

BOARD OF SUPERVISORS

JUNE 4, 1996

1:30 p.m.

The Board of Supervisors of the County of Modoc met in regular session this 4th day of June, 1996. The following supervisors were present: Nancy J. Huffman, Ron McIntyre, Joe Colt, Ed Carver and Ben Zandstra. County Clerk Maxine Madison, Auditor Judi Stevens and Director of Administrative Services Mike Maxwell also present.

Meeting called to order pursuant to law by Chairperson Huffman. Following the flag salute, the invocation was offered by Supervisor Zandstra. Chairperson Huffman noted that the agenda was posted on May 29, 1996.

MATTERS INITIATED BY THE PUBLIC:

Sean Curtis, Land Use Committee member updates members on what has transpired since the special meeting on May 30, 1996 when the county adopted the Local Recovery Plan. The Biological Opinion was signed Friday, May 31, 1996. He reports that there was little change from the draft. He requests that a letter of notification be sent to the USFS advising them that Modoc County Board of Supervisors adopted a Modoc County Recovery Plan for listed suckers within the Big Valley, Devil's Garden and Doublehead Ranger Districts. He advises members that at this time there are no dead lines. The Forest Service has to make a decision from a management position on how they are going to manage the forest. He is not concerned that the permittees will be notified of their position.

Director of Administrative Services Maxwell informs members that the USFS did receive a copy of the Fish and Wildlife Service letter.

Board members discuss the matter. Board members agree that a letter be sent to USFS informing them that Modoc County adopted a Modoc County Recovery Plan on May 30, 1996.

**1. HEARING OF APPEAL FILED BY JOHN WALL OF A PLANNING COMMISSION
DECISION ON MAY 8, 1996 APPROVING AN AMENDMENT TO THE CONDITIONAL USE
PERMIT FOR FITCH GRAVEL.**

Supervisor Colt excuses himself from this agenda item.

Planning Director Kessler presents staff report. John L. Wall filed an appeal on May 14, 1996 of the Planning Commission decision at the May 8, 1996 meeting to approve amendment to Conditional Use Permit of Fitch Gravel. The Amendment to the Use permit #95-01 requested to move the rock crusher to a location immediately south of the existing permit boundary. The Planning Commission approved the request subject to a 12 1/2 foot high berm planted as in the reclamation plan and being placed on the west and south boundaries to act as a buffer. The berm set by the Planning Commission is 700 feet from the Wall residence. The Planning Department was instructed to revise the reclamation bond calculations. The present bond is \$40,000. for Fitch Gravel.

Case with appellant:

Bobby Ray is appearing on behalf of Mr. Wall who is recovering from recent heart surgery. He presents photos of the proposed site for consideration of board members. He states in the appeal that the granting of the amendment will affect his property in a negative manner and that the property value will be decreased. He estimates his property devaluation to be 30 to 50 percent presenting a negative economical effect on him. Mr. Ray informs members that the discussion at the Planning Commission meeting is that it will be economical to Fitch Gravel to move the crusher. The service area will be Surprise Valley Electric and this will be a saving.

Mr. Ray presents to members that it seems from the information that the real intent is to move the crusher and then the hot plant operation, office, scales and shop and to this site at a later date. He requests that the appeal be granted and the use permit amendment to relocate the crusher be denied.

Planning Director Kessler informs members that this is speculation on what they would like to do. The existing haul road is the access road. No alternative routing of an access road has been approved. This was not a part of the Planning Commission presentation. He answers noncompliance issues presented by Mr. Ray.

Tony Cruse, one of the partners in Fitch Sand and Gravel address the issue. It is an economical issue to move the site as the raw material is trucked to the crusher at this time. If they cannot compete without of county businesses the money goes out of the county. There is an old county pit exactly where they want to relocate. He discusses the map that was presented to the Planning Department and to the Planning Commission. He reports that he has followed the directions from the Planning Department and permits as required. He presented his request to move the crusher to the Planning Department in February 1996. He informs members that by moving the crusher it will cut down on the number of trucks going on the Dorris Reservoir Road. Any requests to move the hot plant will require environmental review and Planning Commission hearings. It is a very lengthy process and would be the ultimate goal.

Persons speaking in favor of the appeal: Mike Wolter, Mary Woodward, Janie Erkiaga, Jerry Cooley on behalf of Yuba Trucking, A letter is read from J. Stanton Chace, Jr. and Lesley J. Chace in favor of the appeal.

Carolyn Wilson speaks in opposition to the appeal.

Statements by board members regarding the issue. Supervisors find they do not have all the information from the Planning Department. Supervisor McIntyre would like the specific site and a map.

Motion by Supervisor Zandstra, seconded by Supervisor McIntyre to sustain the appeal of John Wall and return the matter to the Planning Commission.

Planning Director Kessler recommends that the matter be referred back to Environmental Review and then to the Planning Commission. He suggests that it needs more data generated on noise impacts and specific location. He recommends that this process be followed for this step, moving the crusher.

Chairperson Huffman reminds members that the issue on appeal is "should the crusher be moved."

County Counsel recommends that the hearing be continued and requests that staff provide them with the information requested by the board.

Supervisor McIntyre withdraws his second to the motion. The motion dies for lack of a second.

Motion by Supervisor McIntyre, seconded by Supervisor Carver and carried, to continue the public hearing to the June 18, 1996, meeting. Staff is directed to provide board members with data regarding noise impacts and specific locations.

AYES: Zandstra, Carver, McIntyre, Huffman ABSENT: Colt

Public hearing continued.

Supervisor Colt present.

SUPERIOR COURT JUDGE BARCLAY ANNOUNCES HIS RETIREMENT:

Judge Barclay announces that as of June 1, he retired as Modoc County Superior Court Judge. The Chief Justice of the Supreme Court has assigned him back to the county as Superior Court Judge on an "as needed" basis.

6. DIRECTOR OF ADMINISTRATIVE SERVICES ITEMS:

a. CONSIDERATION/ACTION; RESOLUTION CONFIRMING BOARD ACTION OF APRIL 16, 1996 AUTHORIZING THE PURCHASE OF OFFICE BUILDING AT 114 E. NORTH STREET, ALTURAS, NOT TO EXCEED \$85,000.

Motion by Supervisor Zandstra, seconded by Supervisor Colt and carried, to rescind Resolution No. 96-25 adopted at the May 30, 1996, approving purchase of property at 114 E. North Street, Alturas, CA.
AYES: Zandstra, Colt, Carver, Huffman ABSTAINS: McIntyre

Motion by Supervisor Zandstra, seconded by Supervisor Carver and carried, to adopt Resolution No. 96-26 confirming board action of April 16, 1996, authorizing the purchase of office building at 114 E. Modoc Street, Alturas, CA, in an amount not to exceed \$85,000. and authorize the Director of Administrative Services to act on behalf of the County to carry out the acquisition.
AYES: Zandstra, Colt, Carver, Huffman ABSTAINS: McIntyre

b. AMENDING CAPITAL PROJECT BUDGET 1420 INCREASE \$125,500 FOR PURCHASE/RENOVATION OF OFFICE BUILDING AT 114 E. NORTH ST. FUNDS FROM ONE-TIME COUNTY FUNDS:

Motion by Supervisor McIntyre, seconded by Supervisor Zandstra and unanimously carried to approve the increase in Capital Project Budget 1420 in the amount of \$125,400 for purchase/renovation of office building at 114 E. North St. Funds are from one-time county funds.

c. AUTHORIZING DIRECTOR TO ADVERTISE FOR BIDS ON RENOVATION OF OFFICE AND TO AWARD CONTRACT. RENOVATION NOT TO EXCEED \$40,000.

Motion by Supervisor Zandstra, seconded by Supervisor Colt and unanimously carried, to authorize Director of Administrative Services to advertise for bids on renovation of office and to award contract, the renovation shall not exceed \$40,000.

4:00 p.m. Supervisor Carver absent.

2. REPORT ON DELINQUENT SOLID WASTE FEES AND ADOPT RESOLUTION:

Deputy Director of Public Works Hironymous reports on Delinquent Solid Waste Fees.

Motion by Supervisor McIntyre, seconded by Supervisor Colt and carried, to adopt Resolution No. 96-27 Confirmation of 1995-96 Solid Waste Benefit Assessment Fees and declaring such fees to be special assessments against the respective parcel pursuant to Government Code section 25831.
AYES: Zandstra, Colt, McIntyre, Huffman ABSENT: Carver

3. DISCUSS FOREST SERVICE DECISION OF NO ACTION RE: SIERRA PACIFIC. LETTER OF SUPPORT TO SIERRA PACIFIC:

Forest Supervisor Henderson-Bramlette discusses a letter that she sent to Assistant Forest Supervisor Gustafson of Humboldt-Toiyabe National Forests regarding Alturas Intertie Project. She proposes a joint effort in supplementing the environmental documentation. She states that she does not want to develop new issues related to the project but to ensure that the issues be fully analyzed and disclosed in the Project EIS. A lot of alternatives were proposed in the EIS. She suggests that a joint Action Plan be developed for the project.

Board members discuss the different route alternatives. The meeting in Reno has been canceled. The Toiyabe and Modoc Forest will meet to develop an Action Plan. It will be finished by Friday, the 7th of June. They will meet with BLM this week. BLM is the lead agency on the Sierra Pacific Power Company project. The USFS will be working on the routes and submit their proposals. Board members question whether there will be a public comment period. Supervisor Henderson-Bramlette is not aware of a planned public comment period. She briefly discusses the difference between Nevada and California laws regarding the project.

Board members express strong opposition to a route that goes over Cedar Pass. They are concerned with the delay of construction of the project. Board members thank her for the presentation and request her to keep members updated on the project.

Forest Supervisor Henderson-Bramlette informs members that the Biological Opinion was signed on Friday, May 31, 1996. She briefs members on the effect of the Biological Opinion on the permittees. County Counsel Comisky and Director Maxwell to concur with Supervisor Henderson-Bramlette when she receives a legal opinion regarding the permittees on the forest.

4. CONSENT AGENDA:

a. APPROVAL OF MINUTES OF 5/7/1996

b. AUTHORIZATION FOR LES WRIGHT, SEALER/DIR. OF WEIGHTS & MEASURES TO SIGN WEIGHTS & MEASURES WEIGHMASTER ENFORCEMENT SUBVENTION CONTRACT WITH THE DIV. MEASUREMENT STANDARDS FOR FY 1996/97.

c. APPROVAL OF FY 1996/97 EGG QUALITY CONTROL CONTRACT WITH THE DEPT. OF FOOD & AGRICULTURE AND CHAIRMAN AUTHORIZATION TO SIGN CONTRACT.

d. AUTHORIZATION FOR LES WRIGHT, SEALER/DIR. OF WEIGHTS AND MEASURES TO SIGN WEIGHTS AND MEASURES AGREEMENT P-56925 FOR PETROLEUM PRODUCTS SUBVENTION GRANT WITH THE DIVISION OF MEASUREMENT STANDARDS FOR FY 1996/97.

e. APPOINTMENT OF BERNARR PINGEL AS MEMBER OF FISH, GAME AND RECREATION COMMISSION, DISTRICT 4.

Supervisor Huffman withdraws Item A for discussion.

Motion by Supervisor Colt, seconded by Supervisor McIntyre and carried, to approve Consent Agenda Items B through E, and authorize the Chairperson or Clerk to execute/sign all necessary documents.
AYES: Zandstra, Colt, McIntyre, Huffman ABSENT: Carver

4a. CONSENT AGENDA "a" APPROVAL OF MINUTES OF 5/7/1996.

Supervisor Huffman amends the minutes of May 7, 1996, Book 17, Page 78, she was appointed to a three member execute committee for the people that will attend CalFed meetings. The meetings are a two year process with three members appointed to the committee from RCRC. Michael Jackson and John Mills counsel will attend the CalFed meetings. They will attend the RCRC meeting at Cal Pines the 19th and 20th of this month.

Motion by Supervisor McIntyre, seconded by Supervisor Colt and carried, to approve the minutes of May 7, 1996 as amended by Supervisor Huffman. AYES: Colt, McIntyre, Zandstra, Huffman
ABSENT: Carver

5. DEPARTMENT HEAD REPORTS:

No Department Head reports at this time.

BOARD OF SUPERVISORS REPORTS:

Supervisor Zandstra reports that Surprise Valley Resource is involved in a land exchange in North West Washoe County. He reports the Land Use Committee is up on the issue. He reports that he has documents regarding the Fee Reservoir. He requests Chairperson Huffman sign the feasibility study. He does not have a copy of the resolution adopted at the last meeting at this time. County Clerk will check with County Counsel to see if the resolution has been prepared. Supervisor Zandstra informs members that he is working with Garth Jeffers, BLM on the project.

Director of Administrative Services Maxwell briefly reviews the Fee Reservoir documents. He advises Supervisor Zandstra that the Department of Public Works is the lead agency. Supervisor Huffman signs the document as Chairperson. Supervisor Zandstra to check with Director of Public Works regarding the matter.

Supervisor McIntyre requests that the letter from San Bernardino Board of Supervisors requesting support of proposal "Making Criminals Pay" and the letter from Andrew Coolidge, representing Citizens for Economic Survival of Yuba County and "Return a Greater Portion of the Property Tax Money to County Government" be placed on the June 18, 1996 board agenda.

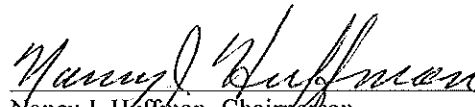
Supervisor Colt reports that he received a call from Thoms Creek Estate representatives questioning whether a certain section of road was taken into the county road system. He would like a committee made up of Supervisors and Road Commissioner to discuss the process of taking roads into the county road system. Director Maxwell will check into the matter and place it on the agenda at a later date. He hasn't received any report on County Road 53 at this time.

Supervisor Huffman reports that she was on a 2 1/2 hour conference call concerning a group called Mountain Counties that would like RCRC to leave the water issue up to them. She reports that they are more concerned with irrigation issues not on the origin of water. There is a meeting the 5th with the Mountain Counties and there is a concern regarding SB 900 and rewriting of the bill. Supervisor Huffman encourages members to attend the RCRC meeting at Cal Pines the 19th and 20th of June, 1996.

No further business to come before the board at this time, the meeting is adjourned to meet in regular session, Tuesday, June 18, 1996 at 9:00 a.m.

5:45 p.m. Meeting adjourned.


Maxine Madison, Clerk


Nancy J. Huffman, Chairperson