



MEETING MINUTES

BOARD OF SUPERVISORS

William Powers, Vice Chair, 1st District
Robert A. Meacher, 2nd District
Sharon Thrall, 3rd District
Rose Comstock, Chair, 4th District
Ole Olsen, 5th District

REGULAR MEETING OF THE BOARD OF SUPERVISORS COUNTY OF PLUMAS, STATE OF CALIFORNIA HELD IN QUINCY ON NOVEMBER 04, 2008

STANDING ORDERS

ROLL CALL

The meeting is called to order at 9:00 a.m. with Supervisors William Powers, Sharon Thrall, Robert Meacher Ole Olsen and Chair Rose Comstock present.

INVOCATION AND FLAG SALUTE

Pastor Tarleton from the First Baptist Church of Quincy offers the invocation and Supervisor Olsen leads the flag salute. Kelly Stane offers an invocation recognizing Veterans that have served our Country in honor of Veterans Day, November 11, 2008.

PUBLIC COMMENT OPPORTUNITY

None.

ACTION AGENDA

1. COUNTY ADMINISTRATIVE OFFICE

Departmental Matters

RISK MANAGEMENT

Presentation by Kelly Stane, Risk Manager of Trends Report for Fiscal Year 2007-2008.

2. BOARD OF SUPERVISORS

CORRESPONDENCE

None

TITLE I/II/III

Motion by Supervisor Olsen and second by Supervisor Powers authorizing the Chair to sign a letter to the USDA Forest Service determining Title I/II/III allocation for receipt of Federal Forest Reserve Payment (Secure Rural Schools) for 2008. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

Allocation is as follows:

Title I	85.00%
Title II	8.00%
Title III	7.00%

AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS & MEASURES

Motion by Supervisor Powers and second by Supervisor Olsen to appoint Keith Mahan as Agricultural Commissioner/Sealer of Weights & Measures, and authorize Chair to sign employment contract, effective November 24, 2008. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

INFORMATIONAL ANNOUNCEMENTS

Supervisor Powers reports on attendance of various meetings and includes Air Quality Management District; Administrative of Justice - Portola Court Facility; Red Clover Crm Project; Plumas-Sierra County Fair Board; CSA regarding Jail Facilities.

3. COUNTY COUNSEL

MINASIAN LAW FIRM CONTRACT, ADDENDUM NO. 2

Following discussion, motion by Supervisor Thrall, second by Supervisor Powers and carried to approve Addendum No. 2 to contract with Minasian Law Firm, for representation in the case of Cunha v. Cappleman and authorize the CAO to sign.

4. CLERK OF THE BOARD

OCTOBER 2008 BOARD MINUTES

Motion by Supervisor Powers, second by Supervisor Thrall and carried to approve Board minutes for October 2008 as presented.

5. CONSENT AGENDA

Motion by Supervisor Powers and second by Supervisor Thrall to approve the following consent agenda matters. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

A. FISH & GAME ADVISORY COMMITTEE

Approval to relocate the Plumas County Fish & Game monthly meetings from the Quincy Veteran's Hall to the Planning and Building Department Conference Room.

B. CHILD ABUSE PREVENTION COUNCIL

- 1) Approve and accept the Annual Report from the Plumas County Child Abuse Prevention Council for fiscal year 2007-2008.
- 2) Approve contract between Plumas County Child Abuse Prevention Council and Council Coordinator, Janine, effective July 01, 2008. Approved as to form by County Counsel.

C. AIRPORTS

Approve request from Sugar Pine Aviators to construct addition to office space at Gansner Airport, Quincy.

D. ENGINEERING

Sitting as the Beckwourth CSA Governing Board

Authorize the Beckwourth CSA manager to enter into an agreement between the CSA and Folchi Logging & Construction for cleaning and brush removal from sewer ponds located in Beckwourth.

E. PUBLIC WORKS

Authorize execution of a material Purchase Agreement by the Director of Public Works and the County Administrative Officer for lubricants.

F. FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RESOLUTION 08-7516, approving an application for a Prop. 84 River Parkways grant for the Spanish Creek Restoration Project.

NOON RECESS

AFTERNOON SESSION

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

6. MEMBER OF THE PUBLIC

MENORAH – ANNUAL DISPLAY

Julia Jackson is before the Board requesting approval for inclusion of a Menorah in the Plumas County Courthouse annual display beginning December 21, 2008 and to continue annually.

Following discussion, motion by Supervisor Powers, second by Supervisor Olsen and carried to approve the request in recognition of Hanukkah holiday and the cultural aspect of the Menorah.

7. PLANNING

CONTINUED PUBLIC HEARING – MCMORROW TENTATIVE PARCEL MAP

Appeal of Zoning Administrator's decision to approve a Tentative Parcel Map for John and Elizabeth McMorrow. This matter is continued from October 21, 2008 to allow for the appellant, High Sierra Rural Alliance, to review and address any new information as presented by Planning Department staff; allow for appellant to present any new information in regard to the tentative map; and allow for rebuttal by the applicant, John and Elizabeth McMorrow. There being no further comment from the appellant or the applicant, the public hearing is closed and before the Board for decision.

Motion by Supervisor Meacher and second by Supervisor Thrall to uphold the recommendation of the Planning Department as follows: AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

RECOMMENDED

ACTIONS: **Staff recommends that the Board take the following actions:**

Project Action:

I. Deny the appeal of the Zoning Administrator's decision to approve the Tentative Parcel map and approve the Tentative Parcel Map, as shown on the modified map submitted by the applicant on May 15, 2008, subject to the conditions of approval listed in Exhibit 2 and the Mitigation Monitoring Plan in Exhibit 3 and the findings listed below.

a. Condition No. 1 is a requirement of the Subdivision Map Act, Government Code Section 66452.6. Condition No. 2 is required by the County resolutions that implement the Subdivision Map Act; Resolution 74-2587, as amended by Resolutions 75-2714, Resolution 77-3004, and Resolution 80-3350.

b. Condition No. 3 is a requirement of Plumas County Code Section 9-3.309. An engineered flood analysis for Spanish Creek in American Valley, with base flood elevation data, was incorporated into the revised Flood Insurance Rate Map issued March 2, 2005. This satisfies the requirement for an engineered analysis.

Plumas County Code Section 9-3.309 does not require that the Flood Plain zoning be amended prior to approval of the tentative map. The available information provides better data than the zoning boundary, which was based on the undetermined Zone X delineation shown on the previous FIRM which has been superseded. Local governments are allowed to interpret flood plain boundaries using best available data.

Environmental Health has evaluated this project using the revised flood plain data and has concluded that the proposal meets the requirements of Plumas County Code for development (Section 6-6.09).

c. Condition No. 4 is a requirement of the Environmental Health Department and Plumas County Code Title 6, Chapter 11.

d. Condition No. 5 reflects the requirements of the provisions of Article 10 of Chapter 4 of Title 9, commencing with Section 9-4.1001 of the Plumas County Code.

e. Condition No. 6 serves to implement the requirements of the Plumas County General Plan and EIR #39, and mitigations discussed in Mitigated Negative Declaration 626 (Mitigation Measures 5.1, 5.2, page 24).

f. Condition No. 7 serves to implement the air quality mitigations discussed in Mitigated Negative Declaration 626 and District Rule 226 of the Northern Sierra Air Quality Management District (Mitigation Measures 3.1 through 3.10, pages 20-21).

g. Condition No. 8 incorporates the General Plan mitigations relating to the Sensitive Water area, Important Fish and Wildlife Habitat designation. This serves to implement the requirements of the Plumas County General Plan and mitigations discussed in Mitigated Negative Declaration 626 (Mitigation Measures 4.1 through 4.5, pages 21-22).

h. Condition No. 9 serves as an informational note for direction of potential future land uses on the site, in order to implement the Mining land use management and the requirements of Plumas County Code Section 9-2.413. The residential use will not preclude the use of the land for extraction of materials and continued mining (Mitigation Measure 11, page 30).

i. Condition No. 10 serves to implement mitigation measures for the identified Deer Winter Range in Mitigated Negative Declaration 626 (Mitigation Measure 4.6, pages 22-23).

j. Condition Nos. 11 and 12 serve to implement the Mining land use management of the General Plan and mitigation measures in Mitigated Negative Declaration 626 (Mitigation Measures 9.1 through 9.3, pages 28-29). These mitigation measures serve to ensure that the proposed use will not preclude the use of the land for extraction of materials and continued mining.

k. Condition No. 13 is a requirement of Plumas County Code Section 9.4.412 and the Plumas County Department of Public Works in order to implement the Resource Transportation Route land use management (Mitigated Negative Declaration 626, pages 32-33).

I. The conditions of approval serve to implement conditions of the Subdivision Map Act, Plumas County Resolutions and implementing ordinances, development standards and land use management policies of the Plumas County General Plan and mitigation measures in Mitigated Negative Declaration 626. Mitigation measures proposed as shown on the additional information map recorded with the tentative parcel map will implement and enforce mitigations as per Government Code Section 66434.2 and Plumas County Code Section 9-3.903 Additional Information Contents, specifically sections (b) and (c):

“(b) The additional information may include, but need not be limited to:

“(1) Additional survey information; and

“(2) Building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, waste disposal requirements, water supply provisions, and road and access status.

“(c) The additional information shall include conditions of approval which affect the future use of property, when so specified in the conditions at the time of tentative map approval.”

m. The applicants intend to complete the development in the reasonable time of two years, with the possibility of extension as consistent with the Subdivision Map Act, and the Plumas County Land Division Regulations.

n. The conditions listed are the minimum necessary to protect the public's health, safety and general welfare and are essential to ensure that the tentative parcel map will minimize water quality degradation, air pollution, damage to aquatic or wildlife habitat, damage from flooding, erosion or other impacts of development.

II. Find that the Appellant's challenges to the General Plan are untimely.

a. California Government Section 65009(c)(1)(A) establishes a 90-day statute of limitations on any action “[t]o attack, review, set aside, void, or annul the decision of a legislative body to adopt or amend a general or specific plan.”

b. This appeal was filed on December 19, 2007. Per Government Code section 65009(c)(1)(A), this appeal may only challenge the adequacy of the County General Plan to the extent the plan has been altered or amended within the previous 90 days. (See, *Napa Citizens for Honest Gov't v. County of Napa* (2001) 91 Cal.App.4th 342, 388-90, and *Garat v. City of Riverside* (1991) 2 Cal.App.4th 259, 288-90.) Because no such amendments were adopted within that period, the Appellant cannot facially challenge the adequacy of the General Plan and its individual elements, as such challenges are untimely.

c. In light of Section 65009 and the applicable case law, the Appellant's asserted defects in the General Plan (set forth in pages 2-5 of its February 5, 2008 Appeal) are rejected as untimely. Although responses to the merits of the Appellant's General Plan deficiency arguments are provided below, these responses do not change the fact that the untimeliness of the challenges. Responses on the merits of the Appellant's claims are provided below solely to provide a complete disposition of all grounds for this appeal.

III. Find that the project is consistent with the General Plan because of the following:

a. A portion of the property is designated Moderate Opportunity area, Rural with a ten acre density. The main part of the property being divided is designated as a prime mining resource production area. A portion of each proposed parcel also falls within the Moderate Opportunity area, Rural designation.

The Prime Mining designation is not an opportunity area; it is a Resource Production designation. Each ten acre parcel in the Mining zone allows a dwelling unit. This project meets the zoning and general plan standard for ten acre minimum parcels with required minimum width of 300 feet.

b. The Prime Mining Resource Production area land use management states that no use of the land which will preclude the use of the land for extraction of materials shall be permitted. This tentative parcel map will allow residential development as a component will not preclude the use of the land for extraction of materials because of the mitigation measures (Measures Numbers 9.1, 9.2, 9.3 and 11.1) that will ensure continued use of the resource and the fact that dwelling units are allowed as an integral component of the Mining (M) zoning.

c. The Land Use Management policy states that extraction of materials be permitted from prime mining resource production areas through a permit process that provides for a case-by-case administrative review. The administrative review process may involve public notice, and shall contain conditions of approval necessary to mitigate adverse environmental impacts. In the event that certain impacts cannot be fully mitigated, the activity may still be permitted upon a finding of greater social or economic benefit to the County. Any future mining activity will be reviewed to mitigate adverse environmental impacts and determine compliance with general plan constraints. The project mitigation measures numbers 9.1, 9.2, 9.3 and 11.1 provide for mining of materials for the stream restoration of Spanish Creek.

d. The requirement for a Class 10 road has been satisfied because the access meets County road standards. Access is limited to one main existing access point to Bucks Lake Road, meeting the Resource Transportation Route land use management by protecting resource transportation routes by “requiring development to provide alternate access routes, limited access, or otherwise ensure continued access to resources.”

e. The Fire Hazard land use management, including County ordinances that implement the State Responsibility Fire Safe Regulations, will be met because the road and turnaround providing access to the property is constructed to the minimum required standard, there are no bridges providing access to the property, any required driveways will be constructed to standard, setbacks and clearance standards shall be met and a minimum of 2,500 gallons of water will be provided for each dwelling unit.

