

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, March 23, 1999

**REGULAR MEETING**

9:00 a.m.: Chairman Hawes called the Regular Session of the Board of Supervisors to order on the above date with the following present:

- District No. 1 - Supervisor Kehoe
- District No. 2 - Supervisor Fust
- District No. 3 - Supervisor Hawes
- District No. 5 - Supervisor Clarke

- County Administrative Officer - Doug Latimer
- County Counsel - Karen Jahr
- Administrative Board Clerk - Lynn Cereghino

District No. 4 - Supervisor Wilson/Absent

**INVOCATION**

Invocation was given by Superintendent Bill Roscoe, Good News Rescue Mission.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Supervisor Kehoe.

**PUBLIC COMMENT PERIOD - OPEN TIME**

Russ Wade and Beverly Wade spoke in opposition to the proposed Knauf plant.

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Fust pulled from the Consent Calendar a request to support the 28<sup>th</sup> Annual Shasta Art Festival, Antiques and Oldtime Fiddle Jamboree to be held in May. He wished to bring this item to the public's attention.

**CONSENT CALENDAR**

By motion made, seconded (Kehoe/Clarke), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Adopted Resolution No. 99-34 which supports the 28th Annual Shasta Art Festival, Antiques and Oldtime Fiddle Jamboree to be held on either May 8 and 9, 1999 or the alternate rain dates of May 15 and 16, 1999. (Clerk of the Board)

(See Resolution Book No. 40)

Enacted Shasta County Code Ordinance No. 99-2 which amends Chapter 12.24, Sections 12.24.140 and 12.24.150 of the Shasta County Code relating to prohibited anchorage and boating areas, as introduced on March 9, 1999. (Clerk of the Board)

(See County Code Ordinance Book)

Enacted Shasta County Code Ordinance No. 99-3 which amends Chapter 12.24, Sections 12.24.090 and 12.24.100 of the Shasta County Code relating to speed zones on various lakes, as introduced on March 9, 1999. (Clerk of the Board)

(See County Code Ordinance Book)

Approved a workers' compensation Compromise and Release Agreement in the amount of \$43,320 to settle the claim of James Morton, an Agricultural Standards Investigator. (Risk Management)

Approved an amendment to the Opportunity Center budget which increases various Fixed Asset and Services and Supplies accounts by \$44,243 to purchase eleven new personal computers and upgrade three existing computers, funded by increased salary savings. (Social Services)

Approved and authorized the Chairman to sign a contract with West Coast Data Connect in the amount of \$13,416 to install a communications cabling system in the Adult Protective Services office space during the period of March 23, 1999 to August 30, 1999. (Social Services)

Adopted Resolution No. 99-35 which authorizes the Sheriff-Coroner to submit a proposal in the amount of \$100,000 to the State Department of Alcoholic Beverage Control for a voluntary compliance/enforcement program to execute a contract in connection therewith, including any extension or amendments thereof, if successful in the application process. (Sheriff)

(See Resolution Book No. 40)

Adopted Resolution No. 99-36 which approves and authorizes the Chairman to sign an amendment to the Cooperative Agreement with the California Department of Forestry and Fire Protection for fire protection services during Fiscal Year 1998-99, and approve a budget amendment which increases revenues and appropriations by \$18,459, funded by \$12,246 from the County Contingency and \$6,213 from the Shasta Community Services District to operate Amador Engine Station No. 58, as previously approved by the Board of Directors of County Service Area No. 1 - Fire Protection. (Fire Warden)

(See Resolution Book No. 40)

## **REGULAR CALENDAR**

### **GENERAL GOVERNMENT**

#### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer introduced District Attorney McGregor Scott who expressed his concerns regarding Assembly Bill (AB) 196 and Senate Bill (SB) 542, regarding the issue of child support. AB 196, as originally drafted, would have given the Board of Supervisors the authority to determine what county agency would have responsibility for the operation of the Family Support Division. The bill has since been amended to create a new county agency to handle the collection of child support. Senate Bill (SB) 542 would create a new state Department of Child Support Services. Mr. Scott drafted two letters for the Board's consideration stating the Board's opposition to AB 196, as amended, and SB 542. The Board concurred that the responsibility of the Child Support program in Shasta County should remain with the District Attorney. The minimum request of the Board would be that the original language giving discretion to the local boards of supervisors be reinstated into AB 196.

Supervisor Kehoe wished to delay this request for one week, in order to further review the bills. He offered to abstain from taking action on this matter, should the Board want to move forward with the request at this time.

Supervisor Clarke pointed out that the letters need to be sent before all the hearings are completed to obtain the greatest impact.

By motion made, seconded (Clarke/Fust), and carried, the Board of Supervisors authorized the Chairman to sign two letters of opposition to AB 196 and SB 542 to be sent to the State Assembly and State Senate, regarding Child Support services. Supervisor Kehoe abstained from taking action on this matter.

Later in the meeting, the Board took action to reconsider the vote on AB 196 and SB 542. By motion made, seconded (Fust/Clarke), and "unanimously" carried, the Board of Supervisors voted to send the letters of opposition.

CAO Latimer recommended, and the Board concurred, that staff prepare a letter in support of the Research Foundation at California State University, Chico, to complete a comprehensive study to measure the economic impacts of the creation of the Sacramento River Conservation Area. Supervisor Clarke and Supervisor Kehoe asked that the letter include a statement regarding private property rights and address the financial aspects.

At the recommendation of Undersheriff Larry Schaller and CAO Latimer and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors directed staff to prepare letters to three members of the Senate Budget Committee No. 2, asking that the State continue in its obligation to fund forensic laboratories and not shift the cost to the local law enforcement agencies, thereby taxing already strained budgets.

The Supervisors reported on issues of countywide interest.

### **AUDITOR-CONTROLLER**

#### **COUNTY CLAIMS**

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$49,886.15 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham.

### **CLERK OF THE BOARD**

#### **MINUTES: MARCH 16, 1999**

By motion made, seconded (Kehoe/Fust), and carried, the Board of Supervisors approved the minutes of the meeting held on March 16, 1999, as submitted. Supervisor Clarke abstained from taking action on this item, because she was absent from most of the meeting in question.

#### **ZONE AMENDMENT 98-03** **PETER AND NORA STENT** **DANA AREA**

Action on this matter was deferred to such time as all the Supervisors are in attendance.

### **PUBLIC WORKS**

#### **FACILITIES MANAGEMENT** **BUDGET AMENDMENT**

At the recommendation of Deputy Director of Public Works Dan Kovacich and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors approved a budget amendment for Facilities Management in the amount of \$552,904 which transfers \$255,000 for utilities originally appropriated in other departments, increases appropriations by \$245,000 to cover the costs of facilities improvements, and appropriates \$52,904 to cover A-87 central services costs not previously budgeted by Facilities Management.

AGREEMENT: CH2M HILL  
MAIN STREET AT COTTONWOOD CREEK  
BRIDGE REPLACEMENT PROJECT

Public Works Director Ron Hill presented the staff report. He explained that the Legislature mandated that all bridges in areas subject to earthquakes must be retrofitted to resist collapse in an earthquake. Caltrans' analysis showed that the Cottonwood Creek bridge may be subject to collapse in an earthquake and determined that complete replacement of the bridge was required.

Mr. Hill pointed out that many citizens in Cottonwood are concerned about the replacement of this bridge and the possible closure of the road. The Chamber of Commerce has stated that Cottonwood is facing a potentially disastrous economic situation which they feel will be caused by the possible road closure.

Bill Price, a business owner and representative of the Cottonwood Chamber of Commerce read into the record a letter of concern from the Chamber of Commerce. Mr. Hill assured Mr. Price and the Board that the Department of Public Works is still considering alternatives to closure of the road. He also noted that no decision is requested at this Board meeting, only a request to execute an agreement with CH2M Hill for performing the preliminary actions necessary toward completion of the project.

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to execute an agreement with CH2M Hill in an amount not to exceed \$400,000 to perform preliminary design, final design, and construction support in completing the Main Street at Cottonwood Creek bridge replacement project.

**LAW AND JUSTICE**

**SHERIFF**

**CONTRACTS: CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS**  
**REPLACEMENT OF PATROL BOATS AND EQUIPMENT**  
**BUDGET AMENDMENT**

At the recommendation of Undersheriff Larry Schaller and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors took the following actions:

1. Approved and authorized the Chairman to sign two Equipment Operation Contracts, Contractor Certification Clauses, and Recycling Certifications with the California Department of Boating and Waterways in the amounts of \$45,000 and \$55,000 to cover the replacement purchases of two patrol boats, engines, trailers, and equipment.
2. Approved a budget which increases revenues and appropriations in the Boating Safety budget by \$100,000 for the replacement of these boats.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with legal counsel about existing litigation entitled Dean vs. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its labor negotiator, County Administrative Officer Doug Latimer, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriff's Association, Sheriffs Administrative Association, Professional Peace Officers' Association, Unrepresented Employees, and United Public Employees of California, pursuant to Government Code Section 54957.6.

10:33 a.m.: The Board of Supervisors recessed to Closed Session.

11:20 a.m.: The Board of Supervisor recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Fust, Hawes, and Clarke, County Counsel Karen Jahr, and Administrative Board Clerk Pamela English present.

**AFTERNOON CALENDAR**

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Karen Jahr announced that the Board of Supervisors conducted a Closed Session to discuss existing litigation and labor negotiations, at which time the Board unanimously authorized the defense of Dean vs. County of Shasta and its assignment to the firm of Halkides & Morgan. No other reportable action was taken.

**SCHEDULED HEARINGS**

**RESOURCE MANAGEMENT - PLANNING DIVISION**

**ZONE AMENDMENT 99-1**  
**SHASTA COUNTY**  
**COUNTYWIDE AREA**

This was the time set to consider the approval of Zone Amendment 99-1, Shasta County, which makes various amendments to the Shasta County Code Text (Title 17, Zoning). Russ Mull, Director of Resource Management, and Senior Planner Pat Cecil outlined information in the staff report, went over the proposed amendments answering questions from the Board Members, and recommended approval. The affidavit of publication and notice of public hearing are on file.

The public hearing was opened, at which time no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Fust/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-1, Shasta County, Countywide area:

1. Adopted the CEQA determination of a negative declaration with a de minimis finding of significance, based upon the findings as specifically set forth in Planning Commission Resolution No. 99-16.
2. Made the rezoning findings, and introduced and waived the reading of an ordinance which made various amendments to the Shasta County Code Text (Title 17, Zoning), as specifically set forth in Planning Commission Resolution No. 99-16 and identified in Zone Amendment 99-1, dealing with the following items:
  - a. Clarification of the acreage required to have livestock and types of livestock permitted in the Interim Rural Residential (I-R) and the Mixed Use (MU) Zone Districts, consistent with other amendments recently approved for the Zoning Plan.
  - b. The addition of a new Zoning Permit category for allowing the temporary use of an existing dwelling while constructing a replacement dwelling in the Interim Rural Residential (I-R), the One-Family Residential (R-1), the Mixed Use (MU), and the Unclassified (U) Zone Districts, consistent with other amendments recently approved for the Zoning Plan.

- c. Clarification of the need for consistency with General Plan densities for second dwelling units in the Interim Rural Residential (I-R) District, the Mixed Use (MU) District, and the Unclassified (U) District, consistent with other amendments recently approved for the Zoning Plan.
- d. Deleting “building site” and replacing it with “lot area” in the Interim Rural Residential (I-R) District, the One-Family Residential (R-1) District, the Local Convenience Center (C-1) District, the Community Commercial (C-2) District, the Commercial-Light Industrial (C-M) District, the Mixed Use (MU) District, the Light Industrial (M-L) District, the General Industrial (M) District, and the Unclassified (U) District, consistent with other amendments recently approved for the Zoning Plan.
- e. The deletion of subsection 17.30.020(C), which makes reference to recreational facilities in planned residential developments, and subsection 17.30.030(E), which allows a second dwelling unit in the One-Family Residential (R-1) District.
- f. The addition of a new Zoning Permit category in the Local Convenience Center (C-1) District, the Community Commercial (C-2) District, the Commercial-Light Industrial (C-M) District, the Mixed Use (MU) District, and the Unclassified (U) District to permit the establishment of temporary outdoor sales lots for the seasonal sales of pumpkins and Christmas trees, consistent with other amendments recently approved for the Zoning Plan.
- g. Clarification of locational requirements for establishing a Local Convenience Center (C-1) District.
- h. Clarification of the need to submit a development plan at the time of submittal of a zone amendment application to rezone property to the Local Convenience Center (C-1) District, if in a residential or mixed use General Plan land use designation, and the Community Commercial (C-2) District and the Commercial-Light Industrial (C-M) District, if located in a mixed use General Plan designation.
- i. The addition of a new Zoning Permit category in the Commercial-Light Industrial (C-M) District, the Light Industrial (M-L) District, the General Industrial (M) District, and the Unclassified (U) District (if in a commercial or industrial General Plan land use designation) to permit temporary outdoor auctions of heavy equipment and trucks, consistent with other amendments recently approved for the Zoning Plan.
- j. The addition of greenhouse as a permitted use in the Light Industrial (M-L) District.
- k. Clarification of uses permitted with a use permit in the General Industrial (M) District to add Portland cement plants and aggregate recycling facilities.
- l. The addition of an Administrative Permit category in the Unclassified (U) District to permit a one-family residence in Commercial and Industrial General Plan land use designations, consistent with the Commercial and Industrial Zone Districts.
- m. Amending Chapter 17.68 to reference “lot area” rather than “building sites,” consistent with other amendments recently approved for the Zoning Plan. Deletion of subsection 17.68.030(B)(2), which references the BP combining district, and has already been deleted from the adopted Development Standards.
- n. Rechaptering the Mobile Home (T) Combining District from Chapter 17.72 to Chapter 17.73, adding clarifying language to rechaptered sub-section 17.72.030(C) dealing with permitted uses, and deleting sub-sections 17.72.035, 17.72.040, and 17.72.050, dealing with zoning, administrative, and use permits, which will be addressed by the principal district, and resubchaptering sub-section 17.72.060 to be sub-section 17.73.040.
- o. Various grammatical and formatting changes to the chapters identified above.

ZONE AMENDMENT 99-2  
SHASTA COUNTY  
COUNTYWIDE AREA

This was the time set to consider the approval of Zone Amendment 99-2, Shasta County, which makes various amendments to the Shasta County Zoning Plan Text (Shasta County Code Title 17) to reflect the recently adopted changes in the Mineral Resource policies of the County General Plan. Russ Mull, Director of Resource Management, and Associate Planner Bill Walker outlined the staff report and recommended approval. The affidavit of publication and notice of public hearing are on file.

The public hearing was opened, at which time no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-2, Shasta County, Countywide area:

1. Adopted the CEQA determination of a negative declaration with a de minimis finding of significance, based upon the findings as specifically set forth in Planning Commission Resolution No. 99-12.
2. Made the rezoning findings, and introduced and waived the reading of an ordinance which makes various amendments to the Shasta County Zoning Plan Text (Shasta County Code Title 17) to reflect the recently adopted changes in the Mineral Resource policies of the County General Plan, as specifically set forth in Planning Commission Resolution No. 99-12 and identified in Zone Amendment 99-2, dealing with the following changes:
  - a. Amends Chapter 17.12, Mineral Resource (MR) District. The proposed changes to the MR District include the addition of aggregate recycling facilities and some other minor revisions to make the text consistent with other revised sections of the Zoning Plan.
  - b. Amends Subsection 17.88.020, Mining, of Chapter 17.88, Special Uses. This section has been significantly expanded to:
    - (1) allow on-site gravel crushing in all districts subject to the issuance of a use permit;
    - (2) specify when and how mining may be permitted in the in-stream or gravel bar areas of a river or creek;
    - (3) specify when and how mining may be permitted in the floodplain area of a river or stream;
    - (4) specify when and how mining may be permitted in areas of agricultural soils; and
    - (5) require an operating term for each mining use permit.
  - c. Creates Chapter 17.71, the Mineral Resource Buffer (MRB) Combining District. The MRB District is intended to be combined with a principal district to protect existing long-term mining operations (i.e., mines with 30 years or more of expected operation) by creating a buffer on land within one-half mile of MR-zoned mining operation sites. The MRB District allows for compatible land uses while protecting the potential for mineral resource development.
  - d. Creates Chapter 17.72, the Interim Mineral Resource (IMR) Combining District. The IMR District is intended to be combined with any principal district to protect short-term mining operations (i.e., less than 30 years of expected operation). The IMR District allows for compatible land uses while protecting the potential for mineral resource development.

**WORKSHOPS****PUBLIC WORKS****PACIFIC GAS & ELECTRIC  
HYDROELECTRIC DIVESTITURE**

This was the time set to conduct a workshop to receive information on Pacific Gas & Electric's (PG&E) proposed divestiture of its hydroelectric facilities and its impacts on Shasta County. No action was taken during this workshop.

The following is a list of those in attendance who presented information to the Board of Supervisors on this matter: Pat Minturn, Assistant Director of Public Works, Assessor-Recorder Cris Andrews, Deputy Assessor-Recorder Kim Pickering, Charles Willard, Tehama County Supervisor and Chairman of the Regional Council of Rural Counties (RCRC) Water Committee, John Mills, Water Resources Consultant for RCRC, Wes Lujan, Policy Coordinator for RCRC, Julie Green, Government Relations Representative for PG&E Company, Frank Lynch with PG&E's Hydro Generation Department, and Milton Schultz with Burney Forest Products.

**OTHER BOARD MATTERS****BOARD OF SUPERVISORS' MEETING AND  
OFFICE PROCEDURES AND PRACTICES**

The Board of Supervisors continued the workshop scheduled to discuss its meeting and office procedures and practices to March 30, 1999 due to time constraints.

3:54 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

CAROLYN TAYLOR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy