

**MINUTES OF THE CALAVERAS COUNTY
PLANNING COMMISSION MEETING OF
December 15, 2005**

1. CALL TO ORDER:

The Planning Commission meeting of December 15, 2005 was called to order at 10:50 a.m. by Chair Ted Allured. Commissioners present were: Holly Mines, Suzanne Kuehl, Bill Mason & Wes Hodgson. Staff members present were: Robert Sellman, Interim Planning Director, John Andersen, Planner III, Don Ratzlaff, Planner II, Julie Russell, Planner I and taking minutes, Gina Kathan, Permit Tech.

2. PLEDGE OF ALLEGIANCE

3. AGENDA CHANGES: Staff removed Item 2005-101 As-Built Variance for Cook from the Consent Agenda.

4. PUBLIC COMMENT PERIOD: Commissioner Mines requested that all Variances are processed on the regular agenda and not on the consent agenda.

A motion was made to approve the consent agenda.

Moved: Kuehl

Second: Mason

Passed: 5-0-0-0

CONSENT AGENDA

➤ Approval of the Minutes from December 1, 2005

Resolution # 05-96 2004-126 AS-BUILT VARIANCE SUBMITTED by JACK CHRISTY for DON and ANN CERVELLI

Resolution # 05-97 EXTENSION of TIME for 2004-25 PLANNED DEVELOPMENT for ROY CAMPBELL

Resolution # 05-98 CORRECTED RESOLUTION for ROY CAMPBELL to REFLECT CORRECT APPROVAL DATE on PLANNING COMMISSION RESOLUTION 04-123

5. Public Hearing

REGULAR AGENDA

Tape 1, Side A

A. 2005-101 AS-BUILT VARIANCE for BILL and ROBIN COOK The applicants have requested a rear setback variance from twenty (20) feet to twelve (12) feet for an as-built two-story deck. The property is located at 9070 Wallace Lake Drive

(Wallace Lake Estates Subdivision, Tract 434, Unit 5, Lot 46) in the Wallace area. (APN 48-067-014 is a portion of Section 15, T4N, R9E, MDM)

Planning Staff presented the staff report and recommendations: Staff gave a brief synopsis of the changes with the project.

The following persons spoke regarding this project: ►Tom Jeffries, Agent, agrees with staffs findings and recommendations. ►Jackie Neil, Wallace Lake Architectural Review Committee, spoke in opposition to the request for a Variance. ►Ray Waller, County Building Department, gave a professional review of the requested Variance, indicating what will be required to gain compliance with County Code. ►Pat Bailey, adjacent property owner, spoke in opposition to the request for a Variance. ►Commissioner Hodgson requested clarification of the retaining wall situation on the property. ►Staff gave a depiction of the encroachment of the two retaining walls and addressed a solution and stated the retaining walls are not part of the variance consideration.

Commissioner Allured closed the public hearing.

A motion was made authorizing the Chair to sign **Resolution 2005-99** to deny 2005-101 Variance based upon the testimony given and the original plans submitted by the builder.

Moved: Kuehl

Second: Mines

Passed: 5-0-0-0

Tape 1, Side A

- A. MODIFICATION OF ROAD CONDITIONS for 2005-70 CONDITIONAL USE PERMIT for FOOTHILL FIRE DISTRICT The applicant is requesting the removal of Public Works Conditions IV-2(A,B,C,D) and IV-3(B) from a Conditional Use Permit to construct a fire station complex at the intersection of State Highway 12 and Burson Road, in the Burson area. (APN 048-017-102 is a portion of the Southeast ¼ of Section 20, T4N, R10E, MDM).

Planning Staff presented the staff report and recommendations: Julie Russell explained that the General Plan states that the Public Service (PS) zone is allowed on any level of service road. The Public Works placed the conditions on the original approval inappropriately.

The following persons spoke regarding this project: ►Gary West, Chairman of Foothill Fire, spoke on behalf of the District's request. ►Ed Andersen, Director of Foothill Fire District, apologized to the Planning Commission for taking up their time and spoke on behalf of the District's request.

Commissioner Allured closed the public hearing.

Family Residential) to Rural Transition-20 acre minimum parcel size for 0.17± acres. based upon the findings as presented.

Moved: Mines

Second: Kuehl

Passed: 5-0-0-0

A motion was made authorizing the Chair to sign **Resolution 2005-102** recommending the Board of Supervisors adopt an Ordinance to approve 2005-102 Zoning Amendment from A1-20 (General Agriculture, 20-acre minimum parcel size) to RA (Residential Agriculture) for 2.0 ± acres and from RA to A1-20 for 0.17 ± acres to accommodate Lot Line Adjustment No. 05-46 based upon the findings as presented.

Moved: Mason

Second: Hodgson

Passed: 5-0-0-0

6. PLANNING DIRECTOR'S REPORT ► Robert Sellman reported that staff had to pre-schedule 2005-102 GPA and ZA for Mr. & Mrs. Ron Wallace, Ms. Pauline Kitagawa, and Mr. & Mrs. Gordon Kitagawa in order to have it heard at the Board of Supervisors on December 19th. The Board of Supervisors took public testimony for Copper Mill on Monday, December 12th. The public hearing was then closed and the item was continued to December 19th. Staff will set up a study session for January 23rd with the Board of Supervisors to address General Plan Changes and open space issues and work priority.
7. OFF-AGENDA DISCUSSION ► In regard to the Variance for Cook, 2005-101, developers should have a higher knowledge of the laws and codes than should members of the general public. This is a mutual feeling for all the Commissioners and staff.
8. ADJOURNMENT OF REGULAR PLANNING COMMISSION The Planning Commission meeting was adjourned at 12:10 p.m.

Robert Sellman, Interim Planning Director

Ted Allured, Planning Commission Chair