

Called to order at 9:06 a.m., in the Board of Supervisors Room, County Administration Building, 25 County Center Drive, Oroville. Supervisors present: Dolan, Houx, Josiassen, Yamaguchi, and Chair Beeler. Also present: Paul McIntosh, Chief Administrative Officer; Bruce Alpert, County Counsel; and Marion Reeves, Assistant Clerk of the Board.

Pledge of Allegiance to the Flag of the United States of America.

Observation of a Moment of Silence.

CORRECTIONS AND/OR CHANGES TO THE AGENDA (43)

0404-001 ITEMS REMOVED FROM THE CONSENT AGENDA FOR BOARD CONSIDERATION AND ACTION.

1. Williamson Act Expirations - approval is requested to accept the following Certificates of Williamson Act Expiration: Adams Esquon Ranch (APN 040-570-001, 040-570-002, 040-570-006, and 040-140-006), expired December 31, 2002. Jack Vernon Williams (APN 047-220-004), expired December 31, 2002. John Jean Dagorret et al. (APN 027-180-010 and 027-230-004), expired December 31, 2000, and December 31, 1999. George Chaffin (APN 027-200-001, 027-200-003, 027-200-015 and 027-200-090), expired December 31, 2001. Shimizu Brothers, Inc. (APN 042-010-002), expired December 31, 2000. Joseph W. Cooper et al. (APN 041-140-069 and 041-140-070), expired December 31, 2000. Peter J. and Alice Konyn (APN 040-180-030 and 039-460-025), expired December 31, 2000, and December 31, 1999. Ernest R and Lori S. Bevan (APN 028-030-032, 028-030-045, 028-030-046, 028-030-047, 028-030-048 and 028-030-049), expired December 31, 2000 - action requested - APPROVE CERTIFICATES AND AUTHORIZE THE CHAIR TO SIGN; AND DIRECT RECORDING OF THE CERTIFICATES.

AT THE REQUEST OF THE DEVELOPMENT SERVICES DEPARTMENT, ITEM REMOVED FROM THE AGENDA WITHOUT BOARD CONSIDERATION OR ACTION. THE ITEM WILL BE RETURNED ON A SUBSEQUENT AGENDA.

CONSENT AGENDA

- 0404-002
1. Margaret Davidson, LCSW d/b/a A Fresh New Choice - approval is requested for an agreement with Margaret Davidson, LCSW d/b/a A Fresh New Choice, for the provision of specialty mental health services under Phase II Medi-Cal Specialty Mental Health Consolidation. The agreement commences March 1, 2004, and continues until terminated by either party. Costs are billed as delivery of services are provided - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0404-002 2. Butte County Office of Education - approval is requested for a Memorandum of Understanding with the Butte County Office of Education which will provide for the transfer of Federal funds to the County for the provision of mental health services to eligible students. The term of the agreement is July 1, 2003, through June 30, 2004, with a maximum amount payable to the County of \$550,941. Approval is also requested to accept and appropriate \$462,652 of the unanticipated revenue - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER; AND APPROVE BUDGET TRANSFER B-232 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
3. Private Industry Council - Amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council for space in the Southside Oroville Community Center. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13741)
4. Private Industry Council - Amendment - approval is requested for an amendment to the sublease agreement with the Private Industry Council for space in the Butte County Employment Center located at 78 Table Mountain Boulevard, Oroville. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X12087)
5. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 500 Cohasset Road, Suite 24, Chico. The location is utilized by the Youth Services Division. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13504)
6. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 500 Cohasset Road, Suite 25, Chico. The location is utilized by the Youth Services Division. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11605)

- 0404-002 7. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 500 Cohasset Road, Suite 26, Chico. The location is utilized by the Youth Services Division. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11154)
8. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 107 Parmac Road, Suite 4, Chico. The location is utilized as executive offices. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11340)
9. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 109 Parmac Road, Suite 2, Chico. The location is utilized by the Community Services Division and the Adult Rights Program. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X11013)
10. T.W. DuFour and Associates - Amendment - approval is requested for an amendment to the lease agreement with T.W. DuFour and Associates for the property located at 109 Parmac Road, Suite 1, Chico. The location is utilized by the Administrative Support Division. The amendment adds language regarding confidentiality of records and information. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X10856)
11. Resolution in Appreciation of Eldon, Wendell, Harlan and Homer Lundberg - Supervisor Josiassen is requesting the Board adopt a resolution in appreciation of the Lundbergs for their contributions to the rice industry - action requested - ADOPT RESOLUTION 04-022 AND AUTHORIZE THE CHAIR TO SIGN.
12. Californians Against Higher Auto Insurance Rates - Supervisor Houx is requesting the Board approve a position of opposition to the California Insurance Commissioner's proposed alternative to current automobile rating factors - action requested - APPROVE POSITION OF OPPOSITION TO PROPOSED ALTERNATIVE RATING FACTORS AND AUTHORIZE THE CHAIR TO SIGN POSITION FORM.

