

BOARD OF SUPERVISORS

JULY 24, 2007

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, July 24, 2007, at 9:32 a.m. Present: Supervisors Brian Dahle, Robert Pyle, Jim Chapman, Lloyd Keefer, and Jack Hanson; County Counsel Craig Settlemyre, County Administrative Officer (CAO) John Ketelsen and Deputy Clerk of the Board Susan Osgood. Following the flag salute, the invocation is offered by Supervisor Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Dahle announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

Chairman Dahle asks for public comment and no comments are received.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman states he has a draft letter to Dimitrious Fylaktos and Lauren Argyriadis for today's agenda.
2. Supervisor Chapman states he has never seen the fairgrounds look as nice as they did this year. He feels staff and those who worked on putting the Fair together need to be commended and suggests the Board make a special presentation to Fair Manager Jim Wolcott and others who worked on it. He states he is really proud of the facility. Supervisor Hanson states volunteers Kathy and Mike Justice should be recognized.
3. Supervisor Chapman states the PBS Special regarding Susanville titled "Prison Town USA" is scheduled to air tonight at 7:00 p.m. on the local cable station.
4. Supervisor Keefer agrees with the comments made regarding the Fair; he received a lot of good comments about it. He feels Jim Wolcott and the Board deserve a lot of credit for that as well as the volunteers. Dan and Debbie Lucero should also be recognized and he doesn't want to miss anyone else who volunteered. Supervisor Keefer states he had a lot of concerns about how the livestock auction was going to go with the open-style temporary facility but was impressed with how it was set up. He feels the Board should consider it when looking at a new building; it may be something to look at for the future.
5. Supervisor Pyle agrees with all the comments regarding the Fair. He noticed the good attitude and cooperation between the Fair Manager, the Fair Board, the public and volunteers; everybody is happy and wanting to help each other.
6. Supervisor Hanson reports the Change of Command at Sierra Army Depot will be held on Thursday July 26. Supervisor Chapman states he will not be able to attend either the Nortec meeting or the Change of Command.

6. Supervisor Dahle also agrees with the comments regarding the Fair; everything went very well. He will attend the Sierra Nevada Conservancy meeting in Truckee on Thursday July 26.

CONSENT CALENDAR

Supervisor Hanson requests Item G7 Public Works – Bid Award be pulled for separate consideration.

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

PROBATION DEPARTMENT ITEMS

AGREEMENT

Approve agreement with ISD Corporation for the Level 1 (High) and Level 2/Level 3 (Medium) support calls maintenance and support of Probation CASE database system, in the amount of \$10,215, through June 30, 2008, and authorize the Chief Probation Officer to sign. The agreement does not include any new modifications.

CONTRACT

Approve contract for placement of juvenile court wards at Crystal Creek Juvenile Detention Facility at the rate of \$93 per day, plus additional costs for services, and authorize the Chief Probation Officer to sign.

AGREEMENT

Approve Placement Agreement with Bar-O-Boys Ranch for placement of Lassen County youth with a juvenile court commitment to a camp at the rate of \$3,150 per month per ward and approve signatures from the Chairman of the Board and the Clerk to the Board of Supervisors.

AMENDMENT

Approve amendment to Space Available Agreement with Fouts Springs Youth Facility for placement of Lassen County youths with a juvenile court commitment to a camp, and authorize the Chairman to sign. The space available rate is \$3,600 per month per ward.

RESOLUTION

Adopt Resolution No. 07-033 authorizing the Chief Probation Officer or her designee to sign the application for FY 2007-08 Comprehensive Juvenile Justice Plan as well as related contracts, amendments, or extensions with the State of California.

AGREEMENTS

Approve agreements between Lassen County, Plumas County and Modoc County for placements in Juvenile Hall, and authorize the Chief Probation Officer to sign. The agreement with each county specifies a per diem rate of \$110 for each 24-hour day payable to Lassen County in addition to any reimbursements for medical services, psychological services and education services.

