

CALAVERAS COUNTY PLANNING COMMISSION

Summary Minutes for Meeting of June 4, 2009

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. Approved minutes also may be viewed at www.co.calaveras.ca.us/planning_commission.asp.

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Tape 1, Side A

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

Absent: None

Planning Department: George White, Planning Director
Debra Lewis, Planner III
Shaelyn Strattan, Planner III

Legal Staff: Janis Elliott, Assistant County Counsel.

Recording Secretary: Marion Smith, Permit Technician I

Chair Kuehl introduced the new Planning Director, George White, and asked him share his background in Planning. Mr. White informed the Commissioners of his 20 years experience as a planner, the last nine years as Assistant Director of Community Development for the City of Petaluma. He said he had been on this job for three days and was looking forward to working closely with the Planning Commission.

B. AGENDA CHANGES: None

C. PUBLIC COMMENT PERIOD:

1. Colleen Platt, myvalleysprings.com, thanked the Commissioners for reinstating the second Public Comment opportunity at the end of the meeting, and for agendizing the presentation by Tech Services regarding the Planning Commission website.

D. CONSENT AGENDA:

1. APPROVAL of MINUTES for the May 21, 2009 Planning Commission Meeting.

MOTION: It was moved by Commissioner Allured and seconded by Commissioner Mason to approve the minutes as presented. Motion was approved 4-0-1-0.

E. PLANNING DEPARTMENT UPDATE:

1. Planner Strattan reported to the Commission that the Chastain Project was moving right along and that she should be bringing it before the Commission on July 16, 2009.
2. Planner Lewis informed the Commission that there were 179 pending projects, including 8 projects predating 2004. Of these, 53 pending projects are in the west county area and have endangered species issues. Setting aside the projects with fatal flaws or which are incomplete and waiting for information from the applicant, and setting aside the endangered species issues, there are roughly 43 projects ready to be processed. These projects represent a small portion of the 1,470 projects submitted during the same time period. Planner Lewis described an action plan for processing these projects, and noted that staff would try to expedite processing of certain 2-parcel and 3-parcel splits in California Tiger Salamander habitat with the U.S. Fish and Wildlife Service. An update on pending projects will be presented to the Planning Commission at their meeting of August 6th.
 - Dave Self asked how the public could access the project data base in order to determine the status of a specific project. Planner Lewis said the information could be provided at the Planning counter by any planner.

F. MNDS VS EIRS:

Planner Strattan presented a Study Session for the Commissioners on the differences between a “Mitigated Negative Declaration” and an “Environmental Impact Report”. Projects that have impacts to the environment that can be mitigated below significance can be addressed through a “MND”. Those projects that have a significant impact are subject to a complete “EIR”. Assistant County Counsel, Janis Elliott identified the 3rd District Court of Appeals as the Appeals Court for our area. She said that the Court seemed to favor an EIR over a MND when ruling on a case. Ms. Elliot provided the Commissioners with an update of CEQA law and recent court cases, as they apply to Calaveras County. She indicated it is important for the planning staff to encourage applicants, whose project requires an EIR, to consult with a Land Use Law attorney in order to have their project progress smoothly through the system.

G. PUBLIC COMMENTS:

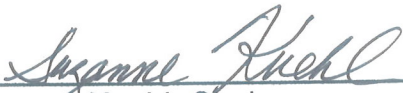
- Mike Dell’Orto had a question on the cumulative effects of a project: Does Planning only look at the immediate area surrounding a project, or was it broader in nature. Janis Elliot replied that it often mirrored the area addressed in the Public Works traffic study. It can also be determined by the number of new projects in the area and, in certain cases, if there is an endangered species habitat involved. He asked about the ozone implications with regards to Calaveras County’s recognized non-attainment level. He was told that this was dealt with on a case by case basis. His third and final question dealt with “greenhouse gas emissions” and whether any protocols had been set locally or statewide. Planner Strattan said basically, because this is new legislation, very little has been established and requirements will ultimately be determined by court decisions. Mr. Dell’Orto recommended the Planning Commission remember to always give the applicant the opportunity for the “last word” or rebuttal to issues raised by project opponents.
- Dave Self asked how the public was notified about MND projects being processed. Planner Strattan went over the myriad of notification requirements, from published Legal Notices, to 300 foot notifications, postings on the Website, and published Planning Commission Agendas.
- Marian Coahran asked if the appropriate public utilities were notified when a project was starting to be processed. Planner Strattan explained the routing process for new projects and assured her that all involved agencies received initial project routing documents.

- Mark Jones, myvalleysprings.com, had questions on how cumulative impacts are tracked and who is responsible for monitoring the mitigations that have been incorporated into a project's approval, once the project is actually being developed. He cited an instance where an approved project had its map changed on a Board of Supervisor's Consent Agenda.
- Colleen Platt expressed concern regarding consistency in mitigation factors, as well as a lack of certain mitigation policies such as agricultural land-lock, affordable housing, and law enforcement services.
- Mike Dell'Orto expressed concerns about people relating situations without identifying the project involved.
- Terry Baker informed the Commission about problems he is having with his neighbor's chickens. Chair Kuehl suggested he fill out a formal Code Compliance form so that the situation can be investigated.

I. **ADJOURNMENT:** The meeting was adjourned at 10:54 a.m.



George White, Planning Director



Suzanne Kuehl, Chair
Calaveras County Planning Commission

7-2-09

Date