



# Lassen County

## Meeting Minutes

### Board of Supervisors

#### LASSEN COUNTY SUPERVISORS:

**DISTRICT 1 - CHRIS GALLAGHER; DISTRICT 2 - DAVID TEETER - VICE CHAIRMAN; DISTRICT 3 - JEFF HEMPHILL - CHAIRMAN; DISTRICT 4 - AARON ALBAUGH; DISTRICT 5 - TOM HAMMOND**

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Tuesday, December 10, 2019

9:00 AM

Board Chambers  
707 Nevada Street  
Susanville, CA 96130

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#### 9:00 A.M. CALL TO ORDER

Present: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond. Also Present: County Administrative Officer (CAO) Richard Egan, County Counsel Robert Burns and Deputy Clerk of the Board Michele Yderraga.

**Present:** 5 - Jeff Hemphill, David Teeter, Aaron Albaugh, Chris Gallagher and Tom Hammond

**Excuse:** 0

#### PUBLIC COMMENT

None.

#### CLOSED SESSION

Closed session was held from 9:01 a.m. - 9:27 a.m.

Present: Supervisors Hemphill, Gallagher, Teeter, Albaugh and Hammond. Also Present: CAO Egan, County Counsel Burns and Deputy Clerk of the Board Yderraga.

Assistant Planning and Building Services Director Gaylon Norwood and Natural Resource Technician Nancy McAllister was present from 9:02 a.m. - 9:27 a.m.

#### ANNOUNCEMENT OF THE ITEMS TO BE DISCUSSED IN CLOSED SESSION

CAO Egan announced the following closed session item:

- 1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9: One case.

#### 9:30 A.M. OPENING CEREMONIES

#### Pledge of Allegiance and Invocation

After the flag salute invocation was offered by Supervisor Hemphill.

## ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9: One case.

CAO Egan announced: No reportable action.

## AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

**A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Agenda be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

## PUBLIC COMMENTS

Randy Darrow: Stated he would like to speak for Item# C1 - Planning Division / Cannabis.

## INFORMATION/CONSENT CALENDAR

Supervisor Albaugh pulled Item# G5 - Cal Signal Corp Agreement and Item# G6 - Agreement.

## Approval of the Consent Agenda

**A motion was made by Supervisor Hammond, seconded by Supervisor Albaugh, to approve the Consent Agenda as amended. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

## COUNTY CLERK-RECORDER

## MINUTES

SUBJECT: Meeting Minutes of November 20, 2019.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve.

**Attachments:** [DRAFT MINS](#)

**These Minutes were approved on the Consent Agenda.**

## ELECTIONS

SUBJECT: Certified Statement of Results for the November 5, 2019 Special Assembly District 1 General Election.

FISCAL IMPACT: Unknown at this time.

ACTION REQUESTED: 1) Receive and file the Certified Statement of Results November 5, 2019 Special Assembly District 1 General Election, as per Section 15372 of the California Elections code; and 2) declare the

results as per Election Code Section 15400.

Attachments: [20191205145437783](#)

**This Action Item was approved on the Consent Agenda.**

HEALTH AND SOCIAL SERVICES

THIS ITEM HAS BEEN PULLED

**This Agreement was approved on the Consent Agenda.**

PROBATION DEPARTMENT

TRAVEL AUTHORIZATION

SUBJECT: Travel authorization for Robert Sisk to attend the mandatory Probation Officer Core Course training, January 7 through February 12, 2020 in Sacramento. The total estimated cost of the training is approximately \$5,463.

FISCAL IMPACT: From Fund/Budget Unit No. 145-0561 with partial reimbursement from the Standards & Training for Corrections (STC) Program.

ACTION REQUESTED: Approve.

Attachments: [Prob Attach](#)

**This Action Item was approved on the Consent Agenda.**

SHERIFF'S DEPARTMENT

TRAVEL AUTHORIZATION

SUBJECT: Travel authorization for two (2) Deputy Sheriff Recruits to attend Butte College Basic Law Enforcement Academy December 30, 2019 - June 5, 2020, in Chico.

FISCAL IMPACT: \$23,880 From Public Safety Fund/Budget Unit No. 130-0522.

ACTION REQUESTED: 1) Approve.

Attachments: [SO Police Academy 12 10 19 Attach](#)

**This Action Item was approved on the Consent Agenda.**

TREASURER/TAX COLLECTOR

TAX SALE

SUBJECT: Resolution approving the sale of Tax Defaulted property at public auction May 8, 2020 - May 11, 2020.

FISCAL IMPACT: No fiscal impact.

ACTION REQUESTED: Adopt Resolution.

Attachments: [Tax Coll Agd Req](#)

**This Resolution No. 19-054 was adopted on the Consent Agenda.**

#### MISCELLANEOUS CORRESPONDENCE ITEMS

ACTION REQUESTED: Receive and file the following correspondence:

- a) Lassen-Plumas-Sierra Community Action Agency Regular Board of Directors Meeting for December 5, 2019.
- b) Lassen County Architectural Review Committee Meeting Agenda for November 20, 2019.
- c) Planning and Service Area Agency on Aging Advisory (PSA2 AAA) Executive Board Meeting Agenda, November 18, 2019.
- d) Susanville City Council Meeting Agenda for November 20, 2019.
- e) Lassen County Department of Planning and Building Services Monthly Schedule of Meetings and Applicaton Deadlines - 2020.
- f) Lassen County Technical Advisory Committee Meeting Agenda for December 5, 2019.
- g) Susanville City Council Meeting Agenda for December 4, 2019.
- h) Lassen County Planning Commission Meeting Agenda for December 3, 2019.
- i) Lassen County Behavioral Health Advisory Board meeting agenda for December 9, 2019.
- j) Central Valley Regional Water Quality Control Board Public Meeting Notice and Agenda for December 5, 2019, and December 6, 2019.

**Attachments:** [MISC CORR](#)

**These Reports were received and filed on the Consent Agenda.**

#### DEPARTMENT REPORTS

##### PUBLIC WORKS DEPARTMENT

###### CAL SIGNAL CORP AGREEMENT

SUBJECT: First Amendment to Agreement Between Lassen County and Cal Signal Corp.

FISCAL IMPACT: An additional \$40,000 is available in the Road Construction Fund/Budget Unit No. 122-1222 for this Amendment where Federal STIP funding is available for reimbursement.

ACTION REQUESTED: That the Board of Supervisors approve the First Amendment to Agreement with Cal Signal Corp and authorize the Public Works Director to sign.

**Attachments:** [PW Cal Signal Corp Attach](#)

Supervisor Albaugh asked what was the purpose of extending the agreement and the request for additional funding. Director of Public Works Larry Millar stated a requirement of CalTrans for the Skyline project was to have an inspector approve the work because there are traffic lights at the intersection. Director Millar also stated the agreement was set for two months and they ran

out of time and funding. This request is additional to complete the project. Discussion was held.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

AGREEMENT

SUBJECT: Agreement between the Lassen County Transportation Commission (LCTC) and Lassen County for funding allocation.

FISCAL IMPACT: To be determined.

ACTION REQUESTED: 1) Approve the Agreement between Lassen County and LCTC 2) Authorize the Chairman to sign.

**Attachments:** [PW LCTC Attach](#)

Supervisor Albaugh asked if this agreement will be reimbursed. Director of Public Works Larry Millar stated the agreement in place will set the process in place. Funding will probably be quarterly and he submit an invoice to the state to receive reimbursement timely.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Gallagher, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

#### UNAGENDIZED REPORTS BY BOARD MEMBERS

Supervisor Albaugh: 1) Reminded everyone the county employee Christmas party will be held this evening at 5:00 p.m. at Jensen Hall; 2) had a town clean up in Little Valley. Would like to see Code Enforcement visit Little Valley to get it cleaned up; 3) will be attending a Regional Council Representatives of California (RCRC) meeting; 4) advised everyone to be careful in winter driving; 5) helped CalTrans with a turned over cattle truck; 6) briefly discussed bus stop surveys.

Supervisor Teeter: 1) Attended a City of Susanville Council meeting; 2) attended a quarterly meeting of the Neighborhood Watch groups; 3) attended a Lassen-Plumas-Sierra Action Agency meeting; 4) attended a Lassen County Transportation Commission (LCTC) meeting; 5) attended a Lassen Transit Service Agency (LTSA) meeting; 6) attended a Lassen County Local Agency Formation Commission (LAFCo) meeting; 7) attended a Lassen County Behavioral Health Advisory Board meeting.

Supervisor Gallagher: 1) Thanked Public Works for snow plowing; 2) attended a Solid Waste Authority meeting; 3) attended a Lassen Municipal Utility District (LMUD) meeting; 4) attended a Lassen County Local Agency Formation Commission (LAFCo) meeting; 5) attended a Westwood Chamber of Commerce meeting; 6) announced the annual Chowder Cookoff in Westwood will be held on January 18, 2020.