PUBLIC WORKS DEPARTMENT ITEMS

SURVEYOR DIVISION - LARRY & RETA STANDIFORD

Adopt Resolution No. 07-034 approving Parcel Map #2001-120, Leavitt Lake Community Services District (CSD) & Larry & Reta Standiford.

SURVEYOR DIVISION - DAVID & CATHERINE SCHROEDER

Adopt Resolution No. 07-035 approving Parcel Map Phase One #2006-066, David & Catherine Schroeder.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Susanville City Council meeting agenda for July 18, 2007, and minutes of April 4, 2007.
- b. Lassen County Alcohol & Drug Advisory Board meeting agenda for August 2, 2007.

PUBLIC WORKS - ROAD DIVISION - BID AWARD

The agenda item is a request to award bid for construction of Robinson Canyon Mitigation Site to Larimer and Surian Construction. Supervisor Hanson removed this agenda item from the Consent Calendar for discussion. He states he is sorry to keep bringing the subject up, but he continues to have a problem with the logic of this location; he feels there is a cheaper piece of property that is closer to the project. He hopes that in the future Boards would have a different way of approving or accepting where mitigation projects take place and estimate what it will take to work. Supervisor Dahle notes that this Board has no choice in this; they are stuck with this decision due to another Board's actions. Supervisor Chapman states he would like the public to be aware that this was done less than above board. He would like to see a formal policy drafted on how the department can conduct public business such as this in a proper manner to avoid this kind of scenario from happening again. Supervisor Keefer states he agrees with the other Supervisors that this Board did not have any other alternative in this matter.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to: 1) award contract for "Construction of Robinson Canyon Mitigation Site located near Doyle, California" to Larimer and Surian Construction, the lowest bidder meeting specifications, in the amount of \$445,895; 2) authorize the Director of Public Works to sign the Agreement once it has been approved by County Counsel; and, 3) authorize the Director of Public Works to authorize Change Orders up to an amount "not-to-exceed" \$45,000.

BOARD OF SUPERVISORS - SUPERVISOR CHAPMAN

Supervisor Chapman distributes information he compiled regarding the request for relief of taxes on N. McDow Street property filed by Dimitrous Fylaktos and Lauren Argyriadis filed May 4, 2007. Mr. Chapman reports in detail on the history of this property. The property was acquired from the Lassen County Treasurer's office at a tax sale in "as is" condition on May 6, 2004. Water and sewer services had been disconnected due to the prior owner. A small claims action was filed against Lassen County Treasurer Richard Egan, the City of Susanville and the Susanville Sanitary District because they could not live in the house. The Treasurer was absolved of any responsibility thereby removing the County's

interest in the case. It became a dispute with the Sanitary District. The County's claims adjuster and Assessor Ken Bunch advised Mr. Fylaktos that he could go through the tax assessment appeal process if he felt the tax evaluation or assessment was incorrect. Mr. Chapman pointed out that if Mr. Fylaktos did want to pursue the appeal process, his property could be shown as worth more money than it is currently appraised.

It is moved by Supervisor Chapman, seconded by Supervisor Hanson and carried to approve letter of response to the Dimitrous Fylaktos/Lauren Argyriadis request for relief of taxes on N. McDow Street property after being reviewed and changed by County Counsel, if necessary.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION - PACIFIC HOLT

Chief Planner Maurice Anderson presents information on the agenda request for Environmental Determination on proposed General Plan Amendment #765.01.18, Rezone #2006-093, Parcel Map #2006-093 (Pacific Holt), which is a proposal for a general plan amendment, a rezone and a map to subdivide 120 acres into 10 acre parcels. The item was continued at the request of Pacific Holt from the June 26, 2007 meeting. The project was submitted in December, 2006 and the applicant has asked for several continuances which then brought the matter to the Planning Commission four months ago. The Planning Commission determined, and concurred with the Environmental Review Officer, that the proposed project should have an Environmental Impact Review (EIR). The applicant submitted a great deal of information in response to the initial study that was done by staff. A memo from Community Development Department Planner Rick Simon that responded to the applicant's supplemental information was adopted by the Planning Commission as their findings for recommending an EIR.

Pacific Holt Corporation representative Mark Herman presents detailed information on the Appeal of the Planning Commission's recommendation for an EIR to be prepared for Mountain View Estates Project. He lists Pacific Holt's Comments, "a through p", disputing staff evaluation statements regarding Land Use and Planning, Wildlife Resources, Open Space, Population and Housing, Geologic Problems, Water, Air Quality Transportation and Circulation, Biological Resources, Utilities, Aesthetics and Mandatory Findings of Significance. Mr. Herman requests the Board revise the determination to be for a Mitigated Negative Declaration.

No one speaks in favor of or in opposition to the appeal. The Public Hearing is closed at 10:44 a.m.

Supervisor Hanson states he is concerned with several things regarding this project. Comparisons have been made to the Sphar project but Supervisor Hanson sees a difference between the two projects and the two parcels, especially when it comes to aesthetics and agricultural (ag) land conversion. U.S. Highway 395 is a mess with too many easements or encroachments onto the highway. He feels there needs to be a comprehensive plan for that corridor between Caltrans and the County. He states he is sorry that an EIR wasn't done in December. Mr. Herman's document is well prepared and

Supervisor Hanson hopes Mr. Herman can work with staff to get the EIR completed and the project done.

Supervisor Chapman states there is a need to find appropriate sites throughout the County for housing. Also states his concern relating to encroachments onto U.S. Highway 395; he would like to see a corridor study done by Caltrans encompassing Johnstonville to Hallelujah Junction. Supervisor Chapman states this project is on the Honey Lake side of the highway which creates a different set of dynamics from the Sphar project. He agrees that an EIR should be done and upholds the Planning Commission's decision. Supervisor Keefer agrees with many of the comments made. He also has a problem with the ag conversion issue. States the property has a history of ag use and adjacent properties are used for grazing and ag crops.

It is moved by Supervisor Hanson, to uphold the Planning Commission's recommendation and deny the appeal. Supervisor Chapman seconds the motion. County Counsel Settlemire suggests that the motion be put in terms of "following the recommendation of the Planning Commission". Supervisor Hanson rescinds his previous motion and Supervisor Chapman agrees.

It is moved by Supervisor Hanson and seconded by Supervisor Chapman that the Board of Supervisors upholds the Planning Commission's recommendation to confirm the findings of the Environmental Review Officer (ERO) that an Environmental Impact Report (EIR) is the appropriate document required in this matter. The motion carries unanimously on a roll call vote.

PUBLIC COMMENT

Honey Lake Motocross Park (HLMP) owner Lise Wosick thanks the Board for allowing her the time to speak. Mrs. Wosick states the Supervisors held a closed session pertaining to the Wosick's settlement offer for sound bills accrued to date. In the closed session the Board decided to not consider the offer, which was the cost of monitoring that was done for the first several events. The Wosicks believe that this item under closed session may not have had accurate rendition of events that have taken place provided to the Board by County Counsel. She states the public has an extremely high interest in this case and would like to be given the opportunity to review a revised offer. Mrs. Wosick requests an item be placed on the August 28, 2007 meeting agenda for discussion and action on the HLMP settlement offer; the Wosicks will not be available before that date. The HLMP events scheduled for September 15 and 16, 2007 have been cancelled.

HLMP owner Larry Wosick also thanks the Board for the opportunity to speak. He states the last six years with the park have been wonderful in spite of setbacks and headaches; it has been a rewarding experience. He appreciates the support given and thanks Mr. Richard Egan for his help in coming to a settlement agreement on sound monitoring costs. Mr. Wosick states that after last Tuesday's action by the Board, they have been flooded with emails and phone calls, expressing support and disappointment for problems caused by the expensive sound monitoring contract. Mr. Wosick cites the many things HLMP has done for Lassen County, including fund raising opportunities for many area youth

programs. HLMP has boosted tourism for the County with visitors traveling to events from all across the United States; they have hosted events for major corporations such as Honda Motor Corp., Yamaha Motors, US Suzuki and KTM America; the facility has been featured in motorcycle publications worldwide; it was a venue for the filming of Honda's motorcycle commercial that aired on CBS Sports on numerous occasions. Mr. Wosick reports that they received a Board letter in June, 2004 stating they would receive assistance from the County to reduce monitoring costs. He states they have come before the Board on numerous occasions since then regarding reducing the cost of noise monitoring and were told in April of 2007 that they would have to take the matter back to court themselves for clarification. Mr. Wosick states their settlement offer was based on what prudent monitoring would have cost and he requests that a revised settlement proposal be placed on the agenda for the August 28 meeting.

