

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 27, 2007

REGULAR MEETING

9:00 a.m.: Chairman Cibula 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Deputy Clerk of the Board - Valerie Ibarra
Deputy Clerk of the Board - Nancy Rupert
Chief Deputy Clerk of the Board - Glenda Tracy

INVOCATION

Invocation was given by Pastor Stace Rollefson, Trinity Lutheran Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Mel Fisher.

INTRODUCTIONS

Introductions of the Members of the Board, County staff, elected officials, and County department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

County Clerk/Registrar of Voters Cathy Darling informed the Board of Supervisors of developments at the State level regarding possible decertification of the County's electronic voting machines and plans to comply.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Cibula noted that the amendment to the agreement with the Law Offices of Larry B. Moss was pulled at the request of the department.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign an agreement with Bartig, Basler & Ray, LLP in an amount not to exceed \$65,550 for the first year to prepare the annual County Financial Audit for the Fiscal Years ending June 30, 2007 through 2009 for the period May 1, 2007 through the completion of the Fiscal Year 2008-09 audit or until June 30, 2010, whichever is later, with two optional one-year renewals. (Administrative Office/Grand Jury)

Approved and authorized the Chairman to sign the County Claims List totaling \$4,566.33 requiring special Board action. (Auditor-Controller)

Reappointed Kenneth Jones, Suzanne Kane, and Ruth Huey to the Commission on Aging for two-year terms to January 2009. (Clerk of the Board)

Appointed Butch Jones, Shelby Gazzigli, and Patty Gomez to the Alcohol and Drug Advisory Board for three-year terms to March 2010. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an amendment to an agreement with North State Security, Inc. to modify the locations and scope of security services and retaining both the current compensation of \$136,644 and the term of July 1, 2006 through June 30, 2007. (Social Services)

For the 2007 Weed Spray Triennial Contract on County Roads, Airports, and Service Areas Project, approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after April 19, 2007 at 11:00 a.m. (Public Works)

For Parcel Map No. 04-041, Roberts (Shingletown area), adopted Resolution No. 2007-30, which grants an extension of time to the developer for completion of improvements by April 24, 2008; and approved and authorized the Chairman to sign an amendment to the agreement with Bobby and Christine Roberts extending the time of completion to April 24, 2008. (Public Works)

(See Resolution Book No. 48)

For Tract Map No. 1931, Centerville Oaks subdivision (west Redding area), approved the final map for filing; and accepted on behalf of the public offers of dedication for private road rights of way, public utility easements, and relinquished access rights as shown on the final map. (Public Works)

Adopted Resolution No. 2007-31, which approves and authorizes the Public Works Director to submit an application to the California Infrastructure and Economic Development Bank to finance the Redding Regional Septage Impoundments Expansion Project, authorizes the Public Works Director to act on behalf of the County in matters pertaining to the application, and approves and authorizes the Public Works Director to sign the financing documents and any subsequent amendments. (Public Works)

(See Resolution Book No. 48)

For proposed Parcel Map No. 05-031, Buckshot Lane Emergency Fire Escape Road (EFER) Permanent Road Division (Palo Cedro area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for May 15, 2007 at 9:00a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

REGULAR CALENDAR

PRESENTATIONS

Shasta Mosquito Vector and Control District Manager William Hazeleur provided an update of activities. Mr. Hazeleur outlined the District's efforts to reduce mosquito breeding and, as a result, West Nile Virus illnesses in Shasta County.

BOARD MATTERS

**APPOINTMENTS: SHASTA COUNTY
ANIMAL SHELTER CITIZENS' ADVISORY COMMITTEE**

The Board of Supervisors recognized the appointment of the following citizens to the Shasta County Animal Shelter Citizens' Advisory Committee: Bill Cox and Terry Starr, as appointed by District 1 Supervisor Kehoe; John Wilson and Dave Bartle, as appointed by District 2 Supervisor Cibula; Suzanne Kane and Gene Littleton, as appointed by District 3 Supervisor Hawes; Rebecca Andrews and Roger Hendrickson, as appointed by District 4 Supervisor Hartman; and Bill Gregory and Jill Dinsmore, as appointed by District 5 Supervisor Baugh.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Cibula recently attended a meeting of Regional Council of Rural Counties.

Supervisors reported on issues of countywide interest.

LAW AND JUSTICE

PROBATION

BUDGET AMENDMENTS

At the recommendation of Chief Probation Officer Brian Richart and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved budget amendments in the Probation budget units to reflect actual and projected expenditures and revenues consistent with mid-year analysis.

DISTRICT ATTORNEY

MEMORANDUM OF UNDERSTANDING: CITY OF REDDING
AGREEMENT: SHASTA REGIONAL MEDICAL CENTER
SEXUAL ASSAULT RESPONSE TEAM ON-CALL NURSES
BUDGET AMENDMENT

District Attorney Gerald Benito presented the staff report and recommended approval of the request. Associate Director of Women's Refuge Linda Dickerson spoke regarding the need for the program to aid sexual assault victims and asked for support of the program. Supervisor Kehoe moved approval of staff recommendation, and Supervisor Baugh seconded the motion. After further discussion, Supervisor Kehoe amended his motion to include a letter of appreciation to the City of Redding; Supervisor Baugh seconded the amended motion. By unanimous vote, the Board of Supervisors approved and authorized the Chairman to sign a Memorandum of Understanding by which the City of Redding would contribute an amount not to exceed \$50,000 to help fund Sexual Assault Response Team on-call nurses from the date of signing through January 31, 2008; approved a budget amendment in the amount of \$100,000 increasing revenue and appropriations in the Victim Witness budget; approved and authorized the County Administrative Officer to sign an agreement with Shasta Regional Medical Center to provide on-call staff; authorized the Auditor-Controller to pay claims related to the project; and approved and authorized the Chairman to sign a letter to the City of Redding expressing the Board of Supervisors' appreciation for the City's contribution in the amount of \$50,000 to the project.

HEALTH AND HUMAN SERVICES

PUBLIC HEALTH

BUDGET AMENDMENT

At the recommendation of Director of Public Health Donnell Ewert and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$41,200 to recognize additional revenue and adjust various line items as follows: A Women, Infants, and Children (WIC) funding augmentation in the amount of \$41,200 for computer equipment; a budget transfer in the amount of \$50,000 to the District Attorney budget to partially finance Sexual Assault Response Team on-call nursing coverage; purchase of a four-person modular cubicle unit for the Anderson Teen Center in the amount of \$20,000; and a transfer of fixed asset authority in the amount of \$7,000 to purchase a file server to facilitate drug testing services for the Probation Department.

OTHER DEPARTMENTS

COUNTY FIRE

AGREEMENT: FOUTS BROTHERS FIRE EQUIPMENT
BIG BEND VOLUNTEER FIRE COMPANY
2,000-GALLON WATER TENDER
BUDGET AMENDMENT

At the recommendation of Deputy Fire Warden Doug Wenham and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the County Fire Warden to purchase one 2,000-gallon water tender for the Big Bend Volunteer Fire Company; awarded the bid to Fouts Brothers Fire Equipment for a total purchase price of \$164,629; and approved a budget amendment in the County Fire budget increasing

appropriations by \$164,629, increasing revenues by \$124,644, and utilizing \$39,985 of Measure B fund balance.

10:12 a.m.: The Shasta County Board of Supervisors adjourned and reconvened as the Shasta County Housing Authority.

SCHEDULED HEARINGS

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

SHASTA COUNTY HOUSING AUTHORITY

HOUSING AUTHORITY ANNUAL PLAN
HOUSING RESOLUTION NO. 2007-1

This was the time set to conduct a public hearing to consider adopting the Housing Authority annual plan to maintain Shasta County’s Section 8 rental assistance program. Director of Housing and Community Action Programs Richard Kuhns presented the staff report and recommended approval of the plan. 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 proposal, and the public hearing was closed.

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors accepted the annual plan for Fiscal Year 2007-2008 for the Shasta County Housing Authority as required by the Department of Housing and Urban Development; and adopted Housing Resolution No. 2007-1, which authorizes the Chairman of the Housing Authority to sign the Certification of Compliance.

(See Housing Resolution Book)

10:15 a.m.: The Housing Authority adjourned and reconvened as the Board of Supervisors.

10:15 a.m.: The Board of Supervisors recessed.

1:33 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Cibula, Hawes, Hartman, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, Deputy Clerk of the Board Nancy Rupert, and Certified Shorthand Reporter Debbie Benson present.

AFTERNOON CALENDAR

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

GENERAL PLAN AMENDMENT NO. 04-002 (CHURN CREEK BOTTOM AREA)
USE PERMIT NO. 05-006
ZONE AMENDMENT NO. 04-003
PROPOSED SHASTA REGIONAL DEVELOPMENT

This was the time set to conduct a public hearing to consider General Plan Amendment No. 04-002, Shasta Regional Development, which would change a portion of approximately 107 acres in the Churn Creek Bottom area from a Part-Time Agricultural (A-cg) land designation to a

Commercial (C) land designation, and Zone Amendment No. 04-003 to amend the project site from a Limited Agriculture (A-1) District, an A-1 District combined with the Restrictive Flood District (A-1 F-2), and a Planned Development District (PD) to a Community Commercial District combined with a Design Review District (C-2-DR) and a C-2 District combined with DR District and the Restrictive Flood District (C-2-DR-F-2). The C-2-DR and the C-2-DR-F-2 Districts would be designed specifically for a regional auto mall and Use Permit No. 05-006 for a regional auto mall. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Senior Planner Bill Walker presented the staff report and gave an overview of the study, noting that up to 18 auto dealerships have voiced interest in relocating to the proposed Shasta Regional Auto Mall (Auto Mall) site off Interstate-5 (I-5). Mr. Walker stated that some of the negative impacts referenced in the Environmental Impact Report (EIR) are significant and unavoidable. The Planning Commission reviewed the application on January 31, 2007 and February 21, 2007 and recommended the Board of Supervisors certify the EIR, adopt the Mitigation Monitoring and Reporting Program, adopt the Findings of Fact and Statements of Overriding Consideration, approve the General Plan and Zone Amendments, and approve the Use Permit subject to certain conditions.

In response to questions by Supervisor Baugh, Director of Resource Management Russ Mull stated that there is no longer a Phase 1 and Phase 2 as the applicant has decided to do the entire project at one time. Mr. Walker explained that the zone wall that surrounds some of the residential sites is to prevent sound traveling to the residential area. Public Works Director Pat Minturn noted that the Auto Mall's proportionate share of the expense regarding impacts for modification of interchange ramps and intersections is approximately 40 percent of the total cost.

Quad Knopf, Inc. Vice President and Director of Planning Gene Smith stated that the firm of Quad Knopf prepared the EIR for the proposed Auto Mall. Thirteen environmental topics with impact conclusions were listed, and the County responded to 96 letters from public agencies and citizens.

The public hearing was opened, at which time applicant/developer Jim Maxwell introduced Les Melburg and Dan Ripkey to discuss the project.

Nichols Melburg & Rossetto, AIA & Associates, Inc. Senior Partner Les Melburg stated that many of the auto dealers in Shasta County are landlocked, with no visibility from I-5. Taylor Motors had initially proposed to use a site on Highway 44, but that site was denied by City of Redding Planning. Statistics obtained from the State Board of Equalization, the "Cross-Sell" Report, and the California Motor Car Dealers Association cite a proposed an increase of sales of vehicles, sales tax, and employee growth. Auto sales to individuals that reside outside the area would increase the income for the community restaurants, hotels, retail sales, and community events and establishments.

Mr. Melburg advised that several sites were considered. Approximately seven acres is needed for each dealership, with location, access, and topography being criteria to be considered. There is a ten-mile limit for franchises, meaning that when a particular brand dealership is owned, there cannot be another same-brand dealership within ten miles. It was determined that I-5 visibility and access are also important to the location of an auto mall. An attractive design and landscape is planned for the project to serve as a buffer for sound control and provide a five-acre park open to the public at all times, maintained by the auto park.

The proposed auto mall project would use far less water than any other kind of development. The permeable paving would reduce the run-off and would be cleaned regularly, recycled, and/or replaced to reduce blockage.

In response to questions by Supervisor Baugh, Public Works Director Pat Minturn noted that the Churn Creek Bottom soils are exceptionally permeable. Drainage moves very slowly, and the asphalt is open-graded to allow drainage to flow through the flat site.

In response to questions by Supervisor Baugh, Mr. Melburg stated that Pacheco School is currently making improvements to their property, yet are not in a position to move to another site at this time.

Director of California State University Center for Economic Development Dan Ripkey stated that his office performed a study on the impact of the proposed auto mall development. The statistics of the proposed scenarios indicate that four dealerships located at the site would have an impact of 437 jobs for the community and \$800 million in revenue for businesses and operations. The fiscal impact on a loss of four dealerships would be \$1.2 million to the City of Redding's general fund.

3:25 p.m.: The Board of Supervisors recessed.

3:40 p.m.: The Board of Supervisors reconvened.

Shasta Builders Exchange CEO Kent Dagg, Shasta County Deputy Sheriff's Association (DSA) representative John Ruiz, Sandy Riley, Redding Chamber of Commerce Chairman-Elect Jeff Avery, Dennis Riley, Roger Janis, Don Davis, Ryan Denham, Carpenters Union representative Philip Geist, United Public Employees of California (UPEC) representative Dave Ritchie, Sheriff Tom Bosenko, Roger Casey, and Doug Wooten spoke in favor of the proposed auto mall due to increased revenues for needed programs and services in the County and the creation of jobs.

Jerry Boyer, Bob Halliday, Douglas Campbell, Steve Ross, and Jason Halsted spoke in favor of the proposed auto mall due to quality growth and the increased value of properties in the area.

Larry Solberg, Jeen Wopack, Carolyn Ayres, Lennart Lindstrand, Pam Rocca, Gary Singleton, Ron Reese, Louise Zimmerman, Phyllis Solberg spoke in opposition of the proposed auto mall because of undesirable changes to the neighborhood and the possible water drainage issues.

Winnemem Wintu Tribe representative Mark Franco spoke in opposition to the proposed auto mall due to the risk of artifacts being disturbed in the construction of the project. He stated that Senate Bill 18 calls for consultation with the tribes to prevent potential disturbing of remains.

Pacheco School District Superintendent Rich Rhoades stated that the project may cause traffic impact in the area of the school; Cal Trans District Director Brian Crane stated concerns of interchange impacts; and Anderson-Cottonwood Irrigation District (ACID) General Manager Stan Wenberg stated that his concerns are regarding the drainage and water runoff.

5:30 p.m.: The Board of Supervisors recessed.

5:55 p.m.: The Board of Supervisors reconvened.

John Weech, Mary Occasion, Ron Epperson, Bruce Waggoner, Ann Ducci, Douglas Benne, Victor Ogrey, Alan Hill, Brian Hill, and Kathy Callan spoke in opposition to the proposed auto mall because of the loss of the agricultural farmland and inconsistent community design.

Peter Scales stated that Mr. Maxwell has stated that he is willing to pay for sewer and water needs and should be allowed to proceed with the proposed auto mall project.

Winnemem Wintu Tribe representative Calleen Sisk-Franco addressed the Wintu villages and burial sites that may be disturbed, and the required consultations with the tribes to prevent any loss of artifacts.

Jeff Swanson spoke in opposition of the proposed auto mall, stating that the traffic study of impacts should have been included in the EIR, advising that the research for auto malls in other towns in California have a larger population than Redding and the number of car sales will be higher.

Rod Evans spoke in opposition of the proposed auto mall stating that the agricultural farmland at the Churn Creek Bottom will be lost. He stated that the water-related issues are significant and there is risk that the permeable asphalt may fail, causing the asphalt to be torn up and replaced approximately every five years.

Mr. Maxwell spoke in rebuttal to negative comments made by those opposed.

Mr. Melburg advised that there is no other site in Shasta County than the one indicated for the proposed auto mall, and the ground has not been used as agricultural land for over 30 years.

7:30 p.m.: The Board of Supervisors recessed.

7:50 p.m.: The Board of Supervisors reconvened.

A motion was made by Supervisor Hawes to take the following actions regarding General Plan Amendment No. 04-002, Use Permit No. 05-006, and Zone Amendment No. 04-003, Shasta Regional Development (Churn Creek Bottom area), which would rezone approximately 107 acres to a Community Commercial District combined with the Design Review District (C-2-DR) and a C-2 District combined with a DR District and a Restrictive Flood District and/or other appropriate district:

1. Review the Environmental Impact Report (EIR) for the Shasta Regional Auto Mall and adopt a resolution which: (a) certifies the EIR, (b) adopts the Mitigation Monitoring and Reporting Program, and (c) adopts the Findings of Fact and Statement of Overriding Consideration;
2. Adopt a resolution which approves General Plan Land Use Element map changes for General Plan Amendment No. 04-002 as the first amendment for 2007;
3. Make the rezoning findings for Zone Amendment No. 04-003;
4. Introduce and waive the reading of an ordinance which approves the zone amendment; and
5. Adopt a resolution which approves Use Permit No. 05-006, subject to certain findings and conditions.

Supervisor Hawes withdrew his motion in order to allow Mr. Mull to provide input.

Mr. Mull recommended that if the Board of Supervisors chooses to approve the motion, they should pass a Resolution of Intent to do the recommended items referenced in the staff report. The matter would be brought before the Board of Supervisors at the next meeting for adoption. If the Board of Supervisors does not wish to approve, a motion for denial would be appropriate.

A motion was made and seconded (Hawes/Hartman) to adopt a Resolution of Intent to approve General Plan Amendment No. 04-002, Use Permit No. 05-006, and Zone Amendment No. 04-003, Shasta Regional Development (Churn Creek Bottom area), which would rezone approximately 107 acres to a Community Commercial District combined with the Design Review District (C-2-DR) and a C-2 District combined with a DR District and a Restrictive Flood District and/or other appropriate district:

1. Review the Environmental Impact Report (EIR) for the Shasta Regional Auto Mall and adopt a resolution which: (a) certifies the EIR, (b) adopts the Mitigation Monitoring

- and Reporting Program, and (c) adopts the Findings of Fact and Statement of Overriding Consideration;
2. Adopt a resolution which approves General Plan Land Use Element map changes for General Plan Amendment No. 04-002 as the first amendment for 2007;
 3. Make the rezoning findings for Zone Amendment No. 04-003;
 4. Introduce and waive the reading of an ordinance which approves the zone amendment; and
 5. Adopt a resolution which approves Use Permit No. 05-006, subject to certain findings and conditions.

In reply to questions by Supervisor Baugh, Mr. Mull stated that delivery trucks would enter the road exiting onto Churn Creek Road by a different route, thus preventing interference with auto dealers customers; however, it is not a necessity and the removal would not have a significant effect on the project. The services provided by the Sheriff's Office and Fire Department encounter additional time, fees could be requested; however, an auto mall has its own private security. Also, it is mandatory that an individual be hired from the Wintu and Toyon-Wintu tribe to be onsite during the construction activities to watch for remains that may be discovered and provide proper removal services.

Supervisor Baugh explained that he is aware of potential revenue if the project is approved. The drainage system appears to work; however, there is the possibility that pollution is being added to the nearby well. He stated the traffic element addressed in the EIR is not adequate. Supervisor Baugh expressed his concern that the auto mall would be the start of continued commercial development in the area. Therefore, he could not support the proposed auto mall project.

In reply to questions by Supervisor Cibula, Mr. Minturn advised that research was conducted at two Northern California auto malls for an index of traffic flows.

Supervisor Cibula stated that he respects the concept of an auto mall; however, the planning of the location is not in an area that will benefit economically; and he will not support the proposed auto mall project.

Supervisor Hawes stated that farming along an Interstate creates dust and issues that cause complaint. The land has not been farmed for a length of time and is sitting idle, and he supports an auto mall.

Supervisor Hartman stated that the development of an auto mall is needed to maintain quality of life, as a nice entrance into the community would be created with this project.

Supervisor Kehoe discussed the issue of monetary benefit to the developer, the construction trade, the auto dealers, the media, the community, and to Shasta County. The environmental concerns have been adequately documented, which will have an impact on the area. The quality of life for the community will be affected. He stated that he will not support the proposed auto mall project.

In reply to questions by Supervisor Hawes, County Administrative Officer Larry Lees stated that data shared at this meeting has been informative, and the comments and the EIR have a great deal of merit. As the CAO for the County, he has a plan for the needs of County departments and sees the value the revenue could bring to the County's immediate needs as well as long range planning. He leans toward supporting the project due to its revenue potential.

Supervisor Hawes stated that the proposed auto mall will assist in jobs for Shasta County.

The motion failed by the following vote:

AYES: Supervisors Hawes and Hartman
NOES: Supervisors Baugh, Kehoe, and Cibula

A motion was made and seconded (Hawes/Hartman) to approve reducing the General Plan Amendment No. 04-002 and zone district boundaries, by selecting reduced project alternatives, omitting 45 acres, and reducing the size of the project.

The motion failed by the following vote:

AYES: Supervisors Hawes and Hartman
NOES: Supervisors Baugh, Kehoe, and Cibula

8:32 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy