

COUNTY OF NEVADA

STATE OF CALIFORNIA

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Supervisor Ed Scofield, District II
Chair Dan Miller, District III
Vice Chair Susan Hoek, District IV
Supervisor Hardy Bullock, District V

Julie Patterson Hunter, Clerk of the Board
Alison Lehman, County Executive Officer
Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

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AGENDA

Date	Time	Location
Tuesday, May 11, 2021	9:00 AM	Morning Session: Nevada County Fairgrounds Afternoon Session: Board Chambers, Eric Rood Administrative Center

The Board of Supervisors welcomes you to their regular meeting.

Pursuant to Governor Gavin Newsom's Executive Order pertaining to the convening of public meetings in response to the COVID-19 pandemic, the County of Nevada will hold the morning session of its regularly scheduled meeting of the Board of Supervisors outdoors at the Nevada County Fairgrounds, Pine Tree Stage, 11228 McCourtney Road, Grass Valley, CA 95945. The afternoon session will be held inside the Board Chambers, First Floor, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959. (Capacity inside the Chambers will be limited to a total of 34 individuals per State Public Health requirements. Face coverings are mandated inside all County facilities.) This meeting will be broadcast live on Nevada County Media Channel 17 in the Western County and on Suddenlink Channel 78 in the Eastern County, and can be viewed live through the web at www.mynevadacounty.com/boardmeetings. Closed Captioning is available for hearing impaired viewers.

Members of the public who are unable to view the meeting on television or through the web may call 1 (415) 655-0001 to listen to the meeting live. You will be prompted to provide Meeting ID# 182 648 9624 & Password# 289 78 937. (This option will be available for the afternoon session only.)

Public comment for items not on the agenda will be taken following Agenda Item #1, or as soon thereafter as possible. Please refer to Pages #8 and #9 for information on how to participate in the meeting, as well as the various options being made available for members of the public to provide comment in both Western and Eastern County.

The Nevada County Fairgrounds and Eric Rood Administrative Center are both 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.)

This agenda and certain supporting documents may be obtained at www.mynevadacounty.com/boardmeetings. 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: MORNING SESSION 9:00 AM (Nevada County Fairgrounds)

STANDING ORDERS:

Call the meeting to order.

Pledge of Allegiance.

Corrections and/or deletions to agenda.

1. [SR 21-0341](#) Nevada County Fair Recognition.

PUBLIC COMMENT:

[SR 21-0337](#) 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 during the meeting by using one of the options listed on agenda pages #8 and #9.

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 may request that an item be removed from the consent calendar for discussion. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda, may raise their concerns to the Board members prior to the consent agenda being introduced. The Supervisors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

Public Health Director: Jill Blake

2. [SR 21-0158](#) Resolution approving Amendment A02 to Agreement 19-10166 between the County of Nevada and the California Department of Public Health for funding the County's Women, Infants, and Children (WIC) Supplemental Nutrition Program (Res. 19-517), increasing the maximum amount from \$2,030,525 to \$2,065,035, for the period October 1, 2019 through September 30, 2022, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Public Health Department budget. (4/5 affirmative vote required)

Director of Social Services: Rachel Roos

3. [SR 21-0218](#) Resolution proclaiming May 2021 as Older Americans Month in Nevada County.

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 21-0315](#) Resolution approving the Boating Safety and Enforcement Financial Aid Program Agreement between the County of Nevada and the California Department of Parks and Recreation, Division of Boating and Waterways, for reimbursement of boating safety enforcement costs, in the amount of \$96,674, for the period July 1m 2021 through June 30, 2022, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Clerk-Recorder/Registrar of Voters: Gregory Diaz

5. [SR 21-0306](#) Resolution authorizing and directing the Nevada County Clerk-Recorder/Registrar of Voters to conduct the August 31, 2021 special election called by the Truckee Fire Protection District, regarding voter approval of a special fire tax. (Dist. V)

Director of Public Works: Trisha Tillotson

6. [SR 21-0308](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Bennett Engineering Services, Inc., for on-call engineering design services for various projects (Res. 21-101), to include previously omitted indemnification language, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
7. [SR 21-0309](#) Resolution approving Agreement 6982AF-21-K-500018 between the County of Nevada and the Federal Highway Administration, Central Federal Lands Highway Division, pertaining to utility conflicts on the Donner Pass Road Project, with costs in the anticipated amount of \$491,970.62 paid by AT&T, Lumen, ATT-California, and Zayo to relocate their facilities, authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to execute a budget amendment. (4/5 affirmative vote required) (Dist. V)

Chief Information Officer: Stephen Monaghan

8. [SR 21-0301](#) Resolution appointing Brandley Engineering, Inc. as the Nevada County Airport Engineer and Consultant through February 25, 2025 (Res. 20-050), approving a contract between Brandley Engineering Inc. to provide Airport Engineering, Environmental and Planning Services, in the maximum contract amount of \$300,000, for the period April 1, 2021 through February 25, 2025, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Airport budget. (4/5 affirmative vote required) (Airport)

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

Call the meeting to order:

Consent:

These items are expected to be routine and noncontroversial. The Board of Directors of the Nevada County Sanitation District No. 1 will act upon them at one time without discussion. Any Board member may request that an item be removed from the consent calendar for discussion. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda, may raise their concerns to the Board members prior to the consent agenda being introduced. The Directors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

- 9a.** [SR 21-0310](#) Resolution approving Amendment 1 to the contract between the Nevada County Sanitation District No. 1 (District) and HF&H Consultants, LLC pertaining to the Wastewater Fee Study for all District Zones (Res. SD20-001), extending the contract termination date to June 30, 2021, and authorizing the Chair of the Board of Directors to execute the Amendment.
- 9b.** [SR 21-0333](#) Acceptance of the Nevada County Sanitation District No. 1 Summary Minutes for February 23, 2021.

Public comment:

(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 Nevada County Sanitation District No.1 Board of Directors.)

Adjournment:

(Adjourn meeting of the Nevada County Sanitation District No. 1 Board of Directors, and reconvene as the Nevada County Board of Supervisors.)

Morning Break**DEPARTMENT HEAD MATTER:****County Executive Officer: Alison Lehman**

- 10.** [SR 21-0316](#) Resolution approving a Loan Agreement between the County of Nevada and the Oak Tree Park and Recreation District for an essential park and recreation capital improvement project, for the period from May 11, 2021 through June 30, 2022, and authorizing the County Executive Officer to enter into and execute this and additional similar Loan Agreements with Bear River Park and Recreation District and Western Gateway Park and Recreation District, with allocated amounts not to exceed \$177,952 for each District.

***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.

Recess for lunch**AFTERNOON SESSION: 1:30 P.M.****Planning Director: Brian Foss**

(Capacity inside the Chambers will be limited to a total of 34 individuals per State Public Health Requirements. Face coverings are mandatory inside all County facilities.)

11. [SR 21-0313](#) Public hearing to consider the Nevada County Planning Commission's March 25, 2021, 5-0 vote, recommending that the Nevada County Board of Supervisors approve a combined application for a Use Permit (CUP19-0010) to amend the Comprehensive Master Plan and revise the Tentative Final Map Subdivision Map (TFM19-0008), which was approved to facilitate the development of the subject parcels as a 345 Unit, Continuing Care Retirement Community known as Rincon del Rio, originally approved on April 9 2013 by the Nevada County Board of Supervisors (EIR10-001, ORD09-002, GP11-001, GP11-002, Z10-003, FM09-001, U09-007, MGT09-008, MI10-010).

As proposed, the modified project, would amend the approved Comprehensive Master Plan to allow for a revision and relocation of some of the previously approved campus uses and to allow for individual fee title ownership of the independent living single-family residential attached and detached units, located within the project site. As proposed, the modified project would also be a Continuing Care Retirement Community (CCRC), known as Rincon del Rio, offering services and housing in an "age restricted campus setting" designed to serve adults 55 years and older, who are seeking to downsize their living environment, but are still physically and socially active. As proposed, the revised project would be similarly designed as the original approved project and would serve a senior population of 415 people within 345 living units consisting of the following revised elements as shown below:

Independent Living (Detached) Single-Family Residential Cottages and Bungalows.

Independent Living 5-Plex and 14-Plex multi-tenant condominium single-ownership units.

Independent Living Residential Loft multi-tenant condominium single-ownership units.

Group Home Memory/Assisted Living Facility.

Twenty-Four (24) Condominium Units that would be retained by the applicant as rental units that would be utilized as Independent Living Units whose ownership would remain the applicant.

Development of the modified project would be clustered within a 48-acre envelope located on the western half of the 215-acre site, with the remaining approximately 167 acres to remain in open space. The modified project would include a village center for onsite commercial services for residents. The project would also include recreational elements such as walking trails, community gardens, aquatic fitness center, bocce ball courts, tennis courts and a pickle ball area.

The modified project would also include the approval of a Tentative Final Map (TFM19-0008) to subdivide the parcel from four parcels into 102 Single-Family Residential Parcels ranging in size from 4,699 square feet to 8,391 square feet. 221 Single Ownership Condominium parcels ranging in size from 1,300 square feet to 1,500 square feet. 23 common area parcels ranging in size from 11,807 square feet to 130.42 acres for parking, landscaping, open space, Village Center, Group House/Memory Care, and other common facilities.

The modified project as proposed would include three Management Plan (MGT20-0001) components for proposed encroachment into identified sensitive resources including: Steep Slopes, Landmark Oak Trees, Landmark Oak Groves and Water Resources. The modified project as proposed would also include a Petition for Exception (PFX19-0003) to Road Standards on Rodeo Flat Road and Rincon Way as well as for the interior primary access roads. The modified project as proposed would also include a revised Development Agreement (MIS20-0001) for operational aspects of the proposed Continuing Care Retirement Community.

- 11a.** [SR 21-0334](#) Resolution of the County of Nevada adopting an Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, State Clearinghouse No. 2011052030) for the 215-acre Modified Rincon del Rio Continuing Care Retirement Community Project, located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels know as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated southern Nevada County. (Dist. II)
- 11b.** [SR 21-0335](#) Resolution approving a Petition for Exceptions (PRX19-0003) and a Management Plan (MGT20-0001) and a Tentative Final Map (TFM19-0008) and a Conditional Use Permit (CUP19-0010) to establish a Comprehensive Mater Plan for the Project Site, for the 215-acre Modified Rincon del Rio Continuing Care Retirement Community Project located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels known as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated southern Nevada County. (Dist II)
- 11c.** [SR 21-0336](#) (Introduce/Waive further reading/Adopt) An Ordinance approving a Second Amendment to the Development Agreement (MIS20-0001) between the County of Nevada and Young Enterprises, L.P., for the Modified Rincon del Rio Continuing Care Retirement Community Project, located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels know as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-40-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated Southern Nevada County. (Dist II)

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. Nevada County Fairgrounds.*
- 3. Truckee Town Hall Administrative Center.*
- 4. Outside the District V Board of Supervisors office, Truckee Town Hall Administrative Center.*
- 5. Online at <https://nevco.legistar.com/Calendar.aspx> and <http://www.mynevadacounty.com/boardmeetings>.*

Posted: May 6, 2021.

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. Members of the public wishing to ask questions or hear discussion on items listed under the consent agenda may raise their concerns to the Board members when the consent agenda is introduced. The Supervisors will take the concerns under consideration and decide if there is adequate reason to remove the item from consent.

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

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

WAYS TO WATCH AND LISTEN DURING THE MAY 11, 2021 BOARD MEETING:

Morning Session:

- 1) Attend the meeting in person at the Nevada County Fairgrounds, Pine Tree Stage.
- 2) View at www.mynevadacounty.com/boardmeetings
- 3) View on Nevada County Media Channel 17 in the Western County
- 4) View on Suddenlink Channel 78 in the Eastern County

(In the event of potential connectivity issues, the recorded meeting will be uploaded at a later date for public review online at www.mynevadacounty.com/boardmeetings.)

Afternoon Session:

- 1) Attend the meeting inside the Board Chambers (Capacity limited to 34 individuals per State Public Health requirements. Face coverings are mandated inside all County facilities.)
- 2) Listen outside the Eric Rood Administrative Center at the Outside Public Comment Kiosk
- 3) Listen by calling 1 (415) 655-0001 (Meeting ID#: 182 648 9624 and the Password#: 289 78 937)
- 4) View at www.mynevadacounty.com/boardmeetings
- 5) View on Nevada County Media Channel 17 in the Western County
- 6) View on Suddenlink Channel 78 in the Eastern County

PROVIDE PUBLIC COMMENT BEFORE THE MAY 11, 2021 MEETING BY:

- 1) Writing a letter to the Board of Supervisors at 950 Maidu Ave, Suite 200, Nevada City, CA 95959
 - 2) Emailing BOS.PublicComment@co.nevada.ca.us
 - 3) Leaving an eComment at www.mynevadacounty.com/boardmeetings
- (Written public comments are received and read by all Board members, and become part of the public record.)

PROVIDE PUBLIC COMMENT DURING THE MAY 11, 2021 MEETING BY:

Morning Session:

1) In-Person:

Provide in-person comments at the Nevada County Fairgrounds, Pine Tree Stage, 11228 McCourtney Road, Grass Valley, CA 95945. (Public comment for items not on the agenda will be taken during the morning session only.)

Afternoon Session:

1) In-Person:

Eric Rood Administrative Center: Members of the public can provide in-person comments regarding the 1:30 p.m. Scheduled Public Hearing from inside the Board Chambers. Total capacity inside the Chambers will be limited to 34 per State Public Health requirements. Masks are mandatory inside all County facilities.

2) Virtual Kiosk:

Eric Rood Administrative Center: Members of the public can provide comment in-person at a virtual public comment kiosk outside at the Eric Rood Administrative Center on the right-side of the front entrance.

3) Over the Phone:

Members of the public can call (530) 270-3474 and will be placed in a call-in queue until they are permitted into the meeting for comment. (Please note that the 1 (415) 655-0001 number is only for listening to the meeting.)

Please provide your name, City or District of residence, and the agenda item you wish to comment on.

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.

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)