

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 3, 2009

REGULAR MEETING

9:01 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 Moty
 District No. 3 - Supervisor Hawes
 District No. 4 - Supervisor Hartman
 District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
 County Counsel - Mike Ralston
 Chief Deputy Clerk of the Board - Glenda Tracy
 Deputy Clerk of the Board - Valerie Ibarra

INVOCATION

Invocation was given by Major Patricia Wetter, The Salvation Army.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Bella Vista residents Helen Stevenson and Arnold Wilhelm voiced concern for the amount of water that will be available for household usage, crops, and orchards.

UPEC Local 792 Labor Representative Cinamon Pitts advised that the union is discussing alternatives to suggest to Shasta County to be used in lieu of layoffs during the budget crisis.

PRESENTATION

**PRESENTATION: TWENTY-YEAR LONGEVITY PIN
 INTERIM COUNTY COUNSEL MICHAEL RALSTON**

Chairman Hawes presented Interim County Counsel Michael Ralston with a twenty-year pin recognizing his service to Shasta County.

BOARD MATTERS

MARCH 2009 EMPLOYEE OF THE MONTH
LEGAL OFFICE EXECUTIVE ASSISTANT MARILYN WACKER
RESOLUTION NO. 2009-013

At the recommendation of County Counsel Mike Ralston and by motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-013, which recognizes Legal Office Executive Assistant Marilyn Wacker as Shasta County's March 2009 Employee of the Month.

(Resolution Book No. 50)

PROCLAMATION: RED CROSS MONTH

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 2009 as Red Cross Month in Shasta County. Pastor Jim Dahl and Red Cross Chairman Betty Harrison-Smith were present to accept the proclamation.

PROCLAMATION: WOMEN'S HISTORY MONTH

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 2009 as Women's History Month in Shasta County. League of Women Voters Chairman Susan Wilson was present to accept the proclamation.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign an amendment to the personal property loan agreement with Whitmore Community Library Foundation to update the exhibit which lists library materials and furniture, update agreement language, and omit the termination date of July 31, 2027; and approved and authorized the County Administrative Officer to sign a letter terminating the current loan agreement with the Whitmore Union Elementary School District. (Administrative Office)

Approved and authorized the Chairman to sign a personal property loan agreement with Shasta Lake Gateway Library to update the terms and exhibit which lists library materials and furniture; and approved and authorized the County Administrative Officer to sign a letter terminating the current loan agreement with Shasta Lake Gateway Library. (Administrative Office)

Approved and authorized the Chairman to sign a personal property loan agreement with the Cottonwood Community Library for library materials and furniture; and approved and authorized the County Administrative Officer to sign a letter terminating the current personal property loan agreement with the Cottonwood Chamber of Commerce. (Administrative Office)

Appointed Shawna Staup to the Shasta Community Services District Board of Directors to fill an unexpired term to December 2009. (Clerk of the Board)

Approved the minutes of the meeting held on February 10, 2009, as submitted. (Clerk of the Board)

Approved a budget amendment in the CSA No. 1 - County Fire budget unit to transfer appropriations in the amount of \$120,000 from the Ono Station fixed asset account to the Self Contained Breathing Apparatus Repair Facility fixed asset account to fund additional building costs for the repair facility. (County Fire)

9:25 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SHASTA COUNTY WATER AGENCY

CONSENT CALENDAR

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Shasta County Water Agency took the following action, as listed on the Consent Calendar:

Approved and authorized the Chairman to sign a Category 6 Major Cost Recovery Agreement with the U.S. Forest Service in an amount not to exceed \$6,490.17 to allow the U.S. Forest Service to recover their costs to process a permit for use and occupancy of National Forest System lands as required for the County Service Area No. 6 - Jones Valley Elk Trail Water Improvement Project. (Water Agency)

9:25 a.m.: The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: MAYERS MEMORIAL HOSPITAL DISTRICT UPDATE

Mayers Memorial Hospital District Chief Executive Officer Katharine Ann Campbell, F.A.C.H.E. stated that the Hospital closed Fiscal Year 2008 with an operating loss of \$129,858, while patient revenues have increased by 15 percent. Funds are being raised to do needed building repairs this summer. With the assistance of the California Department of Labor, a learning program for nurse education has been implemented. She provided a copy of the audited financial report for FY 2008 to CAO Lees.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no legislative report.

Supervisors Moty and Baugh recently attended the Regional Transportation Planning Agency meeting.

Supervisors reported on issues of countywide interest.

COUNTY CLERK/ELECTIONS

**AGREEMENT: SEQUOIA VOTING SYSTEMS
ELECTRONIC AND OPTICAL SCAN VOTING SYSTEMS AND SERVICES**

County Clerk Cathy Darling presented the staff report and recommended approval of the agreement. In response to questions by Supervisors, Ms. Darling explained that the current elections are on paper ballots: the voting machines will be used only when required by federal law. The agreement with the vendor is for electronic and optical scan voting systems used to tabulate the votes, both for the vote-by-mail voters and the precinct voters. The costs are not reimbursable by the Help America Vote Act.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive renewal agreement with Sequoia Voting Systems in an amount not to exceed \$275,000 to provide electronic and optical scan voting systems and related services for the period January 1, 2009 through December 31, 2009, with one optional one-year renewal and one optional six-month renewal.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

9:50 a.m.: Supervisor Hawes recused due to a personal relationship with the applicants, and he left the chambers.

**ZONE AMENDMENT NO. 08-007
RICHARD AND LORI RICHARDS
EAST REDDING AREA**

This was the time set to reopen the public hearing and consider the request to approve Zone Amendment No. 08-007, Richard and Lori Richards, which would rezone approximately 23 acres in the east Redding area from an Exclusive Agricultural District combined with an Agricultural Preserve (EA-AP) District to an Limited Agricultural District combined with a 20-acre Minimum Lot Area (A-1-BA-20) District, and which was continued from the February 24, 2009 meeting. Associate Planner Lio Salazar presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 08-007, Richard and Lori Richards, East Redding area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration, with findings as set forth by Planning Commission Resolution No. 2009-005;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-005;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 08-007, as requested.

9:56 a.m.: Supervisor Hawes returned to the chambers.

ZONE AMENDMENT NO. 08-012
TRENT MCGREW
BELLA VISTA AREA

This was the time set to re-open the public hearing and consider the request to approve Zone Amendment No. 08-012, Trent McGrew, which would rezone approximately 6.2 acres in the Bella Vista area to change the boundaries of a Mixed Use (MU) and Rural Residential (R-R) District to coincide with the current General Plan land use designations, and which was continued from the February 24, 2009 meeting. Assistant Director of Resource Management Rick Simon presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 08-012, Trent McGrew, Bella Vista area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with findings as set forth by Planning Commission Resolution No. 2009-003;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-003;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 08-012, as requested.

ZONE AMENDMENT NO. 08-021
DALE, DAL, AND CORINA NEATHAMER
ANDERSON AREA

This was the time set to re-open the public hearing and consider the request to approve Zone Amendment No. 08-021, Dale, Dal, and Corina Neathamer, which would rezone approximately 6.25 acres from an Unclassified (U) District to a Limited Agricultural (A-1) District, and which was continued from the February 24, 2009 meeting. Associate Planner Lio Salazar presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 08-021, Dale, Dal, and Corina Neathamer, Anderson area:

1. Found the project exempt from the California Environmental Quality Act (CEQA), as set forth by Planning Commission Resolution No. 2009-006;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-006;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 08-021, as requested.

APPEAL OF ZONE AMENDMENT NO. 08-023
APPEAL OF PARCEL MAP NO. 08-027
COTTONWOOD JBRE, LLC
WEST COTTONWOOD AREA
RESOLUTION NOS. 2009-014 AND 2009-015

This was the time set to re-open the public hearing and consider the appeal by Cottonwood JBRE, LLC of the Planning Commission's denial of Zone Amendment No. 08-023 and Parcel Map No. 08-027 (west Cottonwood area), and which was continued from the February 24, 2009 meeting. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Senior Planner Bill Walker presented the staff report. The project is a proposed subdivision of the property into three approximately 10-acre home sites and a 203.66-acre remainder parcel, with potential future division of eight additional 10-acre parcels and three 40-acre parcels by Cottonwood JBRE, LLC in the West Cottonwood area; he recommended denial of the appeal.

Much of the surrounding property to the south and west of the proposed project site is used for large-scale grazing operations and is in the Williamson Act. The distance and driving time to access public services, entertainment, shopping, or employment would be uneconomical and inefficient. The five- and ten-acre parcels in the vicinity were created prior to approval of the current General Plan.

Assistant Director of Resource Management Rick Simon stressed the importance of the consideration of future consequences of the decision made on the appellant's request as this could set a direction for development in the location.

In response to questions by Supervisor Baugh, Mr. Simon explained that approval of the appellant's request would change the density to approximately three times as much development on the parcel as may have been anticipated under the current zoning and the General Plan.

The public hearing was opened, at which time appellant's representative Einhard Diaz spoke in support of the project, noting that the request is to rezone approximately 112 acres of the applicant's 233 acres to 10-acre parcel sizes. Fifteen parcels within less than 200 feet from the applicants' three parcels encompass approximately 233 acres. Of these 15 parcels, the overall density is one dwelling unit per 15.5 acres; ten range from 2.39 acres to 11.52 acres in size; 11 are developable; and one is being proposed for a land division of two 10-acre parcels and one 20-acre parcel. Appellant had a water study prepared which indicates that there is a sustainable water supply.

