YUBA COUNTY, CALIFORNIA

BOARD OF SUPERVISORS

MAY 15, 2007

The Honorable Board of Supervisors of the County of Yuba met in regular session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Dan Logue, John Nicoletti, Mary Jane Griego, Donald Schrader, and Hal Stocker. Also present were Assistant County Administrator Randy Margo, County Counsel Daniel Montgomery, and Deputy Clerk of the Board of Supervisors Ellen DelMoro. Chairman Stocker presided.

CONSENT AGENDA

Upon motion of Supervisor Nicoletti, seconded by Supervisor Schrader, and unanimously carried, the Board took the following actions:

A. Administrative Services

1) Authorized a Budget Transfer in the amount of $650 from Account No. 130-9500-432-48-00 (Taxes and Assessment) to Account No. 130-9500-432-29-00 (Travel) for Enterprise Zone program training.

2) Approved an agreement with B.C. Schmidt Construction for professional services and authorized the Chairman to execute same; authorized a Budget Transfer in the amount of $85,000 from Account No. 130-0000-371-98-99 to Account No. 130-9500-432-61-37 for completion of airport fencing and driveway projects.

B. Clerk of the Board of Supervisors: Approved the minutes of the regular meeting of May 1, 2007 as written.

C. Public Works: Awarded a contract to Baldwin Contracting for Plumas Arboga Road Rehabilitation project and authorized the Chairman to execute upon submittal and review and approval of County Counsel.

D. Risk Management/Personnel: Authorized catastrophic leave for employee in Health and Human Services Department.
No one came forward.

**ORDINANCES AND PUBLIC HEARINGS**

Chairman Stocker read the disclaimer.

A. **Ordinance – Ordinance Amending Chapter 3.40 relating to Public Employees’ Retirement System (Second Reading):** Following a brief recap from Interim Personnel Director Martha Wilson, Chairman Stocker opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the reading was waived, and the Board adopted Ordinance No. 1404, which is on file in Yuba County Ordinance Book No. 19, which is entitled: “ORDINANCE AMENDING TITLE III OF THE YUBA COUNTY ORDINANCE CODE BY ADOPTING AN AMENDMENT TO THE EXISTING CONTRACT RELATING TO THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM.”

B. **Ordinance Amending Chapters 1 through 13 relating to organization of Community Development and Services Agency/Repealing Section 5.20.070 relating to County Service Area No. 2/Repealing Chapter 2.15 relating to Municipal Courts (First Reading):** Community Services Agency Director Kevin Mallen recapped ordinance regarding organization of Community Development and Services Agency and responded to Board inquiries.

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

Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, the first reading was waived, and the Board introduced an ordinance amending Chapters 1 through 13 relating to organization of Community Development and Services Agency, repealing Section 5.20.070 relating to County Service Area No. 2, and repealing Chapter 2.15 relating to Municipal Courts.

C. **Public Hearing - Hold public hearing, and adopt resolution confirming diagram and assessment within Gledhill Landscaping and Lighting District:** Following a brief recap from Public Works Director Mike Lee, Chairman Stocker opened the public hearing. No one came forward.
Upon motion of Supervisor Schrader, seconded by Supervisor Nicoletti, and unanimously carried, the public hearing was closed, and the Board adopted Resolution No. 2007-65, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS WITHIN GLEDHILL LANDSCAPING AND LIGHTING DISTRICT."

D. Public Hearing - Hold public hearing and adopt resolution imposing an assessment within Linda Street Lighting Maintenance District: Following a brief recap from Public Works Director Mike Lee, Chairman Stocker opened the public hearing. No one came forward.

Upon motion of Supervisor Logue, seconded by Supervisor Griego, and unanimously carried, the public hearing was closed, and the Board adopted Resolution No. 2007-66, which is on file in Yuba County Resolution Book No. 38, which is entitled: "RESOLUTION DETERMINING AND IMPOSING ASSESSMENT WITHIN LINDA STREET LIGHTING MAINTENANCE DISTRICT."

CORRESPONDENCE

Upon motion of Supervisor Logue, seconded by Supervisor Stocker, and unanimously carried, the Board accepted the following correspondence:

A. Letter from Mr. William Appley regarding bicycle parking language in the Yuba County zoning ordinance.

Referred to Community Development

B. Letter from Employment Development Department requesting proclamation in recognition of May as Veteran Appreciation Month.

Referred to Clerk for preparation

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received from the following:

Supervisor Schrader:
- Memorial adjournments in memory of Mrs. Jackie Winchester and Mr. Kenneth Cenedella
- Emergency Medical Services Appreciation Day May 24, 2007 at Yuba County Airport
• Forgotten Warriors Dedication May 28, 2007

Supervisor Griego:
• Attended California LAFCo Association meeting May 11, 2007

Supervisor Nicoletti:
• Area 4 Agency on Aging awarded a Focal Point designation

Supervisor Logue:
• Diesel emissions meeting May 10, 2007
• Army Specialist Harley Andrews Dedication at Veteran’s Memorial Park held May 12, 2007

Supervisor Stocker:
• Memorial adjournment in memory of Mrs. Joyce Ahner
• Yuba Highlands Appeal Hearing May 15, 2007

Deputy Clerk of the Board Ellen DeLemos:
• County flags flown at half staff in honor of Peace Officers Day by order of the President of the United States

CLOSED SESSION

The Board retired into closed session at 10:07 a.m. to discuss the following:

A. Threatened litigation pursuant to Government code §54957.9(a) – Two Claims

B. Labor negotiation pursuant to Government Code §54957.6(a) – DSA/MSA and County of Yuba/Martha Wilson

C. Conference with Real Property Negotiator pursuant to Government Code §54956.8 – Property: APN 014-160-016 Negotiating Parties: Brent/Ailsan Hastey and Sean O’Neill/County of Yuba/Mike Lee Negotiation: Price and Terms of Payment

The Board returned from closed session at 10:49 a.m. with all Board and staff members present as indicated above. There were no announcements.
The Board recessed at 10:49 a.m. and reconvened at 6:00 p.m. with all Board and staff members present as indicated above, except Deputy Clerk Ellen DeLemos. Clerk of the Board Donna Stottlemeyer was present. Chairman Stocker presided.

Record Appeal/Planning Commission Decision Certifying Yuba Highlands Environmental Impact Report (EIR): Planner Dan Cucchi provided a power point presentation outlining the project location, timelines, area plan, and meeting agenda.

Project Manager Scott Friend, PMC, recapped EIR preparation which included the following engineers and their respective expertise: Ken Anderson, Transportation Engineers; Paul Bollard, Noise Evaluation; Curtis Lam, Evaluation of Hydrology and Water; Brian Mayerle, Biological Consultant.

Appellant Attorney William Kopper on behalf of various individuals, United Association of Plumbers and Pipefitters Union No. 228, and International Brotherhood of Electrical Workers No. 340, recapped the basis of appeal to not certify the EIR including the following:
- Inadequate Noise Impact Analysis
- Inadequate Traffic Impact Analysis
- Inadequate Information regarding Water Supply
- Planning Commission lack of authority for certification of the EIR

Appellant Attorney James Pachl on behalf of Sierra Club-Sierra Nevada Group, Friends of Spenceville, Sierra Foothills Audubon Society, South Yuba River Citizens League, and Rural Quality Coalition recapped the basis of appeal to not certify the EIR including the following:
- Jurisdiction of Certification of the EIR by the Planning Commission does not comply with California Environmental Quality Act Guidelines
- Yuba Highlands Specific Plan changed to Area Plan and Mitigation Measures
- Proposed Development Agreement added after publication of final EIR
- Failure to Establish Water Availability and Sewage Disposal
- Road and Traffic Impacts
- Lack of Financial Plan to support infrastructure
Attorney Douglas Kirkman, on behalf of developer, noted a letter dated May 7, 2007, provided declaration of Gary Gallelli requesting Supervisor Stocker recuse himself from any further proceedings regarding this project due to an unacceptable ability of bias pursuant to Government Code §11425.40 and objected to his further involvement in any proceedings.

Attorney Nicholas Avdis, land use Counsel for project proponents, recapped the process for EIR preparation, lack of merits of the appellants appeal, Board jurisdiction, and urged Board approval and denial of the appeals.

The Clerk read into the record written comments from Lee Bright, Twain Drive, opposing the EIR due to prior use as Camp Beale and unexploded ordnance.

The following individuals commented on the following:
- Ms. Claudia Hollis, Marysville, impact on individuals with disabilities
- Mr. Sig Boss, Ostrom Road, groundwater and traffic impacts
- Mr. Jeff Finn, CA Dept. of Fish and Game, EIR provided conclusions without support
- Mr. Lew Hsupth, Yuba City, recommended denial of the appeal
- Mr. Richard Thomas, Nevada City, traffic impacts to Spenceville Wildlife Area
- Ms. Cheryl McKinney, Sacramento, insufficient analysis of air quality impacts
- Mr. Kyle West, Yuba City, supported project as planned growth located outside the flood plain
- Mr. Thomas Foley, Sanborn Road, recommended denying project
- Mr. Brent Malech, Smartville, felt project had been carefully planned
- Mr. Ralph Hitchcock, Nevada City, negative fiscal and economic impacts to County and lack of fiscal analysis
- Mr. Wayne Lewis, CalTrans, outdated traffic analysis and lack of inclusion of state highway system
- Mr. Bill Jones, Yuba County Rancher, supported project
- Ms. Rebecca Domeyer, Casa Loma Way, need well planned traffic through Marysville and Wheatland
- Mr. Thomas Holt, employed in Yuba County, supported project and economic growth it would provide
- Mr. Luis Lugo, supported project and urged rejection of appeal
- Mr. Jeff Kane, Nevada County, air quality impacts
- Mr. Jim Lewis, Penn Valley, inadequacy of environmental impacts
- Mr. Mike McKeever, SACOG Executive Director, inadequate transportation analysis and air quality
- Ms. Michelle Lewis, Penn Valley, flawed EIR and liability exposure
• Mr. Leonard Jones, Marcum Road, urged EIR approval
• Mr. Brian Williams, Honcut Road, felt assets of County should be reserved and projects should provide a better quality of life
• Mr. Greg Crompton, Dobbins, supported Supervisor Stocker and lack of EIR addressing encroachment to Beale Air Force Base
• Ms. Laurie Oberholtzer, Environmental Planner for Pachl, EIR does not address specific issues nor a range of alternatives to reduce significant impacts of project
• Mr. Gary Moon, Grass Valley, lack of assured water supply for project
• Ms. Pat Kirby, Nevada City, opposed location of project. Impacts to Spenceville Wildlife Area, fire dangers, and lack of water
• Ms. Barbara Riveines, Nevada City, Sierra Club, appellant, negative air quality impacts
• Mr. Terry Lowell, River Highland Community Service District Engineer, Water Availability Report for Yuba Highlands
• Mr. Jim Gholson, Krosens Road, support for Supervisor Stocker and urged Board members which may have a financial gain by support of this project to abstain
• Mr. John Olmsted, Nevada City, open space wildlife area and urged “granting appeal”

RECESS

The Board recessed at 8:52 p.m. and reconvened at 9:02 p.m. with all Board and staff members present as indicated above.

Comments continued from the following:
• Ms. Karen Tabler, Loma Rica, supported project and urged denial of appeals
• Ms. Mary Knapp, Yuba City, read an opinion letter from the Sacramento Bee regarding Beale Air Force Base
• Ms. Lonnie Rohde, Wheatland, traffic impacts to Wheatland from proposed project and urged upholding appeal
• Mr. Barry Friedman, Spare the Air Nevada County, negative impacts from pollution
• Mr. Clay Maynard, Yuba City, housing availability to Beale Air Force Base, availability of open space, and urged denial of appeal
• Ms. Sherry Fancher, Yuba City, supported project and development outside of the flood plain
• Mr. Sam Longmire, Northern Sierra Air Quality Management District, ozone concentrations for Nevada County and lack of air quality impacts from project to Nevada County within EIR
• Mr. Don Rivenes, Nevada County Audubon Society, lack of analysis on threatened species and mitigation measures on wildlife
• Mr. Matt Heilmann, Penn Valley, impacts to Beale Air Force Base
• Mr. Dick Boyd, Browns Valley, unexploded ordnance and indemnification, and management of community service district
• Mr. Kelly Purdom, Marysville, project location outside of flood plain and good location for cluster development
• Mr. Josh Cook, Gridley, general comments on project and project mitigation

Rebuttal from Mr. Kopper included basis of decision on adequacy of EIR, response to comments on noise issues, lack of response to traffic analysis based on outdated material, unidentified water supply source, and lack Co2 analysis.

Rebuttal from Mr. Pachl included resolving water source and use of ground water, and impacts of sewage and traffic should be mitigated to less than significant prior to approval of EIR.

Rebuttal from Mr. Richard Floch, representing applicant, commented on previous zoning approval within general plan, agreements and bonds for infrastructure on River Highlands plan, and urged certifying the EIR.

Mr. Avdis supported staff conclusions and urged denial of appeal.

Mr. Friend recapped significant and avoidable impacts and conclusions advising the document had applied rules and guidelines of the general plan and other agencies regulations and further stated hearing comments received did not address new material to be addressed.

Mr. Cucchi recapped options for Board action on the Environmental Impact Report.

Following Board discussion and inquires of staff, upon motion of Supervisor Logue, seconded by Supervisor Nicoletti, following a roll call vote with Supervisors Logue, Nicoletti, and Schrader voting in the affirmative and Supervisors Griego and Schrader voting in opposition, the Board approved a motion of intent to deny the appeals and adopt the Planning Commission decision certifying the Yuba Highlands Final Environmental Impact Report and directed preparation of written findings of fact.
ADJOURNMENT

There being no further business to come before the Yuba County Board of Supervisors, the meeting was adjourned at 11:17 p.m. in memory of Mrs. Jackie Winchester, Mrs. Joyce Ahner, and Mr. Kenneth Cenedella by Chairman Stocker.

[Signature]
Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

[Signature]
Approved: June 5, 2007