

**STATE OF CALIFORNIA, COUNTY OF NEVADA
BOARD OF SUPERVISORS SUMMARY MINUTES,
OCTOBER 27, 2015**

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA

REGULAR MEETING: 9:30 AM

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:30 A.M.

The following Supervisors present:

Nathan H. Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

Pledge of Allegiance led by Mr. Tex Ritter, Child Support Services Director.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted that an Addendum Agenda adding a closed session item was posted on October 23, 2015, and staff requested Agenda Item #21 be pulled from the agenda. Ms. Patterson Hunter clarified that the closed session could be heard at any time during the meeting.

PUBLIC COMMENT: 9:31 A.M.

ACTION TAKEN: Mr. Drew Speroni, District I resident, appealed to the Board of Supervisors to address the homelessness crisis and suggested an effective solution in the form of a proposed project called the Opportunity Village. He explained how the project will fit the needs of Nevada County.

Ms. Linda Chaplin, District I resident, brought to the Board's attention a book titled "*The Way Across the Mountain*," which explains some of the events leading up to California's statehood.

Kelly Reuss, DC, District V resident, provided comments regarding the negative effects of radio frequency radiation, and referred to a book titled "*Nutrition and Physical Degeneration*."

There being no further public comment, Chairman Scofield closed public comment.

CONSENT CALENDAR: Chairman Scofield introduced the consent calendar.

Health and Human Services Agency Director: Michael Heggarty

1. Resolution authorizing execution of Amendment 2 to contract with the Regional Housing Authority of Sutter and Nevada Counties (RHASNC) pertaining to administration of the Nevada County Rehabilitation Assistance Programs (Res. 14-029), extending the contract termination date from June 30, 2015 to February 28, 2016 to allow for completion of three current incomplete owner-occupied housing rehabilitation projects, with the contract maximum remaining unchanged at \$110,233. (Housing) ([Resolution 15-484](#) adopted.)

Interim Public Health Director: Jill Blake

2. Resolution authorizing execution of a renewal contract with Lynne Lacroix for the provision of project coordination services related to the Nevada County Nutrition Education and Obesity Prevention (NEOP) Program, in the maximum amount of \$43,200, for the period October 1, 2015 through March 31, 2016. ([Resolution 15-485](#) adopted.)

Acting Behavioral Health Director: Rebecca Slade

3. Resolution accepting funds in the amount of \$16,093 for the renewal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) for the Projects for Assistance in Transition from Homelessness (PATH) Grant Program for Fiscal Year 2015/16. ([Resolution 15-486](#) adopted.)
4. Resolution authorizing execution of Amendment 3 to contract with North Valley Behavioral Health (NVBH), LLC for the provision of acute psychiatric inpatient services for County referred clients (Res.14-008), increasing the daily inpatient rate from \$825 per day to \$850 per day, and increasing the contract maximum from \$525,000 to \$565,000 for Fiscal Year 2015/16, for the period January 14, 2014 through June 30, 2016. ([Resolution 15-487](#) adopted.)

Director of Social Services: Mike Dent

5. Resolution authorizing execution of contract with Alliance for Workforce Development (AFWD), Inc. for the provision of employment services in both Eastern and Western Nevada County, in the maximum amount of \$100,000, for the period October 1, 2015 through June 30, 2016. ([Resolution 15-488](#) adopted.)

Sheriff-Coroner/Public Administrator: Keith Royal

6. Resolution accepting the 2015 Edward Byrne Memorial Justice Assistance Grant 2015-DJ-BX-0020 in the amount of \$14,388 from the Department of Justice, Bureau of Justice Assistance, for the purchase of law enforcement firearms for the Nevada County Sheriff's Office, authorizing the County Executive Officer to sign the Award Document, and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2015/16 budget. (4/5 affirmative vote required.) ([Resolution 15-489](#) adopted.)
7. Resolution accepting the 2015 State Criminal Alien Assistance Grant Award in the amount of \$15,684 from the Department of Justice, Bureau of Justice Assistance, to offset costs associated with the incarceration of undocumented criminal aliens. ([Resolution 15-490](#) adopted.)

Auditor-Controller: Marcia Salter

8. Resolution approving and authorizing execution of an agreement with IntelliTime Systems Corporation for licensed software, services and maintenance of the electronic employee time, attendance and scheduling software, for a cost not to exceed \$161,505, plus first year annual Maintenance and Support fees of \$16,679, for a total cost of \$178,184, and directing the Auditor-Controller to reduce the Information Infrastructure Assignment of the General Fund and to amend the Fiscal Year 2015/16 Auditor-Controller budget. (4/5 affirmative vote required.) ([Resolution 15-491](#) adopted.)

Community Development Agency Director: Steven DeCamp

9. Resolution accepting and authorizing execution of Northern Sierra Air Quality Management District AB 2766 Grant Agreement AB-2015-02, in the amount of \$45,000, for the purchase of a new land-use management and permitting software system, effective January 1, 2016 through December 31, 2016. ([Resolution 15-492](#) adopted.)

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10. Approval of annual report to the Board of Supervisors for the DarkHorse development fee for electrical service availability. (Dist. II) (Approved.)

Director of Public Works: Steven Castleberry

11. (Waive Further Reading/Adopt) Ordinance adding Subsection 201 to Section G-IV 3.A.3 of Article 3.A of Chapter IV of the Nevada County General Code pertaining to speed limits on Wheeler Acres Road. (Twenty-five miles per hour Prima Facie Speed Limit established on the entire length of Wheeler Acres Road.) (Dist. I) ([Ordinance 2400](#) adopted.)
12. Resolution authorizing execution of Amendment 1 to contract with Parsons Brinckerhoff, Inc. for the County of Nevada Local Traffic Mitigation Fee (LTMF) Update, extending the contract expiration date from December 31, 2015 to June 30, 2016. ([Resolution 15-493](#) adopted.)
13. Resolution accepting and authorizing execution of Northern Sierra Air Quality Management District AB 2766 Grant Agreement AB-2015-04, in the amount of \$30,000, for electric vehicle charging stations, effective January 1, 2016 through December 31, 2016. ([Resolution 15-494](#) adopted.)

Human Resources Director: Charlie Wilson

14. Resolution amending Authorized Personnel Staffing Resolution 15-242, adopted June 16, 2015, revising staffing patterns for various County departments, with the total number of FTE remaining unchanged at 778.20, effective October 27, 2015. ([Resolution 15-495](#) adopted.)
15. Resolution amending Authorized Personnel Salary Resolution 15-243, adopted June 16, 2015, pertaining to staffing changes in various County departments, effective October 27, 2015. ([Resolution 15-496](#) adopted.)

Chief Information Officer: Stephen Monaghan

16. Resolution authorizing execution of contract with KPFF Consulting Engineers to conduct an airport boundary survey and to file a new record of survey map with the Nevada County Clerk-Recorder for the Nevada County Airport perimeter fence and gate system, located at 13083 John Bauer Avenue, Grass Valley, in the maximum amount of \$42,000, for the period October 27, 2015 through June 30, 2016. (Airport) ([Resolution 15-497](#) adopted.)

County Counsel: Alison Barratt-Green

17. Resolution approving and authorizing execution of Amendment 3 to contract between the County of Nevada, acting on behalf of Nevada County Community Facilities District No 1990-1 (Wildwood Estates), and Allen Matkins Leek Gamble Mallory & Natsis LLP (Res. 14-541), increasing the contract amount by \$125,000 for a maximum contract amount of \$385,000, and directing the Auditor-Controller to amend the Fiscal Year 2014/15 budget. (4/5 affirmative vote required.) ([Resolution 15-498](#) adopted.)
18. Resolution approving and authorizing execution of Amendment 4 to contract between the County of Nevada and Colantuono, Highsmith, & Whatley, P.C., for the provision of legal advice, litigation services and writ proceedings (Res. 14-480), increasing the contract amount by \$150,000 for a maximum contract amount of \$425,000, and directing the Auditor-Controller to amend the Fiscal Year 2015/16 Other Financing Sources and Uses and Planning budgets. (4/5 affirmative vote required.) (Pulled from consent by Supervisor Miller.)