In addition, the requirements of the building codes that implement the High Fire Hazard designation will be satisfied with building construction.

f. The design of the project which includes large parcel sizes, retains streamside vegetation and includes mitigations for fencing type and height serves to protect the Deer Winter Range.

g. The designated Area with Potential to Yield Archaeological Significance is protected through project design as it is inaccessible from the main part of the project, and will be designated as a building and grading exclusion area.

IV. Find that the Recirculation of Mitigated Negative Declaration Number 626 is not required.

a. On April 29, 2008, the Applicant revised the Project to reduce the number of lots from four parcels and one remainder to four parcels. A revised computer drawn map was submitted on May 15, 2008.

b. Parcel 1 originally mainly consisted of a pond. The revised map shows Parcels 1 and 2 combined to form a more logical parcel. The boundaries between Parcels 2 and 3 have been adjusted to create two parcels of what was originally three parcels and the boundary between Parcels 3 and 4 has been straightened somewhat. The original remainder parcel has not been changed and has become Parcel 4.

The community leachfield shown on the original map served three parcels (Parcels 1, 2, and 3). The revised map shows two distinct designated leachfield areas located on Parcels 1 and 2. The designated leachfield areas are located outside of the 100 year flood hazard area. The revised plan has been reviewed and approved by Environmental Health. Parcels 3 and 4 each have a designated leachfield area meeting County regulations.

Easement “D” has been added to show how access will be provided to Spanish Creek. This access serves as access and utility easement.

Building exclusion areas include areas within FEMA flood plain and all slopes over 15 percent.

- c. The reduction in the number of parcels will not increase the potential for any new significant environmental impact nor increase the intensity and scope of any environmental impact previously identified. The change, in fact, will reduce the Project's environmental impacts because the reduction in one home site will reduce the impacts of grading for building pads and driveways. All mitigations measures identified in Mitigated Negative Declaration 626 remain in place and all conditions of approval proposed to be adopted by the Board are unchanged.
- d. Because the change to the Project will not create any new environmental impact or increase the intensity or scope of an existing impact, the mitigation measures identified in Mitigated Negative Declaration 626 will fully mitigate all significant environmental impacts of the Project, as revised, to less than significant levels.

ORDINANCE RE: INDEMNIFICATION

Following discussion, motion by Supervisor Meacher, second by Supervisor Powers and carried directing County Counsel to amend the ordinance in regard to Sec. 9-11.07 – Effect of Chapter and Sec. 9-11.02 – Indemnity Required, and return to the Board on November 18, 2008 for adoption.

Supervisor Meacher leaves the Boardroom.

8. PUBLIC WORKS

ALMANOR REGIONAL TRANSPORTATION ASSESSMENT

Presentation by Caltrans and Resolution to concur with the Caltrans "Almanor Regional Transportation Assessment". This matter is continued to November 18, 2008 for adoption of a resolution.

CLOSED SESSION

None

URGENCY ITEM – PLUMAS CORPORATION

RESOLUTION 08-7515 RE: BUSINESS CREDIT STIMULUS PLAN

Motion by Supervisor Powers and second by Supervisor Thrall to add this item to the agenda as an urgency matter because the need for action was not apparent prior to the posting of the agenda. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

Motion by Supervisor Powers and second by Supervisor Thrall to adopt Resolution No. 08-7515, Bank on Upstate California, a Business Credit Stimulus Plan. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

URGENCY ITEM – BOARD OF SUPERVISORS

PROCLAMATION – HONORING PLUMAS COUNTY VETERANS

Motion by Supervisor Powers and second by Supervisor Thrall to add this item to the agenda as an urgency matter because the need for action was not apparent prior to the posting of the agenda. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

Motion by Supervisor Meacher and second by Supervisor Olsen adopting a Proclamation, Honoring Plumas County Veterans, Veterans Day November 11, 2008. AYES: Supervisors Powers, Thrall, Meacher, Olsen and Comstock. NOES: None. ABSENT: None. Carried and so ordered.

ADJOURNMENT

Adjourned meeting to Tuesday, November 18, 2008, Board of Supervisors Room, 308, Courthouse, Quincy, California.

I, NANCY L. DAFORNO, CLERK OF THE BOARD DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE PLUMAS COUNTY BOARD OF SUPERVISORS HELD ON NOVEMBER 04, 2008 ARE CORRECT AS RECORDED.

Nancy L. DaForno, Clerk of the Board