

BOARD OF SUPERVISORS

OCTOBER 25, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, October 25, 2005, at 9:31 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel Craig Settlemyre, County Administrative Officer (CAO) John Ketelsen and County Clerk Theresa Nagel. 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 the meeting be adjourned in memory of Phyllis Metz and Claris Nereim.

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

PUBLIC COMMENT

Poet Laureate Violet Stout reads a poem entitled "Born to Serve" which was written for Sgt. Adam Skillen.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle announces that \$3000 was raised for the Big Valley Child Care Center and a workday will be held on November 15th to place playground equipment.
2. Supervisor Chapman would like a letter to Plumas National Forest with copies to Lassen National Forest and Lassen National Park placed on the next agenda relating to control burns and the smoke generated by them, and goes on to discuss the bad smoke in the area this weekend.
3. Supervisor Chapman makes the following designations from his discretionary funds: \$1000 to Susanville Library; \$1000 to Lassen Arts Council; \$500 to the "Carrie the Blanket" project; \$250 to Susanville Ranch Park Administration for maps/brochures, etc. Supervisor Dahle also designates \$250 to Susanville Ranch Park Administration.
4. Supervisor Chapman notes the City of Susanville adopted a resolution changing

Rocky Ridge Drive to Anderson Drive.

5. Supervisor Keefer further discusses the control burn smoke issues and also notes that Dyer Mt. Associates have investors coming and have real concerns about the smoke.

6. Supervisor Keefer reports on the Fire Safe Council meeting and things that Tom Esgate is working on and will bring to the Board at a later date; reports on the Economic Development Coordinating Council meeting - a very good meeting.

PUBLIC COMMENT CONT.

Air Pollution Officer Ken Smith set up the air monitoring machine on Monday and the first reading was 177. State air quality standards are maximum of 50 and Federal standards are 150. During the monitoring the State standards were always exceeded until the wind started at 11:00 p.m. He notes the State ARP had designated this weekend as burn days, therefore the burns were allowed. He has now overridden the State ARP designation and declared the next couple of days as "no burn days" in Honey Lake Valley. He will be doing further monitoring in the County. He provides further information on what controls he has been placing on control burns.

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 October 18, 2005.

ADMINISTRATIVE SERVICES ITEM

Receive and file Personnel Movement report for September, 2005.

BOARD OF SUPERVISORS ITEM

Adopt Veterans Day Proclamation.

COMMUNITY DEVELOPMENT DEPARTMENT ITEM

Approve contract change order for Community Development Block Grant No. 02-EDBG-906, Construction of Rocky Ridge Drive infrastructure; and authorize County Administrative Officer or designee to approve any future change orders in accordance with Public Contract Code Sec. 20137.

HEALTH & SOCIAL SERVICES ITEM

Approve Creation of Families and Children Protective Services Social Worker Supervisor II position.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION ITEM

Authorize transmission replacement in 1976 CAT 130G (M-13), with Cashman Equipment Company, Sparks, NV in an amount not-to-exceed \$18,000.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Transit Utilization and Performance Committee meeting agenda for October 19, 2005, and minutes of September 21, 2005.
- b. Alcohol & Drug Advisory Board meeting agenda for October 18, 2005.

AGRICULTURAL COMMISSIONER

Agriculture Commissioner Ken Smith presents reports on weed control and Mormon Crickets during the 2005 season, and plans for mosquito abatement.

Weeds:

Funding for weed control decreased for 2005 due to a reduction in the RAC grant. Total net acres treated was 433 with Scotch Thistle and Tall White Top the two top species treated. Fifty acres of roadside in the Honey Lake Valley were treated from shoulder to fence line; .6 net acres of Showy Milkweed were treated and several infestations of Yellow Star Thistle are being treated with biological control agents such as seed head weevils.

Mormon Crickets:

This year there was a dramatic drop in infested acres of Mormon Crickets from last years level of 110,000 acres, down to 11,000 acres. Severe winter and early spring weather resulted in a major impact on hatching of eggs and larvae development. The threat from invasion from Washoe County still exists and the USDA has been requested to provide survey crews again next year.

