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County supervisors want ordinances dusted off

By Claudette Langley

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Bob Lawton. Enterprise file photo

Some pressing issues lost in the shuffle of the economic crisis are back on the Calaveras County Board of Supervisors' radar after last week's meeting.

Supervisors directed County Administrative Officer Bob Lawton to dust off draft ordinances governing oak tree preservation, noise control and legal access and bring them back for review. In a lengthy discussion at the end of the regular board meeting, supervisors expressed their desire to reinvigorate action around some of the items that have fallen through the cracks.

“The board committed itself to resolving these a long time ago,” said Supervisor Steve Wilenksy. “The wording doesn't have to be perfect. It doesn't even have to be that good. We can work on it.”

Supervisor Russ Thomas agreed, adding that the noise ordinance was an ongoing issue in his district as it relates to short-term rentals on Lake Tulloch, especially in light of the opening of the Outcast Bar at the old resort on the lake.

Thomas said a bandstand plays music all day and into the night from the resort. In turn, the boats are able to tune their systems into the same frequency and music is blaring all across the lake.

“They get their ghetto blasters going and when you have 50 boats playing the same music it is a sight to behold,” he said.

In October 2008, Assistant County Counsel Janis Elliott seemed to be making some headway with the noise ordinance. She reported to the board that she had circulated the noise and nuisance ordinance in the sheriff's department.

At an October 2008 board study session on short-term rentals, Supervisor Merita Callaway said she was against setting stricter guidelines for the rentals but would like to see the noise and nuisance ordinance finished and brought back for review.

Elliott told Callaway that she was working on the ordinance but that it was challenging.

“It is very difficult to draft this ordinance because of many First Amendment issues,” Elliott said at the October study session.

There has been little news about the ordinance since. On Tuesday, County Counsel Jim Jones expressed some of the same sentiment expressed by Elliott last year. He said crafting an enforceable ordinance wasn't as easy as it looked.

Lawton appeared a bit dismayed by Jones' comments.

“All we are saying is that we want staff to return with something not meant to punish people but to allow people to enjoy being in their own house,” Lawton said.

A draft ordinance to clarify the murky world of legal access made it all the way to a second reading by the end of last year before “falling off the edge.” A group of residents and Calaveras County Realtors had worked to craft the document, which would allow building on lots even if the property owner did not have proof of legal access.

The draft provides exemptions for construction of a single-family home on parcels created or approved before 1991; for remodels of, repairs to or replacements of existing structures; fire protection work; or construction of a new well.

Progress on legal access halted after a meeting in January. The proposed new law faced strong objections from Callaway, who said that it could increase the county's liability.

She wanted some kind of legal disclaimer added to the mix to ensure that the county would not be held responsible if it allowed someone to build on a parcel without proof of legal access.

A little extra dusting will be required for a proposed ordinance that would protect Calaveras County's oak trees. In January 2007, the board made a set of suggestions to stop oak tree cutting, but the action fell short of what many residents were pushing for.

The Calaveras Voluntary Oak Woodland Management Plan was reportedly meant to complement the county's oak ordinance, which was under development at the time.

“It would be nice to have an oak ordinance,” Callaway said Tuesday.

The ordinance that will need the heaviest dusting of all has to do with keeping Calaveras skies star watcher friendly. Callaway is hoping that a dark skies ordinance she has been pushing for since about 2005 might have some new life breathed into it.

“One of the main reasons many of us live in this area is because of the stars at night,” Callaway said. “You go to Tracy and areas like that and you can't see the stars because of too many lights.”

She said a dark skies ordinance would govern the level of lighting of both residential and commercial properties in the county.

“People move up here from the Bay Area and they think they need all kinds of security lighting, you just don't,” she said.

In addition to ordinances, the board is also headed for a series of new study sessions the CAO said he wants to set up for supervisors.

Lawton said he wants arrange for the Public Health Department to do a session on the flu season and the county's preparations for it; one on the impact the state's taking of the highway users tax will have on the Public Works Department; a session on the progress of the county's general plan process; one on solid waste and the fifth session will be on the adult detention facility.

"I want to do this in the extremely near future," Lawton said.

He asked supervisors to check their calendars and let him know if they have issues or conflicts with any upcoming dates so that he may scheduling the items on the board meeting agendas.

The Calaveras County Board of Supervisors meet at 9 a.m. every Tuesday except the fifth Tuesday of each month in the Board of Supervisors Chambers, 891 Mountain Ranch Road, San Andreas.

For more information on meetings call 754-3861 or, to see agendas and board packet materials, visit co.calaveras.ca.us/cc/departments/supervisors/supervisorsagendaminutes.aspx.

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