

The County of Yuba

B O A R D O F S U P E R V I S O R S

FEBRUARY 8, 2011 – MINUTES



The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:51 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Hal Stocker. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Abe presided.

I. PLEDGE OF ALLEGIANCE - Led by Supervisor Abe

Chairman Abe announced in the matter of the one case of Threatened litigation the name of the claimant is Billy Wilden Sr.

II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker – All Present

III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve

MOVED: Andy Vasquez

SECOND: John Nicoletti

AYES: Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Hal Stocker NOES: None ABSENT: None ABSTAIN: None

A. Community Development and Services

1. Approve lease agreement with North Yuba Little League for joint use and associated improvements at the North Yuba Little League complex known as Sperbeck Field in Browns Valley and authorize the Chairman to execute same. (Land Use and Public Works Committee recommends approval) (056-11) Approved.
2. Adopt resolution summarily vacating bike easement over lot "H" of Tract Map No. 98-578, Rio Del Oro, Large Lot Final Map. (Land Use and Public Works committee recommends approval.) (057-11) Adopted Resolution No. 2011-11, which is on file in Yuba County Resolution Book No. 42 entitled: "RESOLUTION SUMMARILY VACATING BIKE EASEMENT OVER LOT "H" OF TRACT MAP NO. 98-578, RIO DEL ORO."
3. Approve Memorandum of Understanding with City of Yuba City regarding routine maintenance responsibilities for the Fifth Street Bridge and authorize Chairman to execute same. (058-11) Approved.

B. County Administrator

1. Approve authorization of a Regional Waste Management Authority grant application on the County's behalf for the Local Government Waste Tire Cleanup and Amnesty Event Grant Program by authorizing the County Administrative Officer to execute submittal letter. (059-11) Approved.

IV. SPECIAL PRESENTATION

1. Present proclamation to Virgil Zimmerman honoring his years of service on the Planning Commission. (Five minute estimate) (060-11) Supervisor Vasquez presented the proclamation to Mr. Zimmerman.

V. PUBLIC COMMUNICATIONS:

Mr. Glen Green, West Linda, voiced concerns regarding Pacific Gas and Electric underground utilities and lack of Board representation at a meeting held February 4, 2011.

Mr. Charlie Foster, West Linda, expressed concerns regarding the age of the gas lines and advised his property is situated between two lines.

VI. ORDINANCES AND PUBLIC HEARINGS: The Deputy Clerk read the disclaimer.

- A. Public Hearing - Hold public hearing and approve amended Conflict of Interest Codes for the Marysville Levee Commission, Wheatland Cemetery District, Yuba Local Agency Formation Commission, Yuba County, and Yuba County Water Agency. (061-11) Deputy County Counsel Pat Garamone provided a brief recap and responded to Board inquiries.

Chairman Abe opened the public hearing. No one came forward.

MOTION: Move to approve amended Conflict of Interest Codes

MOVED: John Nicoletti

SECOND: Hal Stocker

AYES: Andy Vasquez, Mary Jane Griego, Roger Abe, John Nicoletti, Hal Stocker NOES: None ABSENT: None ABSTAIN: None

VII. COUNTY DEPARTMENTS

A. Board of Supervisors

1. Consider letter from Bridget Barnes regarding Ostrom Road Landfill Conditional Use Permit and take action as appropriate. (Fifteen minute estimate) (065-11) Community Development and Services Director Kevin Mallen advised staff has reviewed the letter provided and are in the process of gathering information and preparing a report to present to the Board at the February 22, 2011 meeting and responded to Board inquiries.

Counsel Angil Morris-Jones responded to specific questions regarding procedures for complaints to the Planning Commission.

The following individuals spoke:

- Ms. Sandra Gilbert, Wheatland, raised concerns regarding the possibility of hazardous waste, and sewer sludge leaking into best slough.

- Mr. Mike Comant, Rio Oso, urged the Board to review the Farm Bureau Policy Handbook sections regarding property rights, air quality, waste disposal, hazardous materials, inspections and regulations and sewage disposal.
- Ms. DD Levine, U C Davis student, expressed concerns regarding landfill liner longevity and shared an article from the American Medical Association.
- Ms. Brigit Barnes, voiced concerns regarding changes in the design and operations of the Ostrom Road Landfill facility through a series modifications to their use permit which had not been presented to the Board of Supervisors for review and requested the Board establish a procedure to review changes made to the existing use permit.
- Dr. Richard Paskowitz, Yuba Group Against Garbage (YUGAG), urged transparency in decisions regarding the landfill and adequate information be readily available
- Mr. Roy Crabtree, Wheatland, urged the Board to consider impacts to public health from airborne contaminants and fungus.
- Mr. Dave Vaughn, Recology Vice President, stated Recology looks forward to working with the County, Ms. Barnes, and the Yuba Group Against Garbage to try to resolve these matters.

Following Board discussion staff was directed to prepare reports and return to the Board on February 22, 2011.

Chairman Abe formed an ad hoc committee appointing Supervisors Vasquez and Stocker to review host tipping fees to remain active until December 31, 2011.

VIII. CORRESPONDENCE - (062-11)

MOTION: Move to accept and file MOVED: Hal Stocker SECOND: Andy Vasquez
 AYES: Hal Stocker, Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe NOES: None ABSENT:
 None ABSTAIN: None

- Letter from Federal Emergency Management Agency revalidating determinations for properties in letters of map changes previously issued.
- Brochure from National Association of Counties regarding April 2011 as National County Government Month.
- Letter from Reclamation District (RD) 784 requesting abandonment of Murphy Road west of Feather River Boulevard. Referred to Community Development.
- Memo from RD 784 enclosing a copy of Escrow documents from Leslye Rossiter of North State Title Company concerning conveyance of portions of Ella Basin to RD 784 and payment of pro-rata taxes. Referred to Auditor.
- Memo from Amador County Board of Supervisors regarding Tax Neutrality Guidelines for Pacific Gas and Electric donated lands.
- Letter from Area 4 Agency on Aging Advisory Council advising of three vacancies.

IX. BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following:

Supervisor Griego:

- Local Area Formation Commission meeting held February 2, 2011
- Sacramento Area Council of Governments meeting held February 3, 2011
- Tri-County Education Awards held in Colusa
- Feather River Air Quality Management District meeting held February 4, 2011

Supervisor Nicoletti:

- Peach Tree Health Care working retreat and Marysville City/County liaison meetings held February 4, 2011
- Reduction in Community Services Commission funding will effect senior meals and other outreach efforts
- Three Rivers Levee Improvement Authority is tracking FEMA de-accreditation letter
- Request input from Community Development staff regarding aging Pacific Gas and Electric gas mains

Supervisor Abe:

- Attended Local Area Formation Commission meeting held February 2, 2011
- Feather River Air Quality Management District meeting held February 4, 2011

X. CLOSED SESSION: The Board retired into closed session at 11:28 a.m.

A. Threatened litigation pursuant to Government Code §54956.9(b) - One claim/Billy Wilden Sr.

The Board returned from closed session at 11:33 a.m. with all members present as indicated above.

Counsel advised the Board voted unanimously to deny the claim of Billy Wilden Sr., and authorized referral to Porter Scott.

XI. RECESS: The Board recessed at 11:34 a.m. and reconvened at 2:00 p.m. with all Board members present as indicated above.

XII. 2:00 P.M. SPECIAL PRESENTATION

A. Receive information on Draft General Plan 2030 and Draft Environmental Impact Report contents. (No additional background) (90 minute estimate) (063-11)

Community Development and Services Director Kevin Mallen provided a Power Point presentation recapping the following and responded to Board inquiries:

- Definition of a General Plan
- Balancing local priorities with State mandates
- Mitigating burdens on future growth
- 4 year process developing plan
- Adoption of plan with updates of zoning, building standards, and fees to follow

Planner Dan Cucchi continued with the Power Point presentation recapping the following:

- General Plan Over-Arching Regulatory Structure and Policy
- Process to date, public participation, and community outreach and input
- Implement Strategic Plan and Vision to:
 - Accommodate jobs and housing

- Improve quality of life
- Provide economic independence
- Create a sustainable vibrant valley community
- Preserve rural lifestyle
- Resource protection
- General Plan Themes:
 - Economic, environmental, and social sustainability
 - Managed growth and development
 - Use and conservation of resources
 - Protect public health, safety, and welfare
 - Regional coordination; rural lifestyle
 - Local quality of life
- Contents of Plan
- Community Development:
 - Economic Development
 - Valley Growth Boundary and review every eight years
 - Focal points of built environment
 - Rural Communities/Community Plans
 - Infrastructure, facilities, services and circulation
- Public Health and Safety:
 - Flood protection, fire risk, emergency preparedness
 - Airports, air quality, climate changes
 - Hazards
 - Noise and vibration
- Natural Resource:
 - Open and Recreational Space
 - Cultural, farmland biological, mineral resources
 - Water supply
 - Renewable energy technologies
- Draft Environmental Impact Report released December 10, 2010

Mr. Cucchi and Planning Director Wendy Hartman responded to specific Board inquiries regarding preparation of zoning ordinance and adoption; growth plan assumptions; agricultural resources; inclusion of Magnolia Ranch and Woodbury projects; and growth plan assumptions.

Planning Director Wendy Hartman continued the Power Point presentation recapping the following:

- Public comments received
- Analysis of comments and categorized them as Recommended Changes; Policy Direction Needed; and No Change Recommended
- Recommended changes on comments
- Policy direction needed on comments
- No changes recommended on comments

Ms. Hartman responded to specific Board inquiries regarding climate changes policies and compliance; and job housing balance.

Supervisor Griego left the meeting at 3:22 p.m. and did not return.

Mr. Mallen commented on recommended changes for Board consideration, policy direction needed, and the process for the public hearing scheduled February 9, 2011.

County Administrator Robert Bendorf commented on navigating through the process of the General Plan and laying a foundation for moving forward, encouraged the Board to provide direction and any recommended changes, and commended the community for their participation and staff efforts.

XIII. RECESS: 3:40 p.m. to February 9, 2011 at 3:00 p.m. by Chairman Abe.

The Board reconvened on February 9, 2011 at 3:02 p.m. with all Board members present.

XIV. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer

A. Public Hearing - Hold public hearing to receive public comments on the Draft General Plan 2030 and Draft Environmental Impact Report; provide direction regarding comments received; and direct staff to prepare Final Environmental Impact Report and response to comments. (064-11)

Planner Dan Cucchi provided a Power Point presentation recapping the following:

- Over-arching Policy and Framework for Zoning and Development Standards
- General Plan Themes
- Draft Environmental Impact Report
 - Released December 10, 2010
 - Based on Build out of the General Plan
 - Includes Significant and Unavoidable Impacts
 - Build out of General Plan Description
- Two Types of Significant and Unavoidable Impacts
 - Loss of Important Farmland and Conversion of Ag Land to Non Ag Uses
 - Need for New/Expanded Parks and Recreation Facilities and Potential for Accelerated Deteriorating of Existing Parks and ensuring adequate provisions of parkland as County grows

Chairman Abe opened public hearing. The following individuals spoke:

- Ms. Alyssa Lindman, Planning Commissioner, commented on the sense of distrust in community, and the lack of Planning Commission involvement which is allowed by California Environmental Quality Act
- Mr. Rod Hisken, Oregon House, commented on larger parcel size, jobs, and slowing down the process
- Mr. Frank Cecil, Browns Valley, on behalf Emily Gordon requesting postponing the update
- Mr. Tom Eres, Hofman Ranch, expressed concerns about the process, inadequate EIR, and to pause the process
- Mr. Randy Collins, Woodbury Specific Plan, discussed plan, designation as a natural resources and requested a valley neighborhood designation
- Ms. Tiffany Wright, Woodbury Specific Plan, commented on the designation requested assisting in reducing the significant impacts in the EIR stating changing of designation would not trigger recirculation of the EIR
- Mr. Erik Johnson, Marysville Road, submitted letters of request for certain parcels to be included in the Oregon House/Dobbins Community or in the Collins Lake Community Boundary if formed
- Mr. Nick Spaulding felt dialog was needed on performing on minimum side of climate change regulations and commented on LAFCO and Fish and Game letters submitted
- Mr. Greg Crompton, Dobbins, felt the EIR does not adequately consider fire disaster within the county

- Mr. Al Montna, Magnolia Ranch Project, urged project site location removed from planning reserve to employment village
- Mr. Charles Sharp, Oregon House, felt the process was out of sequence and not within the intent of the law
- Ms. Janet Marchant, Dobbins, felt the public needed their questions answered and the Board needed to listen to constituents
- Mr. Paul Myers, provided comments from Yuba County Republican Party and Yuba Sutter Tea Party Patriots opposing the plan without changes and not approving the plan until concerns of citizens have been addressed
- Mr. John Taylor, Plumas Lake, Citizen Advisory Committee for General Plan Update, felt there was not going to be a consensus and it was time to allow process to move to the next stage
- Mr. Dan Lucero, Dobbins, felt consultants outside of county prepared plan which was not representative of the people of the county, was not feasible, and does not fit with county characteristics
- Mr. Clarence Weckman, Brownsville, felt references to environmental issues engineer a way of life and consequences, housing element defined control areas, and the plan should be scrapped or entirely revised
- Mr. Henry Davis, Dobbins, felt the area on cultural resources was inadequate, mitigation measures not feasible, and set a bad precedent for managing cultural resources
- Ms. Cathy LeBlanc, Camptonville, felt many people participated in process which ideas were included in the plan
- Ms. Debbie Byrne, Loma Rica, questioned acceptance of written comments from the Fish and Game Commission and felt there had not be substantive discussion with the public and closing the hearing was not conducive to the process (Community Services Director Kevin Mallen advised all correspondence was received and included.)
- Mr. Greg Forest, representing Magnolia Ranch Project, commented on climate change and compliance, specific policies being out of character for the county, and concurred with submitted comments from the Building Industry Association

The Board recessed at 4:54 p.m. and reconvened at 5:06 p.m. with all Board members present as indicated

Mr. David Soares, Dobbins-Oregon House Community Plan Chair, commented on the community plan being included within the GPU.

MOTION: To close the public hearing

MOVED: Hal Stocker SECOND: Mary Jane Griego

AYES: Hal Stocker, Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe

NOES: None ABSENT: None ABSTAIN: None

Mr. Mallen provided comments on making changes within the plan.

Planner Dan Cucchi recapped repercussions of scaling back on climate change policies and responded to Board inquiries regarding same.

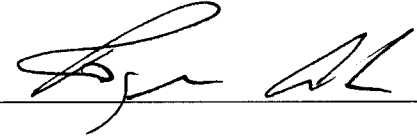
Supervisor Stocker left meeting at 5:28 p.m. and did not return.

Following board discussion, Mr. Mallen recapped the vision and policies were to provide a layer of protection for future development at same time not inhibiting the county's vision and plan for growth thresholds.

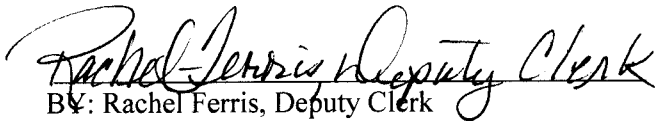
Ms. Hartman outlined revising the jobs per housing unit and jobs per labor force to .8 jobs per labor force, updated the Board on the status of the Woodbury and Magnolia Ranch projects.

Chairman Abe continued the matter to Wednesday, February 16, 2011 at 1:00 p.m.

XV. RECESSED: 6:02 p.m. by Chairman Abe.


Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS


BY: Rachel Ferris, Deputy Clerk

Approved: February 22, 2011