

MINUTES OF A SPECIAL MEETING OF THE BOARD OF SUPERVISORS  
AND THE PLANNING COMMISSION,  
COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
HELD ON MARCH 19, 2013

PRESENT: Merita Callaway, Chair; Darren Spellman, Vice-Chair; Cliff Edson, Chris Wright and Debbie Ponte, Supervisors; Janis Elliott, County Counsel, John Blacklock, Interim County Administrative Officer and Diane Severud, Supervising Board Clerk.

ALSO PRESENT: Fawn McLaughlin, Chair; Ted Allured, Vice-Chair; Michelle Plotnik and Kelly Wooster, Planning Commissioners; Rebecca Willis, Planning Director; Brenda Gillarde, General Plan Coordinator and Annette Huse, Planner I.

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Chair Callaway called the Board of Supervisors meeting to order at 8:00 AM and the Board of Supervisors recessed, convened to closed session.

Supervisor Spellman arrived at 8:15 AM.

Chair Callaway reconvened to open session at 10:00 AM and made the following announcements:

1. CLOSED SESSION: Public Employee Appointment pursuant to Government Code section 54957 (b)(1), Title: County Administrative Officer. No action was taken.

Recessed as the Board of Supervisors and convened as the IHSS Public Authority.

2. CLOSED SESSION: pursuant to Government Code section 54957 . 6 , personnel matter : conference with labor negotiator (Director of Human Resources & Risk Management) re: Service Employee's International Union-United Healthcare Workers West, IHSS Providers, negotiations. No action was taken.

Adjourn as the IHSS Public Authority and reconvene as the Board of Supervisors.

3. CLOSED SESSION: pursuant to Government Code Section 54956.9 (d)(1): conference with legal counsel re: existing litigation; County of Calaveras v. The Resort at Lake Tulloch, LLC, Calaveras County Superior Court, Case No.. 12CV38738 ; County Counsel - Board Action. No action was taken.
4. CLOSED SESSION: conference with legal counsel; anticipated litigation-significant exposure to litigation (one case), pursuant to Government Code section 54956.9(d)(2); County Counsel- Board action. No action was taken.

Chair McLaughlin called the meeting of the Planning Commission to order at 10:00 AM.

Commissioner Wooster arrived at 10:06 AM.

PUBLIC COMMENT PERIOD:

Joe Kelly commented regarding the IRWMP at the last meeting and he questioned Calaveras County's knowledge of CCWD's participation. He disagrees that the County doesn't have a responsibility for CCWD. He cited

policy that the County will ensure availability regarding water and wastewater supplies and service. He would like CCWD present on those items to respond.

Peter Racz, Jenny Lind, referred to the IRWMP water agreement, Agenda 21, and he suggested that all departments get together to have knowledge of items, specifically budget dates.

10:30 AM: JOINT STUDY SESSION WITH THE PLANNING COMMISSION.

5. STUDY SESSION: Release of the General Plan Land Use Map Draft #2 for discussion and public comment. Draft #2 includes land use designations for all unincorporated communities and Angels Camp Sphere of Influence. It does not include land uses for the incorporated community of Angels Camp.

Chair Callaway stated each person will be allowed 5 minutes for their comments.

Rebecca Willis, Planning Director, clarified the difference between official comments vs. unofficial comments, adding that comments received up to today are part of the administrative record and written responses will not be provided throughout the process. When the EIR is released, there will be a public comment period for 45 days and staff will respond at that time.

Brenda Gillarde, General Plan Coordinator gave a power point presentation and pointed out the latest maps. She also provided a contact card with the General Plan information for the public. She explained that an email "blast" went out to 150 people interested in staying informed about the General Plan. She then noted the color change on the maps for the different types of zoning, that there are 43,300 parcels in the county and that the Copperopolis Community Development Committee met for ten months and discussed many aspects of the General Plan associated with that area.

During the process, approximately 80 parcels have requested changes to their zoning designation. She informed the Board that zoning must be consistent with the General Plan and comes after the General Plan is adopted. 41% of the County is vacant and she identified the breakdown of the types of land that makes up the 41%. A large portion of non-residential vacant land is occupied by the Cement Plant and PAWS. Parcel splits and potential new parcels in 303 is primarily in Mokelumne Hill and the estimated number of additional units and additional population. Total build out for units is 33,698 and 80,539 for population. The Planning Department believes that the proposed General Plan has a good holding capacity.

Supervisor Edson left the meeting at 11:10 AM.

Ms. Gillarde gave the following breakdown of the estimated community capacities, noting that Valley Springs has great potential for commercial land development.

