

STATE OF CALIFORNIA, COUNTY OF NEVADA
BOARD OF SUPERVISORS MINUTES, AUGUST 12, 2008

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

REGULAR MEETING: 9:00 A.M.

STANDING ORDERS:

Chairman Owens called the meeting to order at 9:00 a.m.

The following Supervisors present:

Nate Beason, 1st District
Sue Horne, 2nd District
John Spencer, 3rd District
Hank Weston, 4th District
Ted S. Owens, 5th District

Pledge of Allegiance led by Chief Brad Harris, Unit Chief of Nevada, Yuba and Placer Counties, California Department of Forestry.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Cathy Thompson, Clerk of the Board, announced that County Counsel requested the closed session regarding Hufnagel vs. County of Nevada be pulled from the agenda today.

CONSENT CALENDAR: Chairman Owens introduced the consent calendar.

1. Resolution recognizing the "Lunch at the Crossroads" Program. (Joseph Salas Ministries)
([Resolution 08-365 adopted](#))

Public Health Officer: Joseph Iser, MD, DrPH, MSc

2. Resolution authorizing and directing the Auditor-Controller to amend Public Health's Fiscal Year 2008/09 Budget by \$22,762 for the purchase of a PortaCount device and a trailer for use in the County's Emergency Preparedness Program. (4/5 affirmative vote required.)
([Resolution 08-366 adopted](#))

Behavioral Health Director: Michael Heggarty

3. Resolution authorizing execution of Amendment 1 to Standard Agreement 06-76039-000 with the California Department of Mental Health (DMH) pertaining to operation of the Mental Health Managed Care Plan for Nevada County (Res. 06-487), increasing the contract amount from \$435,291 to \$443,685 for Fiscal Year 2007/08 for a revised maximum amount of \$878,976, for the period July 1, 2006 through June 30, 2009. ([Resolution 08-367 adopted](#))
4. Resolution authorizing execution of contract with SPIRIT - Peers for Independence and Recovery, Inc. pertaining to operation of SPIRIT's Peer Empowerment Center and related services to enhance and expand services to meet unmet community needs as a component of the County's Mental Health Services Act (MHSA) Community Services and Supports Plan, in the maximum amount of \$176,068, for the period July 1, 2008 through June 30, 2009.
([Resolution 08-368 adopted](#))

Director of Social Services: Alison Lehman

5. Resolution authorizing execution of Agreement EW-2008-24 with the Regents of the University of California, Davis University Extension, pertaining to 32 days of Eligibility Services Training to be provided to the Health and Human Services Agency, in the maximum contract amount of \$117,760, with University in-kind contribution of \$17,664, and Nevada County's share of \$100,096, for the period July 1, 2008 through June 30, 2009. ([Resolution 08-369 adopted](#))
6. Resolution authorizing execution of Agreement CW-2008-24 with The Regents of the University of California, Davis University Extension, pertaining to eleven days of Child Welfare Training for Child Protective Services staff, in the maximum amount of \$40,480, with University in-kind contribution of \$10,120, and Nevada County's share of \$30,360, for the period July 1, 2008 through June 30, 2009. ([Resolution 08-370 adopted](#))
7. Resolution authorizing execution of a Memorandum of Understanding (MOU) with Nevada-Sierra Regional In-Home Supportive Services (IHSS) Public Authority pertaining to the transferring of annual allocations for funding the activities of the Nevada-Sierra IHSS Public Authority Governing Board, in the maximum amount of \$52,966, for the period July 1, 2008 through June 30, 2009. ([Resolution 08-371 adopted](#))
8. Resolution authorizing execution of Software License and Software Maintenance Agreements with Panoramic Software, Inc. for implementation of the VetProWeb Software System for the County's Veterans Services Office, with the initial startup cost of \$6,000 and an annual maintenance fee of \$3,500, with any additional training billed at \$1,200 per day and custom programming at the rate of \$150 per hour, beginning July 1, 2008 and continuing until termination by either party. ([Resolution 08-372 adopted](#))

Agricultural Commissioner: Jeffrey Pylman

9. Resolution authorizing execution of Standard Agreement 08-C0026 with the California Department of Pesticide Regulation (DPR) to reimburse the County for pesticide use reports in an amount not to exceed \$1,756, for the period July 1, 2008 through June 30, 2009. ([Resolution 08-373 adopted](#))
10. Resolution authorizing execution of Agreement 07-0946 with the California Department of Food and Agriculture (CDFA) pertaining to trapping activities for the Light Brown Apple Moth in Nevada County, in the maximum amount of \$5,931, for the period July 1, 2007 through June 30, 2008. ([Resolution 08-374 adopted](#))
11. Resolution authorizing execution of Amendment 2 to Standard Agreement 07-0372 (Res. 07-446), pertaining to reimbursement for Pierce's Disease/Glassy-Winged Sharp Shooter Program services provided to the California Department of Food and Agriculture (CDFA), increasing the contract in the amount of \$5,000, for a maximum not to exceed \$33,176.08, for the period July 1, 2008 through June 30, 2010. ([Resolution 08-375 adopted](#))

Planning Director: Jory Stewart

12. Resolution authorizing submittal of application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program, in the amount of \$800,000; and if selected, authorizing the Chair of the Board to execute the agreement and any amendments, and authorizing the Planning Director or designee to sign all other documents necessary for participation in the HOME Investment Partnerships Program. (Housing Division) ([Resolution 08-376 adopted](#))

13. Resolution acknowledging receipt of 2008 grant funds through the signed contract between the USDA Rural Development, Housing Preservation Grant (HPG) Program and the County of Nevada to provide funding to low-income residents for housing repair and rehabilitation, in the maximum amount of \$45,000, for the period September 1, 2008 through September 1, 2010, and directing the Auditor-Controller to amend the Fiscal Year 2008/09 Budget. (Housing Division) (4/5 affirmative vote required.) ([Resolution 08-377 adopted](#))
14. Resolution directing the Auditor-Controller to amend the CDA/Housing Fiscal Year 2008/09 Budget for Standard Agreement 08B-5476 (Res. 08-59) with the State Department of Community Services and Development (CSD) for the Low Income Home Energy Assistance Program (LIHEAP). (Housing Division) (4/5 affirmative vote required.) ([Resolution 08-378 adopted](#))
15. Resolution authorizing execution of Amendment 4 to Standard Agreement 07B-5426 with the State Department of Community Services and Development (CSD) for the Low Income Home Energy Assistance Program (LIHEAP) (Res. 07-38), extending the term of the contract from January 1, 2007 through April 30, 2008 to January 1, 2007 through September 30, 2008, and directing the Auditor-Controller to amend the CDA/Housing Fiscal Year 2008/09 Budget. (Housing Division) (4/5 affirmative vote required.) ([Resolution 08-379 adopted](#))
16. Resolution authorizing execution of amendment to contract with the City of Grass Valley pertaining to Quimby/AB1600 Recreation Mitigation Funding for completion of the Memorial Park Picnic Area Improvements Project (Res. 07-416), modifying the original project scope and extending the contract expiration date to April 14, 2009. ([Resolution 08-380 adopted](#))
17. Resolution approving Environmental Clearance and authorizing the Director of the Department of Public Works to file a Notice of Exemption with the Nevada County Clerk's Office for the Glenshire Drive Safety Improvement Project. (Dist. V) ([Resolution 08-381 adopted](#))

Director of Public Works: Douglas Farrell

18. Resolution authorizing approval of plans, specifications, and engineer's estimate for the Glenshire Drive Safety Improvement Project – Contract No. 338019, and instructing the Clerk of the Board to advertise for bids with the opening date of September 4, 2008. (Dist. V) ([Resolution 08-382 adopted](#))
19. Resolution authorizing approval of bidding documents, specifications, and cost estimate for snow removal, road sanding services, and snow pack removal for the Hobart Mills - Russell Valley area of Eastern Nevada County, and instructing the Clerk of the Board to advertise for bids with the opening date of September 4, 2008. (Dist. V) ([Resolution 08-383 adopted](#))
20. Resolution authorizing approval of bidding documents, specifications, and cost estimate for snow removal, road sanding services, and snow pack removal for the Soda Springs area of Eastern Nevada County, and instructing the Clerk of the Board to advertise for bids with the opening date of September 4, 2008. (Dist. V) ([Resolution 08-384 adopted](#))
21. Resolution authorizing approval of bidding documents, specifications, and cost estimate for snow removal, road sanding services, and snow pack removal for Eastern Nevada County, and instructing the Clerk of the Board to advertise for bids with the opening date of September 4, 2008. (Dist. V) ([Resolution 08-385 adopted](#))

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22. Resolution authorizing execution of Amendment 1 to contract with ADKO Engineering (Res. 08-323) for bridge design services for a single lane bridge at Maybert Road near the Town of Washington in Eastern Nevada County, Canyon Creek Bridge No. 17C-0030 over Canyon Creek – Contract No. 224017, for compliance with Government Auditing Standards as a result of CalTrans' Pre-Award review. (Dist. V) ([Resolution 08-386 adopted](#))
23. Resolution awarding bid and authorizing execution of contract with Teichert Construction (Res. 08-321) for the Wolf and Duggans Roads Shoulder Improvement Project - Phase I Wolf Road - Contract No. 338016, in the amount of \$370,370, plus a ten percent contingency in the amount of \$37,037, for a maximum encumbrance not to exceed \$407,407. (Dist. II) ([Resolution 08-387 adopted](#))
24. Resolution authorizing approval of Change Order to Services Contract S-250-18936 (Res. 08-241) with National Railroad Passenger Corporation (Amtrak) for Express Bus Feeder Service between the cities of Grass Valley and Auburn, pertaining to a change in insurance requirements, effective August 1, 2008. (Transit Services) ([Resolution 08-388 adopted](#))

Director of Sanitation: Mark Miller

25. Resolution approving application and authorizing the Director of Sanitation or designee to submit the Fiscal Year 2008/09 Reuse Assistance Grant proposal to the California Integrated Waste Management Board, for the purpose of promoting through education and outreach the reuse of construction materials within the County of Nevada. ([Resolution 08-389 adopted](#))

Sheriff-Coroner: Keith Royal

26. Resolution authorizing execution of Memorandum of Understanding (MOU) between the Nevada County Sheriff's Office, the Grass Valley Police Department, and the Nevada City Police Department, setting forth operational responsibilities and sharing of asset forfeiture monies pertaining to the Nevada County Narcotic's Task Force, for the period July 1, 2008 through June 30, 2009. ([Resolution 08-390 adopted](#))

Treasurer-Tax Collector: E. Christina Dabis

27. Resolution authorizing the Treasurer and Tax Collector to sell tax defaulted property at public auction on October 15, 2008. ([Resolution 08-391 adopted](#))

Clerk-Recorder: Gregory Diaz

28. Resolution consolidating the City of Grass Valley, the City of Nevada City, the Town of Truckee and Tahoe Truckee Unified School District measures; the City of Grass Valley and the Town of Truckee general municipal elections; the City of Nevada City special municipal election, Special Districts' Governing Board of Directors' general district elections and School Districts' Board of Directors general district elections with the general statewide election to be held in the County of Nevada in the State of California on Tuesday, November 4, 2008. ([Resolution 08-392 adopted](#))

Chief Information Officer: Stephen Monaghan

29. Resolution establishing Institutional Network (I-Net) maintenance fees in the amount of \$80 per month, authorizing the Chief Information Officer to collect those fees from public agencies being served by the I-Net, and directing the Chief Information Officer to review the I-Net Maintenance Plan prior to adoption of the Fiscal Year 2010/11 Budget to determine any necessary fee adjustments as a result of actual and projected maintenance needs. ([Resolution 08-393 adopted](#))

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30. Resolution authorizing execution of agreement with Sierra College for establishment of a County I-Net Data connection, in the amount of \$25,730 initially and \$720 per month, for the period September 1, 2008 through August 31, 2011. ([Resolution 08-394 adopted](#))
31. Resolution authorizing execution of agreement terminating Leasehold Interest of Nevada-Sierra Regional In-Home Supportive Services (IHSS) Public Authority in County property located at 10879 Donner Pass Road, Truckee, and directing the Auditor-Controller to refund the July 2008 rent in the amount of \$1,219.20, and the security deposit in the amount of \$1,219.20. ([Resolution 08-395 adopted](#))
32. Resolution approving the positions of County Executive Officer, Assistant County Executive Officer, and Director of Emergency Services as authorized officials to execute applications and documents for the Fiscal Year 2008/09 Homeland Security Grant Program. (Office of Emergency Services) ([Resolution 08-396 adopted](#))
33. Resolution authorizing execution of contract for Nevada County Information and General Services Department to provide technology support services to the City of Grass Valley, in the maximum amount of \$17,120, for the period July 1, 2008 through June 30, 2009, and authorizing the Auditor-Controller to increase the Information Systems Budget by \$10,000. (4/5 affirmative vote required.) ([Resolution 08-397 adopted](#))

Airport Manager: Gregory Marshall

34. Resolution authorizing award of contract to Mead & Hunt, Inc. to complete the final design for runway 07/25 safety area improvements and asphalt condition study and report at the Nevada County Airport, in the maximum amount of \$150,663, for the period August 12, 2008 through June 30, 2009. ([Resolution 08-398 adopted](#))

County Executive Officer: Richard Haffey

35. Resolution adopting revised 2008 Board Objectives for Nevada County. ([Resolution 08-399 adopted](#))

Clerk of the Board: Cathy Thompson

36. Approval of initial Conflict of Interest Codes for six Nevada County charter schools: Bitney College Preparatory High School, Forest Charter School, Nevada City School of the Arts, Sierra Montessori Academy, Twin Ridges Home Study Charter School, and Yuba River Charter School. (Approved)
37. Acceptance of resignation by Mr. Richard Eacobacci, Fifth District representative, on the Building Standards Board of Appeals and the Limited Density Owner-Built Rural Dwelling Board of Appeals. (Accepted)
38. Reappointment of Mr. Ken Strangfeld as a member of the Citizens' Oversight Committee of the Nevada County Library, for a term ending March 2009. (Reappointed)
39. Reappointment of Mr. Craig Souter, Third District representative, on the Building Standards Board of Appeals, for a term ending July 2012. (Reappointed)
40. Reappointment of Mr. Paul Norsell and Mr. James Meshwert as members of the Nevada County Finance Authority, for terms ending July 2010. (Reappointed)
41. Reappointment of Mr. Chuck Rei as a member of the Limited Density Owner-Built Rural Dwelling Board of Appeals, for a term ending July 2012. (Reappointed)

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42. Reappointment of Ms. Nicole Bowden and Mr. Patrick Kenneally as members of the Nevada Sierra In-Home Supportive Services Public Authority Governing Board, for terms ending June 2011. (Reappointed)
43. Acceptance of Board of Supervisors minutes for July 8 and 15, 2008. (Accepted)

ACTION TAKEN: No items pulled from consent.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Beason, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:

Airport Manager: Gregory Marshall

44. Resolution authorizing execution of two Option to Lease Contracts with American Pacific Holdings, LLC (APH) for development of hangars on ramps 1 and 5 at the Nevada County Airport, in the maximum amount of \$1,000 per contract, for the period of six months beginning August 12, 2008.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Gregory Marshall, Airport Manager, stated that the purpose of the two Option to Lease agreements is to give a six-month due-diligence period for development of hangars on Ramps 1 and 5. The Airport Commission unanimously endorsed the evaluation team's recommended proposal of American Pacific Holdings. If the long-term ground lease goes through, the proposed revenue would be \$21,600 per year for both ramps.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Spencer, to adopt [Resolution 08-400](#). On a roll call vote, the motion passed unanimously.

Chief Information Officer: Stephen Monaghan

45. Resolution approving payment of additional lease improvement charges to 100 Union Street, LLC (Res. 08-128), for Security and Card Access systems at the District Attorney's leased office space located at 110 Union Street, Nevada City, in the maximum amount of \$2,576.77.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Stephen Monaghan, Chief Information Officer, indicated that the original lease for the new District Attorney's office space allotted \$69,000 for leasehold improvements. The actual cost of the security system came in approximately \$8,000 over the landlord's estimate. The landlord can absorb \$5,400 of that cost and staff is recommending the County absorb \$2,576. The original estimate was based on not knowing the full details of the layout of the building and adding to the elevator a security system that can be used exclusively for the DA space for ADA. Overall, the project is still under budget; however, the Board's approval to adjust the contract for the security system increase is needed.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Spencer, to adopt [Resolution 08-401](#). On a roll call vote, the motion passed unanimously.

County Executive Officer: Richard Haffey

46. Resolution amending various Nevada County Budgets through the Fourth Consolidated Budget Amendment for the 2007/08 Fiscal Year. (4/5 affirmative vote required.)

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Joe Christoffel, Deputy County Executive Officer/Chief Fiscal Officer, reviewed the budget amendment, noting it reduces contingency by \$79,635, bringing the balance of the 2007/08 contingency account to \$56,865. He stated this budget amendment was reviewed by the Budget Subcommittee and is being brought to the Board for consideration.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to adopt [Resolution 08-402](#). On a roll call vote, the motion passed unanimously.

County Counsel: Robert Shulman

47. (Introduction/Waive further reading) An Ordinance amending Appendix I of Section A-II 22.3 of Chapter II, Article 22 of the Administrative Code of the County of Nevada pertaining to Conflicts of Interest. (County employees and members of Committees and Commissions)

ACTION TAKEN: Chairman Owens read the title of the ordinance into the record.

Mr. Robert Shulman, County Counsel, noted that this ordinance is a cleanup of the County's Conflict of Interest Code to delete titles of positions that are no longer used and add job titles that are being used. It also deletes the Treasury Oversight Committee and User Fee Committee.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Horne, to waive further reading of the ordinance. On a roll call vote, the motion passed unanimously.

Clerk of the Board: Cathy Thompson

48. Appointment of three Trustees to the Nevada County Cemetery District.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Cathy Thompson, Clerk of the Board, reported that Vice Chairman Weston and Supervisor Beason interviewed six applicants for three positions on the Nevada County Cemetery District. It is their recommendation that the Board reappoint Tom Balch and John Morris to four-year terms, and to appoint Gerald Bushore to fill the vacant position expiring July 2010.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Weston, to support Supervisors Beason and Weston's recommendation to reappoint Tom Balch and John Morris, and appoint Gerald Bushore to fill the vacant position expiring July 2010. On a roll call vote, the motion passed unanimously.

49. Approval of Board of Supervisors Responses to the 2007-2008 Nevada County Civil Grand Jury Report, "Nevada County Veterans Service Office."

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Laura Matteson, Assistant County Executive Officer, reviewed the staff report. She noted that the responses show agreement with all of the findings except for three. The report gives a clarification of what is actually occurring with the van routes, asks the Board to speculate on the impact of the future

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Veterans, and speaks for the community regarding their understanding of Veterans Service Office structure. All but two of the seven recommendations have been implemented or are in the process of being implemented. The recommendation to increase the recently added part-time VSO office assistant position to full time needs further analysis and will not be implemented at this time. Staff needs time to review the position and then evaluate whether work load warrants an increase in status. The recommendation to restore van service from two to three days a week will not be implemented because this service and the frequency of this service are provided by the Reno VA Hospital. Additional days can be requested, but that will be based on van utilization. Currently that data does not support increasing the number of days. The County will be watching the data and if more days are needed, it will be requested.

Board questioning ensued.

Supervisor Spencer noted that last sentence under B. 2, Responses to Recommendations should read "The VSO intends to maintain..." Ms. Alison Lehman, Social Services Director, stated she would make that correction.

Supervisor Horne referred to A.2., Responses to Findings, noting the Board should spell out the Veterans Service Office, not the Veterans Service Officer, has given incorrect and misleading information to veterans. Board members concurred. Ms. Matteson agreed to make that change.

Supervisor Horne referred to A.3, Responses to Findings, and believed there needed to be clarification if the 85 percent capacity was referring to the number of veterans that fill the seats on a trip or the number of times the van is used. Ms. Lehman replied they were talking about the number of seats that are available and she will clarify that in the report.

Supervisor Horne referred to B.3, Responses to Recommendations, and asked what the timeframe was to look at the position and report back to the Board on the results of the analysis. Ms. Lehman replied that the CEO's office approved increasing the position to full time right now until they recruit for an additional staff position to assist with the claims. Once fully staffed, that position will be decreased back to .5 and staff will evaluate whether it is meeting the service need. Supervisor Horne requested Ms. Lehman to report back to the Board.

Chairman Owens referred to B.2, Responses to Recommendations, and questioned whether the Nevada County Joseph Center in Truckee was the appropriate office location. He noted the Veterans have an office of their own in the Veterans Building on High Street. Ms. Lehman replied that staff was looking at a room to conduct interviews. The other outreach activity staff is starting next week is outreach to the schools for college fee waiver programs, and that will be conducted out in the field. She agreed to look at coordinating the claims interviews at the Veterans Building. Chairman Owens believed the Veterans would be pleased to offer up their office space for that purpose and even for the purposes of the recreation vehicle medical visits. Ms. Lehman replied she would follow up on Chairman Owens suggestion.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Beason, to approve the Board of Supervisors Responses to Findings and Recommendations in the 2007-2008 Nevada County Civil Grand Jury Report dated June 17, 2008, entitled "Nevada County Veterans Service Office," with corrections as spoken to in this meeting. On a roll call vote, the motion passed unanimously.

50. Approval of Board of Supervisors Responses to the 2007-2008 Nevada County Civil Grand Jury Report, "Wildfire Danger in Nevada County."

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Laura Matteson, Assistant County Executive Officer, noted that many of the findings in this report have a standard answer that states the Board neither disagrees nor agrees with the finding because while individual Board members might have detailed knowledge regarding a finding, the Board's response comes from the entire Board and not individual members. Therefore the response has been drafted to indicate the Board might have general knowledge of the issue. In addition, Fire Districts are not within the Board's jurisdiction and it would not be appropriate for the Board to comment as the authority regarding these findings. However, in Finding No. 11, the Board has jurisdiction over the Fire Plan and the draft response indicates that the Board disagrees with the finding because the Board has actually elevated the status of the Fire Plan by incorporating its policies and programs within the Safety Element of the General Plan. The draft report indicates that all recommendations will not be implemented; however, the Grand Jury's recommendation for initiation of a concerted public education program will partially be implemented. In regards to determining the cost for fire protection services, increasing public awareness, and understanding fire services and how they are financed, the feasibility of developing a uniform and consistent set of services, and the potential for future efficiencies through fire district consolidation are all items that have or would best be addressed by LAFCo and the collective fire districts. Ms. Matteson noted that with regards to Recommendation No. 4, the Safety Element that incorporates the Fire Plan recommendation is currently in the mandatory review process and it would be inappropriate for the Board to commit to specific modifications prior to that public review. The concerns of the Grand Jury will be entered into the public record for the Board's consideration in the public review process.

Supervisor Weston referred to Response to Recommendation No. 3, and suggested that while it is true the Board will not sponsor a meeting, to add to the response that if requested by the group, someone from the County would participate in any kind of a study or discussion.

End Tape #08-40

Supervisor Horne agreed with Supervisor Weston's comments. She believed the Board should have some interest in efficiency in fire protection services in Nevada County and she does not see anything wrong with the Board participating in that discussion and expressing individual opinions in a group discussion. She believed it would be healthy to have a conversation with the Fire Districts and the City Fire Departments and talk about the issue.

Supervisor Horne believed the Board's Response to Findings 11, reducing the importance of the Fire Plan, was confusing. She agreed that placing the Fire Plan into the Safety Element of the General Plan was a good thing. She asked why the Board would defer local implementation of some State legislative mandates if the services are covered by CalFire. Mr. Steven DeCamp, Community Development Agency Director, replied that the word "defer" was used because the Fire Plan as originally drafted by the Fire Plan Committee suggested that the County assume full responsibility for all the activities currently undertaken by CalFire, and the County does not believe it is appropriate or possible at this time for the County to take on those duties. He believed the word "defer" was used because the County might want to take on those responsibilities in the future. He suggested the response simply state that the responsibilities are currently being undertaken by CalFire, and leave it at that.

Supervisor Spencer believed it is good therapy for the Board to discuss this matter, but it is a shame to have the responses state the Board either agrees or disagrees and someone else is in charge. He believed that the information in the report will probably be beneficial to someone.

With regard to B.3., Supervisor Beason believed the Board is an interested party and should be involved in the meetings, but possibly the Fire Districts or LAFCo should take the lead in sponsoring

the meetings. With respect to deferring local implementation of State mandates, when the Board first voted on the Safety Element to the General Plan, the wording “acknowledge” or “recognize” was used because the Board did not want to pay for State mandates. Supervisor Beason recalled when the LAFCo MSR on fire protection was done in 2005, the implied recommendation was that the fire districts should be more consolidated, and he believed they were heading in that direction.

Supervisor Beason stated that the only correspondence he received on this Grand Jury report was from a person in Supervisor Spencer’s district who recommended Nevada County take the same direction as Placer County. In a discussion Supervisor Beason had with Chief Harris this morning, Chief Harris affirmed that Nevada County and Placer County were on the same page.

Supervisor Beason noted that there have been many public meetings on the Fire Plan and the Fire Plan will not make everyone happy. He believed the Fire Plan could be tougher, but he deferred to the fact that something needs to be on the ground now and hoped they would revisit the progress on the Fire Plan in two or three years.

Chairman Owens agreed with Supervisors Spencer and Beason that the Board is a component of a much larger process, but the Board does not wear the uniforms. He believed the Board responses should shine greater light on the budgetary considerations with respect to implementation of the Safety Element. He suggested the Board might want to add something to the statement, “It is not clear that local implementation, and assumption of the costs associated with these programs, would provide superior service to the current statewide provisions of those services by CalFire.” Right now the State is engaged in changing the landscape in terms of developing revenue streams for managing the forests and the situation. He believed it is very difficult to take action when the State’s direction is unknown.

Chief Brad Harris, Nevada County Fire Marshal and Unit Chief for CalFire’s Nevada, Yuba and Placer Unit, noted that CalFire takes care of the defensible space inspections within the State Responsibility Area. Also, CalFire has inspectors hired by the County that carry out defensible space inspections. He appreciates the cooperation CalFire has had with Nevada County and looks forward to continuing that relationship.

Supervisor Weston asked if Placer County was implementing an ordinance regarding vegetation abatement on vacant lots. Chief Harris replied that they are implementing a Pilot Ordinance in the Tahoe Basin area that would extend defensible space clearances onto those unimproved parcels that are next door to improved lots. The Pilot Ordinance would allow the County to do the abatements on the effected parcels next door either by compliance by the person that owns the vacant land or by doing the abatement and attaching it as a lien to the parcel’s tax roll. An evaluation will be done to see how effective it is and the costs associated with it, and to determine if it should be spread throughout Placer County. He noted that insurance companies are starting to cancel homeowner policies based on the fact that defensible space was not done on their surveys. Chief Harris noted they are receiving good cooperation from constituents both on improved and unimproved parcels, and CalFire is working with Federal, State, and Government entities to receive permission for property owners to do work on government lands.

Supervisor Weston noted that Nevada County Consolidated Fire District has passed an ordinance about cleanup of lots through an educational process and there are funds set aside for cleanup on lots that are a threat. He is convinced that at some point the State will have a mandatory lot clearing.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to approve the Board of Supervisors Responses to the 2007-2008 Nevada County Civil Grand Jury Wildfire Danger in Nevada County with the addition that if requested, the Board would participate, and to accept Supervisor Horne’s recommendation to reword the defer language. On a roll call vote, the motion passed unanimously.

Following a short recess, Chairman Owens called the meeting to order.

INDIVIDUAL BOARD MEMBER ITEM:

51. Request to direct the Planning Director, in consultation with the County Surveyor, County Counsel, and other appropriate staff, to review the appropriate County codes and ordinances, and provide recommendations for code amendments to create a revised process for supplemental data in Parcel and Final Maps. (Supervisor Spencer)

ACTION TAKEN: Supervisor Spencer introduced the agenda item. He indicated that as a licensed land surveyor, he has seen the process of complying with recording land division maps, parcel maps, and final maps get more difficult and more costly. The current General Plan requires the surveyors to complete resource and environmental studies and show everything on the recorded maps, which is a very expensive process.

Last year Supervisor Spencer met with everyone involved in this process to discuss whether there was a way to simplify it and still comply with the requirements of showing everything and getting it all in the public record. His proposal today would be a process currently used by Yuba County that would show the boundary and everything pertaining to boundary in the recorded map, and all the resource areas would be recorded with the map on a separate supplemental data sheet in a different form that would be signed off by each of the departments as to its integrity or accuracy. If any changes need to be made to any of the areas after the fact, a surveyor or engineer can present the change to the Planning or Building Department to review and approve. The revised document would be recorded to show the change, and a complete mapping process would not be required.

Supervisor Spencer stated that in order to institute a different process, minor changes would have to be made to certain County ordinances. His recommendation would be to ask the Planning Department to provide recommended code amendments and bring them back to the Board.

Supervisor Beason asked if there would be a limit on allowable amendments and what would be the workload on staff.

Ms. Jory Stewart, Planning Director, stated that their initial review of this process looks like the integrity of the supplemental data recorded presently on the map page would move to a separate document and be recorded and cross-referenced with recordation of the map, so any changes to the map boundaries would be done through the subdivision review process and any changes to the supplemental data could possibly be done through an administrative process. The information would all be recorded as a part of the map, but just in separate recordable documents that are cross-referenced to each other. If there are changes to the supplemental data, the changes might be able to be done administratively, thereby cutting out the whole subdivision review process. She believed this process would reduce staff's workload because many of the changes staff receives relate to the supplemental information, not the actual boundary of the map, and that information currently has to be processed through the whole subdivision map process.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Horne, and passed unanimously, to approve the request and direct the Planning Director, in consultation with the County Surveyor, County Counsel, and other appropriate staff, to review the appropriate County codes and ordinances, and provide recommendations for code amendments to create a revised process for supplemental data in Parcel and Final Maps.

Supervisor Weston asked when this will return to the Board. Ms. Stewart suggested 90 days to 180 days. Chairman Owens set a 90-day timeline to return to the Board. Supervisor Spencer stated they intend to run the revised process by the Efficiencies Committee for feedback.

SCHEDULED ITEM: 10:30 A.M.

Behavioral Health Director: Michael Heggarty

52. Presentation regarding the activities and accomplishments of UNZIP - The Nevada County Meth Action Team.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Michael Heggarty, Behavioral Health Director, stated that the effective strategies for reducing illegal drugs often involve a three-prong approach of prevention, treatment, and law enforcement. He introduced Ms. Shannon Glaz, Friday Night Live County Coordinator, and Ms. Michele Schiro, Project Coordinator for the Meth Action Team.

Ms. Glaz stated that with the \$71,000 grant she applied for almost 18 months ago and received, she has been able to hire Ms. Schiro and see the culmination of the Action Team and all of the tasks they have done.

Ms. Schiro distributed a packet of brochures on meth use to the Board and reviewed its content. She introduced the Meth Action Team's Youth members present today, Ms. Lynn Skrukrud, Ms. Stephanie Coffin, Ms. Emily Kaput, Ms. Chelsea Forkner, and Cami Bigham, who presented a PowerPoint presentation on the work they have been doing this past year. "Zip" is a slang name for methamphetamine, so the definition of UNZIP is the undoing of the effects of meth in Nevada County. UNZIP is a youth-led coalition with a mission to decrease the incidence of meth use among high school and college age youth using an environmental prevention model. The grant they received is an 18-month grant that will last through September of this year. At the end of this grant, they will combine with the Coalition for a Drug Free Nevada County to ensure sustainability of the project. Some of the projects and activities implemented by UNZIP to educate the community about the effects of methamphetamine use include the CARE Project for children removed from substance abusing homes, a film made available to the community by request to educate youth about the dangers of meth use, public speaking campaigns, development of educational materials for distribution, media campaigns, Nevada County Anti-Meth Art and Film contest, surveys, a Walk for Recovery event, a booth at the Cherry Festival displaying art work, information and face paints, and a booth at the Fair in partnership with Drug Free Coalition with informational brochures. One of the upcoming events will include a summer/fall barbeque to display their art work. A brief summary was presented on meth statistics and surveys.

The Board thanked the Team for their presentation and commended them for the work they have been doing amongst their peers and for standing up for what they believe in.

Supervisor Horne requested a copy of the film be sent to the Board.

SCHEDULED ITEM: 11:00 A.M.

53. Ms. Christine McMorrow, Executive Director, Sierra Watershed Education Partnerships, Forest Reserves Title III Activities Report.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Christine McMorrow, Executive Director, Sierra Watershed Education Partnerships (SWEP), presented a brief Forest Reserves Title III annual activities report through a PowerPoint presentation. Nevada County supported SWEP with focusing on a fifth grade program at Sagehen Creek Field Station. SWEP was able to make the connection with all the fifth graders in Truckee in order to get them involved in community projects. SWEP was also able to continue the learning from Sagehen back in the class room and in the community. In the fall the fifth graders went to Sagehen, spent the

night, and explored the entire place guided and on their own. SWEP partnered with a program at UC Berkeley called the GK-12 Program, which allowed UC Berkeley graduate students in Science to interpret their science to fifth graders. The fall trip was followed up with a one-day spring program. Part of the focus with the spring program was to get the fifth graders from Truckee Elementary to mix with the fifth graders from Glenshire Elementary. For Truckee River Day, SWEP focused on getting students involved with a School of Trout Revegetation and Mulching Project at Trout Creek. SWEP also worked with the Town of Truckee to organize a public art display. 200 students also participated in the Junior Botanist Program. Along with identification, the Botanist Program incorporated the importance of the ecology of plants, how the plants are used, and what the plants means to the citizens living within the forest. An exciting feature of Sagehen Creek Field Station is the Fish House. Students are blown away when they get to go under water and see the fish. Ms. McMorrow thanked Nevada County for continuing to fund the forest education programs.

Supervisor Beason asked if the students receive an education on what a healthy forest is, what impact the forest has on the environment, and how bad wildfire harms water resources and air. Ms. McMorrow affirmed that SWEP has been funded through the Forest Reserve Program for several years and develops lessons on just what Supervisor Beason mentioned.

Supervisor Horne would like to see some aspect of a future program that brings in the private sector in the timber industry and have them discuss with the students what they do.

Supervisor Weston asked what will happen if the funding goes away. Ms. McMorrow believed the issue of how the forests are managed and liFe within the forests is on the forefront of people's minds and not going to go away any time soon. Her organization has the track record for this type of education and in forming partnerships in the community, and it will become a priority for her to continue to fund the programs.

End Tape #08-41

Chairman Owens suggested the Board tour Sagehen. Ms. McMorrow supported having the Board tour the site and suggested the tour could be some time in September. Chairman Owens asked Ms. McMorrow to get back to him with the dates and thanked her for her presentation.

SCHEDULED ITEM: 11:30 A.M.

Agricultural Commissioner: Jeffrey Pylman

54. Nevada County 2007 Annual Crop Report.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Jeffrey Pylman, Agricultural Commissioner, reviewed the Nevada County 2007 Annual Crop Report. He noted the report is a compilation of the surveyed data from local producers and shows the acreage, prices, and yields of major agriculture commodities produced in the County. Even though timber production has shown a slight increase over 2006, there has been a decrease in the value per board foot. Irrigated pasture acreage has decreased 20 percent, and there has been a significant increase in production and prices of fruit and vegetables. The report also includes methods used to eradicate and control pests that exist in the County, statistics about the pest exclusion and detection program, and statistics on registered organic farms and the certified producers who wish to sell at farmers markets. He requested the Board accept the Nevada County 2007 Annual Crop Report.

Board discussion ensued.

Supervisor Beason asked what the loss was this spring when there was the freeze and wind. Mr. Pylman replied that due to the freeze, the loss was over \$2.3 million to rangeland, irrigated pasture,

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orchard crops, and vineyards. The USDA Farm Services Agency is actively signing people up for grant and loan programs, but only a portion of the damage will be recovered.

Supervisor Beason asked what was the status of the need for processing plants in Nevada County. Mr. Pylman replied that there were two processing plant proposals. The chicken mobile processing plant is almost up and running. The other proposal was for a processing plant in the center of a ranch away from neighbors, and he was not sure how far along they were. He noted that the processing plant would require USDA inspections and the ability of the USDA inspectors might not happen. Supervisor Beason asked for an update on the status of that plant.

Chairman Owens requested that in the future the figures in the report be adjusted for inflation.

Ms. Carol Hollingsworth, Nevada County resident, stated that the one-year 20 percent decrease in irrigated pasture lands coincides with the year when Sacramento Valley Regional Quality Control Board decided to play hardball with the waivers.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Beason, and passed unanimously, to accept the report.

PUBLIC COMMENT: 11:45 A.M.

ACTION TAKEN: Chairman Owens opened the meeting for public comment. No one was present in Truckee or in the Board Chambers, and Chairman Owens closed the public comment period.

***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: Supervisor Spencer supports Senate Bill 1185, granting an additional 12-month extension to the expiration date for parcel maps and final maps on subdivisions, which was recently signed into law. He was not sure if the Board has to institute an ordinance to accept the Bill and put it into play, but believed this is an example of something the Board can do to help in these tough economic times.

Supervisor Beason reported that SB 2716, a bill that would mandate paid sick leave for all businesses, large or small, failed. Also, he believed SB 375, use of transportation funds to force the County to do certain types of planning, is going to pass. Supervisor Beason stated that the livestock auction at the Fair Sunday was a great event. He believed that he and Supervisor Weston will be going to Sacramento on Thursday to work on some legislators on SB 1500 and SB 1617. He and Supervisor Weston have a meeting Wednesday on an issue at Purdon Crossing involving the County. Saturday morning Supervisor Beason will be dedicating the Chicago Park Garden Club's memorial garden on the old Saint Paul's Lutheran Church site.

Supervisor Weston announced that he attended the Emergency Medical Services meeting in Rocklin and noted that the State is trying to control paramedics and EMTs. He attended a neighborhood forum on the MRTS (McCourtney Road Transfer Station) last week and the neighbors appear to be very satisfied with the actions being taken, the plans, and their involvement.

Chairman Owens reported he has been working on a variety of constituent issues from Graniteville to Washington, and there has been quite a bit of interest in the Greenhorn Creek area. He announced that

the Truckee Rodeo this weekend was a success. Chairman Owens thanked Mr. Richard Haffey, County Executive Officer, for taking time to meet in Eastern County on eastern county-related issues.

Recess for lunch: Chairman Owens recessed for lunch at 12:00 p.m.

AFTERNOON SESSION: Chairman Owens called the meeting to order at 1:30 p.m. All Supervisors present.

SCHEDULED ITEM: 1:30 P.M.

55. Public hearing to consider an application to rezone a 158-acre parcel from AG-30 to TPZ-30, on property located at 12309 Casci Road, Nevada City (Assessor's Parcel Number 14-201-04). (Dist. V)

(Waive Further Reading and Adoption) An Ordinance amending Section L-II 1.3D Chapter II, Land Use and Development Code of the County of Nevada, to establish "TPZ-30" zoning for a 158.23-acre parcel owned by Matthew Stoll and Morgana L. Wyze on Casci Road (Z08-003).

BACKGROUND:

On June 26, 2008, the Planning Commission considered the application of Matthew Stoll proposing to amend Zoning District Map (ZDM) 076 to rezone the 158.23-acre property identified as Assessor's Parcel Number (APN) 14-201-04 from AG-30 (General Agricultural with a 30-acre maximum density) to TPZ-30 (Timber Production Zone with a 30-acre maximum density). The application did not include development plans or other proposals for improvements to the site.

The Planning Commission expressed concern with clear cutting of timber on the project site. The methods and mitigations for timber harvesting operations in California are regulated by the State Board of Forestry and Fire Protection through the Timber Harvest Plan process, with other state regulatory agency participation as applicable for mitigation of impacts from timber harvest operations. The timber harvest process (including planning, operation, and cleanup) is not a County function. Government Code section 51115 provides that "the growing and harvesting of timber on those [Timber Production Zone] parcels shall be regulated solely pursuant to state statutes and regulations." Public Resources Code section 4516.5(d) further provides that "individual counties shall not [. . .] regulate the conduct of timber operations." County Counsel has advised that placing a condition on the property that prohibits clear-cutting would be in contravention with state law because it would limit how timber operations are conducted.

Neighborhood resident Brian Gallagher raised concerns at the public hearing regarding future subdivision of the property and the potential subsequent installation of septic systems near the Yuba River. Staff and Planning Commission noted that the application would not subdivide or develop the property, but would result in a rezone to the TPZ district, which has the purpose of preserving the property in timber production and forest resource management. Additionally, the current AG-30 zoning does not preclude subdivision and development, and the proposed TPZ-30 zoning would be more restrictive with regard to allowable uses.

After closing the public hearing, the Planning Commission voted 5-0 to statutorily exempt the project from CEQA review under CEQA section 15264 and Government Code section 51119. Following that action, the Planning Commission recommended the Board approve the proposed Zoning Map Amendment. The attached Planning Commission staff report, memo, and hearing minutes provide greater detail on the proposal and the Planning Commission deliberations (Attachments 2 and 3).

ACTIONS FOR CONSIDERATION:

After reviewing and considering the Planning Commission's determination regarding adoption of the Zoning Map Amendment, staff recommends that the Board of Supervisors take the following actions as recommended by the Planning Commission:

I. Adopt the attached ordinance (Attachment 1) amending Zoning District Map #076 to reflect the change in zoning from AG-30 to TPZ-30 for that property included in this application and make the following findings pursuant to Section L-II 5.9 of the Nevada County Land Use and Development Code. In doing so, the Board further recommends that within 10 days of the final action to rezone the subject parcel to the TPZ-30 district, the Clerk to the Board of Supervisors shall cause to be recorded, an instrument which will serve as constructive notice to prospective buyers of such zoning action, based on the following findings:

- A. That the rezoning to TPZ-30 is consistent with the RUR-30 land use designation of the Nevada County General Plan, and is consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and of the provisions of Nevada County Land Use and Development Code section L-II 5.9;
- B. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and
- C. That the 158.23-acre site is physically suitable for the requested zoning district and anticipated land use because the acreage of the parcel satisfies the requirements for a TPZ District as set forth in Sec. L-II 2.3.B.4 of the Nevada County Land Use and Development Code, the proposed use is compatible with nearby land uses, the site has adequate provisions for ingress and egress needed to use the site for timber production, and the site will meet the stocking requirements and site classification standards as set forth in Public Resources Code section 4561.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Jessica Hankins, Associate Planner, presented a PowerPoint presentation on the proposed rezone of property owned by Mr. Matthew Stoll and Ms. Morgana L. Wyze located on Casci Road from AG-30 to TPZ-30. She noted that the proposed rezone to TPZ-30 would result in more restrictive development standards, restrict land to timber protection for a minimum of ten years in exchange for lower taxes which would be based on the growing and harvesting of timber on the site. This property meets the standards for rezone to TPZ.

Ms. Hankins noted that Planning staff received several comments on this project. NID requested that the Applicant implement erosion control measures during timber harvest operations and the Nevada County Consolidated Fire District requested that the Applicant dispose of debris and do some fuel modification on Casci Road. The adjoining property owner, Jim Fitzpatrick, expressed concerns with noise and debris disposal associated with the timber harvest operation. At the June 26, 2008 Planning Commission Hearing, Brian Gallagher expressed concern about future subdivision septic systems. The Planning Commission also discussed concerns with clearcutting. All of these concerns have to do with the timber harvest operations and not the rezone itself. The County does not have regulatory authority to control the manner of harvesting, so these issues are more appropriately addressed through the Timber Harvest Plan (THP) process under the purview of the State Board of Forestry and Fire Protection.

Mr. Hankins concluded that the proposed rezone is consistent with the General Plan, the Land Use and Development Code, and the Forest Practice Act, and staff recommends the Board of Supervisors amend Zoning District Map 076 to reflect the rezone from AG-30 to TPZ-30.

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Supervisor Spencer noted that erosion control measures are a part of any project and setbacks from creeks and streams are already required. He pointed out that septic systems being installed also carry restrictions with setbacks and steep slopes, etc.

Supervisor Beason believed that TPZ zoning is a forestry equivalent to the Williamson Act and once committed, they have to stay in TPZ zoning for ten years or they lose whatever tax benefit they have accrued. He asked if the ten years was a rolling ten years. Ms. Hankins concurred that the ten years is a rolling ten years. He believed the THP requires an erosion control plan. Also, if this is TPZ, the zoning is restrictive and there would be no subdivision. He believed the THP and the State will deal with the clearcutting issues. As far as the slash is concerned, there is a direct line of accountability for slash removal, dependent upon the size of the parcel.

Mr. David Levy, Registered Professional Forester who prepared the TPZ and the former harvest plan for the subject property, pointed out that Exhibit E, the Management Plan, lists the roads and water courses. He pointed out that since the year 2000, the timber operator is responsible for 100 percent cleanup of all slash created by all three-acre conversion exemptions; however, the timber operator can require the owner acknowledge and take over that responsibility. Harvest Plans require a different style of cleanup around roads and around houses and dwellings. Commonly many loggers and landowners do 100 percent cleanup after logging, but that is not a requirement for larger properties.

Chairman Owens pointed out that the TPZ zoning will be more restrictive than the existing zoning and this parcel has been logged as recently as two years ago.

Chairman Owens opened the public hearing. No public comment received and the public hearing was closed.

Mr. Robert Shulman, County Counsel, clarified that every year the property is in the TPZ, it is restricted for ten years out. Tax benefits are annual and then part of the tax benefit is the ten-year period of restriction that applies to each year.

Chairman Owens read the title of the ordinance into the record.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Weston, to waive further reading and adopt [Ordinance 2271](#), and that within ten days of the final action to rezone the subject parcel to TPZ-30 district, the Clerk to the Board of Supervisors shall cause to be recorded an instrument which will serve as constructive notice to prospective buyers of such zoning action, based on Findings A, B and C in the staff report. On a roll call vote, the motion passed unanimously.

SCHEDULED ITEM: 1:45 P.M.

56. Public hearing to consider a change of zoning district to incorporate the Planned Development (PD) overlay zone, in order to accommodate areas of common ownership and to eliminate property line setbacks from condominium units, on property located at 22827 Industrial Place, Grass Valley (Assessor's Parcel Number 21-780-15). (Dist. II)

(Waive Further Reading and Adoption) An Ordinance amending Section L-II 1.3 D Chapter II, Article 1 of the Land Use and Development Code of the County of Nevada, to establish "M1-SC-SP-PD" zoning for property owned by JKEL Properties, LLC, APN: 21-780-15 (Z07-009).

BACKGROUND:

On July 10, 2008, the Nevada County Planning Commission considered the applications of JKEL Properties, LLC proposing to construct a 21,000 square foot industrial complex on a 2.2-acre site

within the Higgins Area Plan. The property is located on 22827 Industrial Place within the Lake of the Pines Community Region. The applications include a Development Permit for the building, a Parcel Map to subdivide the building into 10 condominium units, and a Rezone application to add the Planned Development (PD) combining district to the site to accommodate zero lot lines and areas of common ownership. The PD overlay will apply to the 1.85 acres of the project site designated within the light industrial, M1, zoning district, which will contain the entire development. The remaining 0.35-acres of open space, OS, designation is not being considered for development and does not require a PD overlay. The entire 2.2-acre site is designated with an SP, Site Performance, overlay district, requiring the project to meet regulations of the Higgins Area Plan, and the Scenic Corridor, overlay district, identifying the site as being within an area of high scenic quality and also requires consistency with the adopted area plan. With adoption of the PD overlay district the 1.85-acre project area will have a zoning designation of M1-SC-SP-PD

No members of the public spoke during the public hearing and no unresolved issues or concerns were raised with the proposed development. After closing the public hearing, the Planning Commission voted 3-0 to adopt the Mitigated Negative Declaration, EIS07-054. Following that action, the Planning Commission recommended your Board approve the proposed Rezone before approving the Final Map and Development Permit applications.

The attached Planning Commission staff report and hearing minutes provide greater detail on the proposal and the Planning Commission deliberations.

ACTIONS FOR CONSIDERATION:

After reviewing and considering the Planning Commission's determination regarding the Mitigated Negative Declaration adopted for the Rezone, the Development Permit, and Parcel Map, staff recommends that the Board of Supervisors take the following actions as recommended by the Planning Commission:

- I. Adopt the attached ordinance (Attachment 1) amending Zoning District Map #46a to reflect the rezoning of the 1.85-acre project area zoned as "M1-SC-SP" to "M1-SC-SP-PD" Light Industrial with the Scenic Corridor, Site Performance and the Planned Development combining districts, determining pursuant to Nevada County Land Use and Development Code Section L-II 5.9, that approval is supported by the findings that:
 - A. The proposed addition of the Planned Development combining district will further ensure the development of this industrial site will be in keeping with the goals, policies, and implementation measures of the Nevada County General Plan;
 - B. The proposed rezone will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and
 - C. The site is physically suitable for the requested zoning district and the anticipated land use development, a proposed industrial complex. The factors considered to evaluate the site's suitability include access, the provision of public facilities and utilities, and the compatibility with other nearby land uses.

ACTION TAKEN: Chairman Owens introduced the agenda item and read the title of the ordinance into the record.

Ms. Amy Kessler, Assistant Planner, presented a PowerPoint presentation to consider a zoning amendment request for property located at 22827 Industrial Place, Grass Valley. She noted this zoning amendment is consistent with the standards of the PD combining district and staff recommends amending Zoning District Map #46a, to add the "PD," Planned Development, to the 1.85 acres of APN 21-780-15 that is currently zoned M1-SC-SP.

Supervisor Horne asked if the purpose of the rezone is to enable separate ownerships with common walls between ten industrial units to be used for different purposes. Ms. Kessler concurred.

Assuming this amendment is approved, Supervisor Beason asked if the construction plans will be able to be moved along in the interest of economic development. Ms. Stewart concurred.

Chairman Owens opened the public hearing. No public comment was received and Chairman Owens closed the public hearing.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Weston, to waive further reading of the ordinance and adopt [Ordinance 2272](#), after taking into consideration and adopting the findings as listed I. A-C. On a roll call vote, the motion passed unanimously.

***CLOSED SESSIONS:**

Pursuant to Government Code Section 54956.9(a), the Board of Supervisors will meet in closed session with legal counsel to discuss pending litigation entitled, Hufnagel vs. County of Nevada (Nevada County Superior Court Case No. 73086). (Pulled by County Counsel.)

Pursuant to Government Code Sections 54957 and 54954.5(e), a closed session will be held for a public employee performance evaluation. Title of position: County Counsel.

ACTION TAKEN: Chairman Owens noted that the Hufnagel closed session item has been pulled.

Mr. Robert Shulman, County Counsel, announced that pursuant to Government Code Section 54957 and 54954.5(e), a closed session will be held for a public employee performance evaluation. The title of the position is County Counsel.

Following the closed session, Chairman Owens reported that closed session was held for a public employee performance evaluation. The title of the position is County Counsel, and no action was taken.

SCHEDULED ITEM: 2:30 P.M.

57. Public hearing to consider the Planning Commission's recommendation on an application by LOP Partners, LLC and Forest Lake Christian School to amend the General Plan Land Use Designation for two parcels (APN 21-730-73 and 21-730-74) consisting of 9.48-acres from Planned Development (PD): 2.6-acres of Neighborhood Commercial (NC) and the remainder as Open Space (OS) to 4.19-acres of NC, 1.88-acres of Urban High Density (UHD) and 1.40-acres of OS for APN 21-730-74 and 2.01-acres of OS for APN 21-730-73; and to amend Zoning District Map (ZDM) 046A to rezone the 9.48-acre site from C1-SC-SP: 2.6-acres of Neighborhood Commercial (C1) and remainder as OS-SC-SP to 4.19-acres of C1-SC-SP-PD, 1.88-acres of R3-SC-SP-PD and 1.40-acres of OS-SC-SP for APN 21-730-74 and 2.01-acres of OS-SC-SP for APN 21-730-73, to allow the development of the Bear River Plaza at 10762 Combie Road (APN 21-730-74) in the Lake of the Pines Community Region. (Dist. II)

Resolution amending the Nevada County General Plan Land Use Map for 9.48-acres (two parcels) owned by LOP Partners, LLC and Forest Lake Christian School from Planned Development (PD): 2.6-acres Neighborhood Commercial (NC) and the remainder as Open Space (OS) to 4.19-acres of Neighborhood Commercial (NC), 1.88-acres of Urban High Density (UHD), 1.40-acres of Open Space (OS) for APN 21-730-74 and 2.01-acres of Open Space (OS) for APN 21-730-73 (GP05-003).

(Waive Further Reading and Adoption) An Ordinance amending Subsection D of Section L-II 1.3 in Article 1, Chapter II of the Land Use and Development Code of the County of Nevada and superceding Nevada County Ordinance No. 1961 to amend Zoning District Map 046A to rezone 9.48-acres from C1-SC-SP Note: 2.6-acres Commercial and the remainder as Open Space to 4.19-acres of C1-SC-SP-PD, 1.88-acres of R3-SC-SP-PD, 1.40-acres of OS-SC-SP for APN 21-730-74, and 2.01-acres of OS-SC-SP for APN 21-730-73 at property located at 10762 Combie Road (Z05-002).

BACKGROUND:

On June 12, 2008, the Nevada County Planning Commission considered the application of LOP Partners, LLC and Forest Lake Christian School proposing to amend the General Plan Land Use designation and Zoning District Map 046A to rezone 9.48-acres (two parcels) located at the corner of West Hacienda Drive and Combie Road (10762 Combie Road) in the Higgins Corner/Lake of the Pines Community Region as follows:

Existing General Plan: PD: (2.6-acres Neighborhood Commercial “NC”, Remainder 6.88-acres Open Space “OS”)

Proposed General Plan: 4.19-acres NC, 1.88-acres Urban High Density (UHD) and 3.41-acres OS.

Existing Zoning: C1-SC-SP: (2.6-acres as C1, Remaining 6.88-acres as OS)

Proposed Zoning: 4.19-acres C1-SC-SP-PD, 1.88-acres R3-SC-SP-PD and 3.41-acres OS-SC-SP

The purpose of the proposed General Plan Amendment and Rezone is to allow the development of Bear River Plaza on the 7.47-acre APN 21-730-74. Therefore the Planning Commission also considered and approved a Use Permit (U05-015) and Tentative Final Map (FM08-002) for the project after adopting the project-specific Mitigated Negative Declaration (EIS05-035). In regards to the proposed Zoning Map Amendment, The project proposes to retain the existing SC and SP overlays and add the PD overlay. The C1 (Neighborhood Commercial) base-zoning district is intended to provide for retail and service needs of nearby neighborhoods, and to provide limited mixed-use employment opportunities. The SC (Scenic Corridor) zoning combining district is intended to protect and preserve the scenic resources of areas, which are adjacent to highways and roads, which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors. The section of Combie Road that the project has frontage on is designated as a scenic roadway. The SP (Site Performance) zoning-combining district refines the site development standards, specifically to adhere to the Higgins Area Plan. The PD (Planned Development) zoning-combining district is required to allow for flexibility in the site development standards and to allow for the common ownership of common parcels and reduced lot lines associated with this project’s individual ownership condominium development.

BEAR RIVER PLAZA:

Contingent upon the Board of Supervisors approval of the proposed General Plan Amendment and Zoning Map Amendment, build out of the Bear River Plaza project will result in the construction of approximately 40,000 square feet of general office (+/- 27,000 square feet) and specialty retail (+/- 13,000 square feet) in four buildings on a 4.19-acre commercial site, 28 single ownership, multifamily units in four two story buildings with an 877-square foot clubhouse and pool as amenities on the 1.88-acre residential portion of the site, and associated landscaping and parking. The approval of the Bear River Plaza proposed General Plan Amendment and Rezone would also result in designating a total of 3.41-acres of the complete site (both APNs 21-730-73 and -74) as permanent Open Space. After three public meetings, the Planning Commission followed Staff’s recommendation and adopted the project’s environmental document (EIS05-035) and approved the Bear River Plaza project by voting 4-0-1 on both the project’s Use Permit (U05-15) and Tentative Final Map (FM08-002). Following these actions, the Planning Commission unanimously recommended your Board approve the proposed General Plan and Zoning Map Amendment. The final approval of all entitlements requested and/or approved by the Planning Commission to allow the construction of the project is dependent on the Board of

Supervisor's approval of the proposed General Plan Amendment and Rezone. The Planning Commission's action on the Mitigated Negative Declaration (EIS05-035), Use Permit (U05-012) and Tentative Final Map (FM08-002) is final, as no appeal of the actions was filed.

The attached Staff Reports dated, February 28, 2008 and June 12, 2008 and the attached meeting minutes provide greater details on the project proposal and the Planning Commission's deliberations.

ACTIONS FOR CONSIDERATION:

After reviewing and considering the Planning Commission's determination regarding the Mitigated Negative Declaration adopted for the General Plan Amendment, Zoning Map Amendment, Use Permit and the Tentative Final Map, Staff recommends that the Board of Supervisors take the following actions as recommended by the Planning Commission:

- I. Adopt the proposed General Plan Amendment (GP05-003) as shown in the attached Resolution (Attachment 1) to amend the land use designation of the Nevada County General Plan for 9.48-acres (two parcels) located at the corner of West Hacienda Drive and Combie Road (APNs 21-730-73 and 21-730-74) from PD: 2.6-acres Neighborhood Commercial and the remainder open space to 4.19-acres of Neighborhood Commercial (NC), 1.88-acres Urban High Density Residential (UHD), 1.40-acres Open Space (OS) (APN 21-730-74), and 2.01-acres (APN 21-730-73) OS pursuant to Development Code Section L-II 5.9 and make the following findings A-G:
 - A. The Bear River Plaza Master Plan, implemented through this General Plan Amendment and Rezone, is consistent with Ordinance 1961 requiring a Master Plan for the development of the site and Policy 1.5.t of the Nevada County General Plan in that the project will have a high degree of accessibility to the arterial and major collector road system, while providing good internal vehicular and pedestrian circulation. The proposed General Plan Amendment will result in the public benefit by constructing the public multi-purpose path located north of Combie Road and furthers the Goals of the Higgins Area Plan by providing a trail link to connect to other portions of a pedestrian path identified in the Plan. The proposed General Plan Amendment will also result in public benefit by installing the proposed Bus Stop in front of the development to provide a convenient and safe location for persons visiting the commercial center and those who live in the residential units; and
 - B. The Bear River Plaza Master Plan also provides permanent Open Space while protecting the sensitive resources identified on the project site. The zoning will ensure the required Open Space is maintained through the project design and protected by the applied OS-SC-SP zoning designation to approximately 1.40-acres of the Bear River Plaza Site (APN 21-730-74) and 2.01-acres at the Forest Lake Christian School Site (APN 21-730-73). Further, Policy 6.2 encourages the clustering of development to preserve open space to enhance visual resources, habitat, and other open space values. This project will provide a total of approximately 40% of the project site (both parcels) for permanent Open Space preservation; and
 - C. The proposed condominium complex is consistent with and furthers the Housing Element of the General Plan Goals and Policies. Specifically Policy H 8.1.7 by providing 10% of the total housing units as affordable housing, Policy H 8.2.3 that encourages UHD lands to be built at their maximum density, Goal H 8.1 by providing a mix of affordable housing units available to all income categories, Objective H 8.1 by assisting in fulfilling the County's Regional Housing Needs Plan Allocation from the State, and Policy H 8.1.6 which encourages the construction of multi-family housing units within Community Regions.

- D. Consistent with General Plan Goal 10.1, this project will assist in developing and maintaining a high level of safety for people and property by paying an extra Fire Services Fee of \$0.23 per square foot over a 5 year period above the standard Fire Service Fee of \$0.44 per square foot as agreed upon by the Developer and the Higgins Fire Protection District; and
 - E. The mixed use concept for the site will provide housing and an employment center in close proximity to a major population center of southwestern Nevada County; and
 - F. The 9.48-acre site and more so the 7.47-acre site proposed for implementation of the Bear River Plaza Master Plan is physically suitable for the requested General Plan designation(s) and zoning district(s) and anticipated commercial and residential uses. The project has direct access to a major collector road, and will provide enhancements to the West Hacienda Drive/Combie Road intersection and Combie Road in the vicinity of the project that will reduce congestion in the area. The site is in an area with a mix of Office Professional, Medium Density Residential, and Commercial uses. The site does not contain significant environmental resources, nor will the development of the site result in significant disturbance of any environmental resources located in the vicinity of the project; and
 - G. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- II. Adopt the proposed Zoning Map Amendment (Z05-002) as shown in the attached Ordinance (Attachment 2) to amend Zoning District Map #046A to reflect the rezoning of the 9.48-acres currently known as APNs: 21-730-73 (2.01-acres) and 21-730-74 (7.47-acres) from C1-SC-SP with a note stating: 2.6-acres Neighborhood Commercial (C1) and the remainder Open Space (OS) to 4.19-acres of C1-SC-SP-PD, 1.88-acres R3-SC-SP-PD, 1.40-acres OS-SC-SP, and 2.01-acres (APN 21-730-73) OS-SC-SP pursuant to the Nevada County Land Use and Development Code Section L-II 5.9 and make the following findings A-H:
- A. The Bear River Plaza Master Plan, implemented through this General Plan Amendment and Rezone, is consistent with Ordinance 1961 requiring a Master Plan for the development of the site and Policy 1.5.t of the Nevada County General Plan in that the project will have a high degree of accessibility to the arterial and major collector road system, while providing good internal vehicular and pedestrian circulation. The proposed General Plan Amendment will result in public benefit by constructing the public multi-purpose path located north of Combie Road and furthers the Goals of the Higgins Area Plan by providing a trail link to connect to other portions of a pedestrian path identified in the Plan. The proposed General plan Amendment will also result in public benefit by installing the proposed Bus Stop in front of the development to provide a convenient and safe location for persons visiting the commercial center and those who live in the residential units; and
 - B. The Bear River Plaza Master Plan also provides permanent Open Space while protecting the sensitive resources identified on the project site. The zoning will ensure the required Open Space is maintained through the project design and protected by the applied OS-SC-SP zoning designation to approximately 1.40-acres of the Bear River Plaza Site (APN 21-730-74) and 2.01-acres at the Forest Lake Christian School Site (APN 21-730-73). Further, Policy 6.2 encourages the clustering of development to preserve open space to enhance visual resources, habitat, and other open space values. This project will provide a total of approximately 40% of the project site (both parcels) for permanent Open Space preservation; and
 - C. The proposed condominium complex is consistent with and furthers the Housing Element of the General Plan Goals and Policies. Specifically Policy H 8.1.7 by providing 10% of

the total housing units as affordable housing, Policy H 8.2.3 that encourages UHD lands to be built at their maximum density, Goal H 8.1 by providing a mix of affordable housing units available to all income categories, Objective H 8.1 by assisting in fulfilling the County's Regional Housing Needs Plan Allocation from the State, and Policy H 8.1.6 which encourages the construction of multi-family housing units within Community Regions; and

- D. Consistent with General Plan Goal 10.1, this project will assist in developing and maintaining a high level of safety for people and property by paying an extra Fire Services Fee of \$0.23 per square foot over a 5 year period above the standard Fire Service Fee of \$0.44 per square foot as agreed upon by the Developer and the Higgins Fire Protection District; and
- E. The mixed use concept for the site will provide housing and an employment center in close proximity to a major population center of southwestern Nevada County; and
- F. The 9.48-acre site and more so the 7.47-acre site proposed for implementation of the Bear River Plaza Master Plan is physically suitable for the requested General Plan designation(s) and zoning district(s) and anticipated commercial and residential uses. The project has direct access to a major collector road, and will provide enhancements to the West Hacienda Drive/Combie Road intersection and Combie Road in the vicinity of the project that will reduce congestion in the area. The site is in an area with a mix of Office Professional, Medium Density Residential, and Commercial uses. The site does not contain significant environmental resources, nor will the development of the site result in significant disturbance of any environmental resources located in the vicinity of the project; and
- G. That the proposed zoning designations of C1-SC-SP-PD, R3-SC-SP-PD and OS-SC-SP are substantially consistent with the proposed NC, UHD, and OS General Plan Designations for the site; and
- H. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Tyler Barrington, Senior Planner, presented a PowerPoint presentation on the consideration of a General Plan Amendment and Zoning Map Amendment to allow the construction of Bear River Plaza at 10762 Combie Road in the Lake of the Pines/Higgins Corner area. After three public hearings, the Planning Commission approved the Mitigated Negative Declaration EIS05-035, Use Permit U05-012, and Tentative Final Map FM08-002, and recommended approval of the proposed General Plan Amendment (GPA) and Rezone. All the decisions on the environmental document, use permit, and final map are final as no appeals were filed, and these approvals are contingent upon the Board's ultimate approval of the GPA and Rezone. Ordinance 1961 established the land use designation and zoning for the project parcel and required the site be developed subject to a Master Plan. He presented a brief history of the project and noted that Planning required that the applicant expand their request for a Rezone and GPA to include the residential component as a stand-alone urban high density and R-3 use. The use permit was required for this project because it is the County's process for adopting a Master Plan. This project is proposed to be constructed in five phases.

The overall site plan and tentative map includes the Combie Road/Hacienda intersection, the four commercial buildings located adjacent to Combie Road, the four residential buildings located in the back of the parcel, the clubhouse and swimming pool, and the multi-purpose trail along the Combie Road Corridor. Mr. Barrington reviewed the proposed phasing plan for the project: Phase 1 includes the first of the two residential buildings, including the western encroachment and all improvements to Combie Road and West Hacienda. Phase 2 includes the remaining two residential structures, the

clubhouse and the pool. Phase 3 will be the first of four commercial buildings and all the infrastructure for the parking area. Phase 4 includes two of the commercial buildings as well as the patio area. Phase 5 includes the final and largest of the four commercial buildings.

The proposed General Plan Amendment is to change the existing General Plan designation of PD to allow for 4.19 acres of Neighborhood Commercial, 1.88 acres of Urban High Density, and 1.4 acres of Open Space for APN 21-730-74, and 2.01 acres of Open Space for APN 21-730-73. The proposed Zoning Map Amendment would amend Zoning District Map 046A to switch the existing C1-SP-SC to a proposed 4.19 acres of C1-SC-SP-PD, 1.88 acres of R3-SC-SP-PD, 1.40 acres of OS-SC-SP for APN 21-730-74 and the remaining 2.0 acres as open space. This proposed rezone includes adding the PD overlay to the residential and commercial portions of the site.

Mr. Barrington concluded that the Planning Commission recommends approval of the proposed GPA and Zoning Map Amendment and staff supports the project because it is development of an infill site within a community region as encouraged by the Nevada County General Plan and the Higgins Area Plan, the improvements to the Combie Road and Combie Road/West Hacienda Drive intersection will assist in minimizing traffic impacts in this area, the project has an affordable housing component and a potential to bring jobs to the area and assist in improving County's jobs/housing balance, and proposes to construct a multi-purpose path and a covered transit stop, and no significant environmental impacts are anticipated to result from the project as mitigated and conditioned.

Mr. Dale Creighton, SCO Planning and Engineering, presented an overview of the project through a PowerPoint presentation. He pointed out that this project addresses all the components outlined in Nevada County's General Plan. Growth will be concentrated into a commercial region, public sewer and public water are available, improvements will benefit the whole area, there is flexibility in the land use designations, mixed uses are being promoted, development is being directed onto a primary arterial roadway, and trail linkages are being provided for pedestrian walkways. The site is within the Higgins Area Fire Protection District and the District can provide services to the site. Design recommendations in the Higgins Area Plan are being followed to match existing architectural components in the area. Mr. Creighton reviewed the proposed improvements to the West Hacienda/Combie Road intersection and the Combie Corridor. Many smart growth principles have been incorporated into this project. Green building practices have been incorporated into the design. The Project improves the jobs/housing balances.

End Tape #08-42

Board questioning ensued.

Supervisor Horne liked the Plan; however, before the Project starts, she wants assurances that the capital is there to move forward with the phases.

Supervisor Beason asked about the Forest Lake Christian Open Space area. Mr. Creighton replied that the Open Space area was purchased by Forest Lake Christian, but the zoning was not changed. This would allow the Open Space area to be zoned appropriately and to be retained in Forest Lake Christian's ownership.

Supervisor Beason believed there is a potential advantage in trying out the mixed-use idea and this Project is the first attempt in the unincorporated area in Western Nevada County. He supported the project.

Supervisor Weston supported the project.

Supervisor Spencer noted that the Forest Lake Christian Open Space area is partially graded and asked if a ball field or recreation would be a permitted use. Mr. Barrington replied that recreational fields are allowed, but would require a Use Permit. Supervisor Spencer asked if the Forest Lake Christian Open Space parcel was fulfilling a requirement for Open Space square footage. Mr. Barrington replied that the Forest Lake Christian parcel was not fulfilling an Open Space requirement. Supervisor Spencer

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asked if in the future the Open Space parcel could be converted into a parking lot through a zone change. Mr. Brian Foss, Principle Planner, replied that if the parcel is zoned Open Space, they would have to go through the appropriate permitting to allow a use to operate within the Open Space site. Mr. Willard Schoellerman, Forest Lake Christian School, pointed out that the Open Space area is designed for a playground and is not intended to be used as a parking lot.

Supervisor Spencer supported the Project.

Chairman Owens believed this Plan is a good model and liked the separation of mixed uses (commercial and residential).

Supervisor Beason stated that this property is being rezoned to allow for the residential part of the Project, and the Open Space helps support it. He pointed out that he would have no enthusiasm for future parking lots in the Open Space area.

Chairman Owens opened the public hearing for public testimony.

Mr. Michael Straight, West Hacienda resident, stated that he had no objections to the project itself; however, he believed the County has been remiss in allowing development without any provision for road maintenance or traffic concerns. He believed that since the County has allowed the development on West Hacienda, they should consider taking over the maintenance of that road. He would also like to see the Conditions of the Use Permits on West Hacienda enforced. Mr. Straight believed South County needs affordable and smaller housing. The original design of the Project was to create an Open Space Corridor along Combie Road, and now the buildings are right on Combie Road. He was sorry to see the Open Space Corridor disappear.

No further public testimony was received and Chairman Owens closed the public hearing.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Weston, to adopt Resolution 08-403. On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Weston, to waive further reading and adopt Ordinance 2273, with Findings I.A-G. On a roll call vote, the motion passed unanimously.

Following a short recess, Chairman Owens called the meeting to order and revisited the last two motions. Mr. Robert Shulman, County Counsel, recommended the Board revisit the Resolution with Findings I.A-G and the Ordinance with Findings I.A-H.

MOTION: Motion restated by Supervisor Horne, seconded by Supervisor Weston, to adopt [Resolution 08-403](#) with Findings I.A-G. On a roll call vote, the motion passed unanimously.

MOTION: Motion restated by Supervisor Horne, seconded by Supervisor Weston, to adopt [Ordinance 2273](#) according to Findings I.A-H. On a roll call vote, the motion passed unanimously.

Chairman Owens recessed as the Nevada County Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

SCHEDULED ITEM: 3:30 P.M.

58. Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.
Call meeting to Order.

ACTION TAKEN: Chairman Owens called the meeting to order. All Directors noted present.

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- a. **Consent:** Chairman Owens introduced the consent calendar.
1. Resolution of application requesting the Nevada County Local Agency Formation Commission (LAFCo) to take proceedings for the annexation of Impact Industrial, a 2.20-acre industrial condominium project, Assessor's Parcel Number 21-780-15, and Trammell Industrial, a 2.11-acre future industrial project, Assessor's Parcel No. 21-780-14, into Nevada County Sanitation District No. 1, Lake of the Pines, Zone 2. (DOS) (Dist. II) ([Resolution SD08-17 adopted](#))
 2. Resolution directing the Auditor-Controller to amend the Fiscal Year 2007/08 Nevada County Sanitation District No. 1 Budget for Higgins Village Wastewater Treatment Plant repairs and maintenance, for a total increase of \$5,600. (DOS) (4/5 affirmative vote required.) (Dist. II) (Pulled from the consent calendar by Director Beason.)
 3. Reappointment of David Rosseau, Lake of the Pines, Zone 2 representative, to the Nevada County Sanitation District No. 1 Advisory Committee, for a term ending June 30, 2010. (Clerk of the Board) (Reappointed)
 4. Acceptance of minutes for July 8 and 15, 2008. (Clerk of the Board) (Accepted)

ACTION TAKEN: Director Beason requested Agenda Item 58.a.2 be pulled from the consent calendar for discussion.

MOTION: Motion made by Director Beason, seconded by Director Spencer, to approve Consent Calendar 58.a.1, 3, and 4. On a roll call vote, the motion passed unanimously.

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2. Resolution directing the Auditor-Controller to amend the Fiscal Year 2007/08 Nevada County Sanitation District No. 1 Budget for Higgins Village Wastewater Treatment Plant repairs and maintenance, for a total increase of \$5,600. (DOS) (4/5 affirmative vote required.) (Dist. II) (Pulled from the consent calendar by Director Beason.)

ACTION TAKEN: Director Beason asked if the proposal was to amend the budget to allow repairs and maintenance to come out of the fund balance. Mr. Mark Miller, Director of Sanitation, concurred.

Director Beason asked how much of the fund balance would be left in the Higgins Village zone if the \$5,600 was authorized. Mr. Gordon Plantenga, Operations Manager, replied that the fund balance would be down to \$3,400. Director Beason recalled that Higgins Village had a successful Prop 218 Protest and asked what happens when there is no longer a fund balance. Mr. Miller replied that at that point, staff would talk to County Counsel to make sure they were on a legal course, but the zone could be loaned money and would be paying interest; however, before that could happen, staff would talk to the zone. Some of the members did indicate they were willing to keep the zone viable because of their commercial interests. Director Beason believed if the zone ran out of fund balance and the Sanitation District or the County would not give them a loan, then the zone would have to deal with the State Water Quality Control Board. Mr. Miller concurred and noted there is a pending insurance settlement that would replenish some of the reserves. Mr. Plantenga added that the settlement check for \$53,904 is in the mail. Director Beason asked if there was a time interval required to reconsider the successful

protest. Mr. Miller believed that with the property owners' assurances, staff could request a vote to reconsider the protest with a minimum timeline for public notice.

Director Horne understood that the property owners were willing to have a discussion with staff on whether the amount of the rate increase was absolutely necessary to run the zone or whether the increase could be slightly different. She asked if there has been such a discussion. Mr. Miller replied that the property owners have not contacted staff directly, but in the time that has passed, some of the plant inadequacies have uncovered that it might cost more to run the plant than initially believed, so the rate would likely be at least as high as was proposed.

Director Horne suggested staff be proactive and contact the property owners to set up a meeting to move this forward and let the property owners know there is a possibility of not being able to service that zone. Mr. Miller replied that staff had made that clear to the property owners earlier, but could certainly contact them.

Chairman Owens suggested the Board consider adopting a policy on what will happen when there is this type of a situation. Mr. Miller stated that staff will investigate adopting a policy.

Director Horne believed the property owners wanted to discuss numbers with staff. She would like to see that discussion take place and then put forth another ballot and get the property owners' approval on it.

MOTION: Motion made by Director Horne, seconded by Director Spencer, to adopt [Resolution SD08-18](#). On a roll call vote, the motion passed unanimously.

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b. **CLOSED SESSION:**

Pursuant to Government Code Section 54956.9(a) there is a need for the Board of Directors to confer in closed session with legal counsel in a case entitled O'Kay vs. County of Nevada, Nevada County Sanitation District No. 1, et. al. (Nevada County Superior Court Case No. 73517).

ACTION TAKEN: Mr. Robert Shulman, County Counsel, read the Board into closed session.

Following the closed session, Mr. Shulman reported there was a discussion, but no action or vote was taken by the Board, and there is nothing further to report.

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c. Public comment. None.

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Adjournment.

ACTION TAKEN: Chairman Owens adjourned as the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

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ADJOURNMENT: There being no further business, Chairman Owens announced that the Board of Supervisors of Nevada County will adjourn to Friday, August 22, 2008, at 1:00 p.m., in Grass Valley, for the joint meeting with the cities and the town. Meeting adjourned at 5:00 p.m.



Ted S. Owens, Chairman

ATTEST:

CATHY R. THOMPSON
Clerk of the Board

By: Donna Landi
Deputy Clerk to the Board