

CALAVERAS COUNTY PLANNING COMMISSION

Summary Minutes for Meeting of May 19, 2011

An audio recording of the meeting is on file at the Planning Department, 891 Mountain Ranch Road, San Andreas, CA 95249. To schedule an appointment to review it, please contact the Planning Department at 209-754-6394. Approved minutes also may be viewed at:

www.co.calaveras.ca.us/planning_commission.asp.

Planning Commission decisions may be appealed to the Board of Supervisors, and must be filed with the Board Clerk within fifteen (15) days of the Planning Commission hearing. For more information, contact the Board Clerk's office at 209-754-6370.

A. CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the Calaveras County Planning Commission was called to order at 9:00 a.m. in the Board Chambers located at 891 Mountain Ranch Road, San Andreas, California.

Present:

Planning Commissioners: Bill Mason, District 4
Suzanne Kuehl, District 3
Ted Allured, District 1
Lyle Wallace, District 5
Fawn McLaughlin, District 2

Planning Department: Darcy Goulart, Planner III

Recording Secretary: Darcy Goulart, Planner III

B. AGENDA CHANGES/ANNOUNCEMENTS:

- None

C. PUBLIC COMMENT PERIOD:

- Colleen Platt, myvalleysprings.com gave an update on their efforts with recordings of the meeting. She also discussed frustration with the errors in noticing and timing of when a noticing period ends and when a project is scheduled for a PC hearing.
- David Sant Foothill Fire Board member, discussed FFD's willingness to partner with the County on development projects. Also mentioned that the District is working on an ordinance that will address site plan review, plan check and site inspections.
- Chair Kuehl updated the Commission and audience on a conversation with the CAO regarding web posting. Due to staffing and budget constraints, staff will follow current County policy and meet the minimum legal requirements for noticing.
- Planner Darcy Goulart addressed the noticing concerns raised by Colleen Platt, stating that staff uses independent professional judgment when it comes to scheduling items for upcoming agenda. The PC expressed concern for not allowing enough time in between the end of a

comment period and a hearing. It was agreed that this should be a discussion item with the new PD.

D. CONSENT AGENDA:

1. APPROVAL of MINUTES from the May 5, 2011 Planning Commission Meeting.

MOTION: Commissioner Allured moved to approve the May 5, 2011 minutes and Commissioner Mason seconded the motion. Motion was approved 5-0-0-0

E. PUBLIC HEARINGS:

1. 2004-138 GENERAL PLAN AMENDMENT, ZONING AMENDMENT AND TENTATIVE SUBDIVISION TRACT MAP FOR LAS TRES MARIAS ESTATES The applicant is requesting a General Plan Amendment to change 104.49 acres (APN 048-017-098, APN 048-017-103 and apportion of APN 048-017-112) from Natural Resource Land Agriculture Preserve (NRL_AP) to Future Single Family Residential (FSFR). The remaining portion of APN 048-017-112, approximately 4.27 acres would be changed from AP to Residential Center (RC). A zoning Amendment (ZA) to change the zoning designation of 104.49 acres (APN 048-017-098, APN 048-017-103 and a portion of APN 048-017-112) from General Agriculture (A-1) to Residential Agriculture (RA). A Tentative Subdivision Tract Map (TSTM) to divide the 104.49 acres into 15 residential lots, with a minimum 5-acre parcel size. Thirteen of the lots are proposed between 5.0 and 5.74 acres, one lot is proposed at 9 acres and the most northerly lot encompasses 26.57 acres, including an existing pond. The project site lies just west of the town of Burson, at the northwest corner of Highway 12 and Messing Road. (APN 048-017-098, 103 & 112 is a portion of Section 19, T4N, R10E, MDM).

STAFF DISCUSSION:

- Project planner Darcy Goulart stated that a letter from MVS was received after the packets were distributed and that the letter did not generate any changes to the report or environmental document. She gave a brief summary as to why the project was back at the PC for new recommendations and that the new study required recirculation of the environmental document.

PUBLIC COMMENT:

- Agent Robin Peters (Cal State Engineering) provided a summary to the PC as to why they made the decision to provide additional data regarding water availability. Mr. Peters also highlighted a few other areas in the document where they made minor changes and augmentations. Also stated that no changes were made to the project and it was the same one they saw in October 2010.
- Chief Siligo, Foothill Fire District introduced himself to the PC as this was his first time in front of them. Chief Siligo asked the applicant a few questions regarding the elevation of the earthen dam and the proposed lots. Mr. Peters clarified that the State inspects the dam twice a year and informed him of the elevation of the dam and the lots. Chief Siligo stated that the ISO rating in the Initial Study wasn't accurate and was concerned about one entrance into the site. He expressed concerns with limited water availability for fire protection and may ask for water tanks in the future on developments similar to this one.
- Colleen Platt, MVS recapped her October 2010 letter and discussed issues with light

pollution and how it was addressed in the Initial Study. She also stated that she disagrees with staff that Planning doesn't have to respond to comment letters. She also discussed her concern with a few statements made in the Hydrogeologic report.