- 0404-002 13. MAXIMUS, Inc. - approval is requested to award a contract to provide Senate Bill 90 claiming services to MAXIMUS, Inc. On November 24, 2003, the Administrative Office distributed a Request For Proposal for the services. MAXIMUS, Inc., was the lowest responsible bidder. Approval is requested for an agreement with a term of February 24, 2004, through June 30, 2007, with a maximum amount payable of \$68,850 (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.
14. Relief of Accountability - approval is requested for relief of accountability for fixed asset television and sound system equipment. During the Board Room sound system upgrade the old television and sound system was disassembled. Salvageable parts were incorporated into the new system and the remaining parts were inadvertently sent to surplus as non-fixed asset items. The District Attorney's Office and the Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.
15. Communications Project - approval is requested for a project to relocate communication and data lines and phone consoles within the department. Board approval is also requested for a budget transfer of \$1,972 of department funds between budget line items to provide the appropriation needed for the project - action requested - APPROVE PROJECT; AND APPROVE BUDGET TRANSFER B-233 TRANSFERRING AND ALLOCATING FUNDS AS NEEDED TO COMPLETE PROJECT.
16. Medi-Cal Allocation and Position Request - the department has received notice from the State of California, Department of Health Services, that the Medi-Cal allocation has been increased by \$1.6 million for fiscal year 2003-2004 to fund the addition of staff to meet program requirements. Submitted is a report on the staff additions requested by the department and included in the Resolution Amending the Salary Ordinance submitted by the Human Resources Department. Board approval is requested to accept and appropriate \$174,128 of the increased allocation for the current fiscal year - action requested - APPROVE BUDGET TRANSFER B-234 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
17. Butte County Fire Safe Council - Amendment - approval is requested for an amendment to the agreement with the Butte County Fire Safe Council to implement projects under the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389). The amendment removes two carryover projects and revises language regarding monthly payment provisions. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0404-002 18. Kaplan, McLaughlin, Diaz (KMD) - Amendment - approval is requested for an amendment to the agreement with Kaplan, McLaughlin, Diaz (KMD) for preparation of the Butte County Capital Facilities Master Plan. The amendment extends the term of the agreement through January 31, 2004. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X13936)
19. Contracts/Purchasing Policy and Procedures Manual - Clarification Changes - approval is requested for changes to the County's Contracts/Purchasing Policy and Procedures Manual which are intended to clarify the revisions adopted by the Board on December 16, 2003 - action requested - APPROVE CHANGES TO POLICY AND PROCEDURES MANUAL.
20. Federal Emergency Management Agency - Fiscal Year 2002 Emergency Operations Planning Grant Signature Authority - approval is requested for a resolution designating the authorized representative for the Emergency Operations Planning Grant pursuant to the requirements of the grant - action requested - ADOPT RESOLUTION 04-023 AND AUTHORIZE THE CHAIR TO SIGN.
21. Federal Emergency Management Agency - Flood Mitigation Assistance Grant - approval is requested to apply to the Federal Emergency Management Agency for a \$50,000 grant to develop a countywide flood hazard mitigation plan. Under the terms of the grant, the County would be required to provide an in-kind match of \$16,666, which the department can divide over the two year period of the grant - action requested - APPROVE GRANT APPLICATION AND AUTHORIZE THE GENERAL SERVICES DIRECTOR TO SIGN; AND ADOPT RESOLUTION 04-024 APPROVING GRANT APPLICATION AND SUBGRANTEE ASSURANCES AND AUTHORIZE THE CHAIR TO SIGN.
22. Butte County Solar Energy Project - Budget Transfer - approval is requested to accept and appropriate \$1,200,000 of unanticipated revenue from the Butte County Treasurer's Pooled Investment Fund to begin construction of the Solar Energy Capital Project - action requested - APPROVE BUDGET TRANSFER B-240 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0402-002 23. Adoption of an Ordinance Approving an Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System (PERS) and the Board of Supervisors County of Butte - pursuant to the Probation Peace Officers' Association 2002-2003 Memorandum of Understanding, submitted is an ordinance which amends the County's contract with PERS to provide the 2% at 50 Safety Retirement formula to peace officers represented by the Probation Peace Officers' Association and the peace officers represented by the Butte County Management Employees' Association. On January 27, 2004, the Board adopted a Resolution of Intention to amend the contract - action requested - ADOPT ORDINANCE 3871 AND AUTHORIZE THE CHAIR TO SIGN. (FROM 2-10-04 [3.09])
24. Resolution to Amend the Salary Ordinance - approval is requested for a resolution which will amend the salary ordinance as follows: CHILD SUPPORT SERVICES - deletes one position of Information Systems Analyst III. Adds one flexibly staffed position of Information Systems Analyst III/II/I. EMPLOYMENT AND SOCIAL SERVICES-ELIGIBILITY - adds fourteen flexibly staffed positions of Eligibility Technician II/I and two positions of Employment and Eligibility Supervisor. SALARY PLAN FOR CLASSIFIED POSITIONS, REFERENCE G, PROFESSIONAL EMPLOYEES' UNIT CLASSIFICATIONS - increases the compensation range for the position of Psychiatrist to \$74.09-\$90.05 - action requested - ADOPT RESOLUTION 04-025 AND AUTHORIZE THE CHAIR TO SIGN.
25. Resolution Establishing Salary and Benefits for Non-represented Classification-Assistant Director-Human Resources - approval is requested for a resolution which details the employee benefits provided to the Assistant Director-Human Resources as a result of the position being declassified from the Butte County Management Employees' Association - action requested - ADOPT RESOLUTION 04-026 AND AUTHORIZE THE CHAIR TO SIGN.
26. TALX Corporation d.b.a TALX UC eXpress - approval is requested for an agreement with TALX Corporation d.b.a TALX UC eXpress for the provision of training, claims administration, and related support for unemployment compensation services. The term of the agreement is May 1, 2002, through April 30, 2005. The annual maximum amount payable will be computed at the rate of \$0.76 per full-time employee (department budget) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. X14725)
27. Budget Transfer - approval is requested to transfer funds donated for staff hours from the various Operations Trust Funds to the extra help accounts - action requested - APPROVE BUDGET TRANSFER B-235 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.

- 0404-002 28. Library Advisory Board - action requested - APPOINT RAMONA FLYNN, BOARD MEMBER.
29. Library Donations - pursuant to Government Code Section 25355, donations of \$1,500 from the Gridley Friends of the Library, \$855 from the Oroville Friends of Library, and \$337 from anonymous donors, have been received for the Butte County Trust Fund for the purchase of books - action requested - ACCEPT DONATIONS AND AUTHORIZE LETTERS OF APPRECIATION.
30. Relief of Accountability - approval is requested for relief of accountability for fixed asset filing equipment. The equipment remained in the building at 2279 Del Oro Avenue when the department relocated to 42 County Center Drive and was inadvertently sold as non-fixed asset surplus items. The District Attorney's Office and the Auditor-Controller have reviewed the request - action requested - GRANT RELIEF OF ACCOUNTABILITY.
31. Juvenile Justice Crime Prevention Act - approval is requested to accept and appropriate revenue from the State of California, Board of Corrections, for the Multi-agency Juvenile Justice Plan. The allocation for fiscal year 2002-2003 has a remaining balance of \$61,452.95, including interest earned on the funds. Approval is requested to accept and appropriate \$58,883.84 for prior year expenses that will be paid in the current year budget. The balance of \$3,200.69 represents interest earned and is required to be returned to the Board of Corrections under the terms of the program - action requested - APPROVE BUDGET TRANSFER B-236 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT; AND APPROVE THE RETURN OF \$3,200.69 TO THE BOARD OF CORRECTIONS.
32. Memorial Donation - pursuant to Government Code Section 25355, approval is requested to accept and acknowledge the donation of a cement bench purchased by the employees of Butte County Public Health in honor and memory of Tom Reid, longtime Director of Environmental Health. The bench will be placed next to the building at 7 County Center Drive - action requested - ACCEPT DONATION OF MEMORIAL BENCH.
33. Holdreg & Kull - approval is requested for an agreement with Holdreg & Kull for construction quality assurance monitoring services for the partial final closure of Modules 1, 2, and 3, at the Neal Road Sanitary Landfill. The term of the agreement is February 24, 2004, through completion of the project, with a maximum amount payable of \$113,910.90 (Neal Road Sanitary Landfill Management Fund) - action requested - APPROVE AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER.

