

the General Plan Amendments, and adopt Ordinances on the Zoning Amendments.

Motion was made to adopt the following resolution approving General Plan Amendments 96-02 for Gary Petts; 96-04 for Ernesto P. & Patricia J. Gutierrez; and 96-06 for the Jehovah's Witnesses, with Negative Declarations, based on the findings and recommendations of staff and the Planning Commission.

Moved: Stein Second: Callaway Approval: Majority Abstained: Tryon

RESOLUTION A RESOLUTION APPROVING GENERAL PLAN AMENDMENTS
NO. 97-89 NUMBERS 96-02, 96-04 AND 96-06

Motion was then made to adopt the following Zoning Amendments (items a thru e), with Negative Declarations, based on the findings and recommendations of staff and the Planning Commission.

Moved: Stein Second: Callaway Approval: Majority Abstained: Tryon

ORDINANCE AN ORDINANCE AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE
NO. 2498 CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM R1 (SINGLE FAMILY RESIDENTIAL) TO C1 (COMMERCIAL), PER ZONING AMENDMENT FOR ERNESTO P. & PATRICIA J. GUTIERREZ; APN 68-016-41

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ORDINANCE AN ORDINANCE AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE
NO. 2499 CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM RA (RESIDENTIAL AGRICULTURE) TO C2-PD (GENERAL COMMERCIAL-PLANNED DEVELOPMENT), PER ZONING AMENDMENT 96-29 FOR SAN ANDREAS CONGREGATION OF JEHOVAH'S WITNESSES; APN's 44-015-49 & 51

ORDINANCE AN ORDINANCE AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE
NO. 2500 CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM RA-X (RESIDENTIAL AGRICULTURE-EXISTING LOT SIZE) TO RA-5 (RESIDENTIAL AGRICULTURE-5 ACRE DENSITY), PER ZONING AMENDMENT 96-10 FOR GARY PETTS; APN 68-013-06

ORDINANCE AN ORDINANCE AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE
NO. 2501 CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM U (UNCLASSIFIED) TO RA-10 (RESIDENTIAL AGRICULTURE-10 ACRE DENSITY, PER ZONING AMENDMENT 96-27 FOR PAULA L. HASSELL; APN 20-28-87

ORDINANCE AN ORDINANCE AMENDING TITLE 17 OF THE CALAVERAS COUNTY CODE
NO. 2502 CHANGING THE ZONING DISTRICT OF REAL PROPERTY FROM RA-X (RESIDENTIAL AGRICULTURE-EXISTING PARCEL SIZE) TO RA-5 (RESIDENTIAL AGRICULTURE-5 ACRE DENSITY), PER ZONING AMENDMENT 96-28 FOR LANA MAE FREDERICK; APN 48-002-79

15. PUBLIC HEARING/APPEAL/PLANNING (97-14, II, 80; cont'd to 97-14A)
11:07 a.m.: Chair Bailey announced the noticed public hearing re: APPEAL of Patricia Brantley re: Planned Development 96-49, Lakeview Apartments, for David Sidle. Ray Waller, Planning Director, presented maps and drawings illustrating the project then addressed several points of the appeal including offsite drainage and water quality, endangered species, transportation, recreation, architectural design, aesthetics, landscape plan and screening, best use of the site, etc. He stated that the County cannot make the

distinction between a condominium and an apartment complex. With respect to the claim that certain agencies were not notified of the Planning Commission's hearing on the PD, Waller stated that they were notified but had no comment. Staff feels that the project has no significant impact then submitted photographs for the Board's review and recommended that the appeal be denied. Chair Bailey opened the hearing for public testimony. **APPELLANT TESTIMONY:** Paul Bartleson, agent for the appellant, submitted his client's appeal stating concerns re: time limits; being limited to certain issues to be commented upon at the Planning Commission hearing; compliance with the subdivision's CC&R's; problems with the public notice, etc. Patricia Brantley, appellant, referenced the Planning Commission's public hearing and the need to address the Negative Declaration then stated her concerns over the fact that she was not able to address anything but the design review issue. **RESPONDENT'S TESTIMONY:** David Sidle, project applicant and owner of the property (not the

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developer), stated that the design review has no bearing on the zoning or use of the property. He further stated that many of the issues of concern were addressed at the subdivision level. Sidle believes this is a well designed project and is concerned with the costs for himself and the County. He explained that this is being done in two levels and the lower level will be handicapped accessible. Sidle further stated that these are not low income apartments; they are upscale and not subsidized. Clarence Hartley spoke in support of the project stating that the apartments will be within a gated area. **PUBLIC COMMENTS:** Kathy Mewhinney was concerned with not being able to express concerns at the Planning Commission hearing other than design review issues. She stated that the owner is exempt from the CC&R's and should have to follow the same rules as everyone else in the subdivision. Bob Jacobson had concerns with disparities and values. Roy Howard, La Contenta, objected to the way the Planning Commission hearing was conducted and stated that the main concerns are with the transportation issues then urged the Board to continue their decision on this appeal stating that he feels the County is only anxious to proceed with the project for tax dollars. Alice Raine spoke in support of the project and encouraged Board Members to visit similar complexes on Russell Road in San Andreas. **APPELLANT SUMMATION:** Paul Bartleson questioned compliance with CEQA guidelines; spoke of the need for the project to fit in with surrounding properties; the need for public transportation for seniors; the availability of public facilities such as medical centers, fire protection, ambulance service, etc. Brantley reiterated her concerns with the public notice and stated that the project should go back to the Planning Commission for reconsideration of the initial study and environmental documents. **RESPONDENT'S SUMMATION:** David Sidle made himself available for questions; informed the Board that he has put up a \$65,000 bond with CCWD for improvements; reiterated that this is an upscale design, made of stucco, and compatible with the area. **STAFF SUMMATION:** Planning Director Waller responded stating that a detailed review has been done and that he does not support the appellant's request for reconsideration by the Planning Commission. Mary Pitto stated that the property was originally zoned R3 in 1985 for apartments and that the PD designation was a clerical error. She further stated that the negative declaration/environmental concerns were considered at the time of the Planning Commission hearing; there are other rentals in the area; and that the issue of non-public facilities, etc., are the same for this area as for the condos that are already there. Janis Elliott, Deputy County Counsel, corrected an erroneous statement made earlier

CLERK

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

THE BOARD REVIEWED THE FOLLOWING CORRESPONDENCE AND TOOK NO FURTHER ACTION:

MARCH 14, 1997

- 1. From: Government Technology Conference re: May 12-16, 1997 Conference to be held at Sacramento Convention Center; Action: individual invitations to Board
- 2. From: Roger N. Ulrich re: complaint re: distribution of newspapers at County Jail; Action: cc: Board, MIS/Mail Division, Sheriff
- 3. From: Jack Edmunds, West Point, CA requesting response from Supervisor Stein re: office space offered by CHP to Sheriff's Dept.; Action: referred to Stein
- 4. From: Gold Country Alliance for the Mentally Ill re: March 1997 issue of GCAMI Updates; Action: cc: individual copies to Board
- 5. Letter sent to County Sheriff from Thomas P. Swartz re: request for written statement that he was found to be actually innocent of all charges in case #C5294; Action: cc: individual copies to Board; cc: County Counsel
- 6. From: Karen Grady, San Andreas, CA stating concerns of Board of Supervisors recent actions and position re: Sheriff; Action: cc: Board, Sheriff, County Counsel, Admin.
- 7. From: State Dept. of Social Services re: appointment of King F. Gee as Assistant to Director, Local Government; Action: cc: Board, Welfare
- 8. From: California State Association of Counties re: April 25th meeting of Economic Development Oversight Committee; Action: referred to Supervisor Callaway
- 9. Copy of a letter sent to CCWD from Calaveras Public Utility District re: Amador County request for water rights; Action: cc: Board, County Counsel, Planning, Chris Williams, Fish & Game Commission, Ag. Resources Committee
- 10. From: East Bay Municipal Utility District re: minutes of February 11th and 25th, 1997 EBMUD meetings; Action: cc: Board, County Counsel, Planning, CCWD, Chris Williams, Ag. Resources Committee, Fish & Game Commission
- 11. From: University of California, Division of Environmental Studies re: April 11th Central Sierra Nevada Resource Forum; Action: individual invitations to Board
- 12. From: Public Policy Institute of California re: brochure - Who Will Be Affected by Welfare Reform in California?; Action: individual copies to Board; cc: Welfare; Admin.

MARCH 17, 1997

- 13. From: California State Association of Counties re: March 17th "CSAC Legislative Bulletin"; Action: individual copies to Board
- 14. Copy of a letter sent to Congressman John Doolittle from Joyce Techel and Hazel Cain re: left turn lane off Highway 12 to newly located Burson Post Office; Action: cc: Supervisor Thein, Public Works
- 15. From: California State Association of Counties re: March 13th "CSAC Counties' Leadership Letter"; Action: individual letters to Board
- 16. From: US Dept. of Interior, Bureau of Reclamation re: Shasta temperature control device completed; Action: cc: Board
- 17. From: Leifer Capital re: March 14th Newsletter; Action: individual copies to Board

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18. From: Valley Oaks Center re: offer of office space for Administrative purposes and Sheriff Sub-Station; Action: cc: Board, Admin., Sheriff
19. From: US Dept. of Interior, Bureau of Land Management re: removal of trees on proposed West Point parks and Recreation Association parcel; Action: referred to Stein
20. From: Pacific Bell re: April 9th meeting to discuss future of 209 area code; Action: cc: Board, Admin.
21. From: Calaveras County Water District re: March 19th Mokelumne River Authority meeting; Action: cc: Board, County Counsel, Planning, Chris Williams, Fish & Game Commission, Ag. Resources Committee
22. From: Calaveras Lodging & Visitors Association re: Employees' Association of San Diego Gas & Electric finalize plans for annual company picnic; winter storm damage on State Routes 4 & 89; March thru July 1997 Events Calendar; minutes of March 10th Calaveras Visitors Bureau meeting; Action: individual packets to Board
23. From: US Dept. of Interior, Bureau of Reclamation re: Folsom Lake gradually filling despite 6th driest February since turn of the Century; Central Coast Water Authority amends Warren Act contract to change water year designation; Action: cc: Board
24. From: Federal Energy Regulatory Commission re: order dismissing Mokelumne River Water and Power Authority application to amend preliminary report re: project no. 11524-001; Action: cc: Board, Counsel, Planning, CCWD, Chris Williams, Ag. Resources Committee, Fish & Game Commission
25. From: National Association of Development Organizations Research Foundation re: March 1997 issue of "Economic Development Digest"; Action: route to Board
26. From: Californians for Better Transportation re: March 27th forum on ISTEA reauthorization featuring U.S. Senator Barbara Boxer; Action: cc: Board, Admin., Public Works
27. From: Public Media Center re: pamphlet - "Social Welfare at a Crossroads"; Action: Route to Board, Welfare
28. From: Calif. State Dept. of Aging re: copy of Los Angeles AAA "Emergency Assistance Guide"; Action: referred to Supervisor Stein
29. From: US Dept. of Agriculture, Stanislaus National Forest for review and comment - Environmental Assessment (EA) for Castle Timber Sale; Action: cc: Board
30. From: California Transit Association re: March 1997 issue of "Transit California"; Action: individual copies to Board
31. From: Calif. Manufacturers Association re: California's Biopharmaceutical Industry & March 20th Calif. Business Economic Forum; Action: individual copies to Board
32. From: State of Calif., Dept. of General Services, Telecommunications Division re: March 1997 issue of "Tele-Comments"; Action: Route to Board
33. From: Dept. of the Interior, Bureau of Land Management re: Secretary Babbitt directs BLM to halt action re: law enforcement regulations; Action: cc: Board
34. From: Calaveras County Water District re: for review - preliminary Calaveras/Amador Mokelumne River Authority Powers Agreement; Action: cc: Board, County Counsel, Planning, Chris Williams, Fish & Game Commission, Ag. Resources Committee

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CORRESPONDENCE

MARCH 18, 1997

35. From: Don Perata, Assembly Rules Committee re: request for assistance in securing passage of a three-bill (AB23, AB991 & AB1389) assault weapons package; Action: individual letters to Board; cc: County Counsel, Sheriff

MARCH 19, 1997

36. From: Water Education Foundation re: March/April 1997 issue of "Western Water"; Action: individual copies to Board

37. From: California State University, Stanislaus re: May 14th "Lessons in Leadership series; Action: cc: Board

38. Copy of a letter sent to Caltrans from William D. Roberts re: impact on residence at corner of route 26 and Holmquist Lane due to proposed alignment; Action: cc: Supervisor Bailey, Public Works

MARCH 20, 1997

39. From: Institute for Local Self Government re: March 1997 issue of "Telecommunications for Local Governments"; Action: cc: Board

40. From: Calaveras County Fish & Game Commission re: minutes of February 26, 1997 meeting; Action: cc: Board, Ag. Dept., Admin.

41. From: Kronick, Moskovitz, Tiedemann & Girard re: April 9th seminar on Calif. Conflict-of-Interest Law to be illustrated through a mock Board meeting; Action: cc: Board, County Counsel

42. From: State Board of Equalization re: result of salary survey - California Assessors' Offices 1995/96; Action: filed

43. From: Arthur Anderson, LLP re: questionnaire identifying taxes, fees or surcharges imposed on local exchange companies and telecommunication providers and/or customers; Action: referred to Chair for completion

44. From: Calaveras County Fire District Association re: April 8th meeting sponsored by Fire Association and County Fire to discuss "The LAFCO process regarding fire district consolidation, annexation, restructuring, dissolution, etc., and how it is done"; Action: cc: Board, Admin., County Fire

45. From: State Assemblyman Tom J. Bordonaro, Jr. re: AB 169 re: emergency funding for Dept. of Forestry & Fire Protection for continued fire suppression activities; Action: cc: Board, Admin., County Fire