



BOARD OF SUPERVISORS

Terrell Swofford, Vice Chair 1st District
Robert A. Meacher, Chair 2nd District
Sharon Thrall, 3rd District
Lori Simpson, 4th District
Jon Kennedy, 5th District

MEETING MINUTES

REGULAR MEETING OF THE BOARD OF SUPERVISORS COUNTY OF PLUMAS, STATE OF CALIFORNIA HELD IN QUINCY ON MARCH 13, 2012

STANDING ORDERS

10:00 A.M. CALL TO ORDER/ROLL CALL

Present: Supervisor Swofford, Supervisor Simpson, Supervisor Meacher, Supervisor Thrall.
Absent/Excused: Supervisor Kennedy.

In attendance are Jack Ingstad, County Administrative Officer, Craig Settlemyre, County Counsel and Nancy DaForno, Clerk of the Board

INVOCATION AND FLAG SALUTE

Pastor Tarleton offers the invocation and Supervisor Swofford leads the flag salute.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

PUBLIC COMMENT OPPORTUNITY

Larry Douglas regarding economic issues facing Plumas County

ACTION AGENDA

Convened as the Flood Control District Governing Board

SPECIAL DISTRICTS GOVERNED BY BOARD OF SUPERVISORS

The Board of Supervisors sits as the Governing Board for various special districts in Plumas County including Dixie Valley Community Services District; Walker Ranch Community Services District; Grizzly Ranch Community Services District; Beckwourth County Service Area; Plumas County Flood Control and Water Conservation District; Quincy Lighting District; Crescent Mills Lighting District.

1. 10:10 FLOOD CONTROL & WATER CONSERVATION DISTRICT – Robert Perreault and Randy Wilson

Discussion, possible action and/or direction to staff regarding the following FC&WC District issues:

1. Administrative Control No. I – the Co-Managers proposed revisions to the Administrative Controls

Motion: approve revisions to the Administrative Controls for the Flood Control and Water Conservation District as presented and authorize the Chair to sign, **Action:** Approve, **Moved by** Supervisor Simpson, **Seconded by** Supervisor Swofford.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Supervisor Meacher, Supervisor Simpson, Supervisor Swofford, Supervisor Thrall.

Absent: Supervisor Kennedy.

2. Status Report by Bob Perreault on the Completion of the Lake Davis Water Treatment Plant Project. Information only, no action is taken by the Board.
3. Status Report by Bob Perreault on the Transfer of Ownership of the Lake Davis Water Treatment Plant from the Flood Control and Water Conservation District to the City of Portola. Information only, no action is taken by the Board.
4. Status Report by Randy Wilson on the Sierra Nevada Conservancy Grant. Information only, no action is taken by the Board.
5. Status Report by Randy Wilson on the IRWM planning grant application. Information only, no action is taken by the Board.

Adjourned as the Flood Control District Governing Board and reconvene as the Board of Supervisors

2. 11:00 BOARD OF SUPERVISORS

A. CORRESPONDENCE

Letter of resignation from Mimi Hall, Director of Public Health Agency

Letter of retirement from John Sebold, Director of Mental Health

Correspondence from Joani Duncan of Portola regarding high fuel prices

B. INFORMATIONAL ANNOUNCEMENTS

Report by Supervisor Simpson regarding issues related to County government and include Quincy Merchants meeting; Plumas Unified School District Board meeting; Northern California Water Association annual meeting; Emergency Preparedness

Report by Supervisor Swofford regarding issues related to County government and include NorCal EMS meeting; Portola Railroad Days meeting; Sierra Valley Groundwater Management District meeting

C. Appointments

LOCAL SOLID WASTE ENFORCEMENT

Re-appoint Supervisor Thrall, Tom Hunter and Bill Turner to the Independent Hearing Panel for Local Solid Waste Enforcement

Motion: Re-appoint Supervisor Thrall, Tom Hunter and Bill Turner to the Independent Hearing Panel for Local Solid Waste Enforcement, **Action:** Approve, **Moved by** Supervisor Swofford, **Seconded by** Supervisor Simpson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Supervisor Meacher, Supervisor Simpson, Supervisor Swofford, Supervisor Thrall.

Absent: Supervisor Kennedy.

3. CONSENT AGENDA

These items are expected to be routine and non-controversial. The Board of Supervisors will act upon them at one time without discussion. Any Board members, staff member or interested party may request that an item be removed from the consent agenda for discussion. Additional budget appropriations and/or allocations from reserves will require a four/fifths roll call vote.

Motion: approve the following consent agenda matters as presented, **Action:** Approve, **Moved by** Supervisor Thrall, **Seconded by** Supervisor Simpson.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Supervisor Meacher, Supervisor Simpson, Supervisor Swofford, Supervisor Thrall.

Absent: Supervisor Kennedy.

A. BOARD OF SUPERVISORS

- 1) Approve and authorize the Chair to sign letter to the Department of Transportation for encroachment permit (Sierra Nevada Relay, September 07-08, 2012)
- 2) Approve and authorize the Chair to sign letter to the Department of Transportation for encroachment permit (Lake Almanor Chamber – June 16, 2012 Mile High Bike Ride and 4th of July Parade)

B. SHERIFF

Adopt **RESOLUTION** No. 12-7764 authorizing Sheriff to apply for grant funds for the State of California, Department of Parks and Recreation Off-Highway Vehicle Grant Funds

C. LIBRARY

Adopt **RESOLUTION** No. 12-7765 establishing county office hours for the transaction of business for branch libraries

D. PROBATION

Approve supplemental budget reduction of \$2,471 for Probation-Offender Treatment and Prevention Grant due to overstated anticipated revenue

NOON RECESS

AFTERNOON SESSION

The Board reconvenes at 1:30 p.m. with all members present as in the morning session.

4. 1:30 P.M. – **PLANNING** – Randy Wilson
PUBLIC HEARING and first reading of an **ORDINANCE** approving a Development Agreement between the County of Plumas and Lake Almanor Associates LP, a California Limited Partnership for Lake Front at Walker Ranch. **Roll call vote**

The public hearing is opened. There being no comment from the public, the hearing is closed and before the Board for decision.

Motion: approve the following recommendations of the Planning Department as presented, **Action:** Approve, **Moved by** Supervisor Thrall, **Seconded by** Supervisor Swofford.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Supervisor Meacher, Supervisor Simpson, Supervisor Swofford, Supervisor Thrall.

Absent: Supervisor Kennedy.

I. Environmental Determination-Final Environmental Impact Report #84 was previously certified for this project. Environmental Impact Report #84 is adequate and sufficient for this project, the proposed Development Agreement, because the circumstances set forth in Section 15162 of the CEQA Guidelines have not arisen as set forth below:

CEQA Guidelines Section 15162

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant effects or a substantial increase in the severity of the previously identified significant effects; or

Environmental Impact Report #84 was previously prepared for this project. No new evidence of significant environmental effects or an increase in the severity of previously identified significant effects beyond those discussed in the Final EIR, there have been no changes in the project as analyzed in the Final EIR, and the proposed Development Agreement was effectively analyzed the Final EIR.

- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

There is no evidence of the involvement of new significant effects or an increase in the severity of previous identified significant effects that will require revisions to Environmental Impact Report #84. There have been no new projects submitted that would change the cumulative impact analysis of EIR #84.

- (c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (1) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Environmental Impact Report #84 has been prepared for this project. No new significant environmental impacts have been identified.

- (2) Significant effects previously examined will be substantially more severe than show in the previous EIR;

Environmental Impact Report #84 has been prepared for this project. No new significant effects were found to be severe.

- (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;

Environmental Impact Report #84 was previously prepared for this project. There are no mitigation measures there were not implemented because of their infeasibility or because the proponents declined to adopt them.

- (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Environmental Impact Report #84 was previously prepared for this project. There are no known mitigation measures, different than those imposed as part of the original project approval that would substantially reduce impacts to less than significant.

II. Adopt the following Statement of Overriding Findings:

- A. In determining whether to approve the project, CEQA requires a public agency to balance the benefits of a project against its significant unavoidable environmental impacts (Section 15093 of the CEQA Guidelines). In accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, Plumas County has, in determining whether or not to approve the proposed project, balanced the economic, social, technological, academic, and other benefits of the project against its unavoidable environmental effects, and has found that the benefits of the project outweigh the significant adverse environmental effects that are not mitigated to less than significant level. This statement of overriding considerations is based on the Lake Front at Walker Ranch EIR, oral and written testimony, and other evidence received at public meetings and hearings held on the project and the EIR. The Plumas County Board of Supervisors hereby finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable impacts.
- B. Plumas County recognizes that the proposed project will result in significant and unavoidable impacts related to Air Quality, and Biological Resources. The County has carefully balanced the benefits of the proposed project against the unavoidable adverse impacts identified in the Draft EIR, Final EIR and the Findings of Fact. Notwithstanding the disclosure of impacts identified as significant which have not been eliminated or mitigated to a level of insignificance, the Plumas County Board of Supervisors, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse impacts. These benefits include:
- Provision of affordable and attainable housing to local residents and those employed locally;
 - Provisions of recreational uses complimentary to residential uses as well as regional recreation uses in the Lake Almanor area;
 - Development of regional recreation facilities and destination resort facilities including a golf course, and hotel/spa to enhance the major visitor serving destinations within the Lake Almanor area;
 - Provision of economic stimulus to the existing economic base of the Lake Almanor area; and
 - Provision of construction-related and long-term employment opportunities.

Based upon the above recitals and the entire record, including the Lake Front at Walker Ranch EIR and written testimony and other evidence received at the public hearing held on the project and the EIR, the County finds that there is evidence that supports a finding that the project will result in substantial local, community and regional benefits, that outweigh the adverse effects of the project and render acceptable the unavoidable significant effects on the environment that cannot be mitigated to a level less than significant.

Motion: waive first reading of an Ordinance approving a Development Agreement between the County of Plumas and Lake Almanor Associates LP, a California Limited Partnership for Lake Front at Walker Ranch and make the following findings as recommended: **Action:** Approve, **Moved by** Supervisor Swofford, **Seconded by** Supervisor Thrall.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Supervisor Meacher, Supervisor Simpson, Supervisor Swofford, Supervisor Thrall.

Absent: Supervisor Kennedy. **The title of the Ordinance is read and continued to March 20, 2012 for adoption.**

III. Waive the First Reading of the attached Ordinance approving a Development Agreement between the County of Plumas and Lake Almanor Associates LP, A California Limited Partnership for Lake Front at Walker Ranch.

At the next available meeting of the Board of Supervisors, approve and adopt the attached ordinance and make the following findings:

- A. That the Development Agreement for Lake Front at Walker Ranch is found to be consistent with the Plumas County General Plan because the proposal is consistent with the goals, policies, standards and objectives of existing General Plan and Zoning Code as set forth in specific detail in the Final Environmental Impact Report #84 (Land Use Section 4.1).
- B. That the Development Agreement for Lake Front at Walker Ranch is found to have a reasonable probability that the project will be consistent with the future adopted general plan because the property will be developed in a manner and include infrastructure consistent with the County's Prime Opportunity Development Standards, concentrates development outside of identified sensitive wildlife areas, and incorporates elements promoting affordable housing and recreational amenities.
- C. That the Development Agreement for Lake Front at Walker Ranch is found to have little or no probability that the project will be detrimental to or interfere with the future adopted general plan in that the property has been targeted for development due to its location in an area already in the development process and avoids sensitive wildlife and resource areas which are the areas looked at for preservation in the new general plan in process. This continues to be an area identified as ideal for the type of development proposed taking advantage of the recreational opportunities associated with Lake Almanor and having topography suitable for development.
- D. That all the terms and conditions of that certain Development Agreement for Lake Front at Walker Ranch were part of the analysis in Final Environmental Impact Report Number 84, which was certified by the Board of Supervisors on March 2, 2010 and Resolution 2010-7614 was adopted making certain findings and certifying the Final Environmental Impact Report.
- E. That because certain impacts identified impacts related to noise, air quality, and biology were identified in Final Environmental Impact Report Number 84 are identified as significant and unavoidable a Statement of Overriding Considerations were adopted by the Board of Supervisors.
- F. That the Lake Front at Walker Ranch project should be encouraged in order to meet important economic, social, environmental or planning goals of the General Plan and the future adopted general plan of the County of Plumas.

- G. That the landowner/applicant, Lake Almanor Associates LP, a California Limited Partnership, will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit.
- H. That the Lake Front at Walker Ranch project would be unlikely to proceed in the manner proposed in the absence of a development agreement.
- I. That the landowner/applicant, Lake Almanor Associates LP, a California Limited Partnership, will participate in all programs established and/or required under the General Plan, the Final Environmental Impact Report Number 84, and as set forth in the Development Agreement and all of the applicable approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public.
- J. That the landowner/applicant, Lake Almanor Associated LP, a California Limited Partnership, has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations or negotiated list of land uses.

5. CLOSED SESSION

ANNOUNCE ITEMS TO BE DISCUSSED IN CLOSED SESSION

- A. Conference with Legal Counsel: Claim Against the County filed by Scott Papenhausen on February 08, 2012
- B. Conference with Legal Counsel: Claim Against the County filed by PG&E on February 09, 2012
- C. Conference with Legal Counsel: Claim Against the County filed by DeVonte Smith on February 21, 2012
- D. Conference with Legal Counsel: Initiation of litigation pursuant to Subdivision (c) of Government Code §54956.9 - Plumas National Forest Travel Management Plan
- E. Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9
- F. Conference with Labor Negotiator regarding employee negotiations: Sheriff's Department Employees Association, Operating Engineers Local #3, and Confidential Employees

REPORT OF ACTION IN CLOSED SESSION (IF APPLICABLE)

- A. Conference with Legal Counsel: Claim Against the County filed by Scott Papenhausen on February 08, 2012

By unanimous vote **Motion:** reject the claim and direct the Clerk to provide sufficient notice, **Action:** Approve, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

- B. Conference with Legal Counsel: Claim Against the County filed by PG&E on February 09, 2012
- By unanimous vote **Motion:** reject the claim and direct the Clerk to provide sufficient notice, **Action:** Approve, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

- C. Conference with Legal Counsel: Claim Against the County filed by DeVonte Smith on February 21, 2012

By unanimous vote **Motion:** reject the claim and direct the Clerk to provide sufficient notice, **Action:** Approve, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

- D. Conference with Legal Counsel: Initiation of litigation pursuant to Subdivision (c) of Government Code §54956.9 - Plumas National Forest Travel Management Plan

There was no reportable action taken.

E. Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9

This matter was not addressed.

F. Conference with Labor Negotiator regarding employee negotiations: Sheriff's Department Employees Association, Operating Engineers Local #3, and Confidential Employees

There was no reportable action taken.

ADJOURNMENT

Adjourned meeting to Tuesday, March 20, 2012, Board of Supervisors Room 308, Courthouse, Quincy, California.