

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**  
**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 7, 2004**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7<sup>th</sup> day of December, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Anthony Farrington and Rob Brown, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Brown, following a moment of silence, Ms. Melissa Fulton led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-12.  
  
Approved Lake County's participation in the California State Fair in 2005, and authorized the Clerk of the Board or the Chair to sign the Counties Exhibits Authorization and Appointment Form, as per the Memorandum to the Board of Supervisors from the County Administrative Officer Kelly Cox, dated November 22, 2004.  
  
Waived the formal bidding process for Real Property Records Filing System, and made a determination that competitive bidding would produce no economic benefit to the County, and authorized the Assessor-Recorder to issue a Purchase Order in the amount of \$33,585.11, to Tab Sales of California for purchase of a Real Property Records Filing System.  
  
Adopted Resolution No. 2004-200, amending Resolution No. 2004-140, establishing position allocation for Fiscal Year 2004/2005, Budget Unit No. 2303 - Juvenile Home (adding one Chief Deputy Probation Officer and deleting one Juvenile Home Superintendent).  
  
Adopted Resolution No. 2004-201, authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under agreement dated October 12, 2004 (Spring Valley Lower Wolf Creek Bridge).  
  
Approved Engineering and Inspection Agreement between County of Lake and Pat Stansberry, for review of plans and specifications for a Use Permit (UP 04-12), located at 2371 Stokes Avenue, Nice (APN's 031-052-03 and 13), and authorized the Chair to sign.  
  
Accepted Irrevocable Offer of Dedication for roadway and public utility purposes, segment of Miramonte Avenue, Lakeport (Sutter Lakeside Hospital); and directed Clerk to certify for recordation.  
  
Accepted Irrevocable Offer of Dedication for roadway and public utility purposes, Elk Mountain Road, No. 301, Upper Lake (Robert and Leanne Michaelson); and directed Clerk to certify for recordation.  
  
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approve Easement Deed and directed Clerk to certify for recordation (APN 08-026-04 - Benjamin Ruiz, Ernesto Ruiz and Enrique Ruiz); and approve Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Benjamin Ruiz, Ernesto Ruiz and Enrique Ruiz, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.  
  
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 008-026-07 - Philip Dennis Murphy and Celeste Marie Murphy); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Philip Dennis Murphy and Celeste Marie Murphy, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.  
  
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 008-024-20 - Charles W. Schroeder and Peggy A. Schroeder, trustees); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Charles W. Schroeder and Peggy A. Schroeder, trustees, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.  
  
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 08-026-20 - Gregory Hans Rohner and Michelle T. Rohner); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Gregory Hans Rohner and Michelle T. Rohner, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.  
  
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approve Easement Deed and directed Clerk to certify for recordation (APN 008-710-47 - Pentecostal Church of God); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Pentecostal Church of God, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.
2. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**  
  
**CONTRACT CHANGE ORDER NO. 2, LUCERNE HARBOR BOAT RAMP EXTENSION PROJECT** - This change order is a result of the fact that during the project the contractor broke a concrete picnic table when moving it improperly. Table replacement costs and labor in the amount of \$900 have been agreed on by the contractor and County staff and the amount is being deducted from the original contract price.  
  
On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Chang Order No. 2, for a decrease of \$900, Lucerne Harbor Boat Ramp Extension Project, Pat Nelson Construction, Inc., and authorized the Chair to sign.
3. **ITEM A-13 - PROPOSED FINDINGS AND DECISION IN THE APPEAL OF RANDALL KOCHER ET AL. (AB 04-09 - MINOR USE PERMIT FOR JOHN HAM)** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the Findings of Fact and authorized the Chair to sign.  
  
On motion of Supervisor Lewis and by vote of the Board (5 ayes), denied the Appeal in this matter.
4. **CITIZEN'S INPUT** - Ms. Melissa Fulton stated that the County's 2004 State Fair Exhibit won the Bronze Award, and she presented the Fair Exhibit Plaque to the Board of Supervisors.  
  
The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.
5. **ITEM A-4 - 9:06 A.M. - PRESENTATION OF THE LAKE COUNTY REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2003/2004 (NORTHSHORE PROJECT AREA)** - Deputy Director of the Redevelopment Agency Andy Peterson was present and gave a power-point presentation on the achievements that have been made and future goals for the Northshore Project Area.  
  
