



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 26, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of April, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey, 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 Robey, following a moment of silence, Mayor of the City of Clearlake Judy Thein 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-13.

Approved Minutes of the Board of Supervisors Meetings held on March 15 and 22, April 5 and 12, 2005.

Adopted proclamation commending Alan Siegel for being selected as California Teacher of the Year 2005.

Appointed Roger Voorhees to the Upper Lake Cemetery District Board of Trustees, for a term ending January 1, 2009.

(a) Approved Administrative Encroachment Permit (05-09), for temporary closure of a portion of Clear Lake in front of Konocti Harbor Resort to boating traffic in order to hold the World Wakesurfing Championships from August 18-22, from 9 a.m. to 5 p.m., and authorized the Chair to sign; and (b) Approved the waiver of the \$160 Encroachment Permit Fee for the event.

Adopted Resolution No. 2005-64, approving a Cooperative Agreement with the U.S. Department of Agriculture to provide wildlife services to provide animal damage control for the County of Lake.

Adopted proclamation commending Greg Bennett.

Approved Engineering and Inspection Agreement between the County of Lake and Clearlake Estates, LLC, for review of plans and specifications for a Tentative Parcel Map, located at 9555 State Highway 281 and 4619 Kaweah Road, Kelseyville, and authorized the Chair to sign.

Adopted Resolution No. 2005-65, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated December 2, 2003 (Lakeshore Boulevard Rehabilitation (including widening for bike lanes and drainage improvements)).

Adopted Resolution No. 2005-66, to appropriate over-realized and unanticipated revenue (received from new water hookups in the amount of \$11,000), for maintenance of equipment, buildings and improvements and professional services - Budget Unit No. 8462 - CSA #2, Spring Valley Lakes.

Adopted Resolution No. 2005-67, to appropriate over-realized and unanticipated revenue (received from shared revenue from civil judgments of Air District cases in the amount of \$3,000), for various office improvements and equipment - Budget Unit No. 1231 - County Counsel.

Approved letters of support, of SB 267 (Ramero), to Senator Wes Chesbro, Senator Gloria Romero, Senator Deborah Ortiz and North Coast EMS Joint Powers Governing Board, regarding the reinstatement and restructuring of trauma care funding, and authorized the Chair to sign.

Denied appeal and adopted decision affirming Vicious Animal Order for Destruction and authorized the Chair to sign (Maureen O'Dea Milligan - Case Number 0502-025).

Sitting as the Board of Directors of Lake County Watershed Protection District, approved Budget Transfer B-195, in the amount of \$2,000, to cover Water Resource's billing for planning and modifications to Flood Control Zone 1, Budget Unit No. 8101 - Flood Control Zone 1, and authorized the Chair to sign.

2. **ITEM A-4 - 9:06 A.M. - PRESENTATION OF PROCLAMATION COMMENDING GREG BENNETT** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Greg Bennett.

3. **CITIZEN'S INPUT** - Ms. Diana Anderson and Mr. John Jenkel asked the Board to adopt a resolution urging Congressional representatives to declare a immediate cease fire in Afghanistan and Iraq.

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

4. **ITEM A-5 - 9:15 A.M. - PRESENTATION BY THE DESIGN AND ECONOMIC DEVELOPMENT CONSULTANTS OF THE LUCERNE PROMENADE MASTER PLAN** - Redevelopment Deputy Director Andy Peterson was present.

Mr. David Gates, representing Gates and Associates was also present and gave a power-point presentation of the Lucerne Promenade Master Plan.

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

5. **ITEM A-6 - 10:00 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 04-24) PROPOSED FOR PAUL FORESTER, OF 14.68 ACRES FROM "RR" (RURAL RESIDENTIAL) TO "R1" (SINGLE FAMILY RESIDENTIAL); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 04-24, BASED ON THE INITIAL STUDY 04-52; LOCATED AT 5017 TERRACE AVENUE, LAKEPORT, CA (APN 029-031-18)** - Principal Planner Rick Coel and Assistant Planner Deepika Andavarapu were present.

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Ms. Andavarapu gave a brief overview of the proposal. The applicant seeks a rezone of 14.68 acre property from "RR" (Rural Residential) to "R1" (Single Family Residential). The General Plan designation of this parcel is mostly Medium Density Residential with a portion to the rear designated Suburban Residential.

Chair Robey opened the public hearing and the following persons spoke: Mr. Paul Forester, Mr. Mal Cooper, Mr. Frank Ignacio, Mr. Larry Bauman, Ms. Ilene Dumont, Mr. Tom O'Rourke and Mr. Wayne Stroth. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), denied the rezone for Paul Forester of 14.68 acres from "RR" (Rural Residential) to "R1" (Single Family Residential), located at 5017 Terrace Avenue, Lakeport, CA (APN 029-031-18), finding that the high density would have major impacts on the roads that were not built to sustain a high volume of traffic, surrounding property owners already have flooding problems and this project would increase those problems with water drainage and future issues, such as noise, traffic, helicopters, sirens, etc., that may be brought up by the residents who are living in such close proximity to Sutter Lakeside Hospital.

6. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN OF DEVELOPMENT FOR A SUBDIVISION OF APPROXIMATELY 17 ACRES TO CREATE 69 RESIDENTIAL LOTS FOR SINGLE-FAMILY HOMES, MULTI-FAMILY DWELLING UNITS AND SENIOR HOUSING APPLIED FOR BY DOMINIC AFFINITO; AND ADOPTION OF A NEGATIVE DECLARATION FOR GPD 04-03 BASED ON THE INITIAL STUDY 03-47; LOCATED AT 6925 AND 6965 HAMMOND AVENUE, NICE, CA (APN'S 031-052-17 AND 22) -** Principal Planner Rick Coel and Associate Planner Emily Minton were present.

Ms. Minton gave a brief overview of the proposal. The applicant is proposing a general plan of development to allow a subdivision of approximately 17 acres to create 69 residential lots for single-family homes, multi-family dwelling units and senior housing.

Chair Robey opened the public hearing and the following persons spoke: Mr. Phillip Murphy, Mr. Clifford Tully and Mr. Scott Bennett. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 03-47, that the general plan of development applied for by Dominic Affinito will not have a significant effect of the environment, adopted a Mitigated Negative Declaration for GPD 04-03 based on Initial Study 03-47, and therefore a Mitigated Negative Declaration shall be issued with the findings set forth in the Board Memorandum dated February 23, 2005.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), found that the Board has reviewed and considered the environmental effects of this general plan of development as set forth in the proposed Mitigated Negative Declaration which has been prepared for this project and approved the proposal for the reasons listed in the Board Memorandum dated February 23, 2005.

7. **ITEM A-9 - 11:00 A.M. - PRESENTATION OF PROCLAMATION COMMENDING ALAN SIEGEL FOR BEING SELECTED AS CALIFORNIA TEACHER OF THE YEAR 2005 -** Chair Robey read the proclamation into the record. The proclamation was presented to Alan Siegel.

8. **ITEM A-8 - 10:30 A.M. - PUBLIC HEARING - APPEAL OF MARK KITTREDGE (AB 04-10) OF THE PLANNING COMMISSION'S DENIAL OF A REQUEST FOR VARIANCE TO REDUCE THE FRONT YARD SETBACK FOR CONSTRUCTION OF A RESIDENCE AND A GARAGE; LOCATED AT 7612 AND 7620 EAST STATE HIGHWAY 20, GLENHAVEN, CA (APN'S 060-091-21 AND 060-091-22) -** Principal Planner Rick Coel was present.

Property Owner Mark Kittredge and Mr. Scott Bennett, Civil Engineer were also present.

Mr. Coel gave a brief background report of the request for a variance. The applicant is appealing the Planning Commission's denial of a request for a variance to allow a detached, 24 x 24 foot garage to be located along the front property line facing Verna Way with a zero encroachment from the edge of the cul-de-sac.

After discussion by the Board and the property owner, it was agreed upon that if this variance was approved an off-site parking area will be constructed along the side of the garage.

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

On motion of Supervisor Lewis and by vote of the Board (5 ayes), made an intended decision to grant the appeal of Mark Kittredge (AB 04-10) of the Planning Commission's denial of a request for variance to reduce the front yard setback for construction of a residence and a garage; located at 7612 and 7620 East State Highway 20, Glenhaven, CA (APN's 060-091-21 and 060-091-22, directed staff to include off-site parking as a condition of the variance, and directed County Counsel to prepare Findings of Fact.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Sanitation District.

9. **ITEM A-10 - 11:05 A.M. - CONSIDERATION OF REQUEST FROM GREG CERDA TO WAIVE CONNECTION TO PUBLIC SEWER SYSTEM, FOR FOUR PARCELS LOCATED ON NAPA ROAD, MIDDLETOWN -** Special Districts Administrator Mark Dellinger and Environmental Health Director Ray Ruminski were present.

Property owner Greg Cerda and Scott Bennett, Civil Engineer were present.

Mr. Dellinger stated that if a force main was installed, it would be accepted, with conditions, into the County sewer system.

On motion of Director Lewis and by vote of the Board (5 ayes), denied the request from Greg Cerda to waive connection to the public sewer system, for four parcels located on Napa Road, Middletown.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

10. **ITEM A-14 - CONSIDERATION OF REQUEST TO APPROVE OUT-OF-STATE TRAVEL FOR OFFICE AUTOMATION SUPPORT SPECIALIST TASHA BROVERMAN, TO NASHVILLE, TENNESSEE, TO ATTEND THE 23RD ANNUAL NATIONAL CMHC/MIS USER GROUP CONFERENCE, FROM MAY 10-13, 2005 -** On motion Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-state travel for Office Automation Support Specialist Tasha Broverman, to Nashville, Tennessee, to attend the 23rd Annual National CMHC/MIS User Group Conference, from May 10-13, 2005.

The Board adjourned for lunch at 12:14 p.m. and reconvened at 1:34 p.m.

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11. **ITEM A-15 - Carried Over From April 19, 2005 - STATUS REPORT FROM CODE ENFORCEMENT** - This item was carried over to May 10, 2005.
12. **ITEM A-13 - Advanced From April 12, 2005 - AN ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY CODE, REGARDING ROAD DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISIONS - (SECOND READING)** - Supervisor Farrington stated that he will abstain from voting on this item due to a potential conflict of interest in the near future. Supervisor Brown offered Ordinance No. 2730, and it was passed by a roll-call vote (4 ayes, Supervisor Farrington ABSTAIN).
13. **ITEM A-11 - Continued From April 5, 2005 - 1:30 P.M. - (a) CONSIDERATION OF REQUEST TO SUPPORT H.R. 233 (THOMPSON) DESIGNATING CERTAIN NATIONAL FORESTS WITHIN THE COUNTIES OF LAKE, NAPA, MENDOCINO, AND HUMBOLDT AS WILDERNESS AREAS; and (b) BOARD REVIEW OF POSITION ON AB 1328 (WOLK) DESIGNATING CACHE CREEK AS A WILD AND SCENIC RIVER** - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Rich Burns, Mr. Brad Onorato, Mr. Greg Giusti, Mr. Ryan Henson, Mr. Chuck March and Ms. Victoria Brandon. No one else was present wishing to speak and the public portion of this item was closed. Supervisor Smith made a motion to support H.R. 233, designating certain national forests within the County of Lake as wilderness areas. Motion died for a lack of a second. On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), supported H.R. 233 (Thompson) designating certain national forests within the Counties of Lake, Napa, Mendocino and Humboldt as wilderness areas. On motion of Supervisor Farrington and by vote of the Board (5 ayes), maintained the position that if Assembly Bill 1328 is not amended as recommended by the County, the Board will continue to oppose AB 1328, and if Assembly Bill 1328 is amended as requested by the County, the County will formally withdraw its opposition.
14. **ITEM A-16 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Animal Control Director; and 2. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA,, LCCOA, SDA and DDAA** - Chair Robey announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the meeting was adjourned at 3:30 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board