Services and utilities in the immediate area include: newspaper service, postal service, solid waste collection, telephone service, electrical power, fire protection, and propane gas service. Several other businesses and services are within 4 miles of the project site.

Mr. Diaz stated that the proposed property site does receive some urban services and is located in an area with proven septic tank usage, it has certain long-term water availability, will provide a buffer with adjacent grazing lands, is not remote from a Rural Community Center, and is directly accessible via a County maintained road.

Bob Berger opposed the project as he and other property owners in the area find it difficult to locate adequate water on their property. He is also concerned that trespassers may enter the property to ride dirt bikes, poach, or hunt, requiring the repair of fences. Breaks in fences allow dogs to roam neighbors property and chase cattle.

Appellant Jim Brown stated that extensive work has been done to clean up vehicles and trash that were previously left on the property. Lawrence & Associates performed a hydrology study on an existing well and determined that adequate water could be found for the potential 14 parcels.

No one else spoke for or against the project, and the public hearing was closed.

In response to questions by Supervisor Baugh, Director of Resource Management Russ Mull stated that the water report is unacceptable as the Board of Supervisors has requested in the past that water tests not be performed in the winter. The analysis that was performed on the water indicated a high level of arsenic, and the water is of poor quality. If the appeal is upheld by the Board of Supervisors, the matter would return to staff for a full California Environmental Quality Act (CEQA) review, including additional well testing and would then return to the Planning Commission for approval.

Supervisor Kehoe made a declaration that he had a brief conversation with Eihnard Diaz to advise the approximate time of the hearing.

In response to questions by Supervisor Hawes, Mr. Mull stated that the control of greenhouse gasses can be assisted by placing homes closer to community centers.

11:20 a.m.: The Board of Supervisors recessed.

11:30 a.m.: The Board of Supervisors reconvened.

Lawrence & Associates Principal Hydrogeologist Bonnie Lampley stated an 8-hour aquifer test had been performed in mid-January 2009 to assess groundwater availability and quality for up to 14 residential parcels. The test was performed during a period where 66 percent of the normal rainfall had been received. The results showed that the well will yield sufficient water for domestic usage.

The laboratory analysis results of the water sample collected found all parameters below Maximum Contaminant Levels (MCL) for drinking water, including arsenic, which can be further treated. Methane was present in the sample but it can be removed by venting.

In response to questions by Supervisor Baugh, Ms. Lampley said the water should be treated in order to be safe for drinking, including iron and manganese. Mr. Diaz emphasized that water extracted in many communities requires treatment and this information would be disclosed to buyers.

In response to questions by Supervisors Moty and Baugh, County Counsel Mike Ralston advised if the Board of Supervisors denies the appeal, the appellants may return with other requests. If the appeal is upheld, the project will continue as proposed, beginning with a CEQA process.

In response to questions by Supervisor Kehoe, Mr. Mull stated that he had just received the appellant's appeal outline presented at the hearing, and is not comfortable responding to each point listed. He further stated it is important that the General Plan be followed. This provides documentation which assists County staff to advise members of the public of the rules that are outlined and to be followed. The General Plan will be amended this year, and community groups in the various areas will be allowed to make recommendations as to the zoning area requirements.

In reply to questions by Supervisor Moty, Mr. Mull advised that the General Plan has been revised every 5 years and anticipates the process of the current review and any proposed changes will require approximately 18 months.

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding the appeal of Zone Amendment No. 08-023 and the appeal of Parcel Map No. 08-027, Cottonwood JBRE, LLC, west Cottonwood area:

1. Adopted Resolution No. 2009-014, which denies the appeal of Zone Amendment No. 08-023, Cottonwood JBRE, LLC (west Cottonwood area) and upholds its denial by Planning Commission Resolution No. 09-008;

2. Adopted Resolution No. 2009-015, which denies the appeal of Parcel Map No. 08-027, Cottonwood JBRE, LLC (west Cottonwood area) and upholds its denial by Planning Commission Resolution No. 09-009; and
3. Adopted a finding that the California Environmental Quality Act (CEQA) does not apply to projects which a public agency rejects or disapproves.

(Resolution Book No. 50)

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss public employee discipline/dismissal/release, pursuant to Government Code section 54957.

12:05 a.m.: The Board of Supervisors recessed to Closed Session.

12:20 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Chief Deputy Clerk of the Board Glenda Tracy present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss public employee discipline/dismissal/release. By unanimous vote, the Board of Supervisors declined to hear the employee appeal from the Employee Appeals Board decision. There was no other reportable action.

12:21a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy