



RESOLUTION No. 18-606

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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 ENVIRONMENTAL IMPACT REPORT (EIR) (RESOLUTION 18-328), ADDING \$25,000 FOR A NEW CONTRACT AMOUNT NOT TO EXCEED \$280,985

WHEREAS, due to changes to the project description and complexities with groundwater issues additional analysis will be required by the consultant; and

WHEREAS, there is sufficient funding in the affected budgets to cover the increased cost of the contract.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of Supervisors be and is hereby authorized to execute, on behalf of the County of Nevada, Amendment No. 1, effective December 11, 2018, adding \$25,000 to a contract between the County and Kimley-Horn and Associates, Inc. approved on June 26, 2018 (Res. 18-328) pertaining to the preparation of an Environmental Impact Report for the Commercial Cannabis Cultivation project. The amended contract amount shall not exceed \$280,985.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of December, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: Julie Patterson-Hunter

Edward C. Scofield
Edward Scofield, Chair

12/11/2018 cc: Planning*
AC* (Hold)

12/17/2018 cc: Planning*
AC* (Release)
K-H&A, Inc.

PERSONAL SERVICES CONTRACT
County of Nevada, California

AMENDMENT NO. 1 TO THE PERSONAL SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR PREPARATION OF THE COMMERCIAL CANNABIS CULTIVATION ORDINANCE ENVIRONMENTAL IMPACT REPORT

THIS AMENDMENT NO. 1 is made and is effective as of December 11, 2018, by and between Kimley-Horn and Associates, Inc., ("Contractor"), and the County of Nevada ("County"). This Amendment No. 1 amends the Personal Services Contract between the parties for preparation of the Commercial Cannabis Cultivation Ordinance Environmental Impact Report approved on June 26, 2018, by Resolution 18-328 ("Agreement").

WHEREAS:


- A. The parties have entered into an Agreement for the preparation of an Environmental Impact Report for the Commercial Cannabis Cultivation Ordinance; and,
- B. Additional environmental analysis for the Environmental Impact Report is required; and
- C. The parties now seek to amend the Exhibit "A" Schedule of Services to provide for the preparation of an Environmental Impact Report, and the Exhibit "B" Schedule for Compensation and Delivery to increase the contract price by \$25,000, for a maximum contract price of \$280,985.

NOW, THEREFORE, IT IS AGREED by the parties as follows:

- 1. That the Exhibit "A" Schedule of Services is hereby amended, as set forth and attached hereto in Exhibit "A."
- 2. That the Exhibit "B" Schedule for Compensation and Delivery is hereby amended to increase the contract price by \$25,000 for a maximum contract price of \$280,985, as set forth and attached hereto in Exhibit "A."
- 3. That in all other respects the prior Agreement of the parties shall remain in full force and effect except as amended herein.

EXECUTION:

CONTRACTOR


Kimley-Horn and Associates, Inc.
Name: Matthew D. Weir
Title: Vice President
Dated: 12/13/18

COUNTY OF NEVADA


Name: Ed Scofield
Chair, Board of Supervisors
Dated: 12/12/18

Attest:


Julie Patterson-Hunter
Clerk of the Board

**AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN
THE COUNTY OF NEVADA AND KIMLEY-HORN AND ASSOCIATES, INC.
FOR THE NEVADA COUNTY COMMERCIAL CANNABIS LAND USE ORDINANCE EIR**

AMENDMENT NUMBER 1 DATED October 25, 2018 to the agreement between, County of Nevada ("County") and Kimley-Horn and Associates, Inc., ("Consultant") dated June 26, 2018 ("the Agreement") concerning the Nevada County Commercial Cannabis Land Use Ordinance EIR (the "Project").

The Consultant has entered into the Agreement with County for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the Client to the Consultant, all as set forth in Exhibit A hereto. The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CLIENT:

COUNTY OF NEVADA

By: _____

Title: _____

Date: _____

CONSULTANT:

KIMLEY-HORN AND ASSOCIATES, INC.

By: 
Alex H. Jewell

Title: Assistant Secretary

Date: October 25, 2018

Justification Statement:

This proposed budget amendment request and following scope of work is submitted to address additional work required to evaluate water supply availability and demand. This request for authorization of additional budget is sought for the following reasons:

- 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.
- The County has sparse data on existing groundwater wells, so research on well permitting information to determine the status of existing wells throughout the County is required.
- 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.
- 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 be developed.

Consultant shall perform the following Additional Services:

Task 1.0: Additional Water Supply Evaluation Analysis

As a subconsultant to Kimley-Horn, Tully and Young will conduct the following analysis as part of the water supply evaluation for the project.

- Tully & Young will review the proposed Cannabis Ordinance to determine permissible growing styles and review published information about water use. Tully & Young will determine likely ranges of water demands based on the style of cultivation per unit area of growth that follow the Ordinance's requirements. In cases where the growth is based on number of plants in defined areas, Tully & Young will determine likely cultivation styles and calculate water demands.
- Tully & Young will develop GIS Maps to synthesize existing General Plan land uses with potential cannabis production land uses under the Nevada County Cannabis Ordinance. Tully & Young will use the proposed Cannabis Ordinance to differentiate potential opportunities to grow cannabis in various regions in Nevada County based upon the restrictions in the proposed ordinance. Tully & Young will use information derived from the GIS maps to prepare demand estimates for potential cannabis production throughout Nevada County.

- Tully & Young will separate out the GIS information into smaller areas to facilitate future cannabis cultivation policy decisions. The sub areas will include NID supplied growing area, non-NID lower elevation growing area (below 6,000 ft), Martis Valley area, and non-Martis Valley high elevation growing area.
- Tully & Young, Inc. will research readily available water right permits and statements of diversion and use available with the SWRCB to ascertain the number of reported surface water diversions in Nevada County.
- Research readily available groundwater permitting by Nevada County and California Department of Water Resources to determine nature and extent of groundwater resources available in context of cannabis production. Review pertinent groundwater rules in Nevada County and assess supply conditions where technical information about groundwater lacking.
- In preparation of the WSE, base files used for calculations to ensure that the numbers used in the analysis are based on the common assumptions among the County, Kimley Horn, and Tully & Young. These files include:
 1. GIS files in the form of shape-files or Google Earth files as requested
 2. Tables summarizing counts and zoning types
 3. A summary of the assumptions and interpretations of the relevant sections of the proposed Commercial Cannabis Land Use Ordinance.

Fee: \$11,000

Task 2.0: Optional Task – As Needed Additional Water Supply Analysis

On an on-call basis, Tully & Young 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. 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 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.

Fee \$10,000