

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

February 25, 2021

MEMBERS PRESENT: Richard Forster, Supervisor District 2
Frank Axe, Supervisor District 4

MEMBERS ABSENT: None

PRESENT: Glenn Spitzer, Deputy County Counsel
Chuck Beatty, Planning Director
Michelle Opalenik, Environmental Health Director
Krista Ruesel, Planner
Ruslan Bratan, Planner
Mary Ann Manges, Recording Secretary
Susan Bragstad, Foothill Conservancy
Mara Feeney, Foothill Conservancy

Supervisor Axe called the meeting to order at 2:02 p.m.

AGENDA: Approved

CORRESPONDENCE: None

APPROVAL OF MINUTES: January 28, 2021 approved

PUBLIC MATTERS NOT ON THE AGENDA: None

ITEM 1: Continued discussion regarding the progress and prioritization of General Plan implementation items and General Plan Settlement Agreement items

Supervisor Axe introduced the item.

Mr. Beatty stated that the General Plan implementation spreadsheet is almost identical to the one that the Committee looked at previously with the exception that Dark Skies Ordinance was reviewed by the Board, thereby completing that settlement agreement item. He shared that the two items that remain are scenic viewshed mapping with design standards for those corridors and design standards for Town Centers and the Martell Regional Service Center. He added that staff has developed methodologies to do the scenic view shed mapping without involving outside consultants. He commented that for the Town Center design codes that he recommends revising the design standards reviewed by the Board in 2010 and 2012. Those could be made more objective and meet the requirements of the settlement agreement.

Supervisor Forster stated that we are behind and that COVID has not helped and asked where progress can likely occur and be wrapped up.

Mr. Beatty responded that both of the items left from the settlement agreement need to be done and will require public hearings along with handling other projects that are subject to permit streamlining issues that keep coming in.

Supervisor Forster asked if public hearings are ready to be scheduled for the outstanding items.

Mr. Beatty responded no, and added that both items are going to require public involvement, most likely as online engagement. He added that something can be prepared for the public and Board to look at, probably within 6 months, and that it is best to work on the two items at the same time.

Supervisor Forester stated that he agrees with that.

Supervisor Axe asked if design standards from the past can be brought up current.

Mr. Beatty said that it is easier than starting from scratch.

Supervisor Axe asked if the representatives of Foothill Conservancy think that is acceptable.

Ms. Feeney stated that she appreciates that there is small Planning staff with lots to do and that any progress on these is appreciated and added that going back to the early design standards makes a lot of sense. Her understanding is that the General Plan implementation is not only the implementation table but also the mitigation section and that Foothill Conservancy is more concerned about mitigation. She said that it seems like a lot of projects are getting passed with conditions and that the EIR concluded that the county would conduct certain mitigation measures as projects get approved and impacts become identified. She added that the Foothill Conservancy does not believe that is happening and that is their main concern. She said that Katherine Evatt has more detail on this but could not be here. She stated that they would like to see a better way to monitor mitigation.

Supervisor Axe asked Ms. Feeney which in the mitigation section are most critical.

Mr. Beatty shared that the mitigations begin on page 15 of the spreadsheet as ongoing implementation items, and that all those that apply to a project should be included in the conditions or mitigation measures for any discretionary projects. He added that the mitigation measures were all added to the County's CEQA Initial Study template and are applied to projects when appropriate.

Deputy County Counsel Glenn Spitzer asked Ms. Feeney for a specific example.

Supervisor Forster said that is his question, too, because without specifics it is hard to identify where to correct the problem.

Ms. Feeney said she has not been the one tracking this and that she is not prepared with specific examples. She stated that she believes ground water, surface water, and lighting were all previously mentioned and that she would need to get back to the Committee and go over the mitigation section. She asked if the County is preparing water supply assessments.

Mr. Beatty stated that in the past, Environmental Health would review a project and if there was a need for a water assessment, they would require it. Use permits for tasting rooms going before the Board have not been deemed large enough water users.

Ms. Feeney stated that it is best for Foothill to get back to the Committee. She added that the annual report sent to the state had a couple glaring errors and asked if it was ever corrected and if those go to the Board for review.

Mr. Beatty responded that corrections were sent to the State. The 2019 report was intended to go the Board in March, last year, but was cancelled since staff was instructed to avoid scheduling items that could draw a crowd. He added that the 2020 report will get to the Board and that it is much easier, now, with Zoom for public comments and participation. Ms. Feeney asked if the public can review it before it goes. Mr. Beatty said that it will be a regular agenda item where public will be able to comment.

Supervisor Forster asked for the Foothill Conservancy to come back with more specific comments. Ms. Feeney said she will get back with details about the mitigation items.

Ms. Bragstad added that the design standards developed by the Planning Department were supported by the Planning Commission and thinks that it is a good idea to start with them.

Mr. Beatty shared that he should hear mid-March if the County is awarded a state grant to help fund a zoning code overhaul, including design standards for town centers. He commented that most of the work will have to be done by consultants and that it will take several months. Ms. Feeney commented that the May 1st deadline does not look achievable. Mr. Beatty agreed that it is not.

The Committee discussed getting this done as soon as possible with early public input, since redistricting will be coming up in September, and to work on the two settlement agreement items at the same time. Mr. Spitzer shared that he believes the process is to get viewshed public input, then it goes to Planning Commission, then to the Board and asked if it is the same process with design standards. Mr. Beatty said it is the same process and by doing concurrently it will be a time saver.

Mr. Spitzer added that another issue worth raising on whether the entire Planning Commission and Board need to be there. He suggested that we might want to streamline by having a committee that would represent the County instead of having the entire Planning Commission and Board present. He explained that the committee would be for public outreach and then the next step would be full Planning Commission for recommendation of the ordinance and then on to the full Board for review of that ordinance. He added that the way the settlement agreement is written, he thinks it may require full Planning Commission and Board before the formal ordinance process even begins.

Ms. Ruesel stated that she believes that committees may make things less streamlined, depending on who is being selected for a committee. Mr. Beatty said that we can look at specific language in the settlement agreement and see when that joint meeting is supposed to occur. Ms. Feeney said that with COVID, a lot will depend on what methods are used to get public input.

Supervisor Axe asked if there is any kind of electronic blackboard. Mr. Beatty said that there is, and that a similar process will be used with redistricting. Supervisor Axe added that it might make sense for scenic view sheds too for people to be able to view and comment on the maps.

Ms. Feeney asked if there is a preliminary list of scenic view sheds. Mr. Beatty said there is a list of streets that was used during the settlement agreement negotiations that can be used as a starting point.

Supervisor Axe said that we have something to accomplish over the next 6 months and asked Ms. Feeney what else can be worked on before the next meeting. Ms. Feeney replied that she appreciates this time taken to keep making progress and that she will follow up for the next meeting.

The Committee discussed that they know this is challenging because the zoning code update would be going on at the same time. They also discussed having an orientation to bring new commissioners up to speed. Mr. Spitzer said that he and Mr. Beatty are discussing having an orientation on the Brown Act, CEQA, and General Plan issues pretty soon. Ms. Feeney said that it is a good idea to get them the CEQA handbook from the workshop that the Conservancy put on. Mr. Spitzer said that he believes that he has the workbook and asked that she forward it on it him to make sure. Ms. Feeney said that Tom Infusino shared some excellent resources that were shared with Calaveras Planning Commissioners and that she can forward those. Supervisor Forster added to concentrate a portion of the orientation session on the General Plan.

Goals determined by the Committee are to try to have the scenic viewshed mapping and design standards prepared by the October Planning Commission meeting as well as work on the zoning code update (pending funding). Mitigations issues will be discussed when Ms. Feeney brings them back at the next meeting. It was agreed to continue this item to the next meeting,

The meeting was adjourned at 2:50 p.m. until March 15, 2021 at 1:30 p.m.