	<u>Estimated Additional Units</u>	<u>Estimated Additional Population</u>
Copperopolis:	6,968	16,654
Arnold:	3,923	9,376
San Andreas:	1,966	4,699
Mokelumne Hill	1,047	2,502
Murphys-Douglas Flat	772	1,845
Wallace	755	1,804
Avery-Hathaway Pines	538	1,286
Valley Springs	445	1,064

Ms. Gillarde also posed the following questions for the discussion:

- 1) Does Draft #2 implement principle to focus growth in community centers and maintain larger acreages outside?
- 2) Given potential parcel splits in Resource Production, should minimum parcel size be modified?
- 3) Does potential carrying capacity seem reasonable for Copperopolis, Arnold, San Andreas, Mokelumne Hill, and Valley Springs?
- 4) Should Draft #2 be modified prior to proceeding with General Plan elements and EIR?

Supervisor Edson returned at 11:15 AM.

Chair Callaway asked if the Community plan specified a minimum parcel size reliant on the General Plan designations and the estimates rely on the ability to split parcels, and does the General Plan override the Community Plans. Ms. Gillarde responded that it does not necessarily mean that; this is an estimate of what could occur, not what will happen.

Commissioner McLaughlin asked if the mixed use areas are factored in for the assumptions; Ms. Gillarde replied that the calculation included 70% for residential and the rest for a different split.

Supervisor Spellman referenced the 2007 Board direction to not let splits less than 40 acres occur, adding his thoughts that consideration and discretion by the Board on a requested split into less than 40 acre parcels regarding personal or commercial reasons should occur.

Commissioner Plotnik asked if all lands that are currently designated commercial in the existing General Plan are still the same in Draft #2. Ms. Gillarde confirmed that and upon adoption of the General Plan, zoning designations would change.

Chair Callaway opened public comment at 11:30 AM.

Joseph Bechelli, Valley Springs, didn't agree with some of the requested changes by Tom Coe and provided a handout of the specific area of concern, specifically parcels 026, 027 and 072 on Watertown Road. The request is to change to industrial from residential or agricultural and he doesn't believe it is good planning to put industrial next to residential. He asked the request be revisited.

John Buckley, CSERC, praised staff for the website, providing access to information and the quality of the staff report/presentation. He acknowledged that now is probably not the time to look at specific parcels, but to answer the four questions and believes there is far too much out of the community centers that doesn't make the best use of infrastructure. Open areas are important for tourism and agriculture and the estimates for buildout are not right for the people in the existing communities. He asked that staff bring back options that encourage focusing the growth.

Jeff Davidson, Valley Springs, had difficulty accessing the definitions of new land use and wondered what is an acceptable use of resource production land. He was concerned that the two lengthy community plan processes have been disregarded and that map access was limited. He also expressed

concern regarding who will serve some of these areas for water and sewer, specifically Wallace and Burson.

Colleen Platt, myvalleysprings.com, commented the staff report shows real promise, although the La Contenta community area needs to be addressed.

Dave Haley commented the Plan should be general enough to allow flexibility. He believes that Copperopolis will outpace the projections for the community centers and their growth.

Tom Tryon, Angels Camp, stated that while he was Supervisor, he led the charge for the larger parcel size and agrees with John Buckley on development of community centers and preventing rural sprawl. He believes in order to get more development in the centers, increasing the minimum parcel size will help. He thinks that Community Plans need to encourage economic growth, which they currently do not and that growth must be accommodated in the community centers.

Ron Randall, Valley Springs, doesn't think there are two competing plans in Valley Springs. He thinks there is a preferred plan and an alternative plan.

Tom Infusino, Calaveras Planning Coalition, gave handout of his March 18th email. He believes extensive road, water and sewer infrastructure improvements are needed for any growth in many areas.

Supervisor Spellman left the meeting at 12:04 PM.

Peter Racz, stated that he did not believe that myvalleysprings.com can speak for District 5 and the ignoring of Jenny Lind hurts his feelings.

Supervisor Spellman returned at 12:07 PM.

Mr. Racz continued that commercial businesses have not been encouraged to come to the County and his belief that people from the city do not want to move to community centers, they want property. He believes there is difficulty finding ground and surface water in the area and the first priority should be the people that already live here.

Tonja Dausend, Valley Springs, believes that some of the proposals change the use of parcels from that which they were purchased. She thinks that all wording on all versions of the maps should be the same and hopes that Supervisor Edson will take the same position as former Supervisor Tofanelli and not allow changes to land use designations. She loves sprawl.

Al Segalla, CCTPA, suggests that property rights could be better protected by providing a clause (previously submitted to the Planning Department) and building in flexibility to avoid hurting people and allow future growth to be up to the property owner.

Joe Kelly remarked the website land use designation description does not allow for emergency shelters and flood plain identification is missing. He asked for clarification on accessory dwellings, water and amendments to housing, safety and environmental elements. He believes the private market should address development needs and had suggestions regarding changing the definitions of working lands versus rural transition lands.

Chair Callaway closed public comment.

Ms. Gillarde responded that the parcel Mr. Bechilli referred to, 072, has a medium density zoning and there will be policies in the General Plan for industrial near residential parcels. She also had the following answers to the questions posed by the public:

The definitions are posted online and Resource Production includes agriculture and agritourism.

Community centers were identified by identifying if they had an existing community plan or requested one. Most have a connection to the past, such as a town, more than specifically a residential area.

Build out is what a plan can do, carry capacity of what it will hold. There will be a scoping session for the EIR.

Clustering will be a component of the General Plan text and there will be policies related to water. Areas subject to flooding will be addressed as a hazard and wetlands will be identified in the biotic section.

Rebecca Willis, Planning Director, explained that there were no meetings with the Valley Springs citizens group or the CCOG group due to time constraints and the Draft #2 map focuses on the land uses. It is the Planning Department's intention to do outreach and staff could accommodate another 30 day comment period for minor suggestions.

This completed staff comments.

Planning Commission comments:

Commissioner Allured remarked there are people that don't understand that the carrying capacity is not what people want, but what can be accommodated, resource production is satisfactory until someone applies for something that doesn't fit and an additional 30 day comment period is good if the people want it.

Commissioner Plotnik did not feel she was in a position to comment on anything on a parcel level. She did feel Draft 2 does address concerns associated with Draft 1 and she agreed with Tom Tryon that there are other issues preventing growth in the community centers. She thinks we are headed in the right direction. Carrying capacities seem a little high, but the estimates will not actually be met. It would be prudent to allow an additional 30 day comment period.

Commissioner Wooster asked if the carrying capacity is just a mathematical number; Ms. Gillarde stated it is defined. He thinks there should be some flexibility in Resource Production and conservation easements may affect the number of splits in a minor way. He too, was in favor of an additional 30 day comment period.

Commissioner McLaughlin agreed with the other Commissioners and wondered about the carry capacity and build out figures. She wondered when the level of detail will come in to base the impacts of potential limitations. Ms. Gillarde replied that staff will look at what makes a reasonable build

out and a more refined number will be a result of the process. The Supervisor felt that District 2 is open to growth and development.

Board of Supervisors Comments:

Supervisor Spellman thanked staff for their work on the presentation. He believes this is a much improved version and more indicative of what should happen in the county. He supports the proposal and agrees if the public wants a 30 day comment period, than it should be implemented.

Supervisor Edson feels staff is getting public buy-in and there are many more steps to go until the final stage. He thinks minimum parcels size could be flexible and an additional 30 day comment period would be fantastic.

Supervisor Wright thanked staff and thinks Draft 2 looks great. He thinks this plan allows for just the right amount of growth, noting the Resource Ag Committee had been part of the discussion regarding minimum parcel size. Bob Garamendi, Mokelumne Hill resident and former committee member, stated that 40 acres was the final minimum parcel size since 2007. He questioned the accuracy of the number of parcels estimate. Supervisor Wright believes clusters and flexibility are important.

Supervisor Ponte echoed the comments of Supervisor Edson. She asked if the carry capacity figure moves forward when infrastructure needs are addressed in the future. Ms. Gillarde stated the figure is illustrative to consider options; however, before the EIR, there will be detailed discussion. Carry capacity will be the background figure and the build out number will have tremendous implications throughout the General Plan. Supervisor Ponte believes community centers and different kinds of housing are needed and flexibility is important. Lastly, she added there is much misunderstanding of land use versus zoning.

Supervisor Wright asked for the status of the EIR process and if there is enough money available. Ms. Gillarde stated the settings section has been released and a green light today will allow the process to continue with text will be developed later.

Chair Callaway asked if this is water/sewer versus well/septic for carry capacity and if it goes to the Alpine County line. Ms. Gillarde stated the estimates are within the community plans. Chair Callaway thinks the carry capacity estimates are too high and agrees that growth should be focused in the community centers. She believes all communities want rural character and she supports the 40 acre minimum parcel size and believes there is some flexibility within that, although would maybe like to see it go larger. She would like to see a way to differentiate between splitting a parcel for family reasons and for a developer. She believes Draft #2 is fine and is agreeable to an additional 30 day comment period.

Commissioner Wooster asked if the estimates were based upon APN's or legal parcels. Ms. Gillarde responded the information is based on Assessor parcels. Commissioner Wooster was not sure this is accurate. Supervisor Spellman stated his belief that there may be some caveats available in regards to the 40 acre minimum lot size and he thinks urban sprawl is a drain on emergency responders, school districts, etc.

6. Review of Correspondence, reports and various matters of concern of the Board and staff.

Supervisors Ponte, Edson, Wright and Callaway had nothing to report.

Supervisor Spellman announced he will attend a small hydro energy symposium. He commented Jenny Lind School District will meet with Caltrans and Public Works; however, the small amount of time is not enough to make a change in the safe routes to school project.

ADJOURNMENT. There being no further business, the meeting was adjourned at 2:00 PM, with the Board to reconvene at 8:00 AM on Tuesday, March 26, 2013 for a regularly scheduled meeting.

ATTEST: Madaline Kuska  
Clerk

[Signature]  
Vice-Chair