There was no action taken on this item.

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The Board of Directors of Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

6. **ITEM A-15 - Advanced From November 23, 2004 - AN ORDINANCE AMENDING CHAPTER 2 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE REGARDING COMPENSATION OF THE BOARD OF SUPERVISORS (TO PROVIDE CELLULAR PHONE STIPEND) - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2707, and it was passed by a roll-call vote (5 ayes).

7. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - CONSIDERATION OF APPROVAL OF AMENDMENTS TO THE HOUSING ELEMENT OF THE LAKE COUNTY GENERAL PLAN** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Mr. Coel gave a brief background report. After the Board of Supervisors adopted the Lake County Housing Element on August 3, 2004, the document was sent to the Department of Housing and Community Development (HDC), for a 90-day review. The review period ended on November 10, 2004, after a number of phone conversations and a meeting was held in Lake County with HCD representatives. At HCD's request, staff made a number of revisions to the Background Report, prepared a new, more detailed Inventory of Available Sites, and added new policies and programs. Mr. Coel also presented the Board with the following amendment that is to be included in the Housing Element:

HE-XX: To facilitate the development of housing for lower income households, the County will (1) identify and (2) rezone 30 acres of "R3" (Multi-Family Residential District), allowing 19 units per acre, by June 30, 2006. Identified and rezoned sites will be suitable, have the capacity to accommodate a maximum density of 19 units per acre and be available for multifamily development in the planning period where water and sewer services can be provided.

Chair Brown opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Lewis and Brown NO), found that on the basis of the Initial Study No. 04-49, that the Housing Element Update as amended, for the Lake County General Plan will not have a significant effect on the environment and therefore adopted a negative declaration with the findings listed in the Board Memorandum dated November 23, 2004.

Supervisor Farrington offered Resolution No. 2004-197 (A Resolution Approving Amendment to the Housing Element of the Lake County General Plan), and it was passed by a roll-call vote (3 ayes, Supervisors Lewis and Brown NO).

On motion of Supervisor Smith and by vote of the Board (5 ayes), directed staff to prepare a letter of protest ----- to the Department of Housing and Community Development (HDC), and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:47 a.m., with Supervisor Smith absent.

8. **ITEM A-6 - 10:00 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF ZONING ORDINANCE AMENDMENTS (AM 04-01) FOR THE COUNTY OF LAKE TO AMEND THE LAKE COUNTY ORDINANCE CODE, CHAPTER 21 (ZONING ORDINANCE) ALLOWING RETREATS WITHIN THE "RL" (RURAL LANDS) AND "TPZ" (TIMBER PRESERVE); WITH THE FINDING THAT THIS REZONE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, BECAUSE IT FALLS WITHIN CEQA CATEGORICAL EXEMPTION CLASS 8 - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.**

Mr. Coel gave a brief background report. This amendment proposal is an attempt to update the ordinance by providing additional flexibility for land uses within Lake County. The zoning ordinance allows outdoor recreation facilities, campgrounds, RV parks, churches and private schools, subject to approval of use permits in the "RL" (Rural Lands) district. It also allows campgrounds and RV parks within the "TPZ" (Timber Preserve Zone) upon use permit approval. However, since 1986, the zoning ordinance has not contained provisions for retreats in any district.

Chair Brown opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Smith ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Robey offered Ordinance No. 2706, and it was passed by a roll-call vote (4 ayes, Supervisor Smith ABSENT). Supervisor Smith was present at 10:50 a.m.

9. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 01-11) and AGRICULTURAL PRESERVE (AP 01-02) PROPOSED FOR CURRIN FAMILY TRUST OF 890 ACRES FROM "A-B3" (AGRICULTURAL-80 ACRES MINIMUM) AND "O" (OPEN SPACE) TO "APZ" (AGRICULTURAL PRESERVE), WITH THE FINDING THAT THIS REZONE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, BECAUSE IT FALLS WITHIN CEQA CATEGORICAL EXEMPTION CLASS 17; PROJECT IS LOCATED ON 7605, 7611, 7613, 7617, 7637 and 7639 NORTH STATE HIGHWAY 29; 7255, 7501, 7505, 7631 and 7633 ZENO ROAD; and 6831 EICKHOFF ROAD, UPPER LAKE, CA (APN'S 003-040-18, 19, 20 and 24, 003-043-10, 12, 13 and 14; 003-044-04, 08 and 09; and 003-046-57) - (THE APPLICANTS AND THEIR REPRESENTATIVE ARE REQUESTING A CONTINUANCE OF THIS ITEM TO DECEMBER 14, 2004, AT 10:15 A.M.)** - This item was continued to December 14, 2004, at 10:15 a.m.

10. **ITEM A-8 - Continued From September 14, October 26, and November 9, 2004 - 10:30 A.M. - PUBLIC HEARING - INTENTION TO VACATE A PUBLIC ROADWAY, REDWING DRIVE AND GASUPALLO DRIVE, LAKEPORT, CA** - Public Works Director Gerry Shaul was present.

Mr. David Rapport, attorney for Pinoleville Band of Pomo Indians was also present.

Chair Brown opened the public hearing and Ms. Leona Williams spoke. No one else was present wishing to speak and the public hearing was closed.

Supervisor Smith offered Resolution No. 2004-198 (A Resolution vacating a public roadway, Redwing Drive and Gasupaloo Drive, Lakeport), and it was passed by a roll-call vote (3 ayes, Supervisors Lewis and Farrington NO).

11. **ITEM A-9 - Continued From October 19, 2004 - 11:00 A.M. - CONSIDERATION OF RECOMMENDATION TO ESTABLISH A MITIGATION FUND FOR GEOTHERMAL DEVELOPMENT/PRODUCTION FOR ANDERSON SPRINGS AND COBB MOUNTAIN COMMUNITIES** - Special Districts Administrator Mark Dellinger was present.



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Chair Brown asked if anyone present wished to speak and the following persons spoke: Mr. Jeff Gospe, Mr. Hamilton Hess, Ms. Meriel Medrano, Mr. Bruce Carlson, Mr. Alan Zepp, Mr. Jim Matzinger, Mr. Dennis Purcell and Ms. Joan Clay. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Robey offered Resolution No. 2004-199 (A Resolution establishing a geothermal Impact Mitigation Fund for the communities of Anderson Springs and Cobb Valley in Lake County), and it was passed by a roll-call vote (5 ayes).

The Board recessed for lunch at 12:30 p.m. and reconvened at 1:30 p.m.

12. **ITEM A-15 - Advanced From November 23, 2004 - ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE, ESTABLISHING A NO-PARKING ZONE ON WARDLAW STREET, MIDDLETOWN - (SECOND READING)**- Supervisor Smith offered Ordinance No. 2708, and it was passed by a roll-call vote (5 ayes).

13. **ITEM - Advanced From November 23, 2004 - AN ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE, ESTABLISHING A NO-PARKING ZONE ON NORTH HEIGHTS DRIVE, KELSEYVILLE - (SECOND READING)**- Supervisor Smith offered Ordinance No. 2709, and it was passed by a roll-call vote (5 ayes).

14. **ITEM A-18 - Advanced From November 16, 2004 - AN ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE, ESTABLISHING CROSSWALKS ACROSS MAIN STREET, LOWER LAKE - (SECOND READING)** - Supervisor Robey offered Ordinance No. 2710, and it was passed by a roll-call vote (5 ayes).

15. **ITEM A-11 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR DISAPPROVAL OF GPAP 04-05 & RZ 04-10 FOR KIMCO DEVELOPMENT OF A GENERAL PLAN AMENDMENT AND REZONING OF APPROXIMATELY 150 ACRES FROM AGRICULTURE TO SUBURBAN RESIDENTIAL (R1-RD), MEDIUM DENSITY RESIDENTIAL (R3-RD), AND COMMUNITY COMMERCIAL (C2-DR). LOCATED AT 18196 & 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH)(APN'S 014-260-36 & 51) - ITEM A-11 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR DISAPPROVAL OF GPAP 04-05 & RZ 04-10 FOR KIMCO DEVELOPMENT OF A GENERAL PLAN AMENDMENT AND REZONING OF APPROXIMATELY 150 ACRES FROM AGRICULTURE TO SUBURBAN RESIDENTIAL (R1-RD), MEDIUM DENSITY RESIDENTIAL (R3-RD), AND COMMUNITY COMMERCIAL (C2-DR). LOCATED AT 18196 & 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH)(APN'S 014-260-36 & 51) - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.**

Mr. Coel gave a background report. The Planning Commission held a public hearing on this general plan amendment and rezoning proposal on October 14, 2004. The applicant is proposing a general plan amendment and rezone of 151 acres from Agriculture to Residential, and +36 acres of Community Commercial. Staff believed this project to be inconsistent with the Middletown Area Plan and the General Plan, and inappropriate in light of the pending Middletown Area Plan update. As a result, staff scheduled this application for hearings with a recommendation of denial prior to completing the CEQA process and requiring an EIR be prepared at the developer's expense.

The following representatives for KIMCO Development were present and each made a presentation regarding this project: Mr. Ken Porter, Ms. Jane Marx, Mr. Dave Colombo Mr. Mark Von Tagen, Ms. Jean Kapolchok, Mr. Brad Welsh, Ms. Joan Ziebell, Mr. Mike Maloy and Mr. Barry Parkinson.

This item was continued after a short recess.

After a short recess, the Board reconvened at 3:14 a.m.

**BACK TO #15 - ITEM A-11 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR DISAPPROVAL OF GPAP 04-05 & RZ 04-10 FOR KIMCO DEVELOPMENT OF A GENERAL PLAN AMENDMENT AND REZONING OF APPROXIMATELY 150 ACRES FROM AGRICULTURE TO SUBURBAN RESIDENTIAL (R1-RD), MEDIUM DENSITY RESIDENTIAL (R3-RD), AND COMMUNITY COMMERCIAL (C2-DR). LOCATED AT 18196 & 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH)(APN'S 014-260-36 & 51) - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.**

Chair Brown opened the public hearing and the following persons spoke: Mr. Bill Burnett, Mr. Mike Walker, Ms. Rose Decker, Ms. Susanne Coffee, Mr. Bob Krammer, Ms. Victoria Brandon, Mr. Jim Huey, Ms. Bonnie Vaughn, Ms. Sandra West, Ms. Renee McMahon, Ms. Charlotte Ambrose, Mr. Casimiro Sanchez, Ms. Sue Corell, Mr. Johan Ambrose, Ms. Nina Rickner, Ms. Angela Rickner, Mr. Rick Archbold, Mr. Wild Fever, Mr. Tom Miller and Mr. David Neft. No one else was present wishing to speak and the public hearing was closed.

This item was continued to later today.

After a short recess, the Board reconvened at 5:54 p.m.

The Board of Supervisors adjourned and reconvened as the Board of Directors of Lake County Redevelopment Agency.

16. **ITEM A-21 - (a) CONSIDERATION OF PROPOSED SALE OF MODULAR HOME IN THE AMOUNT OF \$55,000, LOCATED AT 5995 HIGHWAY 20, LUCERNE, AND AUTHORIZE STAFF TO COMPLETE THE REQUIRED DOCUMENTATION OF THE SALE; and (b) CONSIDERATION OF EXPENDITURE OF HOUSING SET ASIDE FUNDS IN THE AMOUNT OF \$11,500, TO SUPPLEMENT THE CDBG FUNDS FOR REPAIRS OF MODULAR HOME THAT IS BEING SOLD, LOCATED AT 5995 HIGHWAY 20, LUCERNE, AS PER THE MEMORANDUM FROM DEPUTY REDEVELOPMENT DIRECTOR ANDY PETERSON, DATED NOVEMBER 24, 2004 - Deputy Director of the Redevelopment Agency Andy Peterson was present and gave a brief overview of the proposal. Staff has found a qualified buyer for the modular home acquired by the Agency. The buyers have applied through the County's Owner Occupied Rehabilitation Program and qualified for a mobile home replacement through the reconstruction element of that program.**

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the sale of the modular home in the amount of \$55,000, located at 5995 Highway 20, Lucerne, California, and authorized staff to complete the required documentation of the sale.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the expenditure of Housing Set Aside funds in the amount of \$11,500, to supplement the CDBG funds for repairs of modular home that is being sold, located at 5995 Highway 20, Lucerne, California, as per the Memorandum from Deputy Redevelopment Director Andy Peterson, dated November 24, 2004.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.



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17. **ITEM A-19 - PROPOSED AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND WINZLER & KELLY, FOR ENGINEERING SERVICES FOR FINAL DESIGN AND CONSTRUCTION MANAGEMENT OF THE KELSEYVILLE/FINLEY WATER IMPROVEMENT PROJECT** - This item was continued to December 14, 2004.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

18. **ITEM A-20 - PROPOSED AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND WINZLER & KELLY, FOR ENGINEERING SERVICES FOR FINAL DESIGN AND CONSTRUCTION MANAGEMENT OF THE KELSEYVILLE/FINLEY WATER IMPROVEMENT PROJECT** - This item was continued to December 14, 2004.

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

**BACK TO #15 - ITEM A-11 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR DISAPPROVAL OF GPAP 04-05 & RZ 04-10 FOR KIMCO DEVELOPMENT OF A GENERAL PLAN AMENDMENT AND REZONING OF APPROXIMATELY 150 ACRES FROM AGRICULTURE TO SUBURBAN RESIDENTIAL (R1-RD), MEDIUM DENSITY RESIDENTIAL (R3-RD), AND COMMUNITY COMMERCIAL (C2-DR). LOCATED AT 18196 & 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH/APN'S 014-260-36 & 51 - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.**

Supervisor Robey offered Resolution No. 2004-201.1 (A Resolution rejecting a proposed amendment to the Lake County General Plan), and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Robey and by vote of the Board (5 ayes), denied the proposed rezoning from "A" (Agriculture) and "RR" (Rural Residential) to "R1-RD-SC" (Single-Family Residential-Residential Design-1500 square foot minimum residence size), "R3-RD-SC" (Multi-Family Residential-Residential Design-Scenic), and "C2-DR" (Community Commercial-Design Review), applied for by KIMCO Development on property located at 18196 and 18426 South State Highway 29, Middletown, California, for the reasons listed in the staff report dated November 22, 2004.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the roll-over of all Planning fees if the applicant considers submitting a revised development proposal, if the applicant submits the revised application before the Area Plan and General Plan updates are completed, directed staff to accept the revised proposal and that it be reviewed by the Middletown Area Plan Advisory Committee, and that staff proceed with the standard application process.

19. **ITEM A-10 - 11:30 A.M. - DISCUSSION AND CONSIDERATION OF PROPOSED RESOLUTION ADOPTING THE LAKE COUNTY ROAD DESIGN AND CONSTRUCTION STANDARDS** - This item was continued to December 14, 2004.

The Board of Supervisors adjourned and reconvened as the Board of Directors of Kelseyville County Waterworks District #3.

20. **ITEM A-14 - (a) CONSIDERATION OF REQUEST TO APPROVE EASEMENT DEED AND DIRECT CLERK TO CERTIFY FOR RECORDATION (APN 008-061-28 - STEVE BROOKES, LYNN ANN BROOKES, ROBERT K. BROWN and KIMBERLY R. BROWN); and (b) CONSIDERATION OF REQUEST TO APPROVE RIGHT-OF-WAY AGREEMENT BETWEEN THE KELSEYVILLE COUNTY WATERWORKS DISTRICT #3 AND STEVE BROOKES, LYNN ANN BROOKES, ROBERT K. BROWN and KIMBERLY R. BROWN, FOR THE KELSEYVILLE/FINLEY WATER PROJECT** - County Counsel Cameron Reeves explained to the Board that Government code 1090, General Provision, has a Rule of Necessity that states that when a member of a board that is entering into an agreement with the board itself, and only this board can give approval that is necessary for the particular action, the board can consider the agreement as long as the board member that you are contracting with is absent.

Director Brown passed the gavel to Vice-Chair Robey.

Director Brown was absent at 6:25 p.m.

On motion of Director Lewis and by vote of the Board (4 ayes, Director Brown ABSENT), approved Easement Deed and directed the Clerk to certify for recordation (APN 008-061-28 - Steve Brookes, Lynn Ann Brookes, Robert K. Brown and Kimberly R. Brown).


On motion of Director Lewis and by vote of the Board (4 ayes, Director Brown ABSENT), approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Steve Brookes, Lynn Ann Brookes, Robert K. Brown and Kimberly R. Brown, for the Kelseyville/Finley Water Project, and authorized the Acting Chair to sign.

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

There being no further business, the Board of Supervisors adjourned at 6:30 p.m.

  
Chair, Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By:   
Georgine Hunt  
Assistant Clerk of the Board

