

## BOARD OF SUPERVISORS

MAY 24, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:05 a.m. Chairman Keefer 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 9:06 a.m. for:

Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Antonio Jimenez, Case #39568; Granville Marshall, Case # CIVS041054; Cynthia, Tannery & Riley O'Neil, Case #38510; Kimberli & Tom Pipes, Case #CIVS021521; Brenda Vasquez, Case #37615; Richardson, Flores, Easton, et.al., Case #41088; Clarence Moses Willis, Case #CIV042060; Kesner Junior Liberal, Case #CV00556; and

Conference with real property negotiator: a) Location - 560 Hospital Lane, Susanville; APN 107-260-53-11; b) Current Owner - Lassen College Foundation, Inc.; c) Subject - Direction to County Administrative Officer regarding negotiations.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman (enters at 9:09 a.m.), Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Bill Bixby, Assistant to the CAO Julie Morgan, Personnel Director Ron Vossler and County Clerk Theresa Nagel. Closed Session is recessed at 9:39 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, May 24, 2005, at 9:41 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer (CAO) Bill Bixby and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Keefer.

## ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with:

Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Antonio Jimenez, Case #39568; Granville Marshall, Case # CIVS041054; Cynthia, Tannery & Riley O'Neil, Case #38510; Kimberli & Tom Pipes, Case #CIVS021521; Brenda Vasquez, Case #37615; Richardson, Flores, Easton, et.al., Case #41088; Clarence Moses Willis, Case #CIV042060; Kesner Junior Liberal, Case #CV00556 - no reportable action taken;

Conference with real property negotiator: a) Location - 560 Hospital Lane, Susanville; APN 107-260-53-11; b) Current Owner - Lassen College Foundation, Inc.; c) Subject - Direction to County Administrative Officer regarding negotiations - motion by Supervisor Chapman, seconded by Supervisor Hanson and carried, to direct the CAO to write a letter to Lassen College

Foundation, Inc. withdrawing all purchase offers and indicating the County is no longer interested in the property.

#### AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to approve the agenda as posted.

#### PUBLIC COMMENT

1. Nevada Process Server Pat Peregrin serves each board member and county counsel with a summons.
2. Poet Laureate Violet Stout reads a poem entitled "Legend of the Moon".

#### UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports on the RCRC meeting and the information received relating to the State Budget; announces he will be attending the WIR meeting in Tacoma this week.
2. Supervisor Hanson reminds everyone of the meeting relating to the Granite Fox Power Facility to be held tomorrow night at the Bureau of Land Management.
3. Supervisor Chapman reports on the Community Action Agency meeting he attended; extends his appreciation to Sheriff's Department administration and staff for the fencing completed between the Susanville Cemetery and the Jail storage yard; announces he received a call from Ed Fulenwider expressing his appreciation for the Adjournment in Memory of Helen Fulenwider; was contacted by the Humane Society regarding the need for cages to segregate cats at the Animal Pound.

#### ALCOHOL AND DRUG ADVISORY BOARD

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to accept the letter from Amber Pangborn resigning from the Alcohol and Drug Advisory Board.

#### CONSENT CALENDAR

Requests for removal from the consent calendar for separate consideration:

CAO Bixby - Item G-3, Victim/Witness Assistance Program; Supervisor Hanson - Item G-4, Children's Medical Services Program Plan.

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

#### COUNTY CLERK ITEM

Approve Minutes of May 17, 2005.

#### ADMINISTRATIVE SERVICES ITEM

Receive and file Personnel Movement report for April, 2005.

#### MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

a. Lassen County In-Home Supportive Services agenda for May 18, 2005.

(Supervisor Chapman departs at 10:04 a.m.)

#### DISTRICT ATTORNEY

CAO Bixby has no objection to approving the Victim/Witness Assistance Program resolution, but he points out the need for the District Attorney to better identify funding sources. He asks the Board to adopt the resolution and he will handle this administratively.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried, with Supervisor Chapman absent, to adopt Resolution No. 05-024, approving the undertaking of the Lassen County District Attorney's Victim/Witness Assistance Program to be funded from the funds available through the State of California administered by the Governor's Office of Emergency Services.

(Supervisor Chapman returns at 10:07 a.m.)

#### HEALTH & SOCIAL SERVICES

Supervisor Hanson has no objection to approving the Children's Medical Services Program (CMSP) application, but has some questions. Health and Social Services Fiscal Officer Diana Wemple will obtain answers to his questions.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to approve the Children's Medical Services Program (CMSP) application; and authorize the CAO to execute the program application and documentation.

#### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION - NOISE

Chairman Keefer announces the Noise Element item is for Board discussion and to provide direction to staff - it is not a public hearing and no final decisions will be made today.

Rick Simon states the issue for consideration is: does the current Noise Element Implementation Program clearly and adequately address existing and foreseeable future noise issues in Lassen County, particularly with respect to the application of noise level performance standards? The overall goals of the Noise Element are to protect the citizens of the county from harmful exposure to excessive noise, and to protect the viability of businesses and industry by minimizing the encroachment of noise-sensitive land uses. For the first time, the Implementation Program of the 1989 Element set forth standards and policies to reduce or avoid noise impacts when new land uses are approved. However, a number of issues have been raised about the way the standards should be interpreted and applied. He notes the Board gave direction to staff to "surgically amend" the Noise Element to clarify the Board's intent with regard to how the standards would be applied, and how much and in what situations flexibility would be considered. In preparing the staff analysis and recommendations they reviewed the September 2004 letter from Brown-Buntin Associates (the consultant that prepared the Noise Element in 1989) which suggested certain changes in the Element would be appropriate, and reviewed the up-to-date draft noise elements

for Sonoma and Siskiyou Counties. They also consulted with Wilson, Ihrig and Associates, the consultants currently performing noise monitoring at the Honey Lake Motocross Park under contract with the County.

Mr. Simon reviews the current implementation program, presents options for consideration and answers questions from board members. Supervisor Hanson wants more information on what the noise levels are along highways (such as Hwy 395) before taking any action on Policy 1, Comment 2.

Tom Morgan presents two letters relating to noise from the motocross track and states the noise issues need to be resolved before any changes are made to the Noise Element.

Larry Wosick is glad to see the very-dated Noise Element being up-dated. He comments on the Board's directions to staff and states that staff may be going overboard. He does not want the process to become bogged-down because of too many changes. He states the ambient noise is a major factor and needs to be taken into consideration. States the highest noise measured at the track has been noted to be from ambient noise sources (highway noise, aircraft, birds). Also states a critical factor is where the noise is measured - it is crucial the measurements be at the affected residences. He gives examples of how measuring at a property line can be much different than at a residence located at a considerable distance from the property line. Also gives examples of terrain conditions that can lessen the noise from a nearby source (residence located near a highway, but in a swale) or increase the noise from a much further distance (residence further from a highway, but on an open hillside).

Supervisor Keefer states the measurement location needs to be carefully considered and asks Rick Simon for a better explanation of Option 3 relating to location of measurement. Mr. Simon responds the option would be: on residential lands with no houses, measurement would be at the property line; if residences were present, the measurement would be at the residence.

Supervisor Dahle feels measurement should be at the residence, if a residence is present. (County Counsel John Ketelsen departs at 10:53 a.m.)

Supervisor Chapman feels Option 3 gives flexibility for future development. (County Counsel returns at 10:56 a.m.)

Board members indicate the desire to discuss each of the policies and provide direction on which is the preferred option.

Policy 1 (Existing Language): "Noise created by locally-regulated noise sources associated with new projects or developments shall be controlled so as not to exceed the noise level standards as set forth below [Table III] as measured at any affected residentially designated lands or land use situated in either the incorporated or unincorporated areas. New residential development shall not be allowed where the ambient noise level due to locally-regulated noise sources will exceed

the noise level standards as set forth below [Table III]. These standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings)."

*Comment 1 (Policy 1):*

*The phrase "as measured at any affected residentially designated lands or land use" is ambiguous as to where the measurement should be taken (i.e., at the property line or at the residence), and suggests that the Table III standards would apply wherever there is a house, not just in residential districts.*

Options:

a) If the Board intends that the Table III standards apply only in relation to lands designated for residential use (i.e., lands designated as urban, estate, rural and agricultural residential, and not on lands designated as extensive or intensive agriculture that may also support farm dwellings), the phrase should be revised to read:

"as measured at the property line or zoning boundary of any residentially designated lands"

b) If the Board intends that the standards apply in relation to any property that supports a residence (excluding caretaker dwellings), the phrase should be revised to read:

"as measured at the property line or zoning boundary of any residentially designated lands, or any affected land upon which a house is built or may be built in the reasonably foreseeable future."

*Comment 2 (Policy 1):*

*In the phrase "New residential development shall not be allowed where the ambient noise level due to locally-regulated noise sources will exceed the noise level standards as set forth below" the term "residential development" should be defined to clarify that it means new land divisions intended for residential use, not construction of dwellings on existing parcels (see discussion on Policy 4 below).*

Options: a) Revise the phrase to read:

New land divisions intended primarily for residential use shall not be allowed

b) Leave the phrase as is. No revision.

Policy 1 Table III (Existing Language):

TABLE III

## NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS AND DEVELOPMENTS

### Exterior Noise Level Standards, dBA

<u>Category</u>	Cumulative Number of Minutes in any one- <u>hour Time Period</u>	Daytime 7 a.m. to <u>10 p.m.</u>	Nighttime 10 p.m. to <u>7 a.m.</u>
1	30	50	40
2	15	55	45
3	5	60	50
4	1	65	55
5	0	70	60

Each of the noise level standards specified above shall be reduced by five dBA for simple tones, noises consisting primarily of speech or music, or for recurring impulsive noises.

*Comment 1 (Noise Level Performance Standards):*

*The September 2004 letter from the consultant that prepared the County=s Noise Element (Brown-Buntin Associates, Inc.) confirms that the intent of Table III was that the noise level performance standards would apply to consistent and on-going noise levels such as those associated with commercial or industrial operations. The letter indicates, and staff has confirmed through other noise experts, that noise control policies and standards commonly include a higher threshold of acceptable noise for occasional noise sources such as concerts, motorized vehicle races and other special events (e.g., civil war reenactments). Typically, the higher noise threshold for occasional events is 5 dBA higher than the standard for continuous noise sources. Occasional event approval should limit the number of events and include a requirement that a noise management plan addressing maximum noise level limits, noise monitoring and reporting, complaint response and hours of operation be approved.*

Options:

a) Add a policy (1a) that allows a higher threshold of noise for occasional events:

A1a. For occasional noise-generating events, such as concerts and motor vehicle races, the allowable noise level performance standards in Table III may be increased five (5) dBA. All such events shall be subject to a noise management plan including at least the following: provisions for maximum noise level limits, maximum number of events, noise monitoring and reporting, complaint response plan and hours of operation. Additional provisions may be required by the County. If the event otherwise requires County approval (e.g., Use Permit, Building Permit, Certificate of Conditional Use) the noise management plan shall be considered and incorporated into the approval process. @

b) No change to the existing standards.

*Comment 2 (Noise Level Performance Standards):*

*We have also learned from noise consultants and review of recent noise elements from other jurisdictions, that ambient noise is also commonly addressed as an exception to the strict*

*application of noise level performance standards. A typical policy will allow that if the ambient noise level (i.e., existing background noise) exceeds the standard, the standard should be adjusted to equal the ambient level. This way new noise sources are not penalized if they locate in an area with high ambient noise, but the standard still holds them to existing noise levels.*

Options:

a) Add a policy (1b) that allows an adjustment of the standard to equal the ambient noise level:

1b. If the ambient noise level exceeds the standard in Table III, the standard may be adjusted to equal the ambient level.

b) No change to the existing standards.

Policy 4 (Existing Language):

A New development of residential land uses will not be permitted in noise-impacted areas unless the project design includes effective mitigation measures to reduce noise to the following levels:

Y@

*Comment (Policy 4):*

*The phrase A New development of residential land uses Y@ should apply to both new land divisions for residential purposes and to new homes built on existing parcels within noise impacted areas.*

Options:

a) Revise Policy 4 to read:

A New land divisions for residential use and construction of new residential dwellings on existing parcels Y@

b) No change to policy 4.

Policy 5 (Existing Language):

A Where new residential land uses are proposed in a noise-impacted area, an acoustical analysis shall be required as part of the environmental review process Y@

*Comment (Policy 5):*

*The phrase A new residential land uses Y@ should apply to both new land divisions for residential purposes and to new homes built on existing parcels.*

Options:

a) Revise Policy 5 to read:

Where new residential land divisions and/or new residential dwellings on existing parcels are proposed in a noise-impacted area

b) No change to policy 5.

## PROCEDURE

If revisions to the Noise Element are warranted, the Board should indicate which of the options listed (or variations of them) are preferred and direct staff to begin the amendment process. This would be an amendment to the General Plan and would be processed in accordance with Government Code '65350 et seq. Preparation, Adoption and Amendment of the General Plan. The revisions must be evaluated under the California Environmental Quality Act (CEQA) and referred to the Planning Commission for public hearing, and recommendation. Upon receiving the Planning Commission's recommendation, the Board holds its own public hearing and may then adopt the amendment(s) by resolution. If the Board so directs today, the revisions would likely go before the Planning Commission in June, and to the Board in late June or early July. (At this point staff expects that a Negative Declaration would be adequate under CEQA).

### **Board directions:**

*Comment 1 (Policy 1):*

Option c) - on residential lands with no houses measurement would be at the property line, but if residences were present the measurement would be at the residence.

*Comment 2 (Policy 1):*

Option a) - Revise the phrase to read:

New land divisions intended primarily for residential use shall not be allowed, but add flexibility to the "not allowed" wording.

