The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on September 20, 2022 at 105 Beckwith Street, Loyalton Social Hall, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors’ website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by the Assistant County Clerk-Recorder

ROLL CALL

Present: Lee Adams, Supervisor, District #1  
Peter W. Huebner, Supervisor, District #2  
Paul Roen, Supervisor, Chair, District #3  
Terry LeBlanc, Supervisor, District #4  
Sharon Dryden, Supervisor, Vice Chair, District #5

Staff: Heather Foster, County Clerk-Recorder  
Melissa Kinneer, Assistant County Clerk-Recorder  
David Prentice, County Counsel  
Van Maddox, Auditor/Treasurer Tax Collector  
Tim Beals, Director of Planning/Public Works/Transportation/OES  
Lea Salas, Director of Behavioral Health  
Vickie Clark, Director of Health and Social Services
September 20, 2022

APPROVAL OF THE CONSENT AGENDA

APPROVED. Motion: Adams/Dryden/Unanimous  Roll Call Vote: 5/0

13. CONSENT AGENDA

13.A. Amendment to the Agreement 2022-102 between the County of Sierra and Sierra County Child Abuse Council to add American Rescue Plan Act (ARPA of 2021 Community-Based Child Abuse Prevention (CBCAP) One-Time Supplemental Grant Allocation in the amount of $50,000. (SOCIAL SERVICES)

APPROVED, Agreement 2022-116

13.B. Local Enforcement Agency Grant Agreement EA33-22-0019, for the time period of July 1, 2022 through October 27, 2023, in the amount of $15,021.00. (PUBLIC HEALTH)

APPROVED, Agreement 2022-117

13.C. Resolution approving the Addendum to Memorandum of Understanding between the County of Sierra and Blue Cross of California Partnership Plan, Inc. (Anthem) 2020-106 and Addendum 2020-107 and authorizing the Administrative Director of Behavioral Health to sign the Addendum. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2022-111

ADOPTED, Resolution 2022-118

13.D. Resolution approving the California Department of Veterans Affairs Annual packet of compliance letters including the Subvention Certificate of Compliance and Annual Medi-Cal Cost Avoidance Certificate of Compliance for Fiscal Year 2022/2023 and authorizing the Administrative Director of Behavioral Health to sign the Certificates annually. (BEHAVIORAL HEALTH)

ADOPTED, Resolution 2022-112

13.E. Resolution approving the Memorandum of Understanding (MOU) between Sierra-Plumas Joint Unified School District and Sierra County regarding the Mental Health Services Act Grant and authorizing the Administrative Director to sign the MOU. (BEHAVIORAL HEALTH)

ADOPTED, Resolution 2022-113

APPROVED, Agreement 2022-119

13.F. Resolution approving Request for Proposal (RFP) documents and authorization to solicit requests for the Packer Lake Road Bridge Replacement Over Salmon Creek, Federal Project No. BRLO-5913(060). (PUBLIC WORKS)
ADOPTED, Resolution 2022-114

13.G. Resolution approving Request for Proposal (RFP) documents and authorization to solicit requests for the Salmon Lake Road Bridge Replacement Over Church Creek, Federal Project No. BRLO 5913(059). (PUBLIC WORKS)

ADOPTED, Resolution 2022-115

13.H. Minutes from the regular meeting held on July 19, 2022. (CLERK OF THE BOARD)

13.I. Minutes from the regular meeting held on August 16, 2022. (CLERK OF THE BOARD)

13.J. Minutes from the special meeting held on August 23, 2022. (CLERK OF THE BOARD)

APPROVAL OF THE REGULAR AGENDA

REGULAR AGENDA

APPROVED. Motion: Adams/Dryden/Unanimous Roll Call Vote: 5/0

2. PUBLIC COMMENT OPPORTUNITY

At 9:03 Chair Roen opened and closed the public comment opportunity with no further persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported on the meeting held last week with the RCRC Board of Directors.

Supervisor Dryden reported on the upcoming Sierra Valley Art and Ag Trail event and on the letter from the California Department of Fish and Game regarding a Fire Resiliency Work Group committee.

4. DEPARTMENT MANAGERS’ REPORTS & ANNOUNCEMENTS

The Director of Behavioral Health provided updates on finalizing the Veterans Service Officer job description and on the ongoing CalAim Data Sharing requirements for Behavioral Health.

The Director of Social Services provided updates on the success of the Family Fun Fest; the State Water Resources Control Board inspection of the Downieville gas station and the
potential Rust Grant awarded to the owner to assist with the removal of the existing and installation of new tanks; declining the Home Safe and Bringing Families Home grants due to staffing shortages and the extreme administrative burden; a promotion request for an Integrated Case Worker (ICW) Supervisor and amendment to the job description to allow a substitution of college requirements for the position; the amended state health officer COVID-19 testing and masking requirements for staff; the upcoming October 11th Health and Information Fair to be held at the Senior Valley Apartments to provide information on emergency preparedness, oral health, in-home care, tobacco sensation, CalFresh and financial assistance, nutrition, wellness, and transportation services, as well as available vaccine boosters and flu shots; flu shot clinics scheduled within the county; the additional access of vaccines for seniors; and the bivalent booster shots available every Friday alternating back and forth between Downieville and Loyalton.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Rachel Hutchinson provided an update on the return of Eli Eliano, Forest Supervisor; the Mosquito fire; two grants submitted to the Sierra Nevada Conservancy for the NID project around Jackson Meadows and the Middle Fork of the Yuba, and the second phase of the Smithneck project in Antelope Creek; the upcoming field tour with the California Department of Fish and Wildlife on October 5th; the upcoming Governor's task force meeting in Nevada County; the status of hiring positions within the district; and on the appointment of Stephanie Coppeto as the acting Yuba District Ranger.

Acting Yuba District Ranger Stephanie Coppeto provided an update on hiring a Deputy District Ranger; advertising for a District Fire Management Officer; introduction of the new Hydrologist hired on the district; improvements to the Sardine Lake campground parking sites; bids for the Chapman campground for dead tree removal; and on the agreement and status of the Greene Acres project.

Chair Roen commented on the upcoming site visit for the Greene Acres project to be attended by staff from the Sierra Nevada Conservancy.

Beckwourth District Ranger Michael Rahe reported on the Beckwourth hazard tree project; the toxic algae bloom at Lake Davis; and on the upcoming closure of the Gold Lake campground.

6. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

6.A. Resolution authorizing grant application to the Sierra Nevada Conservancy (SNC) for the Forest City-Planning Grant to complete NEPA work for implementation project for landscape fire treatments and resiliency.

The Director of Public Works provided a brief background to the Board on the item.
The Board moved to adopt the resolution authorizing the grant application to the Sierra Nevada Conservancy (SNC) for the Forest City-Planning Grant to complete NEPA work for implementation project for landscape fire treatments and resiliency.

**ADOPTED,** Resolution 2022-116. Motion: Adams/Dryden/Unanimous  Roll Call Vote: 5/0

6.B. Resolution authorizing grant application to Sierra Nevada Conservancy (SNC) for the Greene Acres implementation project for landscape fire treatments and resiliency.

The Director of Public Works provided a brief background to the Board on the item.

The Board moved to adopt the resolution authorizing grant application to Sierra Nevada Conservancy (SNC) for the Greene Acres implementation project for landscape fire treatments and resiliency.

**ADOPTED,** Resolution 2022-117. Motion: Huebner/Adams/Unanimous  Roll Call Vote: 5/0

6.C. Affirm and adoption of a resolution approving the funding application and Supplemental Project Agreement to Master Stewardship Agreement #20-SA-11051700-006 between the County of Sierra and Tahoe National Forest for use of federal funding for the Greene Acres Forest Resiliency Project on the North Yuba River Landscape.

The Director of Public Works provided background on the supplemental project agreement presented by the Forest Service for the management and implementation of the Greene Acres Forest Resiliency Project.

The Board moved to approve the funding application and Supplemental Project Agreement to Master Stewardship Agreement #20-SA-11051700-006 between the County of Sierra and Tahoe National Forest for use of federal funding for the Greene Acres Forest Resiliency Project on the North Yuba River Landscape.

**APPROVED,** Agreement 2022-120. Motion: Huebner/Adams/Unanimous  Roll Call Vote: 5/0

6.D. Continued discussion and direction for the development of an application for grant funding under the Federal Community Wildfire Defense Grant Program.

The Director of Public Works provided background on the guidelines set forth in the grant including a 10-million-dollar per project limit requiring a 25 percent match, and on the need to secure a funding source to avoid a significant burden on the County or General Fund. The Director further reported that the grant would provide an opportunity for the County to address the list of high priority fire treatment projects identified in the North Yuba canyon.

Considerable discussion ensued with the Board.
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Supervisor Adams expressed concern and frustration over the threat of trees on federal lands and on the limitations set forth in the grant for smaller counties.

Discussion ensued with the Board.

The Director of Public Works expressed concern over the October 7th deadline to submit the grant and further commented on the need for additional staff to assist in administering the project.

Supervisor Adams suggested the Director reach out to the Yuba County Water Agency to request assistance with the project or a possible funding match.

Discussion ensued with the Board.

By consensus, the Board directed staff to begin the development of the application for grant funding under the Federal Community Wildfire Defense Grant Program.

6.E. Discussion and adoption of resolution waiving formal bidding, approving a budget amendment and authorize purchase of three (3) truck mounted snowplows.

The Director of Public Works provided brief background on the item.

The Board moved to adopt the resolution waiving formal bidding, approving a budget amendment and authorizing the purchase of three (3) truck mounted snowplows.

ADOPTED, Resolution 2022-119. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

6.F. Waive second reading and adoption of an ordinance amending Part 11, Chapter 08, Section 010 of the Sierra County Code to establish a 15 mile per hour speed limit on three roads in Sierra City which recently were acquired/added to the County Road System-Ostrom Way, 49er Drive, and Old Highway 49.

The Board moved to waive the second reading and adopted the ordinance amending Part 11, Chapter 08, Section 010 of the Sierra County Code to establish a 15 mile per hour speed limit on three roads in Sierra City which recently were acquired/added to the County Road System-Ostrom Way, 49er Drive, and Old Highway 49.

ADOPTED, Ordinance 1115. Motion: Huebner/Adams/Unanimous Roll Call Vote: 5/0

12. TIMED ITEMS

12.A. 10:00 AM CONTINUED HEARING - WOODRUFF ZONE VARIANCE APPEAL

Continued hearing on the appeal filed by Andrew Woodruff of the Planning Commission’s denial of a Zone Variance for a reduction of the front yard setback for a 111-square-foot woodshed. The project site, identified as APN 013-080-002-000, is a
0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley, unincorporated Sierra County.

The Director of Planning provided extensive background on the Planning Commission’s findings and decision to deny the appeal filed by Andrew Woodruff.

The Clerk entered the following documents into the record:

Exhibit 2 – September 20, 2022 Board of Supervisors Record of Proceedings and attached Planning Commission Record

Supervisor Adams expressed appreciation to the Planning Commission on their diligence and hard work on the matter.

At 10:09 a.m. Chair Roen opened the public hearing.

At 10:10 a.m. Chair Roen closed the public hearing with no other persons addressing the Board.

The Board moved to deny the application filed by Andrew Woodruff of the Planning Commission’s denial of a Zone Variance for a reduction of the front yard setback for a 111-square-foot woodshed. The project site, identified as APN 013-080-002-000, is a 0.28-acre parcel zoned Residential One Family District (R-1) at 165 Main Street in Sattley, unincorporated Sierra County.

APPEAL DENIED: Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

7. OFFICE OF EMERGENCY SERVICES (OES) -TIM BEALS

7.A. Resolution authorizing the transfer of funds to the County OES budget in the amount of $1036 to cover the costs of the emergency cooling centers opened in Pike and Downieville from September 4-7, 2022.

The Director of Emergency Services provided background on the cooling centers opened during the recent heat event and on the associated costs with the operations of both locations.

The Board moved to adopt the resolution authorizing the transfer of funds to the County OES budget in the amount of $1036 to cover the costs of the emergency cooling centers opened in Pike and Downieville from September 4-7, 2022.

ADOPTED, Resolution 2022-120. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0
8. BOARD OF SUPERVISORS

8.A. Discussion/action regarding conducting meetings of the Sierra County Board of Supervisors in accordance with AB 361 and Sierra County Resolution 2021-140.

(CLERK OF THE BOARD)

By consensus, the Board directed continuing to conduct hybrid meetings of the Sierra County Board of Supervisors in accordance with AB 361 and Sierra County Resolution 2021-140.

9. PERSONNEL DIRECTOR - DAVID PRENTICE

9.A. Discussion/approval of the reorganization of the Personnel Department.

The Personnel Director provided background on his request to reorganize the structure and duties of the Personnel Department by adding new positions, Personnel Analyst I and Personnel Technician and by promoting the current Personnel Analyst II position to an Assistant Personnel Director.

Discussion ensued by the Board.

Public comment was received by Lynnea White expressing concerns over the reorganization of the Personnel Department and current education requirements for the Assistant Personnel Director position.

County Counsel clarified that Ms. Behlke has adopted the necessary skills to perform the duties of the position.

The Auditor also commented that Ms. Behlke has completed the required education and training for the position.

The Board moved to approve the reorganization of the Personnel Department which includes the approval of the Personnel Analyst I, Personnel Technician and Assistant Personnel Director job descriptions and promotion of Personnel Analyst II to Assistant Personnel Director.

APPROVED. Motion: Adams/Dryden/Unanimous  Roll Call Vote: 5/0

10. COUNTY BOARD OF SUPERVISORS AND COUNTY SERVICE AREAS JOINT MEETING

Board of Supervisors to convene as the County Service Area (CSA) Board of Directors and to hold joint meetings as both the County Board of Supervisors and the CSA Board of Directors.

At 10:27 a.m. Chair Roen recessed the Board of Supervisors meeting and reconvened as the County Board of Supervisors and County Service Area Board of Directors joint meeting.
10.A. Resolution adopting Appropriation Limits for the 2022-2023 Fiscal Year for the County Service Areas 2, 3 and Sierra Brooks 5A.

The Board moved to adopt the resolution adopting Appropriation Limits for the 2022-2023 Fiscal Year for the County Service Areas 2, 3 and Sierra Brooks 5A.

ADOPTED, CSA Resolution 2022-002. Motion: Dryden/Adams/Unanimous  Roll Call Vote: 5/0

10.B. Resolution adopting Appropriation Limits for the 2022-2023 Fiscal Year for the County of Sierra.

The Board moved to adopt the resolution adopting the Appropriation Limits for the 2022-2023 Fiscal Year for the County of Sierra.

ADOPTED, Resolution 2022-121. Motion: Adams/Huebner/Unanimous  Roll Call Vote: 5/0

10.C. Resolution adopting the 2022-2023 Final Budget for the County Service Areas 1, 2, 3, 4, 4B, 5 and 5A (Sierra Brooks Water).

The Board moved to adopt the resolution adopting the 2022-2023 Final Budget for the County Service Areas 1, 2, 3, 4, 4B, 5 and 5A (Sierra Brooks Water).

ADOPTED, CSA Resolution 2022-003. Motion: Dryden/Huebner/Unanimous  Roll Call Vote: 5/0

10.D. Resolution adopting the 2022-2023 Final Budget for the County of Sierra.

The Auditor reported on the recommendations from the Finance Committee to adopt the changes in transfers to the final budget.

Supervisor Adams expressed gratitude to the Auditor and staff, and to the Department Managers for working together in finalizing the budget.

Supervisor Dryden expressed gratitude to the Finance Committee for their work on the budget.

The Board moved to adopt the resolution adopting the 2022-2023 Final Budget for the County of Sierra.

ADOPTED, Resolution 2022-122. Motion: Dryden/LeBlanc/Unanimous  Roll Call Vote: 5/0

At 10:31 a.m. Chair Roen adjourned the joint meeting as the County Board of Supervisors and County Service Area Board of Directors and reconvened as the County Board of Supervisors.

12. TIMED ITEMS
12.B. 10:30AM PUBLIC HEARING - CONSTELLATION CREEK RESORT ZONE AMENDMENT

Conduct public hearing to consider a recommendation of the Sierra County Planning Commission to approve a zone change for APN 018-060-021, Constellation Creek Resort in Sierraville, CA (The Outpost Group, Inc., record owner) from "GF" General Forest District to "CR" Commercial Residential District. This zone change would bring the property into conformance with the General Plan.

1. Resolution approving zone change from General Forest (GF) District to Commercial Residential (CR) District and determination that the project is exempt under CEQA.

2. Introduction and adoption of Ordinance to amend Sierra County Code Section 15.13.140 to add the portion of property identified to those properties zoned Commercial Residential (CR) District.

At 10:34 a.m. Chair Roen opened the public hearing.

The Director of Planning reported on the Planning Commission’s recommendation to approve the zone amendment from the General Forest (GF) District to Commercial Residential (CR) District consistent with the General Plan land use designation.

The Clerk entered the following documents into the record:

   Exhibit 1 – September 20, 2022 Board of Supervisors Record of Proceedings and attached Planning Commission Record

   Exhibit 2 – Board of Supervisors Public Hearing Notice

Public comment was received by Paul Cueto expressing concern over the current property owner’s unsafe management of burnable materials on the property.

Considerable discussion ensued with the Board.

At 10:48 a.m. Chair Roen closed the public hearing with no further persons addressing the Board.

1. Resolution approving zone change from General Forest (GF) District to Commercial Residential (CR) District and determination that the project is exempt under CEQA.

After considerable discussion, the Board moved to adopt the resolution approving the zone change from General Forest (GF) District to Commercial Residential (CR) District.

ADOPTED, Resolution 2022-123. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0
2. Introduction and adoption of Ordinance to amend Sierra County Code Section 15.13.140 to add the portion of property identified to those properties zoned Commercial Residential (CR) District.

The Board moved to adopt the ordinance amending Sierra County Code Section 15.13.140 to add the portion of property identified to those properties zoned Commercial Residential (CR) District.

ADOPTED, Ordinance 1116. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

12.C. 11:00AM CONTINUED PUBLIC HEARING - SHORT-TERM RENTAL ORDINANCE

Continued public hearing on a County-initiated Zone Amendment to adopt a new Short-Term Rental Ordinance and introduction and first reading of an Ordinance to amend Sierra County Code Chapter 15.08 to add definitions, and add subsection .060 to Chapter 15.10 pertaining to policies on Short Term Rentals.

At 11:05 a.m. Chair Roen reopened the public hearing.

The Director of Planning reported on the key points taken from the public comments received at the September 6th meeting including the language surrounding the two-year property ownership requirement prior to applying for a short-term rental permit; the effective date of the ordinance; the fees for inspections, permit processing and issuance of applications; the request to grandfather over existing short term rental permits; potential building violations and zoning issues; permit renewal timeframes; and questions related to the term “Official Notification” for septic tanks.

The Clerk entered the following documents into the record:

Exhibit H – Email dated September 15, 2022 from Diane Neubert in opposition of the short-term rental ordinance

Exhibit I – Email dated September 17, 2022 from David Rubiales in support of the short-term rental ordinance

At 11:11 a.m. Chair Roen closed the public hearing with no other persons addressing the Board.

Considerable discussion ensued with the Board over the two-year property ownership requirement; the effective date of the proposed ordinance; and recommendations to add additional compliance requirements to the proposed short-term rental ordinance including timely filing of annual business property statements with the Assessor’s Office and current payments of Transient Occupancy Tax (TOT) to the Treasurer/Tax-Collector’s Office.
Supervisor Dryden expressed concern over the burdensome requirements set forth in the proposed ordinance for both applicants and County staff.

Board discussion ensued.

Public comment was received by Mary Davey inquiring on the opportunities for year-round local vacation owners.

Discussion ensued with the Board.

The Director of Planning provided a summary on the recommended changes to the language in the proposed short-term rental ordinance to the Board; 1) the two-year property ownership requirement not being applied retroactively; 2) compliance with filing timely annual business property statement with the Assessor’s Office; 3) compliance with current Transient Occupancy Tax (TOT) payments, registration and certification with the Treasurer/Tax-Collector’s Office; 4) the voidance of a short-term administrative permit upon the transfer or sale of a property; 5) the term “Official Limitation” for septic systems will only apply to properties issued a violation notice from the Environmental Health Department; 6) short-term rental administrative permits shall be limited to 3-year terms; 7) the effective date of the ordinance; 8) the establishment of fees.

Considerable discussion ensued with the Board.

By consensus, the Board directed staff to bring the short-term rental ordinance with the recommended changes to the October 4th meeting for a second reading and adoption.

11. CLOSED SESSION


CLOSED SESSION STATEMENT

The Board met in closed session from 12:00 p.m. to 12:37 p.m. County Counsel reported that direction was given to staff with respect to the one closed session item.

ADJOURN

At 12:37 p.m., with no further business, Chair Roen adjourned the meeting.

| PAUL ROEN, CHAIR
| BOARD OF SUPERVISORS
ATTEST: