

**AMENDED MINUTES OF THE CALAVERAS COUNTY
PLANNING COMMISSION MEETING OF
June 21, 2007**

TAPE 1, SIDE A

The Planning Commission meeting of June 21, 2007 was called to order at 9:00 a.m. by Chair Suzanne Kuehl at the Calaveras County Board of Supervisors Chambers. Commissioners present were: Ted Allured, Bill Mason, Steve Kearney and Holly Mines. Staff members present were: Robert Sellman, Planning Director, Winnifred Wilson Planner III, Denise Meyer, Permit Tech I.

1. 9:00 A.M. CALL TO ORDER AND ROLL CALL.

2. PLEDGE OF ALLEGIANCE.

3. AGENDA CHANGES:

4. PUBLIC COMMENT PERIOD:

The public may address the Planning Commission on land use issues not on the agenda. Five minutes per person, fifteen minutes per topic. (The Planning Commission shall not take action on any items presented under this Public Comment Period). ► No one spoke.

5. PUBLIC HEARING:

CONSENT AGENDA

A. APPROVAL of MINUTES from the JUNE 7, 2007, Planning Commission Meeting.

Moved: Kearney

Second: Mason

Passed: 5-0-0-0

B. TABLED ITEM FROM JUNE 7, 2007, FOR FINAL LANGUAGE AND FINDINGS 2001-154 GPA, ZA, TSTM RED MOUNTAIN RESORT, THE TUSCANY HILLS PROJECT ("project") proposes: Approval of General Plan amendments from Mineral Resource Area 2A (MRA-2A) to Future Single Family Residential (FSFR) to correct a mapping error on the County General Plan Map and from FSFR to SP to implement the proposed density transfer on 561 acres of a portion of the remaining Rancheria del Rio Estanislao lands of the current property owner, to Red Mountain Resort (Tuscany Hills). Zoning Amendments from General Agriculture (A1) to Single Family Residential (R-1), Recreation-Existing Parcel Size-Environmental Protection (REC-X-EP), Recreation (REC) and Recreation, existing parcel size (REC-X) and Specific Plan (SP) (for the Density Transfer parcel). A Vesting Tentative Subdivision Tract Map for 335 single family residential units, 28 lots zoned Recreation-Existing Parcel Size-Environmental Protection (REC-X-EP) with a proposed use as non-development open space, nine recreation lots zoned Recreation-Existing Parcel Size (REC-X) with proposed uses as an 18-hole private, membership only golf course and marina and other lakefront recreational uses on 1,113 acres in Calaveras County. The project also includes a modification request from the standards of the County Road

Ordinance, Acceptance of “Grant of Restrictive Easement” to implement the Density Transfer.

A motion was made for the Planning Commission to approve the revised language to be included into the previously considered language, as set for the in the Staff Report.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made for the Planning Commission to remove the following five motions from the table and adopt the motions, as revised to incorporate the previously approved revisions.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made recommending that the Board of Supervisors Certify and approve the FEIR, mitigation measures, mitigation monitoring program and statement of overriding considerations for the Tuscany Hills Project, as set forth in the staff report.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made authorizing the Chair to sign Resolution 2007-024 recommending the Board of Supervisors adopt a Resolution to approve 2001-154 GPA amending the Calaveras County General Plan as set forth, based upon the findings as set forth in the staff report.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made authorizing the Chair to sign Resolution 2007-30 recommending the Board of Supervisors adopt an ordinance to approve 2001-154 ZA amending the Calaveras County Zoning Code as set forth, based upon the findings as set forth in the staff report.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made authorizing the Chair to sign Resolution 2007-31 recommending the Board of Supervisors approve 2001-154 Vesting Tentative Subdivision Tract Map including all conditions, based upon the findings as set forth in the staff report.

Moved: Kearney Second: Mason Passed: 5-0-0-0

A motion was made authorizing the Chair to sign Resolution 2007-025 recommending the Board of Supervisors adopt a Resolution accepting the “Grant of Restrictive Easement”.

Moved: Kearney Second: Mason Passed: 5-0-0-0

TAPE 1, SIDE A
REGULAR AGENDA

- C. EXTENSION OF TIME for 2003-148 TENTATIVE SUBDIVISION TRACT MAP, for JAMES and ELAINE TRIOLO. The applicants request an extension of time of twenty-four (24) months to complete the conditions for the subdivision and record the map. The existing approval is to divide 14.64± acres into twelve (12) single family lots, one (1) acre in size. The site is zoned R1 (Single-Family Residential). The property is portions of Big Trees Village Units 4 that is north of Boards Crossing Road and Sierra Parkway at the intersection of the two roads in Big Trees Village. (APN's 23-036-022 & 023 and 23-037-001 & 002 are a portion of the East ½ of Section 12, T5N, R15E, MDM).

Planning Staff presented the staff report and recommendations. ► Robert Sellman gave an up date on the project.

The following persons spoke regarding this project: ► Gene Deaver with Motherlode Engineering was available to answer questions.

A motion was made authorizing the Chair to sign Resolution 2007-26 approving a 24 month EXTENSION OF TIME for 2003-148 TENTATIVE SUBDIVISION TRACT MAP for JAMES S. and ELAINE M. TRIOLO with a new expiration date of April 26, 2009 based upon the findings as presented.

Moved: Mason

Second: Allured

Passed: 5-0-0-0

- D. 2007-27 CONDITIONAL USE PERMIT for J. D. CHRISTY

The applicant is requesting a Conditional Use Permit to construct one single-family residence on each of the two parcels (parcel 1 with 0.53± acres, and parcel 2 with 0.20± acres). The project site is located within the Arnold Community Plan with a land use designation of Mixed Use – Planned Development and a zoning classification of C2-PD (General Commercial with a Planned Development Combining Zone). The subject parcel is located at 1182 Oak Street in Arnold (APN's 26-027-083 and 084 are portions of the Southwest ¼ of the Northwest ¼ of Section 29, T5N, R15E, MDM).

Planning Staff presented the staff report and recommendations. ► Winnifred Wilson gave an up date on this project.

The following persons spoke regarding the project. ► Commissioner Mines had concerns regarding limited areas of Multi-Family housing. ► Robert Sellman addressed her concerns.

A motion was made authorizing the Chair to sign Resolution 2007-27 to approve 2007-027 Conditional Used Permit based on the following findings and conditions as presented.

Moved: Mason

Second: Allured

Passed: 5-0-0-0

TAPE 1, SIDE A,

- E. 2005-44 TENTATIVE PARCEL MAP for JAMES and GLORIA J. SOUZA. The applicants are requesting approval to divide the 15.09± acres site into (3) parcels of five± acres each. Current land use designation is Future Single Family Residential with existing zoning of RA (Residential Agriculture). The property is located on the south side of Olive Orchard Road about 1500 feet east of Burson Road in the Burson/Rancho Calaveras subdivision area. (APN 50-058-008 is a portion of the East ½ of Section 5, T3N, R10E, MDM).

Planning Staff presented the staff report and recommendations. ► Winnifred Wilson gave an update on project and gave the Commissioners a late comment letter from the US Fish and Wildlife addressing a need for a Biological assessment.

The following persons spoke regarding the project. ► Brad White was there to represent the applicant and stated he would not like this project to be continued.

A motion was made to continue this project to the July 19, 2007 meeting.

Moved: Allured

Second: Mason

Passed: 5-0-0-0

- F. THIS ITEM IS CONTINUED AND WILL RESCHEDULED AT A LATER DATE
2007-42 MISC. for GARY GRANT, FROG'S TOOTH WINERY LLC.

The applicant is asking the County of Calaveras to authorize the issuance of a Type 42 license from the California State Department of Alcoholic Beverage Control (ABC). A type 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. The ABC allows 18 type 42 licenses in Census Tract 1.10. Because of the over-concentration of type 42 licenses in this Census Tract, the local governing agency must find the business serves a public convenience or necessity before authorizing the issuance. The tasting room for Frog's Tooth Winery is proposed to be located at 380 Main Street in Murphys. (APN: 68-017-019 is a portion of the Southwest ¼ of Section 5, T3N, R14E, MDM).

- G. 2005-138 GENERAL PLAN AMENDMENT & ZONING AMENDMENT , BLA No. 05-86 for GLANVILLE. The applicants are requesting a General Plan Amendment to (a) remove 6.37± acres (a portion of APN 68-010-090) from the Murphys-Douglas Flat Community Plan; (b) change the land use designation from Resource Production, per the Murphys-Douglas Flat Community Plan, to Mineral Resource Area-2B, per the Calaveras County General Plan, for the same 6.37± acres; and (c) retain the land use designation of Mineral Resource Area- 2B of the County General Plan for 29.48± acres (APN 34-003-018 and a portion of APN 34-003-100), shown as proposed Parcel "A". The easterly portion of (APN 34-003-100) about 4.94± acres to remain Future Single Family Residential per the County General Plan designation. Concurrently requested is a Zoning Amendment from U (Unclassified) to A1-40 (General Agriculture-40-acre minimum parcel size) for 34.42± acres (APNs 34-003-018 and 34-003-100), along with a zone change, shown as proposed Parcel "B", from RA-10 (Residential Agriculture-10 acre minimum parcel size) for about 6.37± acres, in the Murphys-Douglas Flat Community Plan (a portion of APN 68-010-090) for a total area

built out with a 1,660 square foot professional building on parcel with APN 42-008-004; a 524 square foot single-family residence on parcel with APN 42-008-003; a 1,204 square foot beauty saloon on parcel with APN 42-008-002, a 944 square foot dental office on parcel with APN 42-008-001. The subject property is located, on the west side of State Highway 49, on the north side of Russell Road, and east side of Luddy Lane. (APN's 42-008-001,002,003,004 are portions of the Southeast ¼ of Section 18, T4N, R12E, MDM).

Motion was made to continue this item to the July 5, 2007, meeting.

Moved: Mason

Second: Kearney

Passed: 5-0-0-0

TAPE, 1 SIDE A

- I. 2004-162 ZONING AMENDMENT and TENTATIVE SUBDIVISION TRACT MAP for PAUL and TARJA MARTIN (Crestview Estates Subdivision) The applicants are requesting a Zoning Amendment from A1 (General Agriculture) to RA (Residential Agriculture-5 acre minimum parcel size) for about 203.17± acres. Concurrently requested is approval of a Tentative Subdivision Tract Map to divide the property, about 203.17± acres into 33 Lots, ranging in size from 5.00 plus to 5.99± acres and 1 "Open Space" area of 31.09± acres. The property is located about 1.4± miles east of the Townsite of Wallace, off of Camanche Parkway South, at the end of Hawks Landing Court, about 0.8± mile south of Camanche Parkway South. (APN's 48-018-098, 099, 100, 101 and 102 are a portion of the South ½ of Section 14, T4N, R9E, MDM).

A motion was made to continue this item to the July 19, 2007 meeting

Moved: Mason

Second: Mines

Passed: 5-0-0-0

TAPE 1, SIDE B

- J. 2005-190 ZONING AMENDMENT, TENTATIVE SUBDIVISION TRACT MAP, and PLANNED DEVELOPMENT PERMIT for FLOYD and MARILYN NORRIED and the MARK PRINGLE COMPANY, LLC (NORTH VISTA PLAZA). The applicants are requesting a Zoning Amendment from Multiple Family Residential - Planned Development (R3-PD) and R3-MHP-PD (Mobile Home Combining Zone) to Single Family Residential - Planned Development (R1-PD) for 33.8± acres and from Multiple Family Residential - Planned Development (R3-PD) to Recreation - Environmental Protection Combining Zone - Planned Development, with no further division of the parcel (REC-X-EP-PD) for 0.7± acres (Parcel B as a single lot). Concurrently requested is a Tentative Subdivision Tract Map (TSTM), dividing the same 34.5± total acres into 171 lots, including 162 residential lots, 2 detention basins, 6 landscaped areas, recreation area, and private streets. Also requested is a Planned Development Permit to allow the use of density transfer, common area, or other development flexibility methods to create parcels that are smaller than the minimum parcel size permitted by the General Plan and/or Valley Springs Community Plan. (APNs 73-056-001, 002, 003, and 009 are portions of Section 26, Township 4 North, Range 10 East, Mount Diablo Meridian.).

Planning Staff presented the staff report and recommendations. ► Robert Sellman gave a brief presentation.

The following persons spoke regarding the project. ► Ron Mauck with Quad Knopf gave a staff presentation. ► Mark Pringle the applicant gave a presentation of the project. ► Colleen Platt of Myvalleysprings.com had concerns with the negative impact, affordable housing, tree inventory and concerns with drainage. ► John Buckley from CSERC, believes this project should have an EIR, he has concerns with mass grading and believes the cumulative affects have not been addressed.

TAPE 2, SIDE A & B

► Dave Tanner from Valley Springs is in favor of this project. ► Joyce Techel of Myvalleysprings.com, had concerns with grading, storm drainage and traffic impacts and believes this project needs an EIR. ► Tom Hofstra of CSERC had concerns with the inconsistency of meeting the County housing goals, destruction on wetlands and not preserving the natural environment. ► Dianne Keene of San Andreas had concerns with the road ordinance and parking. ► Katherine Jackson for Wallace Citizens doesn't agree with the presentation of affordable house, grading and drainage. Thomas Infusion supports a 90 day continuance to workout potential solutions. ► Mr. Burkes the Civil Engineer addressed concerns and was available to answer questions. ► Commissioner Mines had concerns with grading, flooding and meeting the goals of the housing element and recreation element. Commissioners Kearney and Kuehl had concerns with the natural setting, grading issues. Rob Houghton addressed the road issues and the turn signal. ► Mark Pringle addressed the questions and concerns. ► Robert Sellman also addressed questions and concerns.

Break for lunch at 11:30

Reconvene at 12:30

A motion was made to have an EIR done on this project.

Moved: Mines Second: Lack of Second

Motion failed due to lack of Second.

Motion was made to continue the Public Hearing for July 19, 2007.

Moved: Kearney Second: Allured Passed: 5-0-0-0

- K. 2005-143 ZONING AMENDMENT and TENTATIVE SUBDIVISION TRACT MAP (SADDLEBACK HILLS) for MARTIN - RODRIGUEZ, LLC. The applicant(s) are requesting a Zoning Amendment from R1 (Single Family Residential) 12.1 ± acres, R1-PD (Single Family Residential – Planned Development) 39.6 ± acres, RR-3 (Rural Residential – 3 acre minimum parcel size) 10.3 ± acres and PS (Public Service) 0.1 of an acre to R1-PD (Single Family Residential – Planned Development) for 39.9 ± acres and R1-PD-X-EP (Single Family Residential – Planned Development – Existing parcel size - Environmental Protection) for 11.3 ± acres, RR-2.5 (Rural Residential – 2.5 acre

minimum parcel size) for 10.1 ± acres and PS (Public Service) for 0.8 ± of an acre. Concurrently requested is approval to divide the site into one hundred thirty (130) single family lots, four Common Area lots totaling 11.3 ± acres, three (3) large residential lots and two (2) Public Service lots in a phased development. Additionally requested are setbacks of fifteen (15') feet on the front and rear and five (5') feet side for the R1-PD zoned lots. The San Andreas Community Plan land use designation is Single Family Residential with a total area of 62.1 ± acres. The property is located on the southwesterly side of Calaveritas Road about ½ mile south of Mountain Ranch Road in San Andreas. (APN's 44-014-011, 016, 024, 025 and 44-028-001 & 011 are a portion of the West ½ of Section 21, T4N, R12E, MDM).

Planning Staff presented the staff report and recommendations. ► Robert Sellman gave brief update on project

TAPE 3, SIDE A & B, TAPE 4 SIDE A & B

The following persons spoke regarding the project. ► Roger Pittio, from Sierra Engineering representing the applicant gave a presentation of project. ► Harleigh Winkler, gave exhibit to Commissioners, and had concerns with the traffic flow. ► Bob Matteah has concerns with raw sewage over flowing into his pond, and power outages. ► Doug Goldie, San Andreas resident gave handouts to Commissioners, and would like the cultural history be preserved and believes there should be an EIR. ► Sharon Romano, San Andreas resident had concerns with the health and safety of the surrounding residence during construction and supports a full EIR. ► Jan Moon, San Andreas resident had concerns with the affect on wildlife, cutting down the oaks and elderberry bushes, drainage run off, noise pollution, grading, traffic safety, and supports a full EIR. ► Bev Goldie, San Andreas resident supports an EIR. ► Kenneth Grey San Andreas resident, had concerns with sewer retention, preservation of oaks, and safety impact of speeders. ► Lonnie Larson doesn't agree with project. ► Tom Hofstra of CSERC support an EIR. ► John Buckley from CSERC, believes this project should have an EIR. ► Leone Cozzo, San Andreas resident has concerns of loosing his water and he doesn't support the project. ► Sherman Tillman, written comments provided and supports an EIR. ► Clifford Anderson, San Andreas resident doesn't support project. Commissioner Kearney left at 2:30. ► Diane Keene has concerns with noise pollution and traffic and supports an EIR. ► Penny Cavoliro concerns with to many houses on the market not ► Roger Pittio, from Sierra Engineering addressed the questions and concerns. ► Bill Abbott the Attorney for Saddle Back, gave brief presentation.

A motion was made to continue the public hearing for this item to the July 5, 2007 meeting.

Moved: Allured

Second: Mason

Passed: 4-0-0-1

Absent: Kearney

6. Public Comment Period:

The public may address the Planning Commission on land use issues not on the agenda. Five minutes per person, fifteen minutes per topic. (The Planning Commission shall not take action on any items presented under this Public Comment Period).

7. ADJOURNMENT: of Regular Planning Commission.

NOTE - - - PLANNING COMMISSION DECISIONS CAN BE APPEALED TO THE BOARD OF SUPERVISORS. APPEALS MUST BE FILED WITH THE BOARD CLERK WITHIN FIFTEEN (15) DAYS OF THIS HEARING. FOR MORE INFORMATION, CONTACT THE BOARD CLERK'S OFFICE AT 209-754-6370.

Robert Sellman, Planning Director

Suzanne Kuehl, Planning Commissioner Chair