Mosquitos:

In Lassen County several dead birds and at least one horse have tested positive for West Nile Virus. Ken Smith and staff have been working with the State Health Department staff to develop a plan for Lassen County that will maximize its \$100K funding award. The current plan is to use the funding as seed money to develop a longer term program which would include the purchase of equipment, chemicals, and biological agents for spot treatments of key sites by ground application. This plan would stretch the funding award over several years and would hopefully lead to more permanent funding for an ongoing mosquito control program.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried to adopt Resolution No. 05-057, designating Share the Road Routes within Lassen County.

PUBLIC HEARING - VARIANCE #2005-115, LEWIS

The public hearing is opened at 10:17 a.m. on Variance request #2005-115, Brett and Jennifer Lewis, to vary from Fire Safety Ordinance 502, building setback requirement (30 feet) and Lassen County Zoning side yard setback requirements for properties zoned A-2, Agricultural Residential, (15 feet). The applicant is proposing to build an addition to their existing home, resulting in a side yard setback of seven feet. The existing detached garage is currently seven feet from the property line. The subject property is located at 706-590 Hwy 395 E, approximately three miles from the Hwy 36 junction, Johnstonville. APN 116-160-18.

Planner Rick Simon presents the staff report and Planning Commission's recommendation to deny the variance. He notes the applicants were not in attendance at the Planning Commission hearing and the Planning Commission found no extraordinary circumstances to support the need for a variance.

Supervisor Keefer notes the Susan River Fire District and the County Fire Warden had no problems with the issuance of a variance.

It is also noted an existing garage is within 7 feet of the property line.

No one speaks in opposition to the variance.

Brett Lewis speaks in favor of the variance stating the home is a very old house and if the direction of the planned expansion is changed, as recommended by the Planning Commission, it would require removal of the roof at a big expense.

Jennifer Lewis stresses the conversion of the garage to a family room is important in making this expansion affordable. She also stresses tearing off the roof is very expensive and would be a real problem.

The hearing is closed at 10:34 a.m. Discussion is held among board members and staff.

It is moved by Supervisor Pyle and seconded by Supervisor Chapman to overturn the Planning Commission recommendation to deny the variance; adopt Resolution No. 05-055 approving the variance with the following findings:

1) Exceptional Circumstances - a lawfully constructed pre-existing building (garage) is

within 7 feet of the property line;

2) Necessary enjoyment - conversion of the garage to a family room and not having to remove the roof make the expansion affordable;

3) No harm to neighbors - no evidence of harm to neighbors was shown and a letter from applicants indicate the neighbors were spoken to and did not oppose their plans, also letters from Susan River Fire District and the County Fire Warden indicate no opposition to the project.

The motion carries on a roll call vote with Supervisor Dahle voting NO.

Recess 10:53 - 11:00 a.m.

PLANNING DIVISION

Planner Rick Simon presents Williamson Act contracts AA-41 & 97 as related to Lot Line Adjustment application #2005-117, Adair Brown. The properties are located on the north side of Cappezzoli Lane, approximately 2 miles south of Standish - APN(s): 119-370-05 & 25.

Board members point out errors in the resolution they have before them. County Counsel Craig Settlemire also points out changes that will be made to the resolution and the contracts prior to execution.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to receive the Technical Advisory Committee's findings and conditions for approval of Lot Line Adjustment 2005-117; receive and adopt the Land Conservation Committee's findings and recommendation as related to Williamson Act contracts; and adopt Resolution No. 05-056, rescinding portions of Williamson Act contracts AA-41 & 97 and authorizing the execution of two new Williamson Act contracts on the adjusted parcels resulting from Lot Line Adjustment 2005-117, with the changes outlined by County Counsel.

INFORMATION FOR THE BOARD

1. CAO Ketelsen should have an appraisal on the property adjacent to the County Jail by October 30th.
2. CAO Ketelsen will place an item on the next agenda relating to the \$40,000 designated during the budget session for donation to Chambers of Commerce.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:20 a.m. in memory of Phyllis Metz, Claris Nereim and Louis Pyle.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD