

CALAVERAS COUNTY PLANNING COMMISSION

Minutes for Meeting of May 1, 2008

An audio recording of the meeting is on file at the Community Development Agency, 891 Mountain Ranch Road, San Andreas, CA 95249. To schedule an appointment to review it, please contact the Planning Department at 209-754-6394. 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.

Tape 1, Side A

1. CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the Calaveras County Planning Commission was called to order at 9:02 a.m. in the Board Chambers located at 891 Mountain Ranch Road, San Andreas, California.

Present: Chair Suzanne Kuehl, District 3
Ted Allured, District 1
Fawn McLaughlin, District 2
Bill Mason, District 4
Steve Kearney, District 5

Absent: None

Staff Present: Robert Sellman, Planning Director; Winnifred Wilson, Planner III; Gina Kathan, Planner II; Barbara Sinnett, Planner I.

Legal Staff: Janis Elliott, Assistant County Counsel

2. AGENDA CHANGES:

The Chair asked if there were any changes to the agenda.

- Robert Sellman, Planning Director, stated that Item 5C, 2005-191 Ventana project has been continued to the June 5, 2008 meeting.

3. PUBLIC COMMENT PERIOD:

- No one spoke.

4. CONSENT AGENDA:

A. APPROVAL of MINUTES from the April 17th, 2008, Planning Commission Meeting.

A motion was made by Commissioner Allured and seconded by Commissioner Mason to approve the minutes as presented.

Motion was approved 5-0-0-0

5. PUBLIC HEARINGS:

A. 2006-182 Zoning Amendment for Lawrence Smith

The applicant is requesting a Zoning Amendment to accommodate a Boundary Line Adjustment application involving 2 contiguous parcels (BLA No. 06-101) The Zoning Amendment is to rezone from RR-5 (Rural Residential - minimum 5 acres), and from RR (Rural Residential) to RA-5, the entire 3.56 acre adjusted Parcel 1 . The remaining portion of Parcel 2 would remain unchanged with the RR-5 zoning. The subject property is located on the north side of French Gulch Road, just west of the intersection with Murphy's Grade Road in the Murphy/Douglas Flat Community Plan area. (APN's 68-011-029 & 68-011-028 are a portion of SE ¼ of Sec 6 T03N, R14E, MDM)

Chair Kuehl read the project description.

Winnifred Wilson distributed a letter from Mary Serra at the Central Valley Regional Water Quality Control Board to the Planning Commission and the applicant, who was present.

- Winnifred Wilson, Planner III, stated that oak mitigation measures IV-1 & IV-2 should be deleted as they are not applicable to the zone change. She also stated the result of this action is that there will only be one mitigation measure in the staff recommendation and that the Negative Declaration, Mitigation Monitoring and Reporting program and the Resolution would be amended to reflect only one mitigation measure.
- Robert Sellman, Planning Director, stated the Staff Report and the Initial Study will not be amended, but the resolution will be revised to reflect the changes.
- Chair Kuehl opened the Public Hearing.
- Susan Larson, the applicant's consultant, stated she was available for questions.
- Chair Kuehl closed the Public Hearing.
- Winnifred Wilson, Planner III, read the staff's amended recommendations.

A motion was made by Commissioner Mason and seconded by Commissioner Allured recommending that the Board of Supervisors grant the Mitigated Negative Declaration based upon one (1) mitigation measure and the findings as presented.

Motion was approved 5-0-0-0

A motion was made by Commissioner Mason and seconded by Commissioner Allured authorizing the Chair to sign **Resolution 2008-026**, as amended, recommending that the Board of Supervisors adopt an ordinance to approve 2006-182 Zoning Amendment based upon the findings

Motion was approved 5-0-0-0

B. 2004-49 Zoning Amendment & Tentative Subdivision Tract Map for Berghouse-Triano Development, LLC.

The applicant is requesting approval of a Zoning Amendment from U (Unclassified) to RA (Residential Agriculture) for 40.28± acres. Concurrently requested is approval of a Tentative Subdivision Tract Map to divide the property into 7 Parcels of 5 acres and 1 remainder parcel of 5 acres. The property is located at 7340 Adams Ave, north of Warren Rd., about 3½ miles southwest of Burson. (APN 50-048-20 is a portion of the Northeast ¼ of Section 1, T3N, R9E, MDM). Staff is recommending denial of the application.

Chair Kuehl read the project description and opened the Public Hearing.

No one was present to be heard on the matter.

Chair Kuehl closed the Public Hearing.

Gina Kathan, Planner II, read the staff's recommendation.

A motion was made by Commissioner Allured and seconded by Commissioner Kearny authorizing the Chair to sign **Resolution 2008-028** to deny 2004-49 Zoning Amendment & Tentative Subdivision Tract Map without prejudice, based on the findings in the Staff Report.

Motion was approved 5-0-0-0

- Robert Sellman, Planning Director, answered Commissioner Mason's question to distinguish the different between denial with and denial without prejudice.
- Randy Zahozend, a neighbor, entered after the Public Hearing was closed and stated he was there to oppose the project. Chairman Kuehl explained the project was denied as per the staff's recommendation.
- Gina Kathan, Planner II, responded to Mr. Zahozend's question inquiring as to whether this was a new application and Gina stated that this was the original application received in 2004.
- Gina Kathan stated that the issue of legal access was never resolved.

C. 2005-191 General Plan Amendment, Zoning Amendment, Tentative Subdivision Tract Map for Ventana LLC.

The applicant is requesting a San Andreas Community Plan Amendment to change 12.74± acres, (APN's 44-011-45, 46, 53, 54, 55 & 56), from Multi-Family Residential, to the land use designation of Two Family Residential. Concurrently requested is a Zoning Amendment from R3 (Multi-Family Residential) to R2 (Two-Family Residential) for 12.74± acres. Also requested is approval of a Tentative Subdivision Tract Map to divide the property, about 12.74± acres into 50 Lots. (*Item continued from April 17th, 2008*)

A motion was made by Commissioner Allured and seconded by Commissioner Kearney to continue this item to the June 5th, 2008 Planning Commission meeting.

Motion was approved 5-0-0-0

6. PUBLIC COMMENT PERIOD/AGENCY COMMENTS:

- Chair Kuehl announced that the Policy and Procedures Committee report and possible consideration for adoption will be heard at the May 15th, 2008 Planning Commission Meeting.
- Robert Sellman, Planning Director, distributed California Environmental Quality Act (CEQA) flow sheets and explained how the process generally worked.
- Janis Elliott, assistant County Counsel, stated that additional changes to CEQA regarding climate change and subdivision approvals in wildland fire State Responsibility Areas are being reviewed by State Legislators.

7. ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

Robert Sellman, Planning Director

Suzanne Kuehl, Planning Commissioner Chair

Date