- 0404-002 34. California State University, Chico - Amendment - approval is requested for an amendment to the agreement with California State University, Chico, for the provision of no-fare bus service for faculty, students and staff. The amendment increases the maximum amount payable to the County to \$24,500 for the period of January 1, 2003, through December 31, 2003. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN. (Contract No. R40046)
35. Paragon Partners Ltd. - Amendment - approval is requested for an amendment to the agreement with Paragon Partners Ltd., for right-of-way acquisition services in support of the West 8th Avenue Reconstruction Project. The amendment extends the term of the agreement to June 30, 2004, to allow additional time to complete the project. All other terms and provisions remain the same - action requested - APPROVE AGREEMENT AMENDMENT AND AUTHORIZE THE CHAIR TO SIGN SUBJECT TO REVIEW BY COUNTY COUNSEL AND THE AUDITOR-CONTROLLER. (Contract No. X13944)
36. Dissolution of County Service Areas - on August 26, 2003, the Board approved the dissolution of various County Service Areas. Several actions are required to complete the process. A correcting budget transfer has been prepared to provide for the Local Agency Formation Commission (LAFCo) application fee, a dissolution supplement form is required by LAFCo and had been included for approval, and findings regarding California Environmental Quality Act exemptions need to be made - action requested - APPROVE BUDGET TRANSFER B-239 CORRECTING PREVIOUS TRANSFER AS DETAILED IN THE AGENDA REPORT; APPROVE DISSOLUTION SUPPLEMENT; AND FIND THAT THE DISSOLUTION OF COUNTY SERVICE AREAS 83, 112, 132, 146, 156 AND 157 ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 14, CHAPTER 3, AS CLASS 20 EXEMPTIONS UNDER SECTION 15320.
37. Resolution Authorizing Public Closure of the Thermalito Afterbay March 12-14, 2004 - approval is requested to authorize the partial closure of the Thermalito Afterbay (between Highway 162 on the north and Hamilton Road on the south, Highway 99 on the west to the easterly right-of-way boundary) from 6:00 p.m. on March 12, 2004, to 6:00 p.m. on March 14, 2004, for the Northern California Outboard Association's Speedboat Kilometer Timed Trials - action requested - ADOPT RESOLUTION 04-027 AND AUTHORIZE THE CHAIR TO SIGN.

- 0404-002 38. Budget Transfer - approval is requested for a budget transfer of \$28,725 from the Inmate Welfare Fund to the department's Incarceration Budget to provide the appropriation needed for medical expenses for two inmates which exceeded the contractual obligation of the jail medical provider - action requested - APPROVE BUDGET TRANSFER B-237 (4/5 vote required) ACCEPTING AND APPROPRIATING UNANTICIPATED REVENUE AS DETAILED IN THE AGENDA REPORT.
- 39. Monthly Investment Report - submitted is the Monthly Investment Report dated January 30, 2004, in accordance with the Statement of Investment Policy dated July 1, 2003 - action requested - ACCEPT FOR INFORMATION.
- 40. Solar Energy Project Financing - the County's solar energy project is being financed through a combination of grant funds, a loan from the California Energy Commission, and gap financing by the County. The Treasurer has prepared a loan agreement and promissory note to provide interim gap financing utilizing an Interfund Loan, not to exceed \$1,200,000, from the Butte County Treasury. The term of the loan will be for a maximum of five years and is structured to have semi-annual payments. Should the Treasurer decide to transfer the gap financing to another source, a recommended action will return to the Board for final approval - action requested - APPROVE INTERIM GAP FINANCING LOAN AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN; APPROVE PROMISSORY NOTE AS TO FORM AND AUTHORIZE THE CHAIR TO SIGN WHEN FINALIZED.
- 41. Butte County Children and Families Commission - Strategic Plan - pursuant to Butte County Code, submitted is the 4th Annual Review of the Butte County Children and Families Commission Strategic Plan - action requested - ACCEPT FOR INFORMATION. (63)

MOTION: I MOVE TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF ITEM 3.15.

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VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

PRESENTATION BY SUPERVISOR JOSIASSEN OF A RESOLUTION OF APPRECIATION TO ELDON, WENDELL, HARLAN AND HOMER LUNDBERG FOR THEIR CONTRIBUTIONS TO THE RICE INDUSTRY

REGULAR AGENDA

- 0404-003 Boards, Commissions and Committees. (240)
1. Appointments to Listed Vacancies. (NONE)
 2. Board Member, Commission or Committee Reports. (NONE)
- 0404-004 Update on Current Budget and Legislative Issues by the Chief Administrative Officer. (248) PAUL MCINTOSH, CHIEF ADMINISTRATIVE OFFICER, INFORMS THE BOARD THAT COUNTY DEPARTMENTS ARE CURRENTLY WORKING ON SUBMITTING THEIR BUDGET REQUESTS, AND PROVIDES A SUMMARY OF THE LEGISLATIVE ANALYST OFFICE'S REPORT ON THE GOVERNOR'S BUDGET PROPOSAL.
- 0404-005 Sierra Nevada Forest Plan - Report to the Board - presentation by the Forest Service of the Record of Decision to amend the Sierra Nevada Forest Plan, highlighting the implications of the decision as it relates to the management of public lands administered by the Plumas National Forest - action requested - ACCEPT FOR INFORMATION. (600)
- PRESENTATION TO THE BOARD BY ROB MACWORTER AND RODNEY SMELDEN, FOREST SERVICE.
- 0404-006 Code Enforcement Advisory Board - Report to the Board and Recommendations - update on the Abandoned Vehicle Abatement Program and recommendations of changes to the County's public nuisance abatement ordinance - action requested - ACCEPT REPORT AND RECOMMENDATIONS; AND DIRECT PLACEMENT OF PROPOSED ORDINANCE ON AGENDA OF MARCH 9, 2004, FOR CONSIDERATION. (1347)
- REPORT TO THE BOARD BY YVONNE CHRISTOPHER, DIRECTOR-DEVELOPMENT SERVICES, NEIL MCCABE, CODE ENFORCEMENT ADVISORY BOARD CHAIR, AND STEVE RODOWICK, RECYCLING COORDINATOR, PUBLIC WORKS DEPARTMENT.
- BOARD DIRECTION THAT STAFF RETURN THE PROPOSED AMENDMENTS TO THE AGENDA OF MARCH 9, 2004, FOR CONSIDERATION.

RECESS: 10:17 A.M.

RECONVENE: 10:34 A.M.

PUBLIC HEARINGS AND TIMED ITEMS

0404-007 Public Hearing - Rezone - John McLaughlin - consideration of a rezone of a 10 +/- acre parcel from TM-5 (Timber Mountain - 5 acre parcels) and PUD (Planned Unit Development) to TM-1 (Timber Mountain - 1 acre parcels). This is a project on which a notice of intent to adopt a negative declaration with mitigation measures regarding environmental impacts has been given. A conditional rezone is recommended that would allow no more than 4 parcels on the parcel site and prohibits second dwelling units. The property is located at the end of Christina Drive, approximately 1,200 feet southwest of Forest Ranch Road, approximately 2,100 feet north of the intersection of Forest Ranch Road and Deer Creek Highway, Forest Ranch, and identified as APN 063-180-019 - action requested - THE PLANNING COMMISSION RECOMMENDS THE BOARD FIND THE PROPOSED REZONE CONSISTENT WITH THE GENERAL PLAN AND TAKE THE FOLLOWING ACTIONS:

1. SUBJECT TO FINDINGS I(A-E), AS DETAILED IN THE AGENDA REPORT DATED FEBRUARY 24, 2004, ADOPT A MITIGATED NEGATIVE DECLARATION;
2. FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS HAS THE POTENTIAL TO SIGNIFICANTLY IMPACT OAK TREES AND DEER HERD HABITATS AND DIRECT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5;
3. SUBJECT TO FINDINGS III(A-F) AS DETAILED IN THE AGENDA REPORT DATED FEBRUARY 24, 2004, APPROVE REZONE REZ 03-03 FOR JOHN MCLAUGHLIN ON APN 063-180-019 FROM TM-5 (TIMBER MOUNTAIN - 5 ACRE PARCELS) AND PUD (PLANNED UNIT DEVELOPMENT) TO TM-1 (TIMBER MOUNTAIN - 1 ACRE PARCELS) ON A 10 ACRE PARCEL, AND ADOPT AN ORDINANCE, INCLUDING A CONDITIONAL ZONING AGREEMENT, AND AUTHORIZE THE CHAIR TO SIGN; AND
4. FIND THAT THE CONDITIONAL ZONING AGREEMENT SHALL CONTAIN THE FOLLOWING CONDITIONS: 1) THE PROPERTY SHALL NOT BE DIVIDED INTO MORE THAN FOUR (4) PARCELS; AND 2) NO SECOND DWELLING UNITS SHALL BE ALLOWED ON THE PARCELS CREATED BY A LAND DIVISION OF THE PROPERTY. (SB [REZ 03-03] FROM 1-27-04/3.08) (2525)

PUBLIC HEARING OPENED: 10:36 A.M.

PUBLIC HEARING CLOSED: 11:17 A.M.

0404-007 MOTION: SUBJECT TO FINDINGS I(A-E), AS DETAILED IN THE AGENDA REPORT DATED FEBRUARY 24, 2004, I MOVE TO ADOPT A MITIGATED NEGATIVE DECLARATION; FIND THAT THE DESIGN OF THE PROPOSED PROJECT IMPROVEMENTS HAS THE POTENTIAL TO SIGNIFICANTLY IMPACT OAK TREES AND DEER HERD HABITATS AND DIRECT THE COLLECTION OF FEES PURSUANT TO FISH AND GAME CODE SECTION 711.4 AND 14 CCR 753.5; SUBJECT TO FINDINGS III(A-F) AS DETAILED IN THE AGENDA REPORT DATED FEBRUARY 24, 2004, FURTHER MOVE TO APPROVE REZONE REZ 03-03 FOR JOHN MCLAUGHLIN ON APN 063-180-019 FROM TM-5 (TIMBER MOUNTAIN - 5 ACRE PARCELS) AND PUD (PLANNED UNIT DEVELOPMENT) TO TM-1 (TIMBER MOUNTAIN - 1 ACRE PARCELS) ON A 10 ACRE PARCEL, AND ADOPT ORDINANCE 3872, INCLUDING A CONDITIONAL ZONING AGREEMENT, AND AUTHORIZE THE CHAIR TO SIGN; AND MOVE TO FIND THAT THE CONDITIONAL ZONING AGREEMENT SHALL CONTAIN THE FOLLOWING CONDITIONS: 1) THE PROPERTY SHALL NOT BE DIVIDED INTO MORE THAN FOUR (4) PARCELS; AND 2) NO SECOND DWELLING UNITS SHALL BE ALLOWED ON THE PARCELS CREATED BY A LAND DIVISION OF THE PROPERTY.

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VOTE: 1 Y 2 Y 3 Y 4 Y 5 Y (Unanimously Carried)

REGULAR AGENDA

0404-008 Items Removed from the Consent Agenda for Board Consideration and Action (4691) (NONE)

PUBLIC COMMENT

0404-009 Comments to the Board on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Board of Supervisors is prohibited from taking action on any item not listed on the agenda. (4711) (**00)

1. DOUGLAS EMHOFF ADDRESSED THE BOARD TO PROTEST THE TIMING OF A POLICY CHANGE MADE TO THE BUILDING PERMIT PROCESS THAT REQUIRES ENVIRONMENTAL HEALTH DEPARTMENT CLEARANCE BEFORE APPLYING FOR A BUILDING PERMIT, AND REQUESTED THAT THE DATE OF HIS BUILDING PERMIT APPLICATION BE CHANGED TO THE DATE HE APPLIED FOR THE ENVIRONMENTAL HEALTH DEPARTMENT CLEARANCE.

BOARD DIRECTION TO DEVELOPMENT SERVICES TO REVIEW THIS MATTER AND SEE IF HIS COMPLAINT CAN BE RESOLVED.

ADJOURNMENT :

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 11:32 A.M., TO
RECONVENE AT A REGULAR MEETING OF THE BOARD TO BE
HELD ON TUESDAY, MARCH 9, 2004, AT 9:00 A.M.

R.J. BEELER, CHAIR

Attest:

Paul McIntosh, Chief Administrative
Officer and Clerk of the Board

By: _____