



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, District 1

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Peter W. Huebner, District 2

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Paul Roen, Chair, District 3

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Terry LeBlanc, District 4

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Sharon Dryden, Vice Chair, District 5

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on July 19, 2022 at the Loyalton Social Hall, Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Dryden

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
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
Chuck Henson, Chief Probation Officer
Mike Fisher, Sheriff/Coroner

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APPROVAL OF THE CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

11. CONSENT AGENDA

11.A. Resolution approving Cooperative Law Enforcement FY 2022 Annual Operating and Financial Plan between the Sierra County Sheriff's Office and the USDA, Forest Service Tahoe and Plumas National Forest. Agreement 22-LE-11051360-008. (SHERIFF)

ADOPTED, Resolution 2022-081 and **APPROVED,** Agreement 2022-094

11.B. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Artifex Homes Inc, applicant and Twin Prime Investments, landowner, for a Special Use Permit (SUP) to use a travel trailer while a single-family dwelling is being built on the property located at 10 Old Chimney Rd., Sierra City APN 008-090-029. (PLANNING)

APPROVED, Agreement 2022-095

11.C. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Route 49 Partners LLC, applicant and landowner. Consideration for a Special Use Permit for property located at 205 and 300 Hill Street, Loyalton: APN's 017-120-006, 017-120-001, and 016-040-080. (PLANNING)

APPROVED, Agreement 2022-096

11.D. Amendment to Professional Services Agreement 1997-068 with Bastian Engineering for annual increase to the contract amount to \$23,000 for 2021-2022 Fiscal Year. (PUBLIC WORKS)

APPROVED, Agreement 2022-097

11.E. Resolution authorizing increase in expenditure limits established by Ordinance 993 specific to payments for solid waste tipping fees to Intermountain Disposal. (PUBLIC WORKS)

ADOPTED, Resolution 2022-082

11.F. Amendment to California Mental Health Services Authority Participation Agreement 2022-043 with Sierra County. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2022-098

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11.G. Certified Statement of results of the canvass for the June 7, 2022, Statewide Direct Primary Election. (ELECTIONS)

11.H. Resolution approving the consolidation of District and Municipal Elections with the County's General Election to be held on November 8, 2022. (ELECTIONS)

ADOPTED, Resolution 2022-083

11.I. Minutes from the regular meeting held on June 7, 2022. (CLERK OF THE BOARD)

11.J. Minutes from the regular meeting held on June 21, 2022. (CLERK OF THE BOARD)

APPROVAL OF THE REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:04 a.m. Chair Roen opened and closed the public comment opportunity.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

No reports were given.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Chief Probation Officer announced that this week is Probation Service Week and read the Governor's proclamation.

The Director of Health and Social Services reported on public concerns regarding contamination with the water system in Sierra City and reaching out to the State Water Board who tested the facility which indicated it was free from contamination and working properly; the receipt of the Disease Intervention Workforce Development grant in the amount of \$100,500 per year and Public Health funding in the amount of \$362,000 which 70% of the funding is designated to hiring new staff and 30% is flexible for equipment, remodeling etc.; an update on recruitment; the Federal government extending the COVID public health emergency for another 90 days; the State of California at a high COVID transmission rate; current case rates in Sierra County; the Omicron variant vaccine available this fall; and testing availability within the county.

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The Sheriff reported on looking to fill the budgeted vacant Sergeant position with a Deputy Sheriff II or III temporarily and if it becomes long term abolishing the Sergeant position; difficulty with recruitment due to higher salaries in surrounding counties for similar positions; meeting with the new Grass Valley CHP Commander regarding issues with limited coverage in our area and CHP refusing to respond to some pretty serious incidents on Highway 49; the Zone Haven website and continuing to monitor our surrounding counties daily; Steve Ulrich retiring from Fish and Wildlife and was awarded the Medal of Valor for his response and stopping the suspect in the shooting up at Poker Flat; and the need for a new livescan machine as the current machine is no longer supported by the company that owns it, which will cost approximately \$15,000-\$20,000.

Supervisor Adams questioned if there is any support from the Department of Justice (DOJ) or grants available for the replacement of the livescan machine.

The Sheriff indicated they are looking for funding opportunities and if unsuccessful he will be looking to each county department to help share the cost of the machine.

In response to Supervisor Adams' inquiry regarding the local transaction fee for use, the Sheriff clarified the fee is \$25 per use and is allocated to the general fund.