Clerk of the Board: Julie Patterson Hunter

19. Resolution proclaiming November 6 and 7, 2015 as Nisenan Heritage Days in Nevada County. ([Resolution 14-499](#) adopted.)
20. Appointment of Mr. Daniel DiSanto as Member-at-Large to the Fish and Wildlife Commission, for an unexpired four-year term ending January 31, 2016. (Appointed.)
21. Reappointment of Ms. Laura Brown as Eastern Nevada County representative to the First 5 Nevada County Children & Families First Commission, for a two-year term expiring October 31, 2017. (Pulled from the agenda by staff.)
22. Acceptance of Board of Supervisors summary minutes for October 13, 2015. (Accepted.)

Supervisor Miller requested Agenda Item 18 be removed from the consent calendar for discussion.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Beason, to approve the consent calendar, less Agenda Item 18.

Ms. Julie Patterson Hunter, Clerk of the Board, asked if the motion included Agenda Item 21.

Motion amended by Supervisor Anderson, seconded by Supervisor Beason, to approve the consent calendar, less Agenda Items 18 and 21. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

County Counsel: Alison Barratt-Green

18. Resolution approving and authorizing execution of Amendment 4 to contract between the County of Nevada and Colantuono, Highsmith, & Whatley, P.C., for the provision of legal advice, litigation services and writ proceedings (Res. 14-480), increasing the contract amount by \$150,000 for a maximum contract amount of \$425,000, and directing the Auditor-Controller to amend the Fiscal Year 2015/16 Other Financing Sources and Uses and Planning budgets. (4/5 affirmative vote required.)

ACTION TAKEN: Supervisor Miller asked for this item regarding the Lockyer/Erickson case to be removed from consent to request clarification regarding the amendment to the budget, which releases funds in the amount of \$150,000 from the General Fund Unassigned fund to the Economic Uncertainties fund. Mr. Richard Haffey, County Executive Officer, explained that money is set aside every year and designated to a fund balance that is often referred to as reserves. The County has approximately two million dollars set aside in reserves for unanticipated expenditures. Supervisor Miller asked if this matter qualifies for the use of those funds. Mr. Haffey confirmed that it does qualify.

Chairman Scofield provided an opportunity for public comment.

The following members of the public spoke in opposition to the ongoing litigation and the associated costs to taxpayers: Mr. David Smith, District IV resident; Mr. Dale Head, District IV resident; Mr. Chuck Frank, District IV resident; Mr. Steve Hurley, District II resident; Mr. Ed Thomas, District III resident; and Mr. Tony Loro, District V resident.

Mr. Steve Orlik, District I resident, spoke in opposition to the ongoing litigation, and he requested that upon conclusion of the case, the Board release all correspondence with outside counsel and make it available to members of the public.

There being no public comment, Chairman Scofield closed the public comment period.

Supervisor Anderson shared his concerns regarding how the County's Visually Important Ridgeline Ordinance was applied in this situation. From a public policy perspective, Supervisor Anderson believed that the ongoing litigation has had a benefit in that it has separated out areas where the issue of utilizing a management plan is okay versus when it is not okay. The Judge has decided that a management plan cannot be used for a nondiscretionary use such as a building permit. Supervisor Anderson raised the question of whether or not to continue with his preference, which is to see to what extent this is limiting the ability of other cities and counties to use similar plans at the building permit stage, and to what extent the County can take care of it through a revision of the Land Use and Development Code. Supervisor Anderson noted that the Judge implied that a change in wording to the Land Use and Development Code could take care of the issue as it's been raised by the litigants.

Supervisor Miller stressed that the amount of money is always a concern, but the problem is that it is the County that was sued, and what they are trying to is defend the County against a lawsuit that was not wanted in the first place. There are other far-reaching implications that cannot be discussed at this time that pushes him to see this all the way through.

Supervisor Beason shared his concerns about the amount of misinformation that continues to go around; he couldn't believe how many people were misinformed. Supervisor Beason asked Ms. Alison Barratt-Green, County Counsel, to confirm that the County was sued. Ms. Barratt-Green confirmed that is correct. Supervisor Beason asked Ms. Barratt-Green if the County has ever tried to settle outside of court with the litigants on multiple occasions and if the County has requested mediation. Ms. Barratt-Green confirmed that the County tried to settle and attempted mediation, but was not successful in its attempts.

Board discussion ensued.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-500](#). On a roll call vote, the motion passed as follows: Ayes: Supervisors Beason, Weston, Miller and Scofield. Noes: Anderson. Abstain: None. Absent: None.

DEPARTMENT HEAD MATTERS:

Chief Probation Officer: Michael Ertola

23. Resolution approving the Nevada County Community Corrections Partnership Plan for Fiscal Year 2015/2016.

ACTION TAKEN: Mr. Michael Ertola, Chief Probation Officer, reviewed the staff report and provided a PowerPoint presentation regarding the Nevada County Community Corrections Partnership (CCP) Plan for Fiscal Year 2015/2016. He requested the Board adopt the proposed resolution.

Chairman Scofield noticed that to pass the Plan it requires a simple majority of the Board, although to defeat the Plan there must be a 4/5 affirmative vote. Mr. Ertola explained that it has been that way every year.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-501](#). On a roll call vote, the motion passed unanimously.

Clerk of the Board: Julie Patterson Hunter

24. Election of one Supervisor and one alternate to serve on the California State Association of Counties (CSAC) Board of Directors for the 2015/16 Association Year beginning December 1, 2015.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to appoint Supervisor Scofield, representative, and Supervisor Weston, alternate. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEM: 10:30 A.M.

25. Presentation on the programs and services provided in Nevada County by the Alliance for Workforce Development, Inc., as part of the Northern Rural Training and Employment Consortium (NoRTEC), and First Quarter Performance review. (Ms. Kristine Farrell, Program Manager, Nevada County Alliance for Workforce Development, Inc., One Stop Business & Career Center)

ACTION TAKEN: Mr. Luis Moreno, Assistant Director to the Alliance for Workforce Development, Inc. introduced Ms. Kristine Farrell, Program Manager, Nevada County Alliance for Workforce Development, Inc., and One Stop Business & Career Center. Ms. Farrell provided a PowerPoint presentation highlighting the One Stop Business & Career Center's services, and the activities that took place during the first quarter of the program year.

Board questioning and discussion ensued. Chairman Scofield thanked Mr. Moreno and Ms. Farrell for the presentation.

Following a short break, Chairman Scofield called the meeting to order.

SCHEDULED ITEM: 11:00 A.M. Steven Castleberry, Director of Public Works

26. Public hearing to consider a proposed annual parcel charge for ongoing road maintenance and annex into the existing Ridge View Woodlands Permanent Road Division (PRD), and to consider adoption of a resolution authorizing and levying a parcel charge within the boundaries of the proposed Ridge View Woodlands Permanent Road Division Annexation. (Dist. IV)

Determine if a majority protest of annexed property owners exists regarding the annexation of property into the PRD.

In the absence of a majority protest, direct staff to count the mail-out election ballots received by the Clerk of the Board regarding the proposed parcel charge.

In the event that a majority of the votes received support the parcel charge, consider adopting the Resolution authorizing annexation of territory into the Ridge View Woodlands PRD and collection of a parcel charge for Fiscal Year 2015/16 and each year thereafter.

Resolution approving the annexation of territory into the Ridge View Woodlands PRD (Lincoln Property), and authorizing collection of a parcel charge in the amount of \$485 per single family residential parcel per fiscal year, beginning the fiscal year in which the Final Map creating the affected residential parcels is recorded, and continuing indefinitely for each fiscal year thereafter. ([Resolution 15-502](#) adopted.)

ACTION TAKEN: Mr. Steven Castleberry, Director of Public Works, introduced Mr. Joshua Pack, Principal Civil Engineer. Mr. Pack reviewed the staff report and provided a PowerPoint presentation

pertaining to the proposed annual parcel charge for ongoing road maintenance and annexation of new territory into the existing Ridge View Woodlands Permanent Road Division (PRD).

Chairman Scofield opened the public hearing for public comment.

Mr. Jim Butler, President, Ridge View Woodlands Homeowners Association, explained that he represented the 27 other lots that are currently in the PRD. He acknowledged that the subdivision has right-of-way across their streets, and the Association thinks it is a good idea that the property be placed in the PRD. Their one concern is that the streets within the subdivision do not meet the same standards as the streets on their side of the boundary. They are not protesting the annexation of the property into the PRD, but they are requesting that the streets will be built with the same standards as the streets within their development.

Mr. Pack responded that Mr. Butler is correct that there are different road surfaces. The standard on the portion of Hass Court was required to meet the local Class 1 standard, which is an eighteen-foot wide road with one foot shoulders. It does not require a fully-paved asphalt concrete surface; a double chip seal is allowed for those standards, which is why there is a discrepancy between some of the other roads in the PRD and the portion of Hass Court that is being extended. However, the road was built to County standards for that particular road.

Board questioning ensued.

Supervisor Beason asked if Hass Court was required to be built to an asphalt standard or was that a choice. Mr. Pack was not sure what the requirement was back at that time, but the standard is now the double chip seal.

Supervisor Anderson asked if the road within Hass Court requires a higher annualized maintenance cost overtime or a lower annualized maintenance cost overtime given its difference from the rest of the subdivision. Mr. Castleberry responded that one of the reasons that the County approved the double chip seal as opposed to the asphalt is because the ongoing maintenance costs are similar.

Board questioning ensued.

Supervisor Weston asked if the County can require asphalt. Mr. Castleberry replied that the Conditions of Approval were put in place by the Planning Commission a number of years ago. The subdivision is complete so there is not a mechanism where they can go back and recondition a project that has already been approved.

Supervisor Anderson asked if the annualized costs across both roads are the same would there be any issues. Mr. Pack responded that he did not see any issues, explaining that double chip seals usually require frequent re-chipping every 7 to 10 years, and asphalt concrete requires maintenance every 20 years; however, the costs to do a double chip seal is significantly less than what is done for an asphalt re-surface. Over the twenty years, the County will have to maintain it a little more, but the maintenance costs will be significantly less.

Board questioning and discussion ensued.

There being no further public comment, Chairman Scofield closed the public comment portion of the public hearing.

Chairman Scofield noted that no majority protest had been received regarding the annexation of territory into the existing PRD, and recessed the meeting for staff to open and count the ballots in public view and report back to the Board.

Following the opening of the ballots, Chairman Scofield called the meeting to order. Ms. Julie Patterson Hunter, Clerk of the Board, reported out that of a total of six parcels, six votes were received, and all of the votes were yes.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt [Resolution 15-502](#). On a roll call vote, the motion passed unanimously.

***CLOSED SESSION:**

Pursuant to Government Code §54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is significant exposure to litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the closed session item into the record and the Board members 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.

***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.

ACTION TAKEN: Updates were provided by members of the Board.

Chairman Scofield reported that Nevada County will continue as a member of Sierra Economic Development Corporation (SEDCorp). He explained that all of the counties involved have recognized the need for membership within an economic district. The attorneys have been working together on language for a Joint Powers Authority (JPA), which will come forward to the Board at a later date.

Recess for lunch: Chairman Scofield recessed for lunch at 12:13 p.m.

AFTERNOON SESSION: Chairman Scofield called the meeting to order at 1:30 p.m.

SCHEDULED ITEM: 1:30 P.M. Brian Foss, Planning Director

27. Public hearing to consider the Nevada County Planning Commission's August 27, 2015 3-1 (1 recusal) recommendation for the Housing Element Rezone Program Implementation Project, including: 1) certification of the Final Environmental Impact Report (EIR12-002/SCH2009072070); 2) approval of General Plan Amendment GP12-002 to re-designate specific "Tier 1" sites to Urban High Density, including Sites 3, 5, 12, 14, 16, and 18; and 3) approval of Zoning Map Amendment Z12-002 to amend specific Zoning District Maps to change existing zoning of "Tier 1" sites to High Density Residential (R3) or the equivalent of R3, including adding the Regional Housing Need (RH) Combining District to Sites 3, 5, 6, 11 (retain C2 base zoning and add the RH Combining District only), 12, 14, 16, and 18.

- A.2 Resolution of the County of Nevada certifying the adequacy of the Final Environmental Impact Report for the Housing Element Rezone Program Implementation Project (SCH NO. 2009072070) in accordance with the California Environmental Quality Act and making certain findings concerning environmental impacts, mitigation measures and alternatives to the Project, adopting a mitigation monitoring and reporting program and adopting a statement of overriding considerations, in connection with approval of the site specific General Plan and Zoning District Map Amendments contemplated by the Final Environmental Impact Report. ([Resolution 15-503](#) adopted.)
- A.3 Resolution amending the Nevada County General Plan Land Use Map designations for specific sites to increase the County's Urban High Density Land Use designation by the equivalent of at least 43.7 acres, effectively implementing the Housing Element Rezone Program Implementation Project (Nevada County 2014-2019 Housing Element Program HD-8.1.1); (GP12-002). ([Resolution 15-504](#) adopted, as amended.)
- A.4 (Introduce/Waive Further Reading/Adopt) An Ordinance amending certain Zoning District Maps to perform site specific rezoning to add the Regional Housing Need (RH) Combining District and increase the County's High Density Residential (R3) zoning by an equivalent of at least 43.7-acres in connection with the Housing Element Rezone Program Implementation Project (Z12-002). ([Ordinance 2401](#) adopted, as amended.)
- A.7 Close Board Order BO14-08.

ACTION TAKEN: Mr. Brian Foss, Planning Director, introduced Mr. Tyler Barrington, Principal Planner, and Mr. Alex Jewell, AICP, LEED AP., Senior Project Manager, Kimley-Horn and Associates, Inc.

Mr. Barrington reviewed the [staff report](#), and provided background information and a PowerPoint presentation regarding the Planning Commission's August 27, 2015 recommendation to the Board of Supervisors regarding the Housing Element Rezone Program Implementation Project, including certification of the Final Environmental Impact Report (FEIR), approval of a General Plan Amendment, and approval of a Zoning Map Amendment. Mr. Barrington explained that the reason for the Project is due to State mandate, which requires Nevada County to look at its high-density zoning and create new areas of this zoning for future residents of the County. He reviewed each of the proposed Sites, explaining the tiered system used by the Planning Commission based on either the Site's lack of constraints and/or the site's ability to meet the County's objective, which is 699 units of zoning for high-density housing: Tier 1 sites meet the County's objective and have the least environmental constraints; Tier 2 sites are just as eligible as Tier 1 sites, however they are immediately adjacent to other parcels that are being proposed for rezone and/or slightly more constrained; and Tier 3 sites are the most constrained and/or do not meet the County's objectives.

Mr. Jewell provided a brief overview of the California Environmental Quality Act (CEQA) process and the impacts that were identified in the EIR, as well as some of the alternatives that were evaluated to avoid the impacts.

Mr. Barrington noted that the Planning Commission recommended rezoning Tier 1 sites only, and he clarified that staff is recommending including only Sites 12, 14, 16 and 18 as a part of the General Plan Amendment. Regarding the Zoning Amendment, staff is recommending including Sites 6, 11, 12, 14, 16, and 18. Staff also requests the Board close Board Order BO14-008. Based on recent discussions with the City of Grass Valley, staff is recommending the Board consider rezoning Site 6 only, and continue the consideration of Sites 3 and 5 to November 10, 2015 at 1:30 p.m.

Board questioning ensued.

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Supervisor Anderson asked for confirmation that although the State is calling the housing low- and very-low income housing, they are not requiring that it be income restricted, so it can be for middle and upper-middle income families as well as seniors. Mr. Barrington confirmed that is correct. Supervisor Anderson asked for confirmation that the State is requiring the housing price be relational to unit size, and so therefore, smaller units would be more affordable for families who need affordable housing. Mr. Barrington concurred with Supervisor Anderson's statement.

Chairman Scofield stressed that the County needs this type of zoning for the economic health of the community; it will fill some of the housing needs for families and seniors in the County and is good planning practice. Referring to Site 18, Dark Horse Phase 4, Chairman Scofield favored shifting some of those numbers into Sites 15 and 16 within in the Higgins Market area, which he believes is more conducive to the services in the area.

Board discussion ensued.

Chairman Scofield opened the public hearing for public comment.

The following members of the public provided comments regarding potential rezoning in the Penn Valley area: Mr. Bob Winters, District IV resident; Dr. John Vogel, District IV resident; Ms. Sharon Lewis, District IV resident; Ms. Tina Skrukrud, District IV resident; Ms. Vicki Maddox, District IV resident and Lake Wildwood Finance Committee member; Ms. Nancy Peirce, Western Gateway Recreation and Park District Board member and District IV resident; Mr. James Driver, Western Gateway Recreation and Park District Board member and District IV resident; Mr. Mark Frederick, District IV resident; Mr. Mike Mastrodonato, District IV resident; and Mr. Tim Robinson, District IV resident.

The following members of the public provided comments regarding potential rezoning in the Lake of the Pines/South County area: Mr. Jim Getch(*sp*), District II resident; Mr. George Follman, District II property owner; and Ms. Deborah Rickman, District II resident.

The following members of the public provided comments in opposition to the proposed Project: Ms. Irene Travis, District IV resident; Mr. Weldon Travis, District IV resident; Mr. Jim Jacobs, Nevada City resident; Kelly Reuss, DC, District V resident; Ms. Sue Hoek, District IV resident; Ms. Claudia Taylor, District II resident; Mr. Buzz Elliot, District I resident; Mr. Harry Andres, Nevada County resident; Ms. Ann Driver, District IV resident; Ms. Diane Livingston, District III resident; Ms. Carol Kinian(*sp*), District III resident; Mr. Donn Coenen, District II resident; Ms. Judi Caler, District I resident; Ms. Jean Gerard, District I resident; Mr. Chuck Frank, District IV resident; Ms. Angela Broder, District IV resident; and Mr. Alfred Bulf, District I resident.

The following members of the public provided general comments in support of the proposed Project: Ms. Ann Guerra, District I resident and Nevada-Sierra Regional In-Home Supportive Services Public Authority Executive Director; and Mr. Cary Sanders, District IV resident.

Mr. Richard A. Cramer, District III resident, spoke in support of developing housing for seniors. He asked the Board to consider including his property as part of the Project, which is located across the street from Loma Rica Ranch.

Mr. Jason Fouyer, Grass Valley Mayor, spoke on behalf of the Grass Valley City Council. He thanked County staff for working diligently with Grass Valley staff to come to a resolution. Mr. Fouyer confirmed that there is a willingness to continue the conversation, and he asked for the opportunity to choose where the housing would be located within their City. He thanked the Board for considering a continuance and hoped the dialogue would continue for the next two weeks to come up with something that is appealing to both jurisdictions.

Attorney Michael J. Cook, representing the owner of Site 13, referenced the letter he submitted to the Board on September 21, 2015 and asked that it be incorporated into the record. Mr. Cook asked for inclusion of Site 13 in the rezone and addressed his concerns regarding the Project the way it currently is being proposed by staff.

There being no further public comment, Chairman Scofield closed public comment period.

Following a short recess, Chairman Scofield called the meeting to order and thanked members of the audience for their input.

Mr. Jewell addressed the public's questions. Addressing the question regarding traffic impacts on Combie Road and the potential for impacts on evacuation, Mr. Jewell responded that the EIR did evaluate that through a traffic analysis. Staff identified areas where there will be impacts, and mitigation will need to be provided in the form of a traffic signal. With regard to evacuation, the Project is consistent with the County's General Plan policies for safety, as well as the County's adopted Hazard Mitigation Plan. He stressed that the Project is consistent with those Plans and does not impede the implementation of those plans.

Mr. Jewell addressed comments regarding access to Site 13, explaining that the EIR evaluated access to Site 13 through existing easements on Site 10.

Mr. Jewell explained that a traffic study was done in Penn Valley, which determined that the Project will not generate any new impacts to traffic in Penn Valley.

To address the comment on potential impacts to recreations and parks, Mr. Jewell explained that there is a mitigation measure in the EIR directing developers to pay recreational impact fees at the time of permitting.

Regarding Penn Valley and impacts to flood plains on Sites 10 and 13, Mr. Jewell explained that there is a specific mitigation measure in the EIR directing that prior to development on those Sites the developer has to provide a study that determines the 100 year floodplain, and requires a 100-foot setback from the floodplain to avoid flooding impacts. Additionally, all Sites are required to prepare a site-specific hydrology study that will show how the surface water can be detained so it will not exceed the current flow rates coming off the Site.

Mr. Jewell explained that the EIR evaluated the water supply, which shows that there is an adequate water supply to accommodate potential development. Additionally, there is a mitigation measure that developers will have to demonstrate to the County or the City that adequate water supply is available when any development proposal occurs.

Mr. Jewell confirmed that a developer will have to ensure there is adequate law enforcement and emergency services available. The mitigation allows for an assessment district to be formed on the property to help raise money to pay for police and fire protection services.

In regards to traffic impacts in the Brunswick area, Mr. Jewell explained that the recommendation is for mitigation, which is consistent with the mitigation requirements of Loma Rica Specific Plan Project. A roundabout will also be constructed on Idaho-Maryland, which was first proposed in the Loma Rica Specific Project Plan.

In response to concerns regarding the 'by-right' component, Mr. Barrington clarified that typically a development within Nevada County requires a use permit. That permit is a discretionary action that allows the Planning Commission and/or the Board to review a proposed project based on its merits and compatibility with the surrounding area. The use permit hearings are basically being done at today's meeting, so there is no longer the portion of project review. A future development would have to prove that they can meet all of the standards and mitigation measures, then go through the design review process in order to get the required building permits.

Referring to a comment asking that the Sites not be used in future housing elements, he pointed out that the vacant land inventory process mentioned earlier required the County to look at all of its zoning throughout the County. The County is allowed to continue to count sites toward the Regional Housing Need allocation until such time as those sites are developed. The new zoning would go towards future housing elements and would continue to count.

In regards to the question brought up as to who the people are who will reside in the new housing, Mr. Barrington believes the people already residing in Nevada County would live in the housing; this is meant to be a long term planning project to provide housing for generations to come.

Mr. Foss added that the jobs versus housing balance that was mentioned earlier has been taken into account to make sure there isn't an overabundance of one or the other. He mentioned that currently, there are hundreds of acres of undeveloped business park that will come to the Board to rezone some of that land to M1 to allow for some additional industrial opportunities to provide more jobs in the industrial sector.

Board discussion ensued.

Mr. Barrington reported that if it is the pleasure of the Board, staff has the ability to switch Site 18 with Site 15. He provided an overview of Site 15. Mr. Barrington reiterated that staff is requesting the Board continue the consideration of Sites 3 and 5 to the November 10, 2015 meeting at 1:30 p.m., and take action on Site 6 today. He presented the Board with revisions to the proposed Resolution (A.3.) and Ordinance (A.4.), based on switching Site 18 with Site 15, and removing Sites 3 and 5.

Board questioning ensued.

Supervisor Weston stressed the need for staff to have the flexibility needed to do proper planning, and he did not believe the current Board should place mandates on decisions that will be made by future Boards. He requested clarification of whether the motions would include the EIR to be rolled over to the next update. Mr. Foss responded that the action requested is to certify the EIR, and support the rezoning and the General Plan changes to the parcels as identified today. The actions requested do not specify whether or not the County will use the EIR in future updates; there will be a number of opportunities for future Boards to direct staff on how to utilize, if at all, the EIR.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Beason, to adopt [Resolution 15-503](#). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt [Resolution 15-504](#), as amended, to include Sites 12, 14, 15, and 16 (adding Site 15 and removing Sites 3, 5, and 18). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Miller, to waive further reading and adopt [Ordinance 2401](#), as amended, to include Sites 6, 11, 12, 14, 15, and 16 (adding Site 15 and removing Sites 3,5, and 18). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Anderson, to close Board Order BO14-08. On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to continue the public hearing for consideration of Sites 3 and 5 to November 10, 2015 at 1:30 p.m. On a roll call vote, the motion passed unanimously.

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ADJOURNMENT: There being no further business, Chairman Scofield adjourned the meeting at 4:45 p.m.

Edward C. Scofield, Chairman

ATTEST:

By: Stacia George, Deputy Clerk to the Board

DRAFT