

## BOARD OF SUPERVISORS

JANUARY 22, 2008

The Lassen County Board of Supervisors convenes in Regular Session at 9:04 a.m. Vice-Chairman Keefer asks for public comment and no comments are received. Deputy County Clerk Osgood announces the Closed Session items and the Board recesses to Closed Session at 9:04 a.m. to discuss: 1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 1 case and 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment, Richard & Mary Morgan vs. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Lassen Superior Case #36349.

Present in the Closed Session are Supervisors Lloyd Keefer, Bob Pyle and Brian Dahle; County Counsel Craig Settlemyre, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, and Deputy County Clerk Susan Osgood. Supervisor Chapman arrives at 9:07 a.m. Supervisor Hanson is absent for the day. Present from 9:04 a.m. – 9:18 a.m. are Chief Probation Officer Letha Martin, Juvenile Hall Superintendent Joe Ritz and Assistant Superintendent Lani Bredstrand, Closed Session is recessed at 9:41 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, January 22, 2008, at 9:43 a.m. Present are Supervisors Lloyd Keefer, Bob Pyle, Jim Chapman and Brian Dahle; County Counsel Craig Settlemyre, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, and Deputy County Clerk Susan Osgood. Supervisor Hanson is absent for the day. Following the flag salute, the invocation is offered by Vice-Chairman Keefer.

### ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The Deputy County Clerk announces the Closed Session dealt with discussion on: 1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 1 case – No reportable action taken; and 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment, Richard & Mary Morgan vs. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Lassen Superior Case #36349 – No reportable action taken.

### AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Jim Chapman requests the meeting be adjourned in memory of former Lassen County resident Charlotte Langley.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried, with Supervisor Hanson absent, to approve the agenda as changed.

## PUBLIC COMMENT

1) Rocky Joy, local business owner currently commuting between Colorado and Susanville, speaks on wind generation and energy. States he has checked out one of the largest wind generation projects in the nation that is located in Colorado. He talked with members of the ranching community, business owners and city leaders asking if the project was a benefit or detriment to the area and overall the feedback was positive. Lease payments are paid on the towers, there's a new tax base, new jobs are created and the college has a project with wind energy that has created a new curriculum for the college. Mr. Joy owns 680 acres less than a mile from the proposed Lassen County project and other property near the transmission line in Milford. As an affected property owner he has some concerns about that project but would still be supportive of it if it was done in a way that would be beneficial to the County and the community. Feels the project could benefit the County but recommends hiring a professional consultant if Lassen County pursues the wind energy project.

## UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports he will be attending RCRC meetings for the next two days.
2. Supervisor Chapman attended the Susanville City Council meeting last week. They are moving closer to putting a one and a half cent sales tax question on the ballot for June; he will update when he gets information. Fire Chief Stu Ratner presented his annual report; it indicated Susan River Fire will enter into an agreement with the City Fire Department for emergency medical assistance.
3. Supervisor Dahle reports he attended the Fair Board meeting and states it is a pleasure to go there; the Manager and Board work well together.
4. Supervisor Keefer states that Tom Esgate, of the Lassen County Fire Safe Council, is holding his annual meeting January 23, 2008 and will report on the fuel treatment plan and fire safe plans. The meeting will be held at the Susanville Interagency Fire Center (SIFC).

## LASSEN COUNTY PLANNING COMMISSION - APPOINTMENTS

It is moved by Supervisor Chapman, seconded by Supervisor Dahle, and carried, with Supervisor Hanson absent, to reappoint Bob Beckett and Rick E. Stewart to the Lassen County Planning Commission for terms ending March 31, 2011.

## CONSENT CALENDAR

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

## HEALTH & SOCIAL SERVICES ITEMS

### ALCOHOL AND OTHER DRUG PROGRAMS

Adopt No. 08-003 approving the County match for the Offender Treatment Program in the amount of \$1,829 and the Substance Abuse Crime Prevention Act of 2000.

#### ENVIRONMENTAL HEALTH

Approve the "Declaration of Intent to Not Apply" for the FY 2007/08 Emergency Medical Services Appropriation (EMSA) Program (Option #2 attachment); and authorize the County Administrative Officer to execute the declaration.

#### PUBLIC WORKS DEPARTMENT ITEM - ROADS DIVISION

Award the bid to Maxwell Products, Salt Lake City, Utah, the only bidder meeting specifications, in the amount of \$19,117.24 for Asphalt Rubber Crack and Joint Sealant.

#### COUNTY CLERK / REGISTRAR OF VOTERS ITEM

Adopt Resolution No. 08-004 authorizing the Lassen County Clerk-Recorder, Registrar of Voters, to conduct all Federal, State and Local elections in the Year 2008.

#### MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Susanville City Council, Susanville Community Development Agency, Susanville Municipal Energy Corporation meeting agenda for January 16, 2008.

#### BOARD OF SUPERVISORS - SUPERVISOR HANSON

CAO Ketelsen presents a draft letter to the Lassen, Plumas and Modoc National Forests regarding the motorized travel management plans requesting the coordination of forest policies and asks for consistency of regulations within the three forests. Supervisor Keefer asks that in the first part of the letter that "the recent trails designation proceedings" be replaced with "the recent motorized travel management and route designation process". Supervisor Dahle requests the letter also be sent to the Region 5 office of the Forest Service.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried, with Supervisor Hanson absent, to approve corrected letter and authorize the Chairman to sign.

#### LASSEN COMMUNITY COLLEGE – DR. DOUGLAS HOUSTON

Dr. Houston reports on the status of Lassen Community College (LCC). He understands people have been concerned about the college for a number of years particularly regarding management, leadership and climate at the college. According to a recent review by the Accrediting Commission for Community and Junior Colleges it was noted that those areas of concern have significantly improved since their prior review in June, 2006. Dr. Houston states his primary focus has been the longstanding shortcomings noted by the Accrediting Commission. There are many years of work ahead for the college. The 1.7 million dollar apportionment owed to the State is being repaid over ten years for courses that were decertified by the Chancellor's office. The Chancellor's office is also holding LCC accountable for a number of compliance issues such as class structure, class attendance, faculty qualifications and other concerns regarding fiscal controls. Several of these have already been addressed. Accreditation issues remain. On a recent visit the Accrediting Commission was very satisfied with the progress around campus climate and culture. Research, assessment and planning are areas that need

work. Feels confident the college will meet the expectations of the Accreditation Commission and address expectations by the end of the academic year. The Board members thank Dr. Houston and offer their support.

#### MARR ROAD, RAVENDALE

Vice-Chairman Keefer introduces Janie Hansen, resident of Marr Road, Ravendale. Ms. Hansen presents detailed information on her complaint that there is a non-permitted wrecking yard doing business at 739-555 Marr Road, Ravendale, which is in violation of the zoning designation. This information has been presented to the Board previously as well as zoning complaints from other residents in the area. Asks several questions: Has anyone has been cited for the violation? When will violation be abated? Does Community Development intend to enforce zoning restrictions? If not, why not? When will it be implemented? She states it appears zoning complaints have been ignored. Mrs. Hansen presents photos to the Board and states she has many concerns: environmental issues regarding oil, antifreeze, lead gasoline and other agents getting into the soil; property values suffer. She asks the Board to bring the property into compliance.

Building Official Steve Fuller reports this is a vehicle abatement issue and the Community Development Department has not dealt with vehicle abatement issues for the last couple of years since the authority was taken away. The Code Enforcement Officer is dealing with this as a zoning enforcement issue. The vehicle abatement ordinance to transfer authority from the Sheriff back to Community Development is being worked on and should come back to the Board soon. The Code Enforcement Officer has been out for surgery but Mr. Fuller reports that the people have been contacted and notified they have to correct the situation within a certain period of time. Extensive discussion is held. Sheriff Warren states his office will lend whatever support is necessary to assist with the citation process. CAO Ketelsen states the environmental issues will be investigated, a report will be presented at the next Board meeting and an ordinance will be brought back.

(Supervisor Chapman is absent 10:24 – 10:26 a.m.)

#### PUBLIC HEARING - APPEAL #2007-051, JOE OCHOTORENA

The public hearing is opened at 10:52 a.m. to consider an appeal of the Planning Commission's denial of a Use Permit #2007-052, which would allow for a temporary meteorological tower on the Ochotorena property near Eagle Lake. Chief Planner Maurice Anderson states the land owner is Joe Ochotorena and the applicant is Invenergy. The general location of proposed tower is at the top of Fredonyer Peak to the north of the fire observation facilities. The purpose of the met tower is to gather information to determine the feasibility of wind development at the top of the mountain. This project was determined to be exempt from CEQA pursuant to 15306 of the CEQA guidelines which exempt data gathering information that are temporary. The zoning at the site is U-C-2-A-P (Upland Conservation/ Resource Management, Agriculture Preserve Combining District). Correspondence has been received from the Department of Conservation that a met tower is consistent with being in the Williamson Act. Mr. Anderson notes that the compatibility finding is for the met tower and not for a wind facility. The Planning Commission met regarding this project in November and disapproved the project finding "the proposed

project will adversely affect the peace, morals and comfort of the public due to the negative aesthetic impact” of the County. Invenergy is appealing the decision,

No one speaks in opposition.

Speaking in Favor:

Philip Geist (resident of Redding, California; representative for the Carpenters in Lassen County): States he has reviewed the Planning Commission meeting minutes and thinks that if the project is exempt from CEQA and the zoning for the property is in order, the Supervisors should be able to make a favorable decision today and approve the application. He understands it is a temporary tower that is proposed to be constructed and that it could lead into the development of wind power in Lassen County. Thinks that under the current conditions of global warming and the need for renewable resources that Lassen County could take a leadership role in that arena; asks the Supervisors to approve the use permit.

David Palmerlee (resident of Bangor, California; representative for Carpenters in Northern California): Speaks as a representative of construction workers and concerned citizen of California. A meteorological tower is necessary to test conditions prior to anyone investing a lot of money in a green energy project. The Planning Commission will have to approve any larger projects for actual wind towers at a later time. The country needs to get away from expensive foreign suppliers of oil and move toward alternative green energy; wind energy is one of the best ways to do that. Asks Supervisors to approve the use permit.

Tim Andrade (resident of Livermore, CA; field representative for Northern California millwrights): Millwrights install the turbines that go on these facilities and they are interested in what is happening regarding this project. They have worked on this type of project; puts a lot of money into jobs and infrastructure and local economy. Asks for support of this project.

Sam Shapiro (ten year resident of Bucks Bay at Eagle Lake, twenty year resident of Lassen County): Supports this project; timber industry is gone, replaced by prison industry. Has heard about wilderness areas and tourism industry but does not see a lot being done. Project like this could increase the tax revenue with little or no impact to overburdened infrastructure and produce wind energy which would be something for Lassen County to take pride in. Impact of towers with some blinking lights would be far less intrusive to the community than the lights from the prison that pollute the night sky. This project could help with power outage problems out at Eagle Lake. Asks Board to approve the use permit so the project can move forward.

Lynn Miner (Field Coordinator for Northern CA millwrights): Representing a group of people in the construction industry. Lives in Contra Costa County near two large wind farms; states Contra Costa once had the highest cancer rate in nation; there is a direct correlation between fossil fuel plants and cancer rates. He is a supporter of green power that has zero emissions and urges the Board to support this met tower project.

Mike Jackson (Attorney from Quincy, CA): He is working for Invenergy because he believes that this project is a very important step for California and for Lassen County. Most of the project is on federal land, Bureau of Land Management. This project would allow Mr. Ochotorena to use his private property for economic advantage. The Planning Department did a good job on their recommendations to the Planning Commission. Feels the finding of violating the peace, morals and comfort is a stretch. The project site is about four miles from any area at Eagle Lake where people live. Invenergy wants to work with Lassen County and would like to set up a kind of industry that is new and has a great future for this County. He does not see any evidence in regard to violations of the peace morals or the comfort of the people of Lassen County over this met tower.

Joe Ochotorena (property owner): States family has been ranching in Lassen County for close to 100 years. He urges the Board to protect his private property rights and allow him to measure the resources present on his own land. He is not asking the Board to approve a wind farm today, but to allow him to put up a single temporary tower to measure the wind on his land. This tower is over ten miles from a neighbor who lives in the Willow Creek Valley and will not even be visible from their ranches. The decision today will have an economic impact on Mr. Ochotorena and his family. States he would not deny his neighbors their right to analyze the resource that they may have on their own land and asks his neighbors and the community leaders not to deny him this right as well.

Jack Pastor (Lassen County resident and businessman): Is an owner of commercial property within Lassen County, has property at Eagle Lake. He is not in opposition to what might eventually be a wind generator field. Is concerned about a possible recession and states the prisons devote very little money to the infrastructure of county government and city government. That comes back to the small business people to hold this County together as big industry is gone. Served on the Economic Development Commission in Lassen County for eight years and rarely saw such a clean industry with high tech jobs come along that didn't draw off from the Sheriff, hospital or police protection. It looks like a win/win deal. He would not support this project if it was a detriment to the community.

Jeff Lang (lives near Hayden Hill in North county): Has nothing to gain from this project other than to see a magnificent step forward in a direction that would make the County more solvent. Had opposed the Hayden Hill Mine when that began but changed his mind and found it was an economic gain to him personally as well as the County. This project has relatively few hazards; environmental impacts should be thoroughly studied and documented at the appropriate time. Lassen College has the potential of gaining a program to train operators and maintenance people for these type of installations. Asks for support of this project.

Invenergy Project Manager Matt Giblin: Is representing Mr. Ochotorena and Invenergy for this appeal. Feels the issue at the Planning Commission was misunderstood and the impacts of the proposed met tower were not truly considered. Met tower is a 200' high steel tower, 10" in diameter, that rests on a 6 x 6 steel base plate. There is no permanent foundation, the tower is anchored through guy wires that go into the ground and either attach through a corkscrew style anchors or anchors that are put into rocks or concrete. Deadman anchors are placed below the surface and soil placed back above it. The

County staff determined that these towers do not have any significant environmental impact on the area. The permit application requested is for 36 months. At the end of the 36 months, the tower and all structures associated with it would be removed and the minimal soil disturbance and land disturbance would be repaired. Invenergy has installed three towers on BLM federal lands and they are difficult to see from Eagle Lake and Willow Creek unless binoculars are used. The data from the met tower would indicate if the area is a good location for a wind project or not. The request is to approve a met tower on Mr. Ochotorena's property allowing him to exercise his rights as a private property owner to measure the resources present.

Maurice Anderson states that staff has rendered their best call on the environmental impact exemption but no recommendation was made for or against this project. Supervisor Keefer closes the public hearing at 11:33 a.m.

It is moved by Supervisor Dahle and seconded by Supervisor Pyle to grant the appeal and approve the issuance of use permit. Further discussion is held.

Supervisor Dahle and Supervisor Pyle amend their motion and second to grant the appeal and approve the issuance of the use permit following the findings as proposed in the resolution given to the Planning Commission, and adopting that resolution together with the conditions attached to it (Exhibit A). The motion carries on a roll call vote with Supervisor Hanson absent.

Supervisor Chapman wants it noted that Lassen County has always been in favor of alternative energy. He requests CAO Ketelsen and staff work to bring something back regarding the power and authority on exporting energy created within Lassen County.

Recess 11:50 – 11:55 a.m. Supervisor Chapman enters at 12:00 p.m.

#### PROBATION DEPARTMENT - JUVENILE DETENTION FACILITY

Chief Probation Officer Letha Martin presents proposed staffing changes at the Juvenile Detention Facility in order to be in compliance with State regulations.

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried, on a roll call vote, with Supervisor Hanson absent, to

- 1) Abolish four Senior Juvenile Hall Counselor (Range 17) positions.
- 2) Establish two Juvenile Hall Counselor (Range 16) positions.
- 3) Establish four Supervisory Juvenile Hall Counselors (Range 19, Mid Management) positions.
- 4) Approve appropriate job descriptions.
- 5) Increase the appropriation by up to \$25,000 for salaries & benefits in the 145- 0562 budget unit to be transferred for use as needed.
- 6) Increase the Revenue line item 145-0562-2005600 by \$25,000 of the Youthful Offender Block Grant (YOBG) funds to be transferred if needed.

#### INFORMATION FOR THE BOARD

CAO John Ketelsen reports on a CSAC meeting he attended that reviewed the budgetary process. Highlights: Governor Schwarzenegger is threatening to release 22,000 inmates from prison facilities as part of funding solution; 10% of the Williamson Act subvention funds is going to be cut (may be permanent); will bring back further information.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:17 p.m. in memory of Charlotte Langley.

---

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

---

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD