scoring and Kimley-Horn and Associates was the unanimous, highest scoring proposal by the entire panel.

Kimley-Horn had the most comprehensive proposal overall with a strong focus and approach to analyzing water impacts, traffic impacts and air quality impacts (odor) anticipated as a result of the Commercial Cannabis Cultivation Ordinance. This firm completed the Nevada County Housing Element Rezone EIR which gives this consultant good insight into the setting and character of Nevada County. Overall, their proposal was the most well organized, the level of analysis was the most well described and the cost was reasonable and comparable to other proposals that described lesser approaches to completing the analysis and EIR.

Portions of the other proposals had some strong points; however, the proposal from Kimley-Horn and Associates was the most comprehensive and addressed the issues that were unique and specific to Nevada County. Kimley-Horn appropriately identified potential impacts to water resources, both ground water and surface water, and included a qualified water consultant in the proposal to study and address impacts to water resources. Other proposals failed to even identify water as a key concern including the firm that completed the State cannabis programmatic EIR. That firm also did not factor in the necessary steps of the process such as Planning Commission review and their proposal identified the need for technical studies but did not include the costs of those studies in their proposal. These and other important considerations were lacking in the other proposals.

Based on the review of those responses received, the County proposes to hire Kimley-Horn and Associates, Inc., to perform the work. The scope of work, cost and timeline is attached to the contract.

**Approved by:** Brian Foss, Planning Director