Also need to reference the Right to Farm Ordinance relating to noise.

*Comment (Policy 4):*

Options a) Revise Policy 4 to read:

New land divisions for residential use and construction of new residential dwellings on existing parcels

*Comment (Policy 5):*

Option a) Revise Policy 5 to read:

Where new residential land divisions and/or new residential dwellings on existing parcels are proposed in a noise-impacted area

*Table III - Comment 1 (Noise Level Performance Standards):*

Option:

a) Add a policy (1a) that allows a higher threshold of noise for occasional events:

A1a. For occasional noise-generating events, such as concerts and motor vehicle races, the allowable noise level performance standards in Table III may be increased five (5) dBA. All such events shall be subject to a noise management plan including at least the following: provisions for maximum noise level limits, maximum number of events, noise monitoring and reporting, complaint response plan and hours of operation. Additional provisions may be required by the County. If the event otherwise requires County approval (e.g., Use Permit, Building Permit, Certificate of Conditional Use) the noise management plan shall be considered and incorporated into the approval process. @

Add Option c) - does not apply to occasional events or where ambient noise exceeds the levels in the table.

Supervisor Chapman does not believe the original intent of the noise element was to apply to occasional events and he refers to Friday night football games, auto races at the fairgrounds, and events with music held at Pancera Plaza which can all be heard at great distances.

*Table III - Comment 2 (Noise Level Performance Standards):*

Larry Wosick asks for clarification on the ambient noise table. Rick Simon explains the concept - bump up the numbers by 5 and if the ambient noise exceeds any level in the table then that becomes the level (i.e. if the level is 70 and ambient noise is 74 then the bump is to 75; if the ambient is 78 then the maximum is 78). Special events have the option for a higher dBA via a use permit. Mr. Wosick feels the bump should be 5 dBA over the standard. Supervisor Keefer and Supervisor Dahle agree and state it is necessary to be very careful with the language.

Recess 11:34 - 11:36 a.m.

## PLANNING DIVISION-WATER

Community Development Director Robert Sorvaag provides an update on the North Valleys Water Projects Draft Environmental Impact Statement for the Carson City Field Office of the Bureau of Land Management. The project consists of two separate water supply and transmission projects from Fish Springs Ranch LLC and Intermountain Water Supply LTD (Dry Valley), to construct and operate water wells and pipelines in Washoe County, Nevada that are proposed to transmit groundwater from the Honey Lake Basin to the Stead/Silver Lake/Lemon Valley areas north of Reno. The draft EIS and summary became available for public review on May 20th and will continue until July 20th. A public comment meeting is scheduled for 6:00 p.m. on June 28th at Jensen Hall. A copy of the EIS is available at the Susanville Library and a CD of the EIS can be obtained by contacting Terry Knutsen at the Carson City BLM, 775-885-6156.

## HEALTH & SOCIAL SERVICES

Health & Social Services Fiscal Officer Diana Wemple presents information on the research performed to find an accounting program for the department.

It is moved by Supervisor Dahle and seconded by Supervisor Hanson to authorize purchase of Best Software's MIP Fund Accounting Series Pro Software from Ziegner Technologies, Inc. in the amount of \$36,116.

Supervisor Chapman comments on how this may affect staffing in the Auditor's Office (possible decreases) and Health and Social Services (possible increases); lessening A87 costs as the Auditor's workload will decrease; ability of this software to make electronic transfers and he wonders why it can't be used for the other financial systems.

Diana Wemple responds the first six months will be time intensive and there will be a need for overtime, but when the program is fully implemented extra time/staff will not be required. She states when the Auditor's financial programs are upgraded to allow electronic transfers it should lessen the Auditor staff time needed, but that is not the case at this time.

Deputy CAO for Health and Social Services Kevin Mannel states it was hoped the Auditor and his department could use the same systems, but the Auditor was not ready to make that move and his department needed to move ahead.

The motion carries.

CORRESPONDENCE

1. A letter from David Escobar Jr., RN, BSN, of Westwood, requesting the public comment period on the Dyer Mountain DEIR be extended to 90 days, is received and filed.

INFORMATION FOR THE BOARD

- 1. Community Development Director Robert Sorvaag provides information on the Granite Fox Power Plant project and the water needs that are proposed.
- 2. Community Development Director Robert Sorvaag informs the board members of another water issue relating to a move by Nevada to export groundwater across the border in relation to developments near Bordertown.

There being no further business, the meeting is adjourned at 12:01 p.m.

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SUPERVISORS

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CHAIRMAN OF THE BOARD OF

ATTEST:

\_\_\_\_\_  
THERESA NAGEL, CLERK OF THE BOARD