- Deborah Mullens, Public Works spoke to the concern of secondary access and stated that in the beginning PW had concerns as well, but revisions were made to the map and the project meets the road length requirements for dead end roads.
- Agent Robin Peters responded to several of the comments raised such as access and how their new approach and overall street layout is designed to the satisfaction of PW and Caltrans. Mr. Peters also stated that the pond on site would be used for fire suppression, as well as a large reservoir north of the project site. Mr. Peters said light and glare is a topic that is raised often in several jurisdictions. He expressed the downfall of placing just a condition on a map rather than an ordinance to enforce requirements. Gave a brief summary of water recharge, storage in the aquifer and the source of recharge for this area.
- Commissioner Wallace asked the agent questions regarding the depth of the pond and if it has ever gone dry.
- The applicant, Luis San Bartolome stated that at its deepest point, the pond is 8 feet and in his 10 years of owning the property it has never gone dry.
- Planner Darcy Goulart clarified the ISO ratings listed in the General Plan as it relates to various land uses. She also clarified an earlier comment regarding staff's response to comment letter. She stated that CEQA does not require the lead agency to respond in writing on a ND or MND, only on EIR's. But that when the PC makes a recommendation or final action, they take into account the whole record which includes any letters received.
- Commissioner Mason stated he was happy with the new information regarding the water.
- Commission Allured stated he was also happy with the new water information but in reality water will likely be an issue at some point in the future.
- Chair Kuehl stated that lighting is a concern and that maybe the Board would create a policy to address it. Possibly have a punch list of suggestions that are provided at the building permit phase.
- Commissioner McLaughlin stated that the first time around she had concerns with the loss of ag land and pressure on urban sprawl, but that some of her concerns have been alleviated with the changes in the Initial Study and the Board policy about future land divisions. Commissioner McLaughlin also stated that the applicant has made a good faith effort on the water issue by providing the additional study.

MOTIONS: The first recommendation was moved by Commissioner McLaughlin and seconded by Commissioner Mason recommending that the Planning Commission pass a motion authorizing the Chair to sign Resolution 2011-025 recommending that the Board of Supervisors adopt the proposed Mitigated Negative Declaration and MMRP prepared for the project, subject to the findings contained therein. Motion was approved 5-0-0-0.

The second recommendation was moved by Commissioner Wallace and seconded by Commissioner Allured recommending that the Planning Commission pass a motion authorizing the Chair to sign Resolution 2011-026 recommending the Board of Supervisors adopt an Ordinance to approve 2004-138 Las Tres Marias General Plan Amendment and Zoning Amendment, based upon the findings contained therein. Motion was approved 5-0-0-0.

The third recommendation was moved by Commissioner Allured and seconded by Commissioner McLaughlin recommending that the Planning Commission pass a motion authorizing the Chair to sign Resolution 2011-027 recommending approval of Tentative Subdivision Tract Map 2004-138 Las Tres Marias based upon the findings and conditions

contained therein. Motion was approved 5-0-0-0.

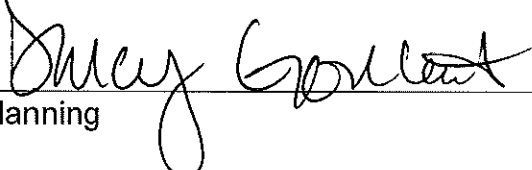
An additional motion was moved by Commissioner Mason and seconded by Commissioner McLaughlin recommending that the Board of Supervisors consider a discussion and possible direction for preparation of a flyer with suggestions on how to prevent excessive light and glare through the use of shielding, to be handed out during building permit issuance. Motion was approved 5-0-0-0.

F. PUBLIC COMMENT:

- Joyce Techel stated that good examples of light shielding can be seen at Mark Twain Hospital and Vista Plaza.
- Luis San Bartolome stated he is happy to enforce lighting standards and can include those in the HOA documents.
- Chief Siligo stated that he would like to see the County go back to having Technical Advisory Committee (TAC) meetings because they were very beneficial.
- Robin Peters provided some history of TAC meeting in the County.
- Colleen Platt thanked the Las Tres Marias applicant for his willingness to incorporate lighting standards into the HOA regulations.

G. ADJOURNMENT:

The meeting was adjourned at 10:28 a.m.



Planning Date 6/7/11



Suzanne Kuehl, Planning Commissioner Chair Date 6-2-11