Supervisor Hammond: 1) Requested to adjourn the meeting in memory of Lee Roberts; 2) had a town cleanup in Leavitt Lake; 3) requested \$182.84 from

discretionary funds for CNS Waste for town cleanups; 4) attended a Sierra Alliance meeting; 5) will be attending a Stakeholders meeting in Washoe County on January 21 - 23, 2020.

Supervisor Hemphill: 1) The Cattlewomen's won a state award at the CCA Convention for the chili cookoff; 2) attended the California Cattleman's Convention; 3) requested the "L" on the side of the hill to be repainted and asked CAO Egan to reach out to the property owner.

## DEPARTMENT REPORTS - CONTINUED

### PLANNING AND BUILDING SERVICES

#### PLANNING DEPARTMENT FEES

SUBJECT: Second reading of ordinance. Proposed ordinance repeals and replaces Lassen County Code section 3.18.020 (Planning Department fees), adds section 3.18.130 (Surveyor fees) and repeals and replaces section 3.18.100 (Waiver or Refund of Fees).

FISCAL IMPACT: Increase in revenues to General Fund 100.

ACTION REQUESTED: 1) Adopt Ordinance; and/or 2) provide direction to staff.

Attachments: [PB PlngFeesAdoptOrd12-10-19](#)

Assistant Planning and Building Services Director Gaylon Norwood gave a brief overview of the Planning Department Fees Ordinance that was introduced and waived reading at the November 17, 2019, Board of Supervisors meeting. Brief discussion was held. Supervisor Albaugh thanked Planning and Building for updating their fees.

**A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, that this Ordinance No. 2019-10 be adopted. The motion carried by the following vote:**

**Aye:** 4 - Teeter, Albaugh, Gallagher and Hammond

**Nay:** 1 - Hemphill

#### PLANNING AND BUILDING SERVICES

SUBJECT: Second reading of Ordinance. Proposed Ordinance amendment would add section 12.25.045 to the Lassen County Code to provide a "Due process Hearing" to consider confirmation of orders issued by the Lassen County Building Official concerning the repair or abatement of buildings determined to be dangerous in accordance with Chapter 12.25 (Uniform Code For The Abatement Of Dangerous Buildings) of Lassen County Code before a hearing officer instead of the Board of Supervisors as would otherwise be required.

FISCAL IMPACT: No increased cost to the General Fund; hearings would be

conducted before the designated hearing officer versus being conducted before the Board of Supervisors.

ACTION REQUESTED: 1) Adopt Ordinance; and/or 2) provide direction to staff.

**Attachments:** [PB AdoptOrdDueProcess12-10-19.pckt](#)

Assistant Planning and Building Services Director Gaylon Norwood gave a brief overview of the proposed ordinance that was introduced and waived reading at the November 19, 2019, Board of Supervisors meeting.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Gallagher, that this Ordinance No. 2019-11 be adopted.**  
**The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

#### COUNTY ADMINISTRATIVE OFFICE

##### SOLID WASTE

SUBJECT: Adoption of a resolution deleting a 1.0 FTE Deputy Director of Public Works (Solid Waste) and adding and authorizing a 1.0 FTE Assistant Director of Public Works as an allocated position in Fund/Budget Unit No 585-241 Solid Waste to be funded in Fiscal Year 2019-2020 Final Budget.  
FISCAL IMPACT: None. Pursuant to Joint Exercise of Powers Agreement establishing the Authority, all County costs and charges against the Authority are recoverable through A-87 or as approved by the Authority.  
ACTION REQUESTED: Adopt Resolution.

**Attachments:** [191210 Assistant Public Works Director](#)

CAO Egan gave a brief update to the Board regarding the unsuccessful recruitment for Solid Waste. CAO Egan recommended to upgrade the position classification to an Assistant Public Works Director with a higher pay raise. The Board agreed. Brief discussion was held.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Gallagher, that this Resolution No. 19-051 be adopted.**  
**The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

#### PUBLIC HEARINGS

##### PLANNING DIVISION - CANNABIS

SUBJECT: PUBLIC HEARING: Draft Ordinance to Allow Cannabis Dispensaries in Industrial Zones (File #318.01.58).  
FISCAL IMPACT: Unknown. Possible increase in tax revenue (in Title 3) if an ordinance is adopted.  
ACTION REQUESTED: 1) Receive report from staff and recommendation of

approval from Planning Commission; and 2) introduce and adopt, by title only, the proposed ordinance to allow cannabis dispensaries in industrial zones and to reduce setback requirements; or 3) provide direction to staff.

Attachments: [PB CannabisOrdAdopt 12-10-19 pckt](#)

Assistant Planning and Building Services Director Gaylon Norwood gave a brief overview of the ordinance and informed the Board this item is a zoning ordinance and could be adopted at one hearing. Assistant Director Norwood reminded the Board they gave direction for staff to review the Cannabis Ordinance and the set back in commercial zones. Assistant Director Norwood also stated there were different setback options. Discussion was held.

The Public Hearing was open from 10:10 a.m. - 10:27 a.m.

SPEAKERS IN FAVOR: None.

SPEAKERS OPPOSED: Randy Darrow, Gary Bridges and Carol Clark.

Randy Darrow stated he wasnt in favor or opposed, but was asking for clarification of the industrial zones. Extensive discussion was held pertaining to applicaton process, zoning setbacks, cannabis industry and dispensaries.

**A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, that this Ordinance No. 2019-12 Option B, be adopted. The motion carried by the following vote:**

**Aye:** 4 - Hemphill, Teeter, Gallagher and Hammond

**Nay:** 1 - Albaugh

#### PLANNING DIVISION - FOSTER

SUBJECT: PUBLIC HEARING: Variance #2019-001, Anthony and Mary Foster, proposal to construct a 1,584-square-foot residence within the setback area of an approximately 0.44-acre parcel. The applicants are requesting a 15-foot front yard setback instead of the 20-foot front yard setback required by Lassen County Code Section 18.22.050(3). The project is located at 475-795 Hobo Camp Road, Susanville. APN: 107-111-18.

FISCAL IMPACT: No impact to the General Fund.

ACTION REQUESTED: 1) Receive the Planning Commission's recommendation regarding the variance application; and 2) Conduct a public hearing; and  
3) Consider adoption of a resolution approving or disapproving the variance application.

Attachments: [PB FosterVariance 12-10-19pckt](#)

Assistant Planning and Building Services Director Gaylon Norwood stated this item was a variance and was previously brought before the Board of Supervisors under a different application. Assistant Director Norwood gave a

brief overview of the setback and the request of the applicants. Assistant Director Norwood also informed the Board this was brought before the Planning Commission as a Public Hearing and that Board approved and adopted Resolution No. 1104-19. Discussion was held.

The Public Hearing was open from 10:42 a.m. - 10:43 a.m.

SPEAKERS IN FAVOR: None.

SPEAKERS OPPOSED: None.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Resolution No. 19-052 be adopted. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

RECESS: 10:45 a.m. - 10:51 a.m.

## MATTERS SET FOR TIME CERTAIN

### PLANNING AND BUILDING SERVICES

SUBJECT: Consider approval of full release of financial assurance held by Lassen County for completion of Habitat Mitigation and Management Plan at Hayden Hill Gold Mine, operated by Lassen Gold Mining, Inc. (LGMI).

FISCAL IMPACT: No foreseeable impact to general fund.

ACTION REQUESTED: 1) Receive report; and 2) Adopt a resolution approving full release of financial assurances held for completion of Habitat Mitigation and Management Plan.

**Attachments:** [PB LGMI FA Reduction 12-10-19](#)

CAO Egan stated this item was a reconsideration of an issue to release one of the financial assurances of the Habitat Mitigation and Management Plan at Hayden Hill Gold Mine. Natural Resource Technician Nancy McAllister informed the Board that this is a request for release of financial services for Hayden Hill and gave a power point presentation of the area. Ms. McAllister stated a condition of the use permit of this mine was to restore any impact to wildlife. Based on the work completed, requirements were met. Discussion was held.

**A motion was made by Supervisor Hammond, seconded by Supervisor Albaugh, that this Resolution No. 19-053 be adopted. The motion carried by the following vote:**

**Aye:** 4 - Hemphill, Teeter, Albaugh and Hammond

**Nay:** 1 - Gallagher

## DEPARTMENT REPORTS - CONTINUED

## COUNTY ADMINISTRATIVE OFFICE

SUBJECT: INFORMATION FOR THE BOARD OF SUPERVISORS

CAO Egan reported: The County employee Christmas party is tonight at 5:00 p.m.

## CORRESPONDENCE

ESTILL RANCHES LLC GROUNDWATER EXPORTATION UPDATE

SUBJECT: Update the Board of Supervisors on the 2019 Estill Ranches LLC groundwater exportation activity (Groundwater Exportation Permit #2017-001).

FISCAL IMPACT: None.

ACTION REQUESTED: Receive report.

Attachments: [PB Estill Update 12-10-19 packet](#)

## ADJOURNMENT

There being no further business, the meeting is adjourned at 11:17 a.m. in memory of Lee Roberts.

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Chairman of the Board of Supervisors

Date: \_\_\_\_\_

ATTEST:

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Michele Yderraga, Deputy Clerk of the Board