

RESOLUTION AUTHORIZING THE PURCHASE OF A PORTABLE
NO. 03-361 INFLATABLE DECONTAMINATION SHELTER, IN
THE AMOUNT OF \$14,505.00, FROM L.N.
CURTIS AND SONS ALONG WITH A BUDGET
TRANSFER IN CONJUNCTION THEREWITH

RESOLUTION AUTHORIZING THE PURCHASE OF A CHEMICAL
NO. 03-362 AGENT DETECTOR (CAD), IN THE AMOUNT OF
\$7,784.00, FROM LIFE SAFETY SYSTEMS
ALONG WITH A BUDGET TRANSFER IN CON-
JUNCTION THEREWITH

4. MINUTE ORDER authorizing a BUDGET TRANSFER, in the amount of \$14,213.00,
from current unsecured taxes into Marine Safety Account to Object
No.5002/Extra Hire in the amount of \$12,213.00 and to Object No.
5185/Equipment (Boat) in the amount of \$2,000.00; Sheriff/Marine
Safety.

5. RESOLUTION AUTHORIZING THE SUPPLEMENTAL LAW ENFORCE-
NO. 03-363 MENT SERVICES FUND SPENDING PLAN FOR THE
DISTRICT ATTORNEY'S OFFICE FOR FISCAL YEAR
2003/2004 ALONG WITH A BUDGET TRANSFER, IN
THE AMOUNT OF \$12,785.00, IN CONJUNCTION
THEREWITH; DISTRICT ATTORNEY

6. RESOLUTION AUTHORIZING CALAVERAS WORKS AND HUMAN
NO. 03-364 SERVICES AGENCY TO HIRE SUSAN SHEEHAN
FOR THE POSITION OF SOCIAL WORKER III;
HUMAN RESOURCES

7. MINUTE ORDER adopting updated Business Services Contract with Softfile;
Sheriff

8. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS
NO. 03-365 TO EXECUTE PROGRAM SUPPLEMENTAL AGREEMENTS
TO MASTER AGENCY-STATE AGREEMENT FOR FEDERAL
AID PROJECTS NO. 10-5930; PUBLIC WORKS

9. ADMINISTRATION/AGREEMENT (03-46, I, 245)
Supervisor Theirn questioned the area to be secured. CAO Mitchell responded
advising that this particular item relates to the Data Center. A separate project is
under way to add security to Board Chambers and other Government Center complex
areas.

Motion made to approve the following Resolution authorizing award of security service
contract.

Moved: Theirn Second: Erickson Approval: Unanimous

RESOLUTION APPROVING AGREEMENT WITH SIGNAL SERVICE
NO. 03-366 FOR ACCESS CONTROL SYSTEMS FOR GOVERNMENT
CENTER SECURITY IN THE AMOUNT OF \$5,730.00

10. ADMINISTRATION/FIRE DISTRICTS (03-46, I, 308)
Supervisor Erickson questioned a September to January delay. CAO Mitchell

responded by explaining the County's present premium which is based upon payroll and Loss History. Mitchell stated that the loss history is presently being impacted by a claim of a former Fire Warden. He further advised that the Fire Districts are covered for the entire fiscal year. Mitchell referred to ongoing negotiations with a proposal forthcoming in early Spring that will be of mutual benefit.

Motion made approving a continuation of negotiations with the Calaveras County Fire Districts by the Administrative Office regarding Worker's Compensation Coverage until April 1, 2004.

Moved: Thein

Second: Erickson

Approval: Unanimous

R E G U L A R A G E N D A

11. PUBLIC COMMENTS/GENERAL PUBLIC (03-46, I, 540)

a) George Dondero, President, Council of Governments (COG) spoke of a Board requested transit evaluation study - informed that a task force has been created - announced the receipt of a grant to do a full transit development study - asked for Board approval in bringing results of the study back to the Board on February 23, 2004; b) Terri Beaudreau, CalWORKs Director, introduced Charles Berg - recently appointed to the position of CalWORKs Fiscal Program Manager; c) Dan Hendryke, Secretary of the Foothill Fire Safe Council, thanked the Board for their participation and support.

12. ADMINISTRATION/HUMAN RESOURCES (03-46, I, 785)

Francine Osborn, Assistant CAO, Director of Human Resources & Risk Management, lead the discussion requesting approval of position recommendations as discussed during final budget hearings. Supervisors Stein and Tryon felt reclassifications should be put on hold pending clarity of the impact of the State budget.

Motion made to approve recommendations for Fiscal Year 2003/04 reclassification requests and approve the following Resolution authorizing changes to the position control list FY 2003/04 new positions.

Moved: Callaway

Second: Thein

Approval: Majority
NOES: Stein
Tryon

RESOLUTION
NO. 03-367

AUTHORIZING CHANGES TO THE POSITION
CONTROL LIST: 2003/2004 NEW POSITIONS

13. ADMINISTRATION/HUMAN RESOURCES/SHERIFF (03-46, I, 1031)

Francine Osborn, Assistant CAO, Director Human Resources and Risk Management, recommended approval of a temporary leave of absence for Sheriff Dennis Downum to join the American contingent of the Federal Department of State Advisory Service Mission for Iraq. Osborn recommended that the Board authorize and approve the continuation of certain salary and benefits as part of the temporary leave of absence. She stated that Government Code authorizes the Board to grant such leaves with written approval from the Governor. The Code specifies that the leave of absence cannot exceed a period of six months in any one year; however, this is being amended by Congressman Codgill to include language that will allow elected officials to request leaves of absence for this specific type of federal employment not to exceed two years. The Board wished Sheriff Downum well and a safe return.

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Motion made to approve the following Resolution as submitted.

Moved: Callaway

Second: Thein

Approval: Majority
NOES: Erickson

c) Ag. Preserve No. 279 for John R. & Debbie M. Lopes re: APN 016-004-055. The subject property is located between Paloma road and Highway 26 approximately two miles north of Toyon.

RESOLUTION NO. 03-377 FOR RESCISSION OF A PORTION OF AGRICULTURAL PRESERVE NO. 233 UPON SIMULTANEOUS ENTRY OF A NEW AGRICULTURAL PRESERVE CONTRACT

RESOLUTION NO. 03-378 TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION NO. 03-379 APPROVING CALIFORNIA LAND CONSERVATION CONTRACT NO. 279

d) Ag. Preserve No. 280 for Kathryn A. and Graham A Johnson, Trustees of the Graham and Kathryn Johnson Revocable inter-vivos Trust re: APN's 050-022-018 and 050-023-018. The subject property is located on Heiser Creek Road, which is accessed from Hunt Road.

RESOLUTION NO. 03-380 TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION NO. 03-381 APPROVING CALIFORNIA LAND CONSERVATION CONTRACT NO. 280

e) Ag. Preserve No. 281 for Karen E. and Hans A Zumbach, Jr., Trustees of the 2001 Zumbach Family Trust re: APN's 052-004-069 and 052-004-070. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

RESOLUTION NO. 03-382 TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION NO. 03-383 APPROVING CALIFORNIA LAND CONSERVATION CONTRACT 281

f) Ag. Preserve No. 282 for Karen E. and Hans A Zumbach Jr., Trustees of the 2001 Zumbach Family Trust re: APN's 052-004-071, 052-004-072 and 052-004-073. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

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RESOLUTION NO. 03-384 TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION NO. 03-385 APPROVING CALIFORNIA LAND CONSERVATION CONTRACT 282

g) Ag. Preserve No. 283 for Karen E. and Hans A. Zumbach, Jr., Trustees of the 2001 Zumbach Family Trust re: APN's 052-004-074, 052-004-075 and 052-014-023. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

RESOLUTION NO. 03-386 TO ESTABLISH AN AGRICULTURAL PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION NO. 03-387 APPROVING CALIFORNIA LAND CONSERVATION CONTRACT NO. 283

Ag. Preserve No. 284 for Karen E. and Hans A. Zumbach Jr., Trustees of the 2001 Zumbach Family Trust re: APN052-014-022. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

RESOLUTION TO ESTABLISH AN AGRICULTURAL
NO. 03-388 PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION APPROVING CALIFORNIA LAND
NO. 03-389 CONSERVATION CONTRACT NO. 284

h) Ag. Preserve No. 285 for Karen E. and Hans A. Zumbach Jr., Trustees of the 2001 Zumbach Family Trust re: 052-014-024. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

RESOLUTION TO ESTABLISH AN AGRICULTURAL
NO. 03-390 PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION APPROVING CALIFORNIA LAND
NO. 03-391 CONSERVATION CONTRACT NO. 285

i) Ag. Preserve No. 286 for Karen E. and Hans A. Zumbach, Jr., Trustees of the 2001 Zumbach Family Trust re: APN 052-014-025. The subject land is located off Cosgrove Road approximately 3 miles north of Altaville.

RESOLUTION TO ESTABLISH AND AGRICULTURAL
NO. 03-392 PRESERVE WITH CALAVERAS COUNTY

RESOLUTION APPROVING CALIFORNIA LAND
NO. 03-393 CONSERVATION CONTRACT 286

j) Ag Preserve No. 287 for Gwen A. Wiltens and Roy A. Wiltens re: APN 014-010-011, 014-010-012 and 014-012-020. The Subject land is located on the south side of Ridge Road approximately two miles west of Rail Road Flat. (not recorded)

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RESOLUTION TO ESTABLISH AN AGRICULTURAL
NO. 03-394 PRESERVE WITHIN CALAVERAS COUNTY

RESOLUTION APPROVING CALIFORNIA LAND
NO. 03-395 CONSERVATION CONTRACT NO. 287

k) Ag Preserve No. 147 for Patricia McCarty, Trustee of the Patricia and Ronald McCarty 2000 Family Trust re: APN's 053-008-021, 053-011-023 and 053-011-024. The subject land is located off Rock Creek Road approximately 3 ½ miles northwest of Copperopolis.

RESOLUTION TO AMEND WILLIAMSON ACT CONTRACT
NO. 03-396 147 BY ADDING ADDITIONAL ACREAGE
TO SAID CONTRACT

l) Ag Preserve No. 153 for Betty Jonathan, Kelley and Steven Wooster, Trustees of the Wooster Revocable Family Trust re: APN 053-011-019. The subject property is located off Rock Creek Road approximately one mile north of Copperopolis.

RESOLUTION TO AMEND WILLIAMSON ACT CONTRACT
NO. 03-397 NO. 153 BY ADDING ADDITIONAL ACREAGE
TO SAID CONTRACT

m) Ag. Preserve No. 56 for Mary Jane Garamendi, Trustee of the Garamendi Family Trust re: APN 016-013-010. The subject land is located on the west side of Highway 49 approximately 2 miles south of Mokelumne Hill.

RESOLUTION TO AMEND WILLIAMSON ACT CONTRACT
NO. 03-398 NO. 56 BY ADDING ADDITIONAL ACREAGE
TO SAID CONTRACT

n) Ag. Preserve No. 5 for Willard A. and Laura J. Tower, Trustees of the Willard A. Tower and Laura J. Tower 1997 Trust, and Carol Lee Tower Blackwell, Trustee of the Carol Lee Tower Blackwell 1997 Trust.

RESOLUTION TO AMEND WILLIAMSON ACT CONTRACT
NO. 03-399 NO. 5 BY BOUNDARY LINE ADJUSTMENT
TO SAID CONTRACT

20. AG. DEPT./AG. PRESERVES (03-46, I, 2488)

Motion made to approve the following Resolutions (2) for the non-renewal of a portion of an agricultural preserve contract.

Moved: Their Second: Callaway Approval: Unanimous

RESOLUTION AUTHORIZING NON-RENEWAL OF A PORTION
NO. 03-400 AGRICULTURAL PRESERVE CONTRACT NO.
223 FOR REGINALD LAMMERS, ET AL

RESOLUTION AUTHORIZING NON-RENEWAL OF A PORTION
NO. 03-401 OF AGRICULTURAL PRESERVE CONTRACT NO.
79 FOR TW MAX MCKENNEY

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21. AG. DEPT./AG. PRESERVE (03-46, I, 2521)

Motion made to approve the following Resolutions (2) for non-renewal of agricultural preserve contracts, effective January 1, 2004:

Moved: Their Second: Erickson Approval: Unanimous

RESOLUTION AUTHORIZING NON-RENEWAL OF AGRICULTURAL
NO. 03-402 PRESERVE CONTRACT NO. 213 FOR KARL AND
LAURA GASSNER

RESOLUTION AUTHORIZING NON-RENEWAL OF AGRICULTURAL
NO. 03-403 PRESERVE CONTRACT NO. 112 FOR MARIE S.
CURTRIGHT

22. PUBLIC HEARING/PLANNING/ZA/COMM.PLAN/HOUSING ELEMENT/RIM (03-46, I, 2560

cont'd to side II)

a) Robert Sellman, Acting Planning Director, introduced the subject and recommended approval. Chair open the hearing to the public but there were no persons present wishing to testify; therefore, the hearing was closed and the matter returned to the Board for action.

Motion made to approve the following Ordinance, along with a Negative Declaration, regarding the Murphys-Douglas Flat Community Plan Area based on findings of the Planning Commission and staff.

Moved: Tryon

Second: Callaway

Approval: Unanimous

ORDINANCE
NO. 2769

AMENDING TITLE 17 OF THE CALAVERAS
COUNTY CODE CHANGING THE ZONING DISTRICT
OF REAL PROPERTY FOR THE MURPHYS-DOUGLAS
FLAT COMMUNITY PLAN AREA FOR APN'S
66-002-018 & 033, 66-004-073, 66-005-033,
66-007-025, 66-022-086, 68-001-120,
68-006-046 & 057 & 058, 68-015-001,
68-020-059, 68-028-001, 002, 003,
004,005, & 021 PER ZONING AMENDMENT 2003-64

b) Robert Sellman, Acting Planning Director, submitted a letter from the State Department of Housing and Community Development, Division of Housing Policy Development, regarding their review of Calaveras County's Draft Housing Element.

The letter stated that revisions will be necessary to the housing element to comply with State law. Sellman suggested a mediator to work through the issues and then return to the Board with recommendations. Supervisor Erickson asked that the first information meeting be scheduled for January. Supervisor Callaway asked if the delay would impact funding to the County. Sellman responded that it would not. Supervisor Tryon asked that the matter come back to the Board in the form of a study session. Supervisors Erickson and Callaway will serve on the Task Force. There was no official action taken.

c) Discussion was held regarding a County Road Impact Mitigation (RIM)fee. Supervisor Callaway read a letter into the record from former Supervisor Terri Bailey which stated that a RIM fee would not impede commercial development. Joyce Techel, Burson, CA read a letter into the record from the Law Office of Alexander T. Henson, protesting the adoption of a RIM fee that fails to include

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fees for commercial or industrial development. Trudy Lackey read into the record her letter urging the Board to reject excluding commercial developers from RIM fees. Roger Miller, Murphys, CA supported Lackey's comments. Chair Stein stated that he would not support making any hasty decisions. Supervisor Thein voiced her concerns then advised that she is now in support of including RIM fees for commercial development. Discussion followed.

A motion was made by Supervisor Tryon to adopt the RIM Fee Ordinance as submitted. The motion died for the lack of a second.

23. PUBLIC HEARING/GPA/PLANNING (03-46 A, II, 500)

Robert Sellman, Interim Planning Director, introduced the topic of 2002-122 County initiated General Plan Amendment for Murphys and Douglas Flat Community Plan to implement the recommendations contained within the Murphys Circulation, Pedestrian, Bicycling and Parking Plan. The Planning Commission has reviewed and recommends adopting amended language in Exhibit " A " of the Initial Study and Project Staff Report 32a(1)Potential Roadway Alignments have been identified. Right of Way studies are needed to do connectors at Pennsylvania Gulch road and Six Mile Road. A study only is what is being recommended. a) Chair Stein questioned the Public Notice time as concerns have been expressed by the public. b) George Dondero of COG responded that were notices for COG meeting of 6/19/2001, notice in paper for meeting of

3/20/2001, walking tour of the town, the consultant held a workshop that day. The next day consultant on site, advertised in papers that presented workshop finds to the public. The next day there was a time for public drop in. These notices were in two local papers. The report has been on COG's website and copies are in the Murphys library as well as the Main library in San Andreas. Chair Stein then opened the hearing to the public. a) The Board Clerk swore in those wishing to testify. b) George Prest submitted letter into the record has concerns about traffic and does not feel that the process has not been done fairly or completely; c) Larry Lilly submitted letter into the record has concerns about traffic and road changes and that the meetings that were noticed made no reference to road changes; d) Jerry Middleton submitted letter into the record against the proposed routes; e) James Wagner submitted letter into the record expressing concerns and objections for a Pennsylvania Gulch connector; f) Greg Popovich submitted letter into the record has concerns for a Pennsylvania Gulch connector and that public notice was not given in a timely manner He would like another meeting to clarify issues; g) Thomas Franks submitted letter into the record to delete Pennsylvania Gulch /Highway 4 Connector Road from the proposed Murphys Circulation Plan; h) Steve Snowden feels studies for roads are needed and thought that notice for meetings was not adequate; i) Martha Smith submitted letter into the record feels most of the recommendations within the study are excellent however has concerns about the Pennsylvania Gulch connector and children's safety; j) A resident of Douglas Flat resident is concerned about the proposals. Chair Stein then closed the hearing and the matter returned to the Board.

a) Supervisor Tryon feels development is forthcoming and that studies to address the continual growth for the future needs to be conducted. The lines are only on maps for additional studies. These studies will be done to condition for future developments to dedicate future right-of-way for their projects. The County has a public trust obligation to do these studies. He has asked staff to present the reasons we are placing these in the Community Plan. b) Robert

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Kawaski, Public Works Director stated that the issue on the three possible alignments was developed since there were not sufficient funds to do a specific road alignment program. However, the need for a connection was included to establish the point where a future developer would be required to provide for safety of residents as standard procedures indicate would allow a dead end road to allow for up to 35 or 40 residences and that number has far been exceed so additional access is needed for emergency access. The School location at end of the road is of a concern. A specific right-of-right study was not done as this would be the responsibility of the developer; c) Sellman reiterated that it is very necessary for these studies to be done including many other areas in Murphys in a very expeditious manner; d) Supervisor Tryon emphasized consultants, studies, community meetings, hearings are very necessary at this point in Murphys as these densities will occur and wants these plans to be in place so they will be at the expense of the developer; e) Kawaski stated that it was possible for the residents to establish and adopt a benefit basin and for new development that would be paid at the building permit fee stage.

Motion made to approve the following Resolution for a General Plan Amendment.

Moved: Tryon Second: Callaway Approval: Unanimous

RESOLUTION
03-404

APPROVING GENERAL PLAN AMENDMENT:
2002-122 GPA MURPHYS/DOUGLAS FLAT
COMMUNITY PLAN AMENDMENT TO INCORPORATE
PROVISIONS OF THE MURPHYS/DOUGLAS FLAT

CIRCULATION, PEDESTRIAN, BICYCLING AND
PARKING PLAN

24. PUBLIC HEARING/GPA/PLANNING (03-46, II 2678 & 03-46, A & B)

Chair Stein explained the procedure which will be followed: Staff will introduce the project; initial Board questions; Public Hearing will open for all the topics which will be the EIR, The Specific Plan and the Development Agreement, Project applicant presentations; initial Board questions/comments; principle spokesperson opposing the Project; Supervisor Pland from Tuolumne County; Applicant for summation; Board questions; closing of Public Hearing; legal questions that the Board may have; potential necessity for a Closed Session.

Bob Sellman, Interium Planning Director, introduced Pam Johns and Patrick Angell as the spokespersons. There are four Board considerations: (1) the Environmental Impact Report; (2) Specific Plan (3) Zoning Code Amendments (4) Development Agreement. The Planning Commission at their meeting of December 4, 2003 has recommended approval of these items. Late correspondence of December 12, 2003, from Cal Trans was submitted and will be discussed later in the process. a) Pam Johns, has worked on Project on behalf of the County making recommendations to the Applicant on revisions to the Specific Plan and Zoning Code. She gave an overview of the project then summarized the Planning Commission actions and recommendations. b) Supervisor Erickson proposed two (2) amendments to the Development Agreement (1) An increase to the Residential RIM fee from \$2,500.00 to \$2,700.00 (2) Language concerning schools and future responsibilities of the County and Oak Canyon Ranch c) Proponent David Nairne explained what has been done in the past and currently to comply with various aspects of the project. d) Supervisor Thein asked about how affordable housing issues can be addressed. e) Tuolumne County Supervisor Pland, representing his County's Board of Supervisors

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spoke in opposition to accepting these proposals as presented as they wanted requirements for developers to include assistance in road improvements on O'Byrnes Ferry Road. f) John Buckley spoke about concerns with waste water. g) Lynn O'Connor, CalTrans, expressed concerns about traffic impact and requested that the County take no action to approve this project until a full review of the revised traffic study is made and the issues resolved. h) Marilyn Rice of Tuolumne County supports Tuolumne County Supervisors statements of opposition to these proposals. i) Barbara Perry spoke supporting this endeavor as well as Julie Moore, spoke in support of this project and submitted sixty-three (63) post cards in favor of the project. Marvin Pahl, of Sonora feels that everyone has to work together. k) David Nairne, proponent, felt that the language on the schools could be modified as requested and the modification of the RIM fee be clarified to read \$2,900.00 not \$2,700.00 that had been stated earlier. l) Supervisors Thein and Callaway have concerns about waste water. Chair Stein then closed the public portion of the hearing. m) Supervisor Erickson asked about mitigation measures and noise analysis; n) Sellman spoke of staff concerns about water, sewer and roads; o) Pat Angell, Consultant responded to Tuolumne representatives concerns over road impacts. He stated that Cal Trans has been studying peak volume versus daily volume. The draft EIR focused on peak summer Saturday Hours on the bridge. Feels confusion about mitigation has to do with the time of day when the analysis was conducted. The downgrade on this portion of the road does need improvements as there are safety issues. Tuolumne County does not currently have a funding program for intersection improvements for Hwy 108 and O'Byrnes Ferry Road p) Peter Rye, Public Works for Tuolumne County stated that there are no County project plans or program at this point for the 108 intersection q) Angell, addressing

the letter from CalTrans, stated that he had made attempts to set up a meeting since August 2003, regarding their concerns about Traffic Models and Traffic Counts. He read into the record original Tuolumne County Mitigation Measure 4.7.13 that dates back to the original Flowers Approval that the County and the Applicant are to consult with Tuolumne County to attempt to develop an inter-jurisdictional fee program regarding O'Byrnes Ferry Road and Hwy 108.

r) Johns clarified that subsequent development must comply with all the adopted documents s) Tryon asked for clarification from Johns on the process of specific plans in conjunction with Maps, master plan and the development agreement t) Callaway has concerns with traffic mitigation and motel trips and if the development agreement is locked into fees for a 20 year agreement. If so, she feels this is too long of a period without being able to address an increase in these fees and that the fees should be paid at the rate that the entire county is paying. Supports a shorter time period for the fees to be frozen.

Motion made to amend mitigation measures 4.6.2a, b, c, 4.6.3a, b regarding cultural resources, 4.7.6.1a, b, c, regarding Park Mitigation, and 4.3.2b regarding development within the 100-year floodplain, and to approve the following Resolution certifying the Final Environmental Impact Report.

Moved: Erickson Second: Tryon Approval: Majority
Noes: Callaway

RESOLUTION
NO. 03-405

CERTIFYING THE FINAL SUPPLEMENTAL IMPACT
REPORT, ADOPTING THE FINDINGS OF FACT AND
STATEMENTS OF OVERRIDING CONSIDERATIONS, ADOPTING
THE MITIGATION MEASURES AND ADOPT THE
MITIGATION MONITORING AND REPORTING

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PROGRAM, INCORPORATING THE MITIGATION MEASURES
OF THE FINAL SUPPLEMENTAL EIR FOR APPLICATION
2000-19

Motion made to amend the Transient Occupancy definitions consistent with County Code and to approve the following Resolution adopting the Oak Canyon Ranch Specific Plan.

Moved: Erickson Second: Their Approval: Majority
Noes: Callaway

RESOLUTION
NO-03-406

ADOPTING THE OAK CANYON RANCH SPECIFIC PLAN
AND CORRESPONDING GENERAL PLAN AMENDMENTS
AMENDING THE LAND USE DESIGNATION OF THE
SUBJECT PROPERTY FROM MIXED USE/MASTER PLAN
PROJECT AREA TO SPECIFIC PLAN BASED UPON THE
MITIGATION MEASURES AND FINDINGS, INCLUDING
THE STATEMENT OF OVERRIDING CONSIDERATIONS,
AS PRESENTED.

Motion made to approve the following Amendment of Title 17 ORDINANCE as follows.

Moved: Erickson Second: Their Approval: Unanimous

ORDINANCE
NO. 2770

AMENDING TITLE 17 OF THE CALAVERAS COUNTY
CODE ADOPTING ZONING AMENDMENTS ADDING

CHAPTER 17.102 FOR USE IN THE OAK CANYON
RANCH SPECIFIC PLAN AREA

Discussion began concerning the Ordinance approving Oak Canyon Development Agreement with Supervisor Erickson reading the three (3) Sections of the Ordinance to approve Oak Canyon Ranch Development Agreement. Supervisor Tryon asked for change in wording to the extent that if the County "Must" acquire necessary property interest to construct offsite improvements, the County "Shall" have sole discretion to determine location and property necessary to be acquired. Nicki Carlson, Counsel for Oak Canyon Ranch stated that State Law addresses requirements of the County when dealing with offsite improvements.

Discussion on time frame for reevaluating RIM fees to be five (5) years or longer. Supervisor Tryon thinks the County should have the right to review these fees every five years. He feels the County should have discretion to review when issues of Eminent Domain occur and that all of the alternatives have been researched. He is uncomfortable with giving the applicant sole discretion over this need. Supervisor Erickson understands that the County has this discretion as this issue is addressed in the project approval.

Supervisor Stein has concerns about a short time frame on reevaluating the RIM fees as it diminishes ability for developer to lock in long term financing. Supervisor Callaway feels if fee is not reevaluated every five years this could create problems in the future. This would be unfair to future individuals and

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other developers to be paying a higher RIM fee than what this Project Developer is locked into if no review is done. Tryon feels that not to have COLA for 20 years is not acceptable for RIM fees. Chair Stein polled the Board for their input on how to address the issue of when to reevaluate the RIM fees as set forth in the Development Agreement with Oak Canyon Ranch and how to establish rate of increase. Nairne stated the Development Agreement was part of a lengthy negotiation process which the Applicants wanted some certainty with the payment of fees and in doing this the Applicant provided to the County certainty of their contribution for parks, and other facilities that the County wanted. They feel they cannot proceed in this process without the certainty for RIM fees and would want to pull the Development Agreement at this time.

Supervisor Erickson asked for a five minute break during which time an agreement was reached with the Applicant to review discretionary fees in ten (10) years with a potential increase not to exceed fifteen (15) percent. The meeting was reconvened and Supervisor Erickson suggested this change to the rest of the Board members. Supervisor Tryon said he did not think it was unreasonable for the County to ask for a ten year review.

Motion was made for Introduction of an Ordinance with waiver of reading as amended as follows: \$2900.00 a residential unit for the Mitigation measure; language was added in reference to School Facilities Government Code 6.5995 and 6.5996, with amendments to the language provided by County Counsel, language regarding offsite property acquisition and a ten review of discretionary fees.

Motion: Erickson Second: Their Approval: Majority

Johns stated that the amendments to Mitigation Measures needed to be read into the record at which time Angel stated modifications to the mitigation measures directed by the Board were minor and would not warrant re-circulation per CEQA guidelines section 15088.5.

BOARD ADJOURNED TO A BOARD OF EQUALIZATION TO CONDUCT
QUARTERLY HEARINGS

RECONVENED AS A BOARD OF SUPERVISORS TO CONTINUE FURTHER BOARD MATTERS

25. CORRESPONDENCE/SUPERVISORS/STAFF

a) Supervisor Thein will be in Modesto for an EMS meeting; b) Supervisor Callaway will attend a Fish and Game meeting on Wednesday evening, DSA dinner on Saturday night at Native Sons, c) Supervisor Tryon will attend DSA dinner on Saturday night, gave overview of recent RCRC meeting that he attended which included budget cuts information that are forthcoming for January, concerns of VLF backfills and States debt, tax issues, possibility of a Special Election, various Counties difficult financial positions; d) Supervisor Erickson will attend Code Compliance meetings on Tuesday, Wednesday a Leadership Calaveras meeting and a COG meeting, on Thursday she will deliver a letter to Felte of Tri-Dam for permit fee for extra law enforcement for Tri-Dam, DSA dinner on Saturday

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night at Native Sons, f) Supervisor Stein will attend a LAFCO meeting tonight, Wednesday Leadership Calaveras and COG meeting, on Thursday will hold regular office hours, DSA dinner on Saturday night at Native Sons.

ADJOURNMENT

The Board adjourned from the meeting and will reconvene at 7:00 P.M. January 5, 2004.

ATTEST:

CHAIR

C O R R E S P O N D E N C E

THE BOARD MAY TAKE ACTION ON THE FOLLOWING ITEMS OF CORRESPONDENCE:

DECEMBER 1, 2003

1. *From:* CA State Univ. Sac. re: Capital Fellowship Programs; Action: Individual copies to the Board
2. *From:* Calaveras County Health Dept. re: bi-monthly meeting December 17; Action: Board
3. *From:* Calaveras County Comm. on Aging re: meeting on December 5; Action: Board
4. *From:* Office of the Governor re: thank you; Action: Board
5. *From:* CSDA re: December News; Action: Supervisor Tryon
6. *From:* Dept. of Forestry re: timber harvesting of Fresno County; Action: Supervisors Callaway and Stein

7. *From:* Valley Springs Area Business Assoc. re: ballot and info.; *Action:* Supervisor Erickson
8. *From:* State Board of Equal. re: adjustment of 2004 timber yield tax rate; *Action:* Filed
9. *From:* Assembly CA Legislature re: AB 5x3; *Action:* Individual copies to the Board
10. *From:* Capitol Inquiry re: pocket directory order; *Action:* Route to the Board
11. *From:* CSAC re: 2003 Annual Report; *Action:* Individual copies to the Board
12. *From:* Onsite Journal re: October Issue; *Action:* Route to the Board
13. *From:* Government West re: Nov./Dec. Issue; *Action:* Individual copies to the Board
14. *From:* Central Sierra Resource Cons. & Devl. Council re: annual meeting on December 10; *Action:* Board and post

DECEMBER 2, 2003

15. *From:* CSAC re: proposed changes to the HHS; *Action:* Individual copies to the Board
16. *From:* CSAC re: tentative agenda Jan. 7-9; *Action:* Supervisor Stein
17. *From:* Dave Cox re: congratulations; *Action:* Supervisor Stein
18. *From:* NAMI Gold Country re: Holiday Dinner on December 10; *Action:* Individual copies to the Board
19. *From:* R.C. Hungerford re: intersection at Hwy. 4 in Murphys; *Action:* Supervisor Tryon

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DECEMBER 15, 2003

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20. *From:* Conferences and Institutions re: events; *Action:* Individual copies to the Board
21. *From:* CSAC re: thank you; *Action:* Supervisor Stein
22. *From:* County Health Exec. Assoc. re: 2004 directory; *Action:* Supervisor Stein
23. *From:* American City & County re: November Issue; *Action:* Supervisor Erickson
24. *From:* County News re: November 24 Issue; *Action:* Individual copies to the Board
25. *From:* West Point News re: December Issue; *Action:* Individual copies to the Board

DECEMBER 4, 2003

26. *From:* Dan Lungren, Republican for Congress re: Homeland Security, Anti-Terrorism Committee; *Action:* cc: Board
27. *From:* Construction Services re: Life Flight, The Children's Helicopter, Ambulance & Airplane - request to appear before Board; *Action:* cc: Board, Public Health Agency
28. *From:* Ward & Jalyne Redman re: health insurance; *Action:* cc: Board, Human Resources
29. *From:* State Water Resources Control Board re: Outreach Survey; *Action:* referred to Supervisor Callaway for completion
30. *From:* Steven D. Conway, San Andreas re: animal control and mistreated horses; *Action:* cc: Supervisors Stein & Thein; Ag. Commissioner, Animal Control
31. *From:* Steven D. Conway, San Andreas re: SB 1049 - State Responsibility Areas (SRA) fees; *Action:* cc: Board, Admin.
32. *From:* East Bay Municipal Utility District re: Camanche Regional Park Advisory Board Summary Minutes of November 20th meeting; *Action:* cc: Supervisor Thein
33. *From:* US Dept. of the Interior, Bureau of Reclamation re: Workshop-Shasta Lake Water Resources Investigation; *Action:* cc: Board
34. *From:* California State Association of Counties re: December 4th CSAC Counties' Leadership Letter; *Action:* individual copies to Board
35. *From:* Californians Against Higher Taxes re: Proposition 56; *Action:* individual copies to Board
36. *From:* California Special Districts Association re: CSDA's Governance Series; *Action:* route to Board
37. *From:* Mountain-Valley Emergency Medical Services Agency re: Agenda for December 17th meeting/Stanislaus Board Chambers; *Action:* referred to packet to Supervisor Thein

38.From: USF University of San Francisco re: Fall 2003 issue of Arts and Sciences Observer; Action: referred to Chair Stein, as addressed
39.From: Rural Community Assistance Corporation re: November 2003 issue of "Pacific Mountain Review"; Action: individual copies to Board

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