

BOARD OF SUPERVISORS

NOVEMBER 25, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:07 a.m. Chairman Chapman asks for public comment and no comments are received. County Clerk Nagel announces the Closed Session items and the Board recesses to Closed Session at 9:08 a.m. for a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Miles v. Lassen County Agriculture Commissioner/Lassen County and Schmidt v. County Agriculture Commissioner/Lassen County - HUD, cases 09-03-0801 and 09-03-0841-8.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Andy Whiteman and County Clerk Theresa Nagel. Closed Session is recessed at 9:27 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, November 25, 2003, at 9:30 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer (CAO) Andy Whiteman and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Miles v. Lassen County Agriculture Commissioner/Lassen County and Schmidt v. County Agriculture Commissioner/Lassen County - HUD, cases 09-03-0801 and 09-03-0841-8 - no public report because no agreement was reached or agreement is not final.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman announces the Community Development Department has requested the Zoning Ordinance Amendment public hearing be continued to December 16th. He also asks that the meeting today be adjourned in memory of Mabel Jenkins.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to approve the agenda with the noted changes.

PUBLIC COMMENT

Violet Stout apologizes to the farmers for missing the water meeting and expresses her disgust at the waste of water and food that she saw at a casino in Reno.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson reports on: the community scoping meeting on the EIS relating to Dry Valley and Honey Lake Valley water exportation proposals; the meeting sponsored by BLM with the Sonoran Institute; notes that South County Family Resource Center has a new director (Long Valley Elementary Teacher) and he discusses some of the activities they have begun; recognizes Deputy Sheriff Murphy for the good work he is doing in the South County.

2. Supervisor Pyle feels there are positive opportunities for getting mitigations put in place relating to the water exportations; he provides an update on the Westwood Visitors Center noting that CalTrans has put up directional signs, but there are no County signs in place. He asks the CAO to check with Public Works Director Larry Millar on this matter.

3. Supervisor Keefer further reports on the new Lahontan regulations relating to grading and how it affects the Janesville Park project.

4. Supervisor Dahle attended the CSAC Conference and heard that Costco and Boeing are moving their facilities out of California due to the poor business climate - the last straw was Worker's Comp. He also attended a panel that discussed the poor legislation that is resulting from the Southern California fires. RCRC and CSAC are getting together to monitor how legislation is actually implemented in the field after adoption. CSAC will also be helping RCRC obtain representation on NACO.

5. Supervisor Chapman reports on sessions he attended at CSAC: Leon Panetta talked about the concept of "pay as you go" and the need for that strategy in California, and the need for California to concentrate on military base retention. Supervisor Chapman asks the CAO to place a resolution on the next agenda relating to this. He reviews the discussions relating to VLF funding and extensively reviews the discussions of the Local Taxpayers and Public Safety Protection Act Initiative (The Initiative). He obtained information on new speed zone signs that have built-in radar speed notification which he will provide to the Transportation Commission. He attended the Citizens Advisory Committee meeting and went on a tour of the new Ad Seg Unit at High Desert State Prison. There were also discussions about the status of inmate crew fees. He distributes an article entitled "Secret Budget Numbers Baffle

California Experts".

6. Supervisor Pyle designates that \$200 of his discretionary funds go to the Chimney Fund.

7. Supervisor Dahle wants to have more in-depth discussion on The Initiative. Chairman Chapman asks the CAO to schedule a study session in December to discuss VLF Funding and The Initiative.

Recess 10:25 - 10:32 a.m.

PUBLIC HEARING -- VARIANCE #2003-153, LOVE

The public hearing is opened at 10:32 a.m. to consider Variance #2003-153, Thomas and Mary Love: Variance request from the 25 foot rear yard setback under the "C-T" (Town Service) zone, to allow a single family dwelling to be placed 15 feet from the rear property line. The property is located at 692-415 Bengard Way, Bengard Subdivision Number 2, Eagle Lake.

Community Development Director Robert Sorvaag presents the staff report and presents the findings of the Planning Commission and their recommendation for denial of the variance.

David Vandavelde, adjacent landowner, states that he is in the process of building a home and designed the house to meet the 20' setback rules. He also is representing other owners who object to allowing a variance and see the ability to redesign the house to fit on property without making it smaller.

Ron Milton also speaks against granting a variance and states the floor plans could be changed to build a home within the setbacks.

Tom Love states the house size is mandated by the CC&R's (nothing less than 1500 sq. ft.) and states he has worked with his architect and cannot take advantage of the view, meet the CC&R's and fit within the setbacks.

The hearing is closed at 10:46 a.m.

In answer to a question from Supervisor Dahle, Community Development Director Robert Sorvaag states this parcel is zoned commercial and has a 25' setback rather than a residential zoned lot which has a 20' setback.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to uphold the Planning Commission recommendation and deny the variance.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT #318.24, LASSEN COUNTY

The public hearing continued from October 14, 2003, is reopened at 10:49 a.m., to consider the amendment of various Lassen County Code chapters within Title 18, Zoning Ordinance 467 to: update and clarify language; add definitions of terms; implement minor changes to regulations including allowing day care facilities in employment centers, allowing outdoor operations in "B-P" and "M-L" zones with a use permit, establish front and rear setbacks in the "M-1" zone, clarify minimum area required for large animals in the "A" and "AA" combining districts and the Special Provisions, authorize an application to amend an existing use permit under the same procedures for new use permits, and allow reconstruction of a legal non-conforming residence with a use permit, other similar changes; add Chapter 18.33 Commercial-Residential District. The amendments will not change the zoning of any parcel of land. The project is exempt from the California Environmental Quality Act under Section 1561 (b)(3) of the Guidelines.

Chairman Chapman notes the Planning Commission hearing on the amendments was continued to December 3, 2003 and a request has been received from Community Development that this hearing be continued to December 16, 2003. Chairman Chapman continues the hearing as requested.

MILFORD FIRE DISTRICT

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to appoint Dena Wemple and James West to fill vacancies on the Milford Fire District, created by the expiration of appointed terms.

BIG VALLEY RECREATION DISTRICT

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to appoint Marion Parks to fill a vacancy on the Big Valley Recreation District, created by the expiration of appointed terms.

STONES-BENGARD COMMUNITY SERVICES DISTRICT

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to appoint Gary Lemke and Keith Mellor to fill vacancies on the Stones-Bengard Community Services District, created by the expiration of appointed terms.

CHILDREN AND FAMILIES COUNTY COMMISSION

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to appoint Brenda Poteete to fill a vacancy on the Children and Families County Commission created by the

resignation of Karol Merten.

CONSENT CALENDAR

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to take the noted action on the following Consent Calendar items:

COUNTY CLERK ITEM

Approve minutes of November 18, 2003.

COUNTY CLERK - PROPOSITION 65 REPORT ITEM

Receive and file report #03-06, filed by Martin A. Winston, R.E. H.S., MPH, Hazardous Materials Specialist on November 14, 2003 - NOTIFICATION OF HAZARDOUS MATERIALS RELEASE: On November 7, 2003, Lassen County Environmental Health Department received notification that a spill of about 35 gallons of kerosene occurred at 136 South Sacramento Street, Susanville on November 4th and 5th. Removal and proper disposal of contaminated soils will be done by Lassen County Environmental Health and Staub Energy.

ASSESSOR ITEM

Authorize the Chairman to sign a contract with the California State Department of Finance continuing Lassen County's participation in the ninth year of the Property Tax Administration Program.

PROBATION DEPARTMENT ITEM

Approve and authorize the Chairman to sign an agreement with Bar-O-Boys Ranch at the rate of \$2,600 per month, per ward, for placement of Lassen County youths with a juvenile court commitment to a camp.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Mental Health Advisory Board meeting agenda for November 18, 2003, and unapproved minutes of October 14, 2003.
- b. Lassen County Technical Advisory Committee revised meeting agenda for December 2, 2003.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Agricultural Preserve application #2003-124:

The Board considers Agricultural Preserve application #2003-124, Arthur A. George and Margie A. George, to create a farmland security zone on approximately 710 acres of land currently under Williamson Act and enter said land into a Farmland Security Zone Contract. The project site is located approximately 2 miles

northeast of Bieber, on the south side of State Highway 299.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt Land Conservation Committee findings; adopt Resolution No. 03-077, establishing a Farmland Security Zone; and authorize the chairman to execute a Farmland Security Zone contract (including a correction to the percentage figures under the cancellation section to read 50%); and authorize County Recorder to record without fee.

Agricultural Preserve #2003-145:

The Board considers Agricultural Preserve #2003-145, Parks Family Trust, current Williamson Act participants (Agriculture Preserve #AA 134), to amend their present Williamson Act contract to include an additional 307 acres. The project site is located approximately 10 miles southeast of Adin, on both sides of State Highway 139.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Land Conservation Committee findings; adopt Resolution No. 03-078, establishing an agricultural preserve; and authorize Chairman to execute a Williamson Act Contract; and authorize the County Recorder to record without fee.

PUBLIC OFFICE HOURS

CAO Whiteman presents a resolution establishing County Department Public Office Hours.

Supervisor Chapman suggests the department names under Health and Human Services be fixed to reflect the new names. He also suggests the Superior Courts be removed from the list since they are no longer under the jurisdiction of the County and the same for Lassen Regional Solid Waste Management.

Supervisor Keefer has concerns about offices being closed at noon if they serve the public and his focus is primarily on offices within the Courthouse (Treasurer/Tax Collector, Clerk and Assessor).

County Clerk Nagel explains what mandating the extension of public hours can mean to offices with limited staff. Keeping offices open during the lunch hour with limited staff can present a safety issue if there is a problem with a volatile client, as such instances have happened here and in other counties. With prior notice office staff is very willing to accommodate the public's schedule if they are only able to come in during the lunch hour. Most of the Clerk's forms and instructions are available outside the office door as well as on

the Clerk's website (clerk.lassencounty.org). Office hours are extended during election signups at the Clerk's office and tax deadlines at the Tax Collector's office to assist the public. These issues also apply to the Assessor's office. It is suggested that if a member of the public has a problem getting to an office within the scheduled open hours they should call that office and make arrangements with the office staff.

Board members discuss the Mental Health hours (four 10-hour days) and how that is not working well. One of the reasons 10-hour days were started was to save money on travel time for Public Works.

It is felt that schedules should accommodate serving the public, not just the satisfaction of an employee. Things need to change for the betterment of the community. CAO Whiteman acknowledges that 10 hour days might not be working for us now. He will bring this back to the board the first meeting in December.

Supervisor Pyle states his primary concern is the offices are open five days a week.

INFORMATION FOR THE BOARD

CAO Whiteman will submit a report on the VLF funding at the next meeting.

CORRESPONDENCE

A letter from Habitat for Humanity of Lake Almanor requesting the County allow them to purchase County owned property in Chester, is received and filed.

Chairman Chapman directs the CAO to send a letter of response indicating they can participate in an auction of the property.

WILD HERITAGE ACT

Supervisor Chapman provides information on the correspondence from the International Mountain Bicycling Association (IMBA) representative Jim Haagen-Smith to Plumas, Tehama and Lassen County Boards of Supervisors regarding management of public lands in and near these counties being considered as Wilderness designation under Senator Barbara Boxer's Wild Heritage Act.

Following discussion Board consensus is to be a part of the Forest Order Process and to participate along with Plumas and Tehama Counties on a letter to the Forest Service.

HALLELUJAH JUNCTION FIRE PROTECTION DISTRICT

It is moved by Supervisor Hanson, seconded by Supervisor Dahle

and carried to adopt Resolution No. 03-079, making application to LAFCO for the formation of the "Hallelujah Junction Fire Protection District", approving negotiated property tax exchange, and rescinding Resolution No. 03-039, Application for a County Service Area.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:40 a.m. in memory of Mabel Jenkins, a life time member of this community.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD