

BOARD OF SUPERVISORS

March 25, 2008

The Lassen County Board of Supervisors convenes in Regular Session at 9:01 a.m. Chairman Hanson asks for public comment and no comments are received. Deputy Clerk of the Board Osgood announces the Closed Session items and the Board recesses to Closed Session at 9:01 a.m. to discuss: Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: (two potential cases).

Present in the Closed Session are Supervisors Jack Hanson, Bob Pyle, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, and Deputy Clerk of the Board Susan Osgood. Supervisor Chapman enters at 9:20 a.m. Closed Session is recessed at 9:29 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, March 25, 2008, at 9:31a.m. Present are Supervisors Jack Hanson, Robert Pyle, Jim Chapman, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, and Deputy Clerk of the Board Susan Osgood. Following the flag salute, the invocation is offered by Chairman Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The Deputy Clerk of the Board announces the Closed Session dealt with discussion on Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: (two potential cases) – No reportable action taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Dahle requests the meeting be adjourned in memory of Pam Bidwell and Supervisor Chapman requests the meeting also be adjourned in memory of Ruth Buffum.

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

PUBLIC COMMENT

1. Dale Schuetz presents information to the Board on problems he has had since purchasing property in northern Lassen County in February. When he began to develop the property, the Planning Department told him there was a possible violation on it dating back to 1969. He reads a letter setting forth the details of this matter; states the experience has been very frustrating. After discussions with County staff and the title company, he was told there was a violation, that he had the burden of proof and he would need to present information showing the parcel was "good" at a hearing in February. He

further states he submitted an application for Certificate of Compliance on March 25, 2008. County Counsel Settlemire states he is familiar with this issue and that the filing of the Certificate of Compliance is the proper action to take. He feels the process will move fairly quickly as Mary Loflin of the surveyor's office has done a lot of work on this.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman asks Deputy CAO for Health and Social Services Kevin Mannel to assist Darla Freeman of Lassen Family Services with the preparation of a grant dealing with funding issues of a homeless shelter. Mr. Mannel will follow up with Ms. Freeman.
2. Supervisor Keefer attended Community Advisory Committee (CAC) meeting with CA Department of Corrections. Tim Bruce has been appointed as the new Community Resource Officer for High Desert State Prison. Discussed Governor's early release program and possible impacts to Lassen County.
3. Supervisor Keefer met with Lassen County Building Official Steve Fuller this a.m. and expresses his concern of new building code changes, particularly relating to exteriors for fire protection. There are other code changes regarding soils being evaluated for projects; another would be new earthquake standards. He requests a brief update from Mr. Fuller next month and a study session later.
4. Supervisor Dahle attended RCRC (Regional Council of Rural Counties) and they are also looking at building code changes. They are looking at a region-wide approach rather than by the whole state.
5. Supervisor Dahle reports that there may be a problem backfilling inmates to camps if an early release of camps goes through.
6. Supervisor Dahle has spoken with Paul Smith (RCRC) about possible legislation that could generate revenue for ambulance service.
7. Supervisor Dahle reports the Williamson Act is again "under attack" in the state budget. Current talk is about a step down of 10% every year over the ten year time frame. If the state changes how they reimburse counties for Williamson Act contracts, then counties could be left holding the bill. It is general fund money and would not be backfilled. Some counties in RCRC have amended their existing Williamson Act contracts. CAO Ketelsen states that both the Department of Finance and Legislative Analysts Office are recommending that position and he will bring the matter back for discussion.
8. Supervisor Pyle reports on two safety issues around the Courthouse building and requests that repairs be made to the large potholes in the parking lot and would like to have the broken tiles at the top of the courthouse steps replaced.
9. Supervisor Hanson thanks Supervisor Keefer for attending the CAC meeting as he attended a meeting with the new warden and associate warden at the federal prison. He feels the new warden is supportive of community efforts.

TITLE III REQUEST

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried, with Supervisor Chapman abstaining, to approve the request for Title III funds from the Lassen Land and Trails Trust - Funding request for 2008 Children's Nature Camps, not to exceed \$8,000, and authorize public posting.

LASSEN COUNTY FISH AND GAME COMMISSION - VACANCIES

It is moved by Supervisor Keefer and seconded by Supervisor Dahle to reappoint Rob Hill, District 3; Phil Nemir, District 3 and appoint Larry Morgan as a member of District 5, due to term expirations.

CONSENT CALENDAR

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

ADMINISTRATIVE SERVICES ITEM - PERSONNEL REPORT

Receive and file Personnel Movement Report for February, 2008.

COMMUNITY DEVELOPMENT DEPARTMENT ITEM - LOCAL REUSE AUTHORITY

Authorize the County Administrative Officer to execute an amendment to lease of Local Reuse Authority (LRA) property in Herlong for the purpose of a cellular antenna (cell) tower with Verizon (lease executed on October 30, 2007).

DISTRICT ATTORNEY ITEM - VICTIM / WITNESS ASSISTANCE PROGRAM

Adopt Resolution No. 08-011, approving the application for the 2007/2008/2009 Victim/Witness Assistance Program to be funded through the State of California, administered by the Governor's Office of Emergency Services.

SHERIFF'S DEPARTMENT ITEM - TRAVEL

Approve travel authorization request for Public Safety Dispatcher Sara Olson to attend the mandatory Peace Officers Standards and Training (POST) Basic Public Safety Dispatcher Training in Sacramento from May 25 - June 13, 2008, at the estimated cost of \$2,369.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee meeting agenda for March 12, 2008.
- b. Susanville City Council, Susanville Community Development Agency, Susanville Municipal Energy Corporation meeting agenda for March 19, 2008.

HEALTH & SOCIAL SERVICES - ENVIRONMENTAL HEALTH

Deputy CAO of HSS Kevin Mannel presents a report on the transition of Local Public Health Services Programs (LPHS) for Environmental Health (EH) in Lassen County. Under the current contract, the Board of Supervisors needs to decide by May 1 if they want to continue with the LPHS contract. Four proposals are presented with Option 3 being the likely to be recommended and that would be 35% overhead request on the contract from the State. Lassen County already dropped out of the LPHS program for State public health nurses and has hired County nursing personnel. Lassen County proposes developing a three year plan to withdraw from the LPHS contract and establish the EH program through County staff. Some current staff members would be retiring in three years, one employee is expected to receive an offer from Sierra County and it is hoped Lassen County would offer a comparable wage and benefit package to the

employee that is not nearing retirement. There are revenue concerns. An agenda item will be brought back to the Board for action in April.

Recess 10:13 – 10:17 a.m.

ECONOMIC DEVELOPMENT HOUSING

The public hearing is opened at 10:17 a.m. to solicit comments regarding submittal of a grant application to be funded by the 2008/2009 Department of Housing and Community Development (HCD), Community Development Block Grant (CDBG) General Allocation for a Public Facilities Project for an amount up to \$1,000,000.

Chief of Economic Development Monica Cochran presents the staff report. States this is the second of two required public hearings; the first was held to solicit comments for potential projects. There were no projects that were brought forward during that public hearing. Staff had several meetings discussing potential projects and it was recommended that we suggest applying for a community facilities grant to make some of the needed repairs to Building 2067 and Building 170 in Herlong as those buildings provide some community public services.

No one speaks in opposition to or in favor of the application and the hearing is closed at 10:20 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle, and carried unanimously, to adopt Resolution No. 08-009 making an application and authorizing the execution of a grant agreement and any amendment thereto.

TOM ESGATE

Lassen County Fire Safe Council representative Tom Esgate presents request for letter of support for the Sagebrush Initiative, Inc., DBA Cooperative Sagebrush Initiative (CSI), Natural Resources Conservation Service (NRCS) Conservation Innovative Grant application.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously to approve the letter and authorize the Chairman to sign.

PUBLIC WORKS DEPARTMENT - ADMINISTRATION / PUBLIC WORKS

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried unanimously to adopt Resolution No. 08-010 authorizing the Public Works Director or the County Administrative Officer to Approve the Appraisals, Establish Just Compensation, Negotiate for the Acquisition of Right of Way, Execute Right of Way Contracts and Approve Administrative Settlements for the Leavitt Lane Bridge 7C-61, Lambert Lane Bridge 7C-51 and Lambert Lane Bridge 7C-66 re-construction projects.

COMMUNITY DEVELOPMENT DEPARTMENT - CONTRACT

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried unanimously to approve contract with Greg Lopez Construction in the amount of \$19,950 for repairs to

the Westwood Warehouse Building, and authorize the County Administrative Officer or Designee to sign.

SUPERVISOR KEEFER

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried unanimously to approve a letter supporting Sylvia Milligan for her participation on behalf of the public for projects that benefit the Lassen National Forest and Lassen County, and authorize the Chairman to sign.

HEALTH AND SOCIAL SERVICES - RESOLUTION

It is moved by Supervisor Pyle, seconded by Supervisor Chapman and carried unanimously to adopt Resolution No. 08-012, endorsing continued co-location of Cal-Works and Alliance for Workforce Development.

Recess 10:28 – 10:30 a.m.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - ECONOMIC DEVELOPMENT HOUSING

The public hearing is opened at 10:30 a.m. for an Environmental Determination – Proposed General Plan Amendment #765.01.21 and Rezone #2007-071, William Lee, George Strohmeyer, Ed Callagy.

Chief Planner Maurice Anderson presents the staff report stating the agenda item is to make a determination as to whether an Environmental Impact Report (EIR) or Negative Declaration should be prepared for the proposed project. This is in conjunction with a land use designation change from A-3 (Agriculture District) to A-2-B-4 (Agriculture Residential, 4 acre Building Site Combining District). Site location is north of the intersection of Lake Crest Drive with Highway 395, east of Sears Road, Janesville. APN: 129-230-23; 129-690-26, 27, 35 & 36. PMC was the contract planner when this was submitted and the initial study resulted in several potentially significant impacts to: aesthetics, agricultural (ag), air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning and the County General Plan agricultural element which requires the board make the mandatory findings for any kind of ag conversion. Also noted were potentially significant impacts to noise, population and housing, recreation, transportation and traffic. The Environmental Review Officer (ERO) reviewed the study and concurred with the preliminary determination. Depending on Board determination today, staff also feels there is potentially significant impact to agricultural resources, specifically to a cumulative effect when you make these conversion findings if the Board did so. Staff concurs with PMC's initial study. The applicant did take issue with the determination and is available to explain why he disagrees with the ERO decision.

Everd McCain, representing applicants, presents detailed information on several areas of the study. He states the impacts can be broken down into three categories: 1) those impacts that are a subjective determination (recreation, aesthetics, population and housing, hazards and hazardous materials, agricultural and land use planning; 2) those

impacts that can be mitigated (air quality, geology, hydrology, water quality and noise); and 3) those impacts that can be studied to determine whether or not they are significant (archeological, traffic, etc.). Staff feels the subjective determinations are potentially significant and recommend an EIR. Mr. McCain asks the Board for their opinion and decision on those items. If a study shows a potentially significant impact, there are many mitigation measures that can be used to reduce impacts to less than significant. Mr. McCain presents detailed information on these matters.

Mr. McCain states that if the Board could make a decision that the recreation, aesthetics, population and housing, hazards and hazardous materials, hydrology and agricultural land use planning are not potentially significant, then he feels they could proceed in determining whether or not items that can be studied are significant. The applicants could then work with staff to find appropriate mitigation measures to reduce any other impacts to a less than significant level.

(Supervisor Chapman is absent 11:08 – 11:10 a.m.)

Sears Road resident Kristen Luther had sent a letter that included her neighbors' signatures. They feel that an EIR should be performed and well testing should be done. They are concerned about their water and feel it is a major concern and not subjective. Another concern is the traffic on Sears Road.

Sears Road resident Joyce Ewing states it is a very dangerous road; it is too narrow to support much traffic and it sometimes takes 4 or 5 days after a snow storm before it gets plowed. She also has a concern with water and whether there is enough to sustain proposed and current housing. Ms. Ewing presents a letter from her neighbor, Ferne Shults that states she is also concerned about having enough water, the sewer system and traffic; and asks the Board to not allow further building.

The public hearing is closed at 11:13 a.m.

Extensive discussion is held by the Board. Staff presents information to the Board for clarification.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle, and carried unanimously, to request that a focused Environmental Impact Report be prepared for the Proposed General Plan Amendment #765.01.21 and Rezone #2007-071, William Lee, George Strohmeier, Ed Callagy, dealing with the following: archeological study, traffic study, water availability, geological and cumulative impacts.

PRESENTATION

Chairman Hanson presents a certificate to Shayla Ashmore from the Board of Supervisors in appreciation of her time spent reporting the Board meetings for the Lassen County Times. The Board wishes her well.

PUBLIC HEARING - APPEAL - USE PERMIT #2007-054, HILTON

Chief Planner Maurice Anderson presents the staff report stating the agenda item is an appeal of the Planning Commission's denial of Use Permit #2007-054, Hilton, which would allow a 100 foot tall wireless communication monopole tower. The project site is zoned A-2-B-4 (Agricultural Residential District, Building Site Combining District, 4 acre minimum, average parcel size) located at the end of Honey Girl Lane, east of Janesville. (Supervisor Dahle departs at 12:09 p.m.) (Supervisor Chapman is absent 12:09 – 12:10p.m.) Staff did not feel it was a good fit at the end of the road which is an ag/residential neighborhood. The Planning Commission agreed with staff and disapproved the project. Today the Board will be holding a public hearing to consider the appeal and ultimately approve the appeal and approving the use permit or deny the appeal and disapproving the use permit. What is being proposed is similar to the tower located at Hallelujah Junction which is a monopole. The public hearing is opened at 12:12 p.m.

Property owner Bernadette Hilton states this project is important to her and her three children.

U. S. Cellular agent Alan Potter presents a history of the site. They had been looking in the Janesville area since 2005 for a tower site. In January, 2006 they submitted a use permit application for a site on Chase Drive, Janesville. They could not get support staff for that location and there was neighborhood opposition. They withdrew that application. An application was submitted for the site that is being discussed today. As stated, the Planning Commission denied the request in February. U. S. Cellular is seeking an appeal of this decision based on three issues of the Telecommunications Act of 1996. A comparison is made to the 170' Verizon tower in Herlong that was allowed through building permit application and is built on County property. The site U. S. Cellular proposed does not have the density or residential or business uses and the pole is only a 100' tall monopole. Because of the differences there may be an issue with discrimination between how one carrier is looked at versus another. Mr. Potter presents information on the Telecommunications Act and refers to a letter written by Attorney Steve Mitchell dated March 20, 2008 that details this information. U. S. Cellular does not oppose the Verizon tower and feels it is needed. They do not feel the denial decision was founded on substantial evidence. There was support for this application and no opposition presented at any time. U. S. Cellular Radio Frequency Engineer Ed Johnson presents information on why a specific site is needed at a certain location and where more coverage is needed. There is an area in Janesville where signals are weak and that has been the source of complaints from existing customers. This site was chosen specifically to address those coverage areas.

Attorney Steve Mitchell states he has never seen another site proposed by U. S. Cellular or others in which there was zero opposition. He reviews the Telecommunications Act and questions the decision based on aesthetics. He asks the Board to consider the application on its own merits and in light of the Telecommunications Act. A member of the audience states she lives in the area and is concerned about the value of homes as well as the safety of poles that might sway in the wind. Ms. Hilton replies that the pole will be located

on a 10 acre parcel and that she has planted 210 trees so the pole should not be visible. Mr. Potter responds that their poles are engineered to the county code, building codes, seismic codes and are designed so that they do not fall down. They are designed so they resist wind, earthquakes, etc. Also states that having utilities on a property should be taken in a positive way.

The public hearing is closed at 12:34 p.m.

Supervisor Keefer states that most people are aware of the problems with cell coverage in the Janesville area. He visited the site and was amazed at the number of power lines in the area around the proposed site. States that the single monopole version fits better than one that looks like a tree.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle to overturn the Planning Commission decision and approve the appeal and use permit. Discussion is held. Supervisor Chapman asks CAO Ketelsen, County Counsel Settlemire and Community Development Director Montgomery to look at the difference between the approval of the cell tower established in Herlong and the 2 ½ year process that U. S. Cellular has gone through. Supervisors Keefer and Pyle amend the motion and second to include the conditions that the Technical Advisory Committee (TAC) recommended for the project and to adopt Resolution No. 08-013 (included as a draft). The motion carries.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:47 p.m. in memory of Pam Bidwell and Ruth Buffum.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD