

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 22, 2000

REGULAR MEETING

9:03 a.m.: Chairman Fust 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. 4 - Supervisor Wilson
- District No. 5 - Supervisor Clarke

- County Administrative Officer - Doug Latimer
- County Counsel - Karen Jahr
- Clerk of the Board - Carolyn Taylor

INVOCATION

Invocation was given by Pastor Bill Gillis, First Baptist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Dwight Bailey addressed the Board of Supervisors regarding campaign contribution limits and enforcement of County Ordinance No. 601. County Counsel Karen Jahr explained that this ordinance became ineffective by operation of law when Proposition 208 failed to pass; however, it was clarified that Proposition 208 was declared unconstitutional.

Stuart Erdrich, husband of a County employee, and Patrick Hallahan, International Representative with the Labor International Union of North America, AFL/CIO, spoke regarding labor negotiations and urged resolution to salary and benefit differences and a settlement.

CONSENT CALENDAR

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

Adopted Resolution No. 2000-34 which provides for the transfer of tax revenues for a reorganization proposal involving the annexation of territory to the City of Redding and the detachment of territory (Cypress/Victor Island) from County Service Area (CSA) No. 1 - Fire Protection and CSA No. 15 - Street Lighting. (Administrative Office)

(See Resolution Book No. 41)

Approved and authorized the Chairman to sign the Private Industry Council's Job Training Partnership Act Closeout Plan to transition employment and training services as mandated by the Workforce Investment Act, effective July 1, 2000. (Administrative Office/Private Industry Council)

Adopted Resolution No. 2000-35 which approves and authorizes the Chairman to sign a cooperative agreement with the California Department of Transportation in the amount of \$5,250 for noxious weed eradication services to be performed by the County during the period of January 1, 2000 through June 30, 2001. (Agricultural Commissioner)

(See Resolution Book No. 41)

Accepted the Shasta County Grazing Advisory Board's recommendation to approve funding for the following range improvement projects in the total amount of \$10,962: Craig McArthur - Water Development Project (\$3,210), George Ingram - Water Development Project (\$3,000), and Mark Bidwell - Fencing Project (\$4,752). (Agricultural Commissioner)

Approved the minutes of the meeting held on February 15, 2000, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a certification of disability letter to the Public Employees Retirement System dated February 22, 2000 granting Sergeant Richard Woolf an industrial disability retirement, effective February 22, 2000. (Support Services - Risk Management Division)

Approved and authorized the Chairman to sign the Conditions for Donation of Space Agreement with the U. S. Bureau of Census for the provision of space to be used by census volunteers during the period of March 8, 2000 through April 14, 2000. (Social Services)

Approved and authorized the Chairman to sign an amendment to the agreement with Golden Umbrella, Inc., which increases the amount by \$24,913 for a total of \$84,913 for the provision of special circumstances services to eligible senior citizens during Fiscal Year 1999-2000. (Social Services)

Adopted Resolution No. 2000-36, a "resolution of need" for the replacement of the Parkville Road at Bear Creek bridge. (Public Works)

(See Resolution Book No. 41)

Took the following actions regarding the Red Bluff Road at Middle Creek Bridge Replacement Project: Approved the plans and specifications, instructed the Director of Public Works to advertise for bids, and authorized the opening of bids on March 24, 2000 at 11:00 a.m. (Public Works)

Awarded to the low bidder, Clemens Construction Company, on a unit cost basis, the contract for construction on the Parkville Road at Michaels Creek bridge in the amount of \$203,302. (Public Works)

REGULAR CALENDAR

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented a review of the State Legislative Analyst's Office annual budget analysis which included a projection of \$4.2 billion in revenue above the Governor's projections and recommendations for future funding restrictions.

Supervisors reported on issues of countywide interest which included a report from Supervisor Clarke on her attendance at the recent Regional Council of Rural Counties (RCRC) meeting. She expressed her belief that information from RCRC needs to be more timely before any action is taken, and Supervisor Fust voiced similar concern. Supervisor Kehoe recommended that the Board of Supervisor propose a policy item that would state that no matters, other than emergency items, be considered unless the RCRC delegates receive the information in advance. It was the consensus of the Board that formal policy language should be prepared and placed on the next RCRC agenda for discussion and action. CAO Latimer indicated that he would work with County Counsel on the preparation of the appropriate language.

Supervisor Fust reported on his attendance at the Clear Creek Community Services District negotiating session regarding the Bureau of Reclamation contracts with water purveyors. Supervisor Fust stated that the proposed water contracts, which water purveyors are being told they must sign, will mean less water at a higher cost for agricultural and domestic uses. He further stated that the provisions in the contracts are unacceptable, and interested/affected agencies must pull together faster to deal with this very serious issue. Supervisor Fust outlined his plan to meet with all water agencies within the County on this matter. He indicated that he would also be contacting the Record Searchlight and other news media sources to get this information out to the public and to encourage all parties to become involved and work together as a united front. It was suggested that a workshop be held with Assistant Public Works Director Pat Minturn to discuss these water issues further.

LEGISLATIVE PLATFORM

County Administrative Officer Doug Latimer presented the Legislative Platform for the Year 2000 noting the changes made to the document. It was suggested that next year's report include an analysis on the outcome of the legislation supported and opposed by the Board of Supervisors and that the legislative platform be prioritized. It was pointed out that although the platform needs to be as specific as possible, it must also be general enough to allow the Board to take immediate action as necessary. It was suggested that a workshop be held to consider the prioritization of the legislation and that the platform include more on water issues.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted the Shasta County Legislative Platform for the Year 2000.

AUDITOR-CONTROLLER

COUNTY CLAIMS

By motion made, seconded (Wilson/Kehoe), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$242, 772.80 for County operating funds and special districts.

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with counsel to discuss existing litigation entitled Levin v. 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, United Public Employees of California, and Trades and Crafts, pursuant to Government Code Section 54957.6.

10:03 a.m.: The Board of Supervisors recessed to Closed Session.

12:01 p.m.: The Board of Supervisors recessed from Closed Session.

1:33 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Clarke, Kehoe, Fust, and Hawes, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. With regard to the case entitled Levin v. County of Shasta, the Board unanimously authorized the assignment of this case to John Hager, Esq. No other reportable action was taken.

ANNOUNCEMENT

Chairman Fust announced that Supervisor Wilson would not be in attendance during today's Afternoon Calendar.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

CONDITIONAL CERTIFICATE OF COMPLIANCE 99-4, SPENCER AND GAIL SMITH, REDDING MUNICIPAL AIRPORT AREA RESOLUTION NO. 2000-37

This was the time set for the Board of Supervisors to conduct a public hearing and consider a request from Spencer and Gail Smith for the issuance of Conditional Certificate of Compliance No. 99-4 recognizing two parcels as developable parcels, subject to certain conditions. The affidavit of publication and notice of public hearing are on file.

Senior Planner Marcelino Gonzalez presented the staff report explaining that the properties in question are designated on the General Plan Land Use maps as Redding Airport Specific Plan, two dwelling per acre. The current zoning of the property is the Interim Rural Residential District, combined with a Redding Airport Specific Plan District. The parcels were legally created by deed in 1968, and the applicant has requested a certificate of compliance to obtain current verification from the County that the two parcels have separate legal status.

Mr. Gonzalez further reported that there is a mobile home on the northern parcel and a travel trailer with a room addition built abutting the trailer on the southern parcel. No building permit was found for the trailer or the room addition. Use of a travel trailer as a residence is not allowed by current standards. If occupation of the travel trailer was initiated prior to the requirement to obtain a utility permit (January 1969) for a mobile home and the trailer has continuously been occupied since that time, it may continue to be occupied as a nonconforming residence. The County Assessor maintains that the trailer was on the property in October 1969 and the room addition was under construction at that time. Beginning in 1965, a building permit was required to build a residence or an accessory building, so a building permit would have been required for the trailer room addition if the construction began after 1964.

Mr. Gonzalez explained that to allow continued occupation of the travel trailer, the applicant is required to prove that the trailer has been continuously occupied prior to January 1969. In order to allow the room addition to remain, the applicant is required to prove that the room addition was started prior to 1965. If the room addition was not started prior to 1965, it may not be legalized today as additional living space to the trailer. The trailer is either an illegal use or a nonconforming use. A nonconforming use may not be enlarged. Mr. Gonzalez recommended the issuance of a conditional certificate of compliance to address the status of the travel trailer and the room addition. He and Planning Manager Jim Cook responded to questions from the Board Members.

The public hearing was opened, at which time Robert Griffon (realtor for the applicants) explained that the applicants are bringing this request to the Board because their title company requires documentation that these parcels have separate legal status for insurance purposes. Mr. Griffon indicated that he would submit a letter from the tenant showing when this property was first occupied. No one else spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-37 which authorizes the issuance of Conditional Certificate of Compliance No. 99-4, Spencer and Gail Smith, Redding Municipal Airport area, recognizing two parcels as developable, subject to certain conditions, as amended to include the term "Conditional" in the resolution.

(See Resolution Book No. 41)

CONDITIONAL CERTIFICATE OF COMPLIANCE 99-5,
KURTH EDWARDS, KESWICK AREA
RESOLUTION NO. 2000-38

This was the time set for the Board of Supervisors to conduct a public hearing and consider a request from Kurth Edwards for the issuance of Conditional Certificate of Compliance No. 99-5 recognizing a remainder parcel as developable, subject to certain conditions. The affidavit of publication and notice of public hearing are on file.

Senior Planner Marcelino Gonzalez presented the staff report explaining that the property is designated on the General Plan Land Use maps as Rural Residential A, the current zoning of the property is a Rural Residential District, the parcel is a vacant designated remainder parcel of Parcel Map 19-91, the parcel map created four parcels on 9.2 acres of the 31.5-acre project area, and the parcel map and the designated remainder is located within and is part of an historic mining area.

Mr. Gonzalez further reported that a remainder parcel designation defers the application of the development standards for the remainder parcel until a certificate of compliance is obtained or further subdivision occurs. When a certificate of compliance is requested, the development conditions which applied to the original parcel map are also applicable to the certificate of compliance. Without the certificate of compliance, the parcel is not recognized as a legally created parcel since it has not met the applicable development standards. Mr. Gonzalez recommended the issuance of a conditional certificate of compliance in order to apply the County Development Standards required to recognize the parcel as a building site.

Mr. Gonzalez explained that due to the rugged terrain and past mining activities, proposed conditions require that a building envelope area be designated on an exhibit to be recorded with the certificate of compliance. All development must be within the building envelope area. A geotechnical survey of the building envelope is recommended to determine if there are any existing mine shafts or geological hazards. Mine shafts within the building envelope must be properly closed in a manner acceptable to the Planning Division prior to recording the certificate of compliance. Any further development or subdivision of the parcel would also be subject to a geotechnical survey. Mr. Gonzalez responded to questions from the Board Members.

The public hearing was opened, at which time Kurth Edwards explained his request and recommended the Board's approval. He also asked that parcel numbers be issued prior to compliance due to requirements of his lender. Mr. Gonzalez indicated that staff would work with the applicant's lender on this matter. No one else spoke for or against this proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-38 which authorizes the issuance of Conditional Certificate of Compliance No. 99-5, Kurth Edwards, Keswick area, recognizing a remainder parcel as developable, subject to certain conditions.

(See Resolution Book No. 41)

1:47 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy