

## BOARD OF SUPERVISORS

MARCH 22, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, March 22, 2005, at 9:31 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Administrative Officer (CAO) Bill Bixby and County Clerk Theresa Nagel. Supervisor Hanson and County Counsel John Ketelsen are not present at the beginning of the meeting. Following the flag salute, the invocation is offered by Supervisor Keefer.

## ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Keefer announces that no closed session was held.

## AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman requests that Item H-1, Thompson Wilderness Bill, be moved to the April 12, 2005 agenda.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried, with Supervisor Hanson absent, to approve the agenda with the noted deletion. County Counsel John Ketelsen enters at 9:35 a.m.

## PUBLIC COMMENT

Poet Laureate Violet Stout reads poems for Public Guardian Dan Bruce and Personnel Office employee Cheryl Brewster. (Supervisor Hanson enters at 9:38 a.m.) She reads poems entitled "Lassen County's Birthday - April 1, 1864" and for Easter - "God & Man".

## UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle requests the meeting be adjourned in memory of Jimmy Earnest; states he will be attending RCRC this week; will be working with Supervisor Chapman on the Thompson Wilderness Bill.
2. Supervisor Hanson reports on his attendance at the CSAC Conference and a BRAC meeting at the Office of Military Support; commends Tracy Totten for his work on park projects in Doyle and Leavitt Lake; met with HUC and West Patton Village CSD representatives.
3. Supervisor Pyle provides an extensive report on his attendance at the CSAC Conference and meetings with Senator Cox and Assemblyman Keene; notes Lassen

County's display at the State Capitol has beautiful carvings but it looks unfinished and does not depict what the county is like - needs some work; received information that a \$75,000 grant was approved for Lake Forest Park project.

4. Supervisor Chapman met with staff in regard to the Westwood Redevelopment and also visited Westwood.

5. Supervisor Keefer received a message from Tom Esgate that the Pit RCD Cooperative Sagebrush Steppe Restoration Initiative is in the national grant competition; announces he will be on vacation and will miss the April 12th meeting; reports on his attendance at the CSAC Conference.

## COMMUNITY DEVELOPMENT DEPARTMENT - ORDINANCE 502-E

Community Development Director Robert Sorvaag presents more information on the proposed changes to the County Fire Ordinance relating to multiple access; alternatives to underground water storage tank requirement; and waivers of 30 foot setback requirement.

Lassen County Fire Warden Don Posten states the intent is to fix issues that fire agencies have encountered with implementation of the County Fire Ordinance. He reviews the issues relating to each of the items proposed for change. He assures the board members that any variance granted in regard to the 30 foot setback and multiple access will be carefully considered and will do nothing to lessen the success of fire suppression.

Hannah Tangeman-Cheney feels that adjoining landowners should be part of the process in regard to setback waivers, should be notified of waiver requests and also have the ability to appeal a decision. She provides a packet of information that includes Modoc County's Fire Ordinance and makes specific reference to wording in that ordinance suggesting it be used in Lassen County's Ordinance. She informs the board members that she is still waiting for Planning Commission minutes from March and April, 2004 and goes on to compliment the County Clerk's website as a good resource to find information.

Supervisor Keefer states in certain fuel and topography areas there is a need for variance of the multiple access requirement rather than using a broad brush approach. The same thing applies to the setback requirement. He agrees that neighbors probably should be notified.

Supervisor Pyle feels neighbors should be notified and asks Don Posten if this is a problem. Mr. Posten responds the CDF has only one person assigned to inspection and if notification of neighbors is required it should be handled by the Planning Department.

Supervisor Keefer notes the variances are only going to apply in urban areas where there is paving and lawns - not in wildland areas.

Supervisor Hanson feels the most critical item is the underground tank issue and he would like that taken care of soon. He notes variances are only to be used on rare occurrences.

County Counsel John Ketelsen states if notice to neighbors is desired the ordinance needs to be revised before any action is taken.

Chairman Keefer directs Mr. Sorvaag to work with counsel on the revisions and place the ordinance on the April 12th agenda.

### BANNER LASSEN MEDICAL CENTER BONDS

The public hearing is opened at 10:35 a.m. to solicit comments concerning the issuance by the Arizona Health Facilities Authority of its Revenue Bonds (Banner Health), Series 2005, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the issuance by the Arizona Health Facilities Authority of not to exceed \$30,000,000 of Revenue Bonds (Banner Health), Series 2005 (the "Bonds"), the proceeds of which will be lent to Banner Health and used by Banner Health to refinance the costs of construction of Banner Lassen Medical Center and to finance certain miscellaneous capital projects at Banner Lassen Medical Center.

Banner Lassen Medical Center Chief Financial Officer Raoul Miranda provides information on the bond issuance.

No one speaks in opposition to the bond issuance; Raoul Miranda speaks in favor of the bond issuance and the hearing is closed at 10:40 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried, with Supervisor Hanson abstaining, to approve the issuance of the Bonds by the Arizona Health Facilities Authority for the stated purposes, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended; and authorize Chairman to sign the Certificate of Approval for Arizona Health Facilities Authority Revenue Bonds.

### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

The continued Public Hearing from March 15, 2005 is reopened at 10:41 a.m. to consider Herlong Town Planning and Redevelopment Project and Draft Environmental

Impact Report. The project includes a General Plan amendment (#765.01.02) and rezone (#2004-112) establishing specific land use designations and zoning within the project area: the Sierra Army Depot Redevelopment Plan adopted July 2004. The Draft EIR addresses the project and the proposed Amended Sierra Army Depot Redevelopment Plan adding approximately 842 acres to the adopted redevelopment area.

No one speaks in opposition and West Patton Village CSD speaks in favor of the project and Draft EIR and the hearing is closed at 10:42 a.m.

Rick Simon announces that letters were received from the Department of Transportation; Susanville Indian Rancheria; and Department of Toxic Substance Control.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to direct staff to prepare the final EIR, a resolution certifying the final EIR and adopting the General Plan Amendment, and an ordinance implementing zoning for the Herlong Town Planning and Redevelopment Project, for Board action on April 12, 2005; and provide the following directions on the six recommendations from the Planning Commission:

Zoning on portion of Section 28 owned by West Patton Village CSD (480 acres)  
Proposed land use and zoning be changed from Open Space land use and "O-S" zoning to Institutional land use and "I-1" zoning.

Sage Valley Road Area Land Use and Zoning  
Rural Residential designation and "A-2-B-3" zoning not be changed.

Flagler Court Area Zoning  
"R-1" zone be extended north to the Access Road and that the "B-P" zone be extended along the western edge of the "R-1" area.

Land Use and Zoning District Boundaries  
On final land use and zoning maps, district boundaries should follow existing parcel lines wherever practical.

No Airport Alternative  
The No Airport Alternative not be adopted, and the airport remain in its current location until a suitable alternative facility or relocation site becomes available.

### Postpone SIAD Industrial Designation Alternative

The Postpone SIAD Industrial Designation Alternative be adopted with the exception that the East Shore Parcel be designated and zoned Open Space and the Amedee Airfield Parcel be designated and zoned Industrial.

Recess 10:46 - 10:50 a.m.

### REDEVELOPMENT - WESTWOOD

The Board of Supervisors recess and convene as Community Development Commission (CDC).

Community Development Director Robert Sorvaag states the prior postponement of this item has allowed more information to be prepared and notes the hearing date has been moved from June 28th to June 21st which will allow another week at the end of the process if needed.

Westwood resident Julie Bustamante states everyone wants what is best for Westwood and there are different ideas of what is best. She asks the Commissioners to have more community meetings, provide a list of suggested projects, provide more specifics and more clear answers to questions. She asks how the bonds will be repaid if the tax increments do not produce as much as is projected.

Nick Ceaglio wants the Commissioners to go forward slowly, and states there are lots of questions from community members that need to be answered. He wants the community to be actively involved.

Alex deMartimprey wants the process to proceed and mentions a report from the Westwood Community Services District relating to serious concerns with water and sewer infrastructure. He understands these are classic objectives of redevelopment. He wants time to evaluate how redevelopment has worked in other communities. He states the plug can be pulled at any time, but he wants the opportunity to obtain more information.

Westwood Realtor Mel Benney wants the redevelopment to proceed to allow ninety days to study it, and she presents a listing of properties available in Westwood.

Bix Blaufus states more time is needed to study the issue and time for community members to work together.

Supervisor Pyle thinks the process should continue. He states that Julie Bustamante has brought out some good points and there is a need for more community meetings.

He talks about persons that have contacted him with their support for redevelopment. Agrees the Community Services District cannot afford to lose revenue. Acknowledges several of the pictures in the plan are code enforcement issues and lots of the pictures are misleading, but that is not a reason to stop the project.

It is moved by Supervisor Pyle and seconded by Supervisor Hanson to: adopt Resolution No. CDC 05-003, approving the release and referral of the Preliminary Report on Redevelopment Plan for Westwood Redevelopment Project to taxing agencies; adopt Resolution No. CDC 05-004, approving and adopting Rules Governing Participation and Preferences by Property Owners and Business Occupants; adopt Resolution No. CDC 05-005, authorizing transmittal of Redevelopment Plan to Planning Commission; and adopt Resolution No. CDC 05-006 consenting to and calling a Joint Public Hearing between the Board of Supervisors and the Community Development Commission on the Redevelopment Plan for the Westwood Redevelopment Project (June 21, 2005).

Supervisor Chapman states he spent a lot of time reviewing the information and took a trip to Westwood to look at the community. He feels the entire redevelopment process needs to be looked at. Comments on the City of Susanville Redevelopment Plan which was ultimately halted due to a lawsuit by the County. He feels redevelopment is a local version of the Federal and State Government "playing big brother". Diversion of funds and the tax stream is of great concern to him. For a period of 30 to 45 years tax growth in the Westwood community will go to the Community Development Commission to spend as we see fit and the rest of the county will be affected as well with less funds available for things such as law enforcement. He used to think redevelopment was a good process to protect tax funds from being taken by the State, but now funds are being taken from agencies such as the Consolidated Sanitary District and he fears this could happen with redevelopment funds. He states 2/3 of the pictures in the plan do not need to be there as they are not depicting blight or are code enforcement issues. He has concerns over who was not consulted in the process and that includes the community members who should have been included from the beginning of the process.

Supervisor Keefer states that everyone has lost track of why the County sued the City over their redevelopment plan - it was because the City included a large area of property located in the County and were not willing to adjust their redevelopment boundaries.

Supervisor Chapman agrees and states he is glad the County sued the City because the lawsuit set forth redevelopment standards that he also wants the County to adhere to. He states Westwood has seen some of the biggest changes in property values ever and he wants to let the private sector prevail.

Supervisor Dahle wants to let the process proceed to allow the community to determine what they want and states today's action is not the end of the process.

Supervisor Pyle states a community committee will be formed to advise the Commission how the money will be spent.

The motion carries with Supervisor Chapman voting NO.

The Board of Supervisors reconvene.

## SUSANVILLE RANCH PARK

### Civil War Reenactment permit:

Susanville Ranch Manager Peter Heimbigner, along with one of the Civil War enactors, John Crites, presents information on the request for a permit for the Civil War Reenactment and answer questions from board members.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to approve the Permit for Educational Public Exhibition Purposes on County Property for Civil War Reenactment at Susanville Ranch Park on May 12-16, 2005.

### Susanville Ranch Park Grazing Plan:

Mr. Heimbigner reports the fencing project is complete with the exception of installation of gates and a stock watering tank which will be completed prior to livestock being placed on the land. He states the target date is May 23rd with cattle removed the end of June. He presents two bids and recommends the bid with the higher bid amount be awarded.

It is moved by Supervisor Pyle and seconded by Supervisor Dahle to confirm lease to graze Susanville Ranch Park for Spring 2005 to Langston Cattle Company with a bid amount of \$10.05 per AUM.

Supervisor Chapman wants the posting of the area to include a phone number to contact if there are problems. Mr. Heimbigner responds that he also plans to be on-site daily to check for vandalism or other problems.

The motion carries unanimously.

## LASSEN COUNTY FAIR BOARD

The Board of Supervisors recess and convene as the Lassen County Fair Board.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to make the following appointments to fill vacancies on the Lassen County Fair Advisory Board, created by the expiration of appointed terms:

District 1 - Dan Douglas

District 2 - Tim Bruce, Jose Pena

District 4 - Rebecca Albaugh, Leslie Corder

The Board of Supervisors reconvene.

#### LASSEN COUNTY PLANNING COMMISSION

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to make the following appointments to fill vacancies on the Lassen County Planning Commission, created by the expiration of appointed terms:

District 1 - Toni Poulsen

District 2 - Mark Totten

District 4 - Aaron Albaugh

#### LASSEN COUNTY FISH AND GAME COMMISSION

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried to make the following appointments to fill vacancies on the Lassen County Fish and Game Commission, created by the expiration of appointed terms:

District 1 - Chris Gallagher, William Knox, Alternate Steve Dustin

District 2 - Jerry Dieter, Wayne Jambois, Alternate Fred Valentine

District 4 - Buck Parks

#### 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 March 15, 2005.

#### AGRICULTURAL COMMISSIONER ITEM

Approve and authorize Chairman to sign Contract with California Department of Food and Agriculture for Petroleum Inspections for FY 2005/2006.

## HEALTH & SOCIAL SERVICES ITEM

Review and approve the FY 2004/2005 Bioterrorism Agreement with California Department of Health Services for acceptance of funding in the amount of \$148,757 for the continued Public Health preparedness and response to Bioterrorism; and authorize the County Administrative Officer to execute agreement.

## PRISON TRIAL COSTS REIMBURSEMENT PROGRAM ITEMS

Receive and file Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for February, 2005.

## MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Fair Advisory Board meeting minutes of February 8, 2005 and special meeting of February 23, 2005.
- b. Lassen County Air Pollution Control District Governing Board meeting agenda for March 23, 2005.

## LAFCO A87

CAO Bixby states since LAFCO disputes the A87 charges, has refused to pay the \$2,100 bill, and no longer wish to receive services from county staff, he recommends allowing LAFCO to provide its own services and make no attempt to collect the outstanding bill. He notes LAFCO has budgeted \$1,500 for secretarial services from the City of Susanville.

Supervisor Chapman expresses his objections to the way A87 charges are being used to take dollars from general fund activities. He states the general fund supports 50% of the LAFCO costs then the County turns around and bills for A87 charges.

It is moved by Supervisor Dahle and seconded by Supervisor Pyle to authorize the Auditor to turn over to LAFCO all funds being held on its behalf.

Public LAFCO Member Kurt Bonham disagrees with several things the CAO has stated. He states there has not been an in-depth discussion of A87 charges. He states that LAFCO has performed its fiduciary responsibility and has discussed alternatives to using county services. This is not an indication that LAFCO does not want the services, but wants to be better educated on the subject. He also states there has not been any authorization in the county budget for charging LAFCO A87 costs. He had hoped the Board would take an in-depth look at A87 costs and asks the Board to sit down, without an agenda, and fairly study the A87 issues. He submits written statements to the Board.

The motion carries on the following roll call vote: Supervisor Chapman - NO, Supervisor Pyle - YES, Supervisor Hanson - NO, Supervisor Dahle - YES, Supervisor Keefer - YES.

## COMMUNITY DEVELOPMENT DEPARTMENT - ECONOMIC DEVELOPMENT HOUSING

Community Development Director Robert Sorvaag presents a request that the Board of Supervisors convene in special session on April 5, 2005 to consider application for 2005/2006 State of California Department of Housing and Community Development, Community Development Block Grant Program, General Allocation.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to schedule special meeting for April 5, 2005 at 9:30 a.m. in Board of Supervisors Chambers at 707 Nevada Street, Susanville.

## INFORMATION FOR THE BOARD

CAO Bixby distributes a biographical listing of the members of the ambulance service selection committee.

## LEGISLATION

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to approve and authorize the Chairman to sign a letter of support for SB 226 (Cox), to require voter identification at polls.

## ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:05 p.m. in memory of Jimmy Earnest, longtime member of the Big Valley Area involved with youth activities.

---

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

---

THERESA NAGEL, CLERK OF THE BOARD