PUBLIC HEARING - APPEAL #2007-011, ARNOLD BAY

The Public Hearing on the appeal for the Arnold Bay Use Permit is opened at 11:11 a.m. Community Development Director Conrad Montgomery presents information, stating that the subject building was placed on the property around 1984. The residence was later converted to a duplex; which violated the County Code. Neither a building permit nor a use permit had been secured for the conversion as required. In December, 2006 the applicant applied for a building permit for two carports. A routine investigation of the property showed the applicant did not have a proper building permit and did not meet the right standards. The applicant was informed he needed to obtain a building permit and they have started that process to bring it into compliance. The Planning Commission granted the use permit. An appeal has been filed by neighbors Gary Lahr, Lorna Rosell, Marc and Sandra Eilrich on June 13, 2007. County Counsel Settlemire reports that the granting of the use permit would be followed by a building permit which would bring the previous conversion and two carports into compliance. Mr. Montgomery states that the zoning is correct.

Chairman Dahle asks if anyone would like to speak in favor of the Appeal. County Counsel Settlemire clarifies that if somebody speaks in favor of the appeal, they would be taking the position that the conditional use permit should not be granted. People that are opposed to the project would be in favor of the appeal.

Speaking in favor of the appeal:

Gary Lahr states the house he and his wife live in is about 100 yards from Arnold Bay's property. He states that in a County staff report under Mandatory Findings it states "...will not affect any circumstances detrimental health, safety, peace, moral comfort or general welfare at any persons working in a neighborhood or living behind that general area". He responds to that information: Health - states dust is a problem; Safety – renters of duplex drive very fast; Peace – renters have had a lot motorcycles late at night; Morals – "self explanatory"; Comfort and general welfare – "it all ties together". Mr. Lahr states several things done by Mr. Bay were done illegally; he presented a written complaint to the Building Department 9 years ago which was ignored. The Building Department has blatantly neglected to do their job. He is tired of putting up with the problems.

Mark Eilrich states he is another northern neighbor of Arnold Bay's. Mr. Bay put a road up alongside Mr. Eilrich's house on an easement and the dust is terrible. People speed up and down there all the time and other issues. He states it is a hassle to live with this next door and it has degraded the value of his property.

Speaking in opposition to the appeal:

Julie Lee Wells Rowland states she is a Doyle resident and has known the Bay's since she returned to the area in the 1980's. She states there have been issues between the Eilrichs, the Lahrs and the Bays; there has been bickering back and forth and down-grading of the Bay's. Ms. Rowland's family does not have a problem with the Bay's. If Mr. Bay gets his permits it would upgrade other property value, not devalue it.

Arnold Bay thanks the Board for letting him try and get the problem fixed. He presents letters he feels would show the problems he has had with his neighbors. He explains why the carports did not get completed.

Shawn Vasquez states he has worked for Mr. Bay for about 10 years. Mr. Bay has things he could have complained about but doesn't. If a person has problems with their neighbors they should go talk to them. He feels that if Mr. Bay is trying to fix his mistakes he should be allowed to correct them.

Community Development Director Montgomery clarifies that when the original building was built the County Codes allowed for it to be built and it was legal.

The Public Hearing is closed at 11:30 a.m.

County Counsel Settlemire responds to questions that when the building was converted to a duplex building permits were pulled but there was no final done and it expired. They ended up with a project that was a non-conforming structure. There is a requirement since 1994 for a conditional use permit due to a zoning change.

Supervisor Chapman states that grandfather status would have expired because the project lacked a final. The Planning Commission did approve the conditional use permit and recommended the Board approve the use permit concept because of the pre-existing arrangement, with a condition to get the building permit. Mr. Settlemire explains that if the Board approves the conditional use permit then the Bays would be in a position to obtain a new building permit which will allow them to confirm it has been built to current building code standard.

Supervisor Chapman states the other issues of how people use the roads and the incompatibility between neighbors is a neighborhood dispute and has nothing to do with building permits and standards. Chairman Dahle states these are civil problems, and not Board of Supervisor issues. Further discussion is held.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried unanimously to deny the appeal and agree with the Planning Commission to grant the use permit with the appropriate conditions.

PUBLIC WORKS DEPARTMENT - BUDGET

It is moved by Supervisor Chapman, seconded by Supervisor Keefer and carried unanimously to approve the 2007/2008 Fiscal Year Budget for Road and Public Works for capital expenditures related to projects in progress, as follows: Road Construction - Fund 122-1222, for the Skyline Road East Construction project in the amount of \$7,252,000 and the 2007-2008 Fiscal Year Capital Projects Budget - Fund 150-1501, for the Bieber Shower Facility in the amount of \$40,000.

PUBLIC WORKS DEPARTMENT - PARKS DIVISION

Supervisor Chapman states that over the last several years he has talked with County staff about further developing Susanville Ranch Park. Recent conversations with Trail Coordinator Joel Rathje made him realize it would be a great opportunity to be the first option to expend 2002 Park Bond Funds; Supervisor Dahle has also met with Joel. The economic development potential could add to the resources already at the park and could be a major factor to draw outside people such as mountain bikers or equestrian people. In 1988 or 1989 people from the International Mountain Biking Association (IMBA) did a workshop on trails and indicated they saw a huge potential of developing in the park. Supervisor Chapman adds that the Susanville Indian Rancheria acquired 800 acres and they could potentially develop some trails on that property.

Mr. Rathje presents detailed information on the proposal. He states the Board has the discretion to select this project and approve the application submittal for the 2002 Park Bond Grant Funding. The proposal is for a new multi-use non-motorized trail facility that would be located to the North of the existing trail facility. The trailhead for the new trails would be located at the existing equestrian parking area. The trails would climb up quickly into the hills on the north side of the park. These trails will offer an incredibly exciting experience because of the rolling terrain and some of the most dramatic views in this immediate area.

It is proposed that the trails would be built by a professional trail builder with specialized equipment at a cost estimate of \$5 per foot or \$26,000 per mile. If these trails were built by hand the cost could easily double and it could take ten years. If the money were allocated today it would take care of the majority of the actual construction costs. The grant funding that would be applied for would be for such things as road improvement, parking lot improvements, and signage and trailhead kiosk. Trails would be built to IMBA standards which focuses on mountain biking but includes trails for equestrians and hikers; their trails are world renowned. The trails will be rolling contour trails that follow the natural contour of the landscape and will prevent erosion. None of the trails will be over 10% grade but they will be challenging due to the topography.

The project would include identifying the property boundaries to avoid conflicts and to maximize the views and points of interest along the trail; a study would be done to help mitigate any potential environmental impacts; a trail corridor would be identified; an archeological survey would not need to be done in this part of the park; a biological survey would be done and another component would be a timber harvest plan and thinning. The trail would be in a loop system so if money runs short some of the outer loops could be

eliminated until further money is obtained. Mr. Rathje states this project fits every part of the Recreational Trails Program Grant Funding application and some biking organizations could be interested in providing funding for this project. The actual trail construction could take 6 to 8 months and Mr. Rathje expects to break ground in the springtime with the environmental review and necessary upfront planning done prior to that time.

It is moved by Supervisor Chapman, seconded by Supervisor Hanson, and carried unanimously, to approve Susanville Ranch Park application submittal for 2002 Per Capita Grant Program funding for a new trail facility that will expand the existing trail system by 10 to 15 miles.

INFORMATION FOR THE BOARD

CAO Ketelsen refers the Supervisors to information in the "Passaround" file.

There being no further business, the meeting is adjourned at 12:24 a.m.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD