



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

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

MEETING DATE: December 11, 2018

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Resolution authorizing Amendment No. 1 to the contract between the County of Nevada and Kimley-Horn and Associates Inc., for the Commercial Cannabis Cultivation ordinance EIR (Resolution 18-328), adding \$25,000 for a new contract amount not to exceed \$280,985.

RECOMMENDATION: Approve the Resolution amending the contract with Kimley-Horn and Associates, Inc., for an increase of \$25,000 for the preparation of the Environmental Impact Report for the Commercial Medical Cannabis Cultivation ordinance.

FUNDING: The contract increase impacts the 2018/2019 General Fund and Cannabis Policy and Compliance budgets. The contract increase is \$25,000 above the original contract amount for a new maximum contract amount of \$280,985.

ATTACHMENT:

1. Draft Resolution
2. Contract Amendment No. 1 with Exhibit (Scope of Services and Schedule of Compensation)
3. Resolution 18-328.

BACKGROUND: On June 26, 2018, the Board of Supervisors approved a contract with Kimley-Horn and Associates, Inc. for the preparation of an Environmental Impact Report for the proposed Nevada County Commercial Cannabis Cultivation Ordinance in the amount of \$255,985. The project description has changed such that cannabis grows up to 10,000 square feet would be permitted administratively and with no conditional use

permits required. As such, an approach to address how water supply, particularly groundwater supply, can be evaluated without further discretionary permits must now be developed. The original scope of work for the Water Supply Evaluation stated that the analysis would be derived from Nevada County Cannabis production estimates prepared as part of the Commercial Cannabis Land Use Ordinance preparation. However, there are no demand estimates currently available and this data has to be custom synthesized without the benefit of previous documentation. There is limited information on County-wide groundwater conditions in public documents so the preparation an alternative methodology for addressing water supply sufficiency based on California groundwater law rather than groundwater supply information is required. This additional technical analysis will require an additional \$11,000 for the consultant to prepare.

An additional \$10,000 is requested for an on-call basis by the sub-consultant, Tully & Young through Kimley-Horn and Associates, Inc., who will conduct additional water-related consulting services for Nevada County to complete water related analysis for the Nevada County Commercial Cannabis Land Use Ordinance. Tully & Young will work on tasks assigned by Nevada County to further preparation of the environmental documents for the Nevada County Commercial Cannabis Land Use Ordinance and respond to comments on the Draft EIR. Such tasks may include, but are not limited to, researching applicable rules governing water disposition in California associated with cannabis production and preparing briefing documents or other technical memoranda to support the environmental documents. This task would be billed on a time and materials basis up to 50 hours and would require written authorization by County Staff prior to the initiation of any work under this task. Any unused budget amount under this task would be not be charged to the County.

An additional \$4,000 is included as a contingency in the event that extensive comments are received on the Draft EIR which will require individual responses from the consultant. The additional contingency is added so that future contract amendments may be avoided. If any of the above work is not needed the funds will not be expended.

The proposed Resolution authorizing Amendment No.1 to the contract also revises the General Fund and the Cannabis Compliance and Policy budgets to show the increase in costs and expenditures for this contract.

Approved by: Brian Foss, Planning Director