Supervisor Adams further expressed concerns with CHP only working during the day on weekdays as a resident officer in a tourist county should work weekends. Supervisor Adams further offered to help with this issue if needed.

The Auditor reported on the county health insurance increase, which is still a better price than other health insurance alternatives.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Rachel Hutchinson reported that they are going into Stage 1 for fire restrictions and reviewed the recent forest order; looking at submitting two preapplications for additional funding to the Sierra Nevada Conservancy; submitting a planning grant for around Jackson Meadows Campground; and an update on staffing.

Yuba District Ranger Lon Henderson reported on the new fire restrictions; a meeting scheduled on July 27th for the North Yuba Partnership; Packer Lake Fish Day held last Saturday; the status of the fire by Dobbins and Oregon House; ongoing operations in Sierra County; working on replacing the Sand Pond boardwalk and temporarily decommissioning it for safety reasons; an update on staffing; and the retirement of Heather Newell after 23 years of service.

In response to Supervisor Adams' inquiry, Ranger Henderson provided an update on the Trapper project.

In response to Chair Roen's inquiry, Ranger Henderson commented that the funding for the four campgrounds has been added and they should see bids coming out soon.

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Beckwourth District Ranger Mike Rahe reported on working on the concerns regarding the boat ramp at Gold Lake and Lake Davis; illegal vehicle operations between Clio and Blairsden and adding signs to address this; imposing Stage 1 fire restrictions since before July 4th; and an update on staffing.

Supervisor Adams expressed concerns with the Oroville District adding the Poker Flat OHV campground when there is no legal way to get to the campground from Plumas County other than using a side-by-side, which is illegal and has ruined the county road. Supervisor Adams further encouraged the Forest Service to add signs to the county road to protect it.

10. TIMED ITEMS

10.A. 10:00 A.M. - PUBLIC HEARING - WOODRUFF ZONING VARIANCE APPEAL

Conduct public 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.

At 10:08 a.m. Chair Roen opened the public hearing.

The Director of Planning reviewed in detail the constrained property located on Highway 89 in Sattley; the variance approved to replace a dilapidated shed and the findings required to support the variance; and the Planning Commission's denial of the variance for a second structure, a 111-square-foot woodshed that was constructed without a permit and is in violation of the setback, as the Planning Commission was unable to make the findings to support the variance. The Director further explained that Mr. Woodruff can move the structure to a compliant setback.

The Director requested adding the following exhibit to the record:

Exhibit 1 – Board of Supervisors Transmittal and Record of Proceedings including attachments consisting of the Planning Commission administrative record and Board of Supervisors notice of public hearing.

In response to Supervisor Dryden's inquiry, the Director indicated there were two actions that went before the Planning Commission - a request for a variance for replacement of a dilapidated shed which was approved, and a request for a second variance to allow a shed constructed without a permit and penetrating the setback which was denied as the Planning Commission was not able to make findings to support the variance.

In response to Supervisor Adams' inquiry, the Director clarified that state law, and the county code requires findings to be made by the county and in this case, the findings couldn't be made by the Planning Commission.

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Mr. Andrew Woodruff, appellant, addressed the Board regarding the property he owns in Sattley across from the cash store and borders the church grazing land, which has 15 foot setbacks on both roadsides and a 25 foot setback from the cows, so he is left with about a tenth of an acre for buildable space which is used for the leach field. Mr. Woodruff continued to provide background on the property which he's owned for approximately 10 years and the work he's done to clean up the property, and the one remaining shed that is unsafe and falling apart and is where his tools are currently stored. Mr. Woodruff continued to comment on having built a smaller wood shelter without a permit, which was his mistake and apologizes for this. He paid \$1000 for the variance and \$500 for today's appeal.

Mr. Woodruff further questioned the setback requirements as the smaller shed which takes up a smaller area was denied and has the same setback as the larger building which was approved. The property has already been assessed which includes the woodshed. Mr. Woodruff concluded his comments and thanked the Board for their consideration and believes property fits the definition of a unique and constrained parcel.

The Clerk entered the following exhibit into the record:

Exhibit A – Email dated July 18, 2022 from Tim and Jill Curran.

Public comments were received by Tammy McCollum, Sattley and Jeff Milligan, Sierra City in support of the approval of the variance as they consider this to be an improvement to the property.

The Director commented on Mr. Woodruff's testimony and clarified that the larger shed that Mr. Woodruff is referring to is a dilapidated structure with not much left and is significantly closer to the highway. The tradeoff was to remove the structure and provide a new shed equal to what he lost which would be an improvement to the setback and was what supported the findings to the approval of the variance for the bigger shed. With respect to the assessment, the Assessor's Office will place a value to the shed as it is an improvement to the property regardless of whether it is legal, illegal, permitted, or unpermitted.

At 10:27 a.m. Chair Roen closed the public hearing with no further persons addressing the Board.

In response to Supervisor LeBlanc's inquiry, the Director clarified the solution to fix this is to move the shed by four feet.

Mr. Woodruff expressed concerns that the shed would then be in the setback for the leach field.

The Director responded that he doesn't believe this will be a constraint for Environmental Health.

County Counsel clarified that findings are controlled by the county code which requires findings for a variance.

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Discussion ensued with the Board regarding the required leach field setback.

In response to Ms. McCollum's inquiry regarding whether a permit was required, the Director clarified that setbacks are required to be free and open, and not penetrating the setback that was allowed in that area regardless of whether it's permitted or not.

In response to Supervisor Dryden's inquiry, the Director clarified that there isn't a septic or leach field currently in place, rather this is a general area that is set aside for a future leach field if the current leach field fails, and he doesn't believe an encroachment of four feet would create an issue.

Further discussion ensued with the Board and Mr. Woodruff.

Following discussion, the Director clarified that during the discussion with the Planning Commission there were other areas identified on the property that the shed could have been located on without penetrating the setback.

Mr. Woodruff commented on the shed being placed in a different location and explained that he didn't put the shed in the driveway as Caltrans had indicated this was to be his main entrance to the property and it is also on the edge of a mature orchard, so he put the shed in the most reasonable spot he had.

In response to Supervisor Huebner's inquiry, Mr. Woodruff indicated he's not sure how he would move the shed as it is on piers.

Discussion ensued with the Board.

Following discussion, the Board moved to deny the appeal of the Planning Commission's denial of a Zone Variance for a reduction of the front yard setback for a 111-square-foot woodshed on the basis that the Board cannot make the necessary findings and therefore must support the decision of the Planning Commission.

Following further discussion, Supervisor Adams questioned since a great portion of the building being moved is exiting the setback versus the new building, can the Board justify a finding that the number of square feet remaining in the setback doesn't exceed the current dilapidated shed and split the difference? So, there would still be a net gain in reduction in square footage being removed even if it is in two pieces.

The Director indicated that the Board could refer this back to the Planning Commission and request a report back.

Discussion ensued with the Board.

Following discussion, the maker withdrew the motion with the consent of the second.

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The Board moved to refer this matter back to the Planning Commission to consider making findings based on the number of square footage of blight being pulled out of the setback and replacing it with what was already approved if it doesn't exceed the square footage.

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

Following further discussion and by consensus, the Board continued the hearing to September 20, 2022 at 10:00 a.m. in Loyalton.

8.B. Discussion/action on a proposed land acquisition by the Sierra County Land Trust in the Lakes Basin area. (SUPERVISOR HUEBNER)

Ms. Laurie Oberholtzer made a brief presentation on the request for a letter in support of the proposed land acquisition by the Sierra County Land Trust in the Lakes Basin area.

The Board moved to approve a letter in support of the proposed land acquisition by the Sierra County Land Trust in the Lakes Basin area to be signed by the Chair.

Supervisor Adams commented on his support of this request and indicated that he would like to see these transactions tied to an action to free up other lands adjacent to our communities to provide opportunities for building economy to scale.

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

6. PLANNING / BUILDING - TIM BEALS

6.A. Discussion and direction on status of negotiations with FEMA on flood plain map amendments affecting Sierra Valley and Loyalton.

The Director of Planning provided background on FEMA previously providing assurances to put a stay to the appeal process and provide a clear statement in a document that FEMA recognizes there are some issues with their modeling. The Director continued to comment on receiving an email from Michael Bishop (FEMA) on May 17th which countered what was committed to a month earlier - the appeal period is being discussed again and the county didn't receive any written commitment that the appeal period would be stayed, and that FEMA's modeling was insufficient.

The Director further referred to a subsequent conference call held on June 13th, wherein the two key people from FEMA who were supposed to be in attendance had last minute conflicts and didn't attend, so there were only representatives from FEMA on the call who couldn't make any decisions.

The Director added that the county is no farther along today as it was back in April, and he believes the Board needs to draft a strong letter to FEMA.

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Supervisor Dryden expressed concerns with the timeframe for public input and the cost and burden placed on the county once this goes to an appeal process.

The Director indicated that he has not received any satisfactory response from FEMA and would like to pursue political pressure in a letter to FEMA.

Considerable discussion ensued with the Board and staff.

Following discussion, staff suggested scheduling a meeting with the City of Loyalton and Plumas County to make sure everyone is on the same page.

By consensus, the Board directed staff to schedule a meeting with the City of Loyalton and return to the Board with a status report.

7. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

7.A. Approval of conveyance of an approximate 5-acre parcel of land to the Sierra Brooks Property Owners Association containing the Sierra Brooks "campground parcel" as part of the completion of the recent Sierra Brooks Water System Project.

The Board moved to approve the conveyance of an approximate 5-acre parcel of land to the Sierra Brooks Property Owners Association containing the Sierra Brooks "campground parcel" as part of the completion of the recent Sierra Brooks Water System Project.

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

8. BOARD OF SUPERVISORS

8.A. Discussion/adoption of resolution declaring a local state of emergency due to extreme fire conditions and adoption of an urgency ordinance amending section 18.12.50 of the Sierra County Code prohibiting open fires on public and private property within the unincorporated areas of Sierra County due to the extreme fire danger. (SUPERVISOR HUEBNER)

Supervisor Huebner commented on the motion of intent the Board made at the July 5th meeting and indicated he believes this ordinance needs to be adopted today due to recent fires.

The Board moved to adopt the resolution declaring a local state of emergency due to extreme fire conditions.

ADOPTED, Resolution 2022-084. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

The Board moved to adopt an urgency ordinance amending section 18.12.50 of the Sierra County Code prohibiting open fires on public and private property within the unincorporated areas of Sierra County due to the extreme fire danger.

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In response to the Sheriff's inquiry regarding whether violation of the ordinance would be misdemeanor or infraction, County Counsel clarified that the intention was to make it a misdemeanor.

Discussion ensued regarding the ordinance requiring private campgrounds to be monitored/inspected; whether the ordinance prohibits propane heaters; and who at the county level is going to be responsible for interpreting the proposed ordinance.

Following discussion, the maker amended the motion with consent of the second to include language from the previous ordinance adopted last year pertaining to exemptions for umbrella propane heaters and to correct the misspelling of drought.

ADOPTED, Ordinance-1112. Motion: Huebner/Adams/Unanimous Roll Call Vote: 5/0

- 8.C. 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. CLOSED SESSION

- 9.A. Conference with labor negotiators pursuant to Government Code section 54957.6, David Prentice Negotiator, Mid-Management.
- 9.B. Closed session pursuant to Government Code Section 54957 - performance review regarding County Counsel.

CLOSED SESSION STATEMENT

The Board met in closed session from 12:07 p.m. to 12:32 p.m. County Counsel reported with respect to Mid-Management labor negotiations, Mid-Management has accepted the Board's previous offer and with respect to the performance review regarding County Counsel, information was given.

- 8.E. Resolution authorizing a Cost-of-Living Adjustment (COLA) for Mid-Management positions.

The Clerk reviewed the proposed resolution which authorizes an averaged 4% increase effective December 25, 2022 and an averaged 2% increase effective December 25, 2023.

The Board moved to adopt the resolution authorizing a Cost-of-Living Adjustment (COLA) for Mid-Management positions .

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ADOPTED, Resolution 2022-085. Motion: Adams/Huebner/Unanimous

8.D. Introduction and waive first reading of an ordinance amending section 2.04.070 of the Sierra County Code pertaining to compensation for County Supervisors. (SUPERVISOR HUEBNER)

The Clerk clarified that the third increase should be \$3416.66 representing a 4% increase on October 25, 2022, December 25, 2022, and December 25, 2023.

Supervisor Huebner moved to waive the first reading of an ordinance amending section 2.04.070 of the Sierra County Code pertaining to compensation for County Supervisors.

Supervisor Adams indicated he appreciates Supervisor Huebner for adding this, but he's never liked the issue of setting their own salary. He also understands prices have gone up; however, the Board has saved in travel costs due to COVID. Supervisor Adams further expressed concerns with having this discussion prior to the completion of the Deputy Sheriff's Association negotiations and would prefer to hold off until this is completed.

Supervisor Dryden and Chair Roen concurred with Supervisor Adam's statement.

Motion died due to lack of a second.

ADJOURN

